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5. WOMEN AS MEDIATORS IN SOUTH AFRICA

INTRODUCTION

This paper presents results from an investigation of mediators and mediations in and around Johannesburg, South Africa, between 1978 and 1993, under the white-ruled apartheid system in effect at that time, which denied citizenship to indigenous Africans, who therefore had no rights. Some more informal updating to the present occurred after the nonracial democratic elections of 1994 instituted “the New South Africa.” Virtually every block in Soweto and Alexandra, the apartheid-mandated “townships” attached to Johannesburg where non-whites were required to live during the years of the most intensive study, has at least one mediator that is recognized as such by members of their community. Individuals become recognized as mediators by consistently intervening in arguments, or they arrive from some other area bringing an established reputation with them. They are almost always older than their clients, especially female mediators. Younger people would not take it upon themselves to intervene in disputes among persons older than themselves, so even those who become recognized for successfully reducing conflict among their peers have no potential clients who are older than themselves until many years have passed. Mediators were also of higher rank than their “clients” economically and/or politically as well as due to their typically greater age.

MEDIATORS

I observed 16 mediations myself and interviewed participants in 21 more mediations, for a total of 37. Most of these, especially the direct observations, took place between 1978 and 1993 (14 observations and 17 reports). Additional cases have been added between 1998 and the present (two observations and four reports). The sample thus includes 37 mediators, male and female, white and black. The seven White mediators were Quakers, Catholics, and Methodists, all operating as part of organizations founded by their respective denominations. Although it might be instructive to distinguish among white mediators by language or nationality as well, only one mediator was Afrikaans-speaking and only two were American, the rest being English-speaking South Africans.

Among the black mediators, I did distinguish according to cultural group or home language, as Lovedu (4), Zulu (11), Sotho (6), Tswana (4), and Thonga (5).

Assigning Africans to a particular cultural group is very difficult, since many Africans have parents who belong to two or more different cultural groups from each other and virtually all are multilingual (Thornton, 2008). Since I was interested in the reputations of mediators from different groups, I identified them on the basis of their neighbors' opinions as to which group they represented rather than by asking the mediators themselves with which group or groups they felt they "belonged". The basic apartheid racial categories of Black, White, Coloured, and Asian continue to be used every day in South Africa (Kenny & Camenzind, 2007), and are used in that sense here, for simplicity.

There were 21 female mediators and 16 males. Although most mediators are female, I made special efforts to observe and to report on cases mediated by males. Specifically, the sample consisted of three white female Catholics, three white female Quakers, one white Catholic male, two white Methodist males, 5 Thonga females, four Sotho females and two Sotho males, eight Zulu females and three Zulu males, two Tswana females and two Tswana males, and four Lovedu males. Without exception, the African mediators identified themselves as Christian, but retained many traditional African religious beliefs. It would have been possible to find mediators in rural areas who were not Christian, but most of the types of cases that urban mediators consider are brought before chiefs' courts among traditionalists in rural areas.

The disputants in all cases were non-white, either African or, rarely, mixed-race "Coloureds". They, too, included both males and females, with no significant bias towards either sex. They ranged in age from 23 to 70. Most of them laughed when asked with which culture they identified, and said that even their parents were mixtures, but that the apartheid government had assigned them to the sector of Soweto or Alexandra designated to members of just one group, based on patrilineal descent. Cognizant of the critique of mediation/reconciliation processes by legal scholars who reject mediation between disputants of unequal power and authority (e.g. London, 1997), I questioned disputants, mediators, and interested onlookers about the extent to which they felt, in each case, that there was a significant difference in status and power between the disputants. I was surprised to find that they all claimed that there was no such difference. Some explained that when such differences exist, the more powerful disputant has many other avenues of achieving the desired end; others said that such disputes would have been taken to one of the local peoples' courts (see Anderson et al., 2003) so that a larger number of individuals of varying status would have been hearing the case and pronouncing judgment. All directly observed cases were conducted in English, usually with occasional interjections and exclamations in African languages, since I am unable to understand any other language well enough to follow the metaphorical, often heated, rapid-fire exchanges that occur during mediation. This language restriction was cheerfully accepted by all parties. Several mediators, in fact, stated that they prefer to mediate disputes between people from different language groups in English, rather than in only one of the disputants' languages, in order to ensure that the disputant whose language was

chosen was not advantaged in this way. Data contributed by others was also confined to mediations held in English. Cases not personally observed were described by mediators, disputants, witnesses and neighbors.

“Success” of mediators was defined by observers, by mediators, and by clients, and especially by neighborhood reputation, through questions like, “Who are the especially good mediators here in Mapetla?” (one of many suburbs of Soweto) and “To whom would you go if you wanted to be sure to get a problem settled for good?” Additionally, cases themselves were ranked as “complete successes”, “partial successes” and “failures.” A failure was a mediated dispute that left the participants unreconciled. “Successes” ended with reconciliation and vows not to continue conflict, but some – the partial successes – left one or both of the parties still grumbling. “Complete successes” ended with all parties declaring themselves to be completely satisfied.

For much of the period covered by this study (1978–1993), the government had declared states of emergency which prohibited white entry into the townships (Enwezor & Bester, 2013). Mediations by whites were all conducted outside the townships for this reason. Mediations by African mediators took place both in the townships and, occasionally, in white areas.

Two of the white mediators began acting as mediators after being asked by black maids, “garden boys” and other servants known to them to intervene in arguments and, especially, in any dispute which threatened to become violent (e.g. when two drunken adult men began arguing angrily). Most had also participated in at least two “training sessions” on mediation through their churches or other public-service organizations. None carried out mediations among their white neighbors, although one used the same methods among the boys at the high school where he was employed as a teacher. Though white Afrikaans-speaking South Africans have rates of interpersonal violence which exceed those of white Americans (Goodwin & Schiff, 1995; Minaar & Hough, 1997), they regard violence as characteristic largely of “inferior” races or teenagers; as far as I know, adult white males never use the services of mediators. Two cases where white men successfully intervened in brawls between black workers after being called to the scene by onlookers were excluded because, though successful, witnesses said no mediation as to causes occurred; the violence was stopped, but no other action was taken.

White mediators were usually older, and of course always much wealthier and much higher in rank, than any black disputant. The African mediators were also older and equal to or higher in rank than most disputants. They were not formally trained. No mediator was paid by disputants, though the African ones were always given gifts, and some of the white ones were receiving salaries from sponsoring organizations.

Disputes were often brought for mediation by the disputants themselves, although those involved in some of them were sought out by mediators after neighbors had notified a mediator that two residents were in conflict. The topics of the disputes were wide-ranging: slander, neglect of children, theft, promiscuity, lack of child

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support, swearing at a wife or girlfriend using religious language – a very serious offense in traditional households of the past (Krige, 1936), physical abuse, and so on. More serious offenses, especially chronic theft, rape, and murder, were not brought to mediators but to community courts (described in Anderson et al., 2003; Anderson et al., 2006). Twenty years after the end of apartheid, not enough nonwhite lawyers and judges have had time to be trained and take office, so the system appears to be mostly white still, especially with the trappings of colonialism like black robes, wigs, and gavels continuing. Most African township residents do not trust the courts but rather fear them, and prefer to use more “traditional” means if at all possible (e.g. Swart, 2012).

RESULTS

Of the 37-case sample, fourteen cases were complete successes, 16 were partial successes, and seven were judged to be failures.

Of the variables examined, only the gender of the mediator had a significant effect, although some other variables would probably have been significant with larger samples.

Though black mediators settled more of disputes (12 complete successes and 13 partial vs. 2 complete and 4 partial for whites), the difference was not statistically significant, given the small number of white mediators; 83% of disputes mediated by blacks were successful, 86% of those mediated by whites. Further research should provide larger samples of the rarer cases and clarify the patterns reported here. The white mediators were very different from the general South African white population, especially between 1978 and 1993. They were relatively free of the pervasive racism that characterized the white population (then and now), and they were activists who were trying to improve the situation of the African population. They were well-known in the black townships because of these qualities, and their favorable reputation must have made it likely that disputants would try very hard to resolve disputes that they mediated.

For all groups, older mediators were more successful than younger ones. It was impossible to separate the effects of experience from those of age itself. Mediations were also more likely to succeed when the difference in wealth and rank between mediator and clients was greater. Gender had a marked relationship to mediation success. Only one of 23 female mediators failed to settle a dispute successfully (13 completely, 9 partial), while half of the fourteen male mediators failed (1 complete success, 7 partial successes). Possible reasons for this difference are presented below.

Other mediator variables did not significantly affect success, although some characteristics of the disputants had interesting effects. Mediations were more likely to succeed where disputants differed from each other in wealth, although such cases were few, and there were no detectable differences in rank, apart from wealth, between parties to a mediation. People must be either less likely to seek mediation for disputes with their “superiors”, or, they are less likely to dispute matters with

their superiors; this must await further research. My impression is that a person with a grievance against someone of significantly higher rank sought to bring the case before the nearest community court rather than to a single mediator.

Independently of type of mediator, when disputes involved disputants of different language groups (often erroneously described as different “tribes”), they were only slightly less likely to be successful. Disputes between males and females were slightly more likely to be successfully resolved than disputes between women or between men. This may have been because of the preponderance of cases from the apartheid period, during which women were made dependent upon men and were more likely to give in to them than they are at present.

DISCUSSION

Differences in rank and wealth had some effect on success. This may be the main reason why mediations by whites, who did not usually know the disputants and whose mediations were held outside the townships, were only slightly less successful than those led by blacks. Whether this was due to the actual or perceived wisdom, skills, or power of the individual mediators should be tested. The higher success rate of older mediators may also derive from either or both their actual or perceived wisdom or power.

Four of the Zulu mediators were known to be twins, who have been thought to be particularly expert at dispute settlement for many generations (Krige, 1936). This may have been a more important factor than gender.

The only variable that obviously had a significant effect was that of gender, which therefore deserves a more lengthy treatment.

Remarking on the fact that more than half of the mediators identified in any neighborhood were women, I asked neighborhood residents if they thought this was just chance. A few said they hadn’t noticed and that it might be chance, but the majority said that women were much more likely to be able to settle disputes. A typical statement was as follows: “The woman, she has many clans, so she doesn’t try to choose them. The men have only their own clan and their own relatives so you wouldn’t bring a dispute involving anyone related to him to a man.” Others, especially female community members, said that a woman must constantly mediate among her children, among her co-wives, among her husband’s relatives, in her brothers’ families, and, in the cities, among her neighbors’ maids. Many male community members stated that it is the nature of women to mediate, that they are “naturals” at it, due to their dual nature – both good and bad, by birth – and their passages from one state to another throughout their lives (see below).

Throughout Southern Africa, women are regarded as excellent choices for mediation because they are believed to be much more objective than men. As a Xhosa proverb states, “A woman has no country”: because of patrilocal residence and patrilineal inheritance, a woman must live among outsiders all her adult life, among whom she has no relatives to favor, except her children (Vail, 1989). She

is a member of her father's clan until menopause, and she is protected by her father's ancestors until then; but when she marries, she begins to be protected by her husband's ancestors as well, and after menopause she becomes a member of his clan, whose ancestors she joins upon her death. Her relationships with the clans into which her daughters marry are also strong, and she often travels to visit them as she becomes an elder, so that she has numerous allegiances (Krige, 1936). Before the changes forced on every culture by Europeans greatly eroded female power, for every male in a position of power, there should be a female counterpart who may have a slightly different domain of concerns but should be of similar or even superior power. Among the Swazi and probably several other of the original states, the Indlovukazi or Queen Mother had the power to determine which man would be the next king. If the people were dissatisfied with a king's performance, they could complain to the Queen Mother, who could remove the king from office (Kuper, 2002). The early accounts of white officials who encountered such women describe them as overbearing, power-hungry viragos, judging them by European standards for rulers' mothers since they had no idea that African kings' mothers are supposed to wield equal power to the king (Mostert, 1992). European men immediately set about trying to destroy the power of female rulers in all positions of authority, and to further subordinate wives to their husbands (Bernstein, 1985).

Some of the traditional sense of women as mediators between their sons and the people seems to remain and to be carried over into these mediations today. When a king or a chief married a woman of such high status that she was likely to be chosen by the council to be the next queen mother, she was referred to as his Great Wife, and she was also "the mother of all the people," not just her own clan or that of her husband/son, since the cattle that were transferred to her clan from her husband's when they married included cattle contributed to the king by all his subjects (Krige, 1936; Krige & Krige, 1943; Mostert, 1992). It is not surprising that many black women in South Africa are able to wield great political and economic power today under the post-apartheid constitution which has created a hybrid political system with both local and international forms, with the extent to which traditional hereditary authority remains deliberately left vague and regularly contested (Ntsebeza, 2005).

Although married women, especially young ones, are subordinate to their husband and his relatives (Webster, 1992), women have a great deal of power in many other kinds of relationships. It is in the domestic sphere that they are consistently subordinated. Sisters are described as "ruling" their brothers' affairs in many Southern African cultures, especially the Lovedu and Thonga (Krige & Krige, 1943). More importantly for this discussion, a particular sister, designated as her brother's "cattle-linked" sister or, among the Lovedu, his *khadi*, served as an official mediator in her brother's household, mediating disputes between her brother and his wife or wives, between parents and children, and so on. When the brother died, the sister decided which of his descendants should inherit what from him, mediating among the descendants (Krige, 1985).

All four of the male Lovedu mediators were successful or partially successful, in marked contrast to men from the other cultures. One attribute which sets Lovedu and Thonga off from the other cultures from which these mediators came is their relative gender equality. Lovedu women have been described as dominating men politically. The Lovedu ruler or *Mujaji* has been a female king for more than three hundred years, for instance, and almost half of the district chiefs and local representatives are female. The Lovedu word for district head literally means “mother” of the district. Women play a major public role in all ceremonies. In all five cultures from which black mediators came, older men spend a great deal of their time hearing cases and delivering judgments, while women become involved only among the Lovedu and Thonga. Among the Lovedu, a dead man’s sister, or *khadi*, is the executor of his estate, and serves as judge and final arbiter of conflict within his family throughout her life (Krige & Krige, 1943). Because of her standing and, especially, her experience at judging cases within Lovedu society, a female Lovedu mediator might expect more power and be more skilled at the process of mediation than women from other groups.

This may be the case among the Thonga of KwaZulu-Natal province and Mozambique also, since their paternal aunts wield power in the same way that the Lovedu *khadi* does (Webster, 1992). The elevation among the Lovedu and Thonga of what they and the other cultures consider “feminine” virtues, especially the ability to effect reconciliation (Krige & Krige, 1943, Webster, 1992), may make even their men more successful mediators. These two cultures also do not make much of a distinction between male and female qualities; men and women are thought to be fundamentally equivalent, whereas most of the other cultures exaggerate the differences between males and females, at least from the perspective of the Lovedu/Thonga (Krige & Krige, 1943).

However, Lovedu religion requires that women remain within the Lovedu heartland, for drought is believed to ensue if they leave (Krige & Krige, 1943). Although non-Christian female Lovedu would probably be very successful, all Lovedu women who come to Johannesburg are Christian because of this restriction. I witnessed no mediations by Lovedu females, and when I asked neighbors for examples of cases mediated by them, they said that their success rate is lower than that of the non-Christian Lovedu males. Christian Lovedu are said to be much less likely to be unbiased, because they would always find in favor of a Christian over a non-Christian. People said that while traditional, non-Christian Lovedu were among the most generous of South African cultures, Christian Lovedu were much less likely to share with others, and much more greedy and ambitious. Why this should be thought to be true of Lovedu women uniquely and not of women from other cultures is unknown.

The Lovedu female king was certainly widely feared because of her power to achieve through supernatural means what mere men, using only natural means, could not. Some of these qualities are generalized to all non-Christian Lovedu, male and

female. The Lovedu king could not be conquered, though she had no army; she was strong precisely because she was a physically weak woman; and she appeased rather than fought, one of the most important of Lovedu virtues (Krige & Krige, 1943).

The Lovedu encompass a large number of different cultures, incorporated into the Lovedu nation over centuries. This diversity might likewise help to explain their success in the urban townships of South Africa today, where men and women are drawn from hundreds of different locales, hundreds or thousands of miles away. However, the same is true of virtually all the other indigenous cultures in Southern Africa (Anderson & Heaton, 1996): they all have a long history of accepting other groups.

In most indigenous African cultures, particularly among Nguni-speakers, women are passages between states of being: through them, children are born; through them, the dead are buried; and they pass between clans during their lifetimes. Although men are either bad or good, all women are both good and evil. They have more supernatural power than men do because of this and are somewhat feared. Both men and women may become witches or sorcerers, but almost all people who are consulted in cases of suspected witchcraft are female. These are the *izisangoma*, usually translated into English as “diviners” or “mediums”. Women are thus passages between the ancestors and the living in their roles as *izisangoma* as well as their exclusive control of the physical processes of birth and returning of the dead to the spirit world. They are by their very nature experienced at dealing with supernatural forces. The few male *izisangoma* wear women’s dress and distinctive hair styles, especially when consulting ancestor spirits, in order to reassure their clients of their efficacy (Ngubane, 1987; Sibisi, 1973).

Quaker mediators, black and white, are significantly more successful than other Christian mediators. Like Lovedu, Quakers view people as good by nature, and avoid differential evaluation and competition. The Catholic and Methodist organizations in South Africa have also been steadfast opponents of apartheid, but many of their members believe in original sin, greed, and competition, and they do not share the Quaker history of nonviolence. Like most Euro-Americans (Wall & Blum, 1991), but unlike the Quakers, white Catholic and Methodist mediators were more likely to view humans as greedy and competitive, and to view the disputants as selfish adversaries (Allen, 2006; interview with Methodist Bishop Storey, July 1995). This view appears to reduce their success.

Perhaps Methodist and Catholic mediators are more successful if they are female because white female members of these churches hold beliefs about the nature of humans and society which are more like those of the Lovedu than do male members. I hope in the future to separate out the attitudes the mediator holds from the attitudes about the mediator which are held by the clients and the audience. I believe that both are important, and that the possibility of a difference between them may explain why female Zulu mediators are more successful at mediating disputes between Zulus but not between non-Zulus.

African mediators often criticized the actions of both disputants throughout the mediation process. Older women, especially, continually chided their clients in a stern, familiar manner that I have often witnessed in everyday interactions between grandmothers and their adult grandchildren. A typical example from my field notes (Alexandra, 1981) by a 67-year-old Zulu woman towards two men in their early thirties began with, "Well, good afternoon, Wesley. Why are you bothering us today?" and then continued "And what have you got to say for yourself, Petrus? What have you caused Wesley to upset our peace here today?" This wayward children banter was absent from mediations conducted by white mediators. It appeared to be quite effective in relaxing two angry people who had previously been very tense and hostile.

THE PAST, THE PRESENT AND THE FUTURE

It must be noted here that although my language here often indicates that traditional practices continue, this is not the case in most parts of the country. There are pockets of traditionalism almost everywhere, but, everywhere, there have been great distortions in the traditional system. This is also true of the various individuals and organizations that claim to be trying to revive traditions; rarely are the revivals identical to the traditional practices.

There did not appear to be a difference in the likelihood that a dispute would be solved successfully in either the earlier period or the later period. This is not surprising, since so few cases were observed in the later period. Cases actually were fewer than as grassroots dispute-settlement methods appeared to expand after 1994. The community-organized "peoples' courts", operating in ways very similar to the indigenous chiefs' courts, seem to be preferred over mediators now, making it more difficult to find mediators to observe or to interview.

Not only high-ranking women, or older women, had power in the past. Among the Zulu, for example, ordinary women could make new rules that would be binding for all members of society, regardless of rank or sex. If Nomkubulwana, the "Sky Princess" or Nkosazana, appeared to women working out in the fields in the springtime and announced a new rule, they would return and in turn announce the change. Work in the fields was the province of younger, lower-status women, but even they had the power to change the system (Krige, 1936).

The traditional roles of women, particularly as mothers of kings and chiefs, are long past in South Africa now, and even in Swaziland the current king, educated in England and not installed until the age of 18, rules according to European beliefs about the powers of kings, queens, and queen mothers (Kuper, 2002). White rule drastically changed the relative power of men and women, both under the British and under apartheid (Bernstein, 1985; Jewkes, 2009).

The law ensured that neither black nor white women could be employed without the consent of their husbands or fathers; they could not sign contracts, they could

not obtain loans, they could not buy anything on time, they could not own property, and they were specifically designated as having only the same rights as minors (Akileswaran & Lurie, 2010; Wickstrom, 2014). Each woman, then, was officially dependent on a man for almost everything of importance (Bernstein, 1985). African men gradually began to claim that those rights had been theirs traditionally, which African women vigorously resisted (e.g. Webster, 1992). As millions of black South African men were employed in the gold and diamond mines, they encountered there millions of men from elsewhere in Africa, some of whom from cultures with very different ideas about women's rights.

The first democratic government that began in 1994 with the end of apartheid attempted to enshrine women's traditional power in the constitution and the legal system. It is not surprising that South Africa is one of the world leaders in the percentage of women who hold real political and/or economic power today. What affect this will have on the view of women as unbiased mediators remains to be seen. In many African countries, men are resentful and angry as women compete with them economically (e.g. London, 1997; Niehaus & Jonsson, 2005). In South Africa, however, women are less able to get jobs (Griffiths, 2000) and to compete on an equal basis with men in the job market.

Struggles between men and women are ongoing everywhere in South Africa today, especially involving men and women who spent their teens and young adulthood under white rule in urban areas where they had little opportunity to observe the traditional African relationships between men and women. Those men today often insist that the position of women they experienced in their youth, under apartheid, was African tradition, and that the current legal, political and economic equality of women is a foreign intrusion recently imported from Europe, and that they should go back to the apartheid roles (Niehaus & Jonsson, 2005; Webster, 1992; personal interviews, 1995-present). During the liberation struggle, males in their teens and early twenties also claimed that all of their female peers belonged to the struggle and tried to command them to have sex with the male liberation fighters and have babies to join the struggle for freedom when they grew older (Bozzoli, 2004). Many of the men in positions of power in South Africa today served in such cadres in their youth, although those in leadership roles today seem to be supporting the official African National Congress position that there should be complete equality between men and women.

There is a worrying trend recently among younger, single women to use willingness to be subordinated as a resource in competing with other women for boyfriends and husbands. Male unemployment is now so high, as mines continue to close, and the economy of the world makes unskilled jobs obsolete, that a man who does have a job is so desirable that he can find many young women who are willing to be subordinated in order to enter into a relationship with him. For most women currently moving from rural areas to more urban locales in order to try to support their families, survival still requires establishing relationships with men, as it is almost impossible for such women to find jobs there (Akileswaran & Lurie,

2010; Coovadia, 2009; Mendenhall, 2015; Wickstrom, 2014). On the other hand, many older women and traditional organizations, as well as non-governmental organizations imported from outside South Africa, are attempting to strengthen young women's bargaining power in attempt to lower the tragically high rates of HIV infection in Southern Africa (Anderson, 2011; Carton, 2003; Green & Ruark, 2011; Khumalo, 2007). Women's groups banded together in removing a proposal during the development of the new constitution in the mid-1990s that would have given traditional chiefs' courts power to contradict the equality provisions of the new constitution (Fay, 2008).

For female Zulu mediators as well as for non-Christian Lovedu, success might also be related to the aura of supernatural power attributed to them by men, or by other cultures generally. Almost all Zulu spirit mediums, or *izisangoma*, are female, and women are associated with mediumship to such an extent that the rare male diviner wears women's clothing and hairstyles (Sibisi, 1973). Women are thought to be especially competent to mediate between rural and urban areas, or between members of different clans, because they are passages between different states of being: they take souls from the spirit world to the material world by giving birth, they reside in a clan different from their own after marriage, they belong to two different clans between marriage and menopause, they join their husband's clan's ancestors when they die, and they play the major role in funerals (Sibisi, 1973). They may be seen as more likely to be neutral than men are because of this, or, to be able to transcend sides (Ngubane, 1987). Or, they may be more successful because they are vehicles for power: female ancestors are more feared than male ancestors, and old women more than old men; dangerous lightning and storms are described as female, and gentle, steady ones as male. Female mediators may be thought to be capable of enlisting supernatural aid to ensure an agreement and to enforce their decisions.

The Alternative Dispute Resolution movement began in the U.S. some 40 years ago with a call to develop conciliatory processes described as characteristic of "tribal" societies (Danzig, 1973). These data from South Africa support the sentiment behind this movement, even though none of the groups involved are tribes.

I believe that a constellation of Lovedu beliefs about human nature and relationships is the key element in their success as mediators, and that these beliefs characterize the Thonga and Quakers as well, in contrast to the other European churches and indigenous cultures.

The Lovedu and Thonga believe that the natural world is just and orderly, and that it can be controlled by maintaining proper relationships among people. They have confidence that relations among people, and between humans and nature, will end in reciprocal balance. However, this also means that improper treatment of each other can produce natural disasters and endanger human life (Krige, 1936; Krige & Krige, 1943; Webster, 1992).

The two groups are quite different from the Zulu, Sotho, and Tswana in their avoidance of competition and of differential evaluation of individuals (Krige,

1985). They try to avoid making distinctions among people. Their adjectives and adverbs lack superlatives and other comparative forms (Krige & Krige, 1943). Non-Christian Lovedu view people not as willful and selfish, but as naturally cooperative and sharing. All this seems to make it difficult for them to see two “sides” in a dispute. They view the matter as of concern to the whole community, which comprises the only point of view. Individual parties in a dispute are not conceptualized as forming separate sides, but as being united in their opposition to the problem which vexes them all. Kramer et al. (1993) discovered that such an outlook can also increase the success of negotiations in the U.S. Many other people besides those directly involved in the conflict are present at all mediations conducted by non-white mediators, as audience or chorus. Especially with Lovedu or Thonga mediators, these others speak freely, criticizing the behavior of both parties, while also praising something about each.

Mediators were less important in rural areas in the past, where chiefs’ courts served similar functions; this paper therefore reports on the urban situation. Even there, however, mediation seems to be declining in favor of the community courts that have been set up in most townships, although they consider slightly different situations that the mediators did, especially more serious ones. When someone is caught in the act of committing serious crimes, especially theft and rape, especially child rape, neighbors are often called to capture and beat the perpetrator, sometimes to death (Anderson et al., 2006).

SUGGESTIONS

Mediation has been described as a “cottage industry” in South Africa today, with experts flying in regularly to lead two-day workshops (e.g. Moore, 1993). I agree strongly with Rubinstein (1992) that this “proselytizing” too often *limits* the problem-solving techniques of peoples in developing countries rather than expanding them. I hope this paper will help increase awareness of the long history of successful indigenous mediation in South Africa. Indeed, the recent peace agreement leading to the non-racial election in South Africa last year would not have been possible without such a well-developed indigenous mediation network to pressure the main disputants to come to agreement (Gastrow, 1995).

I would like to suggest that mediators who have been trained in Western countries find some general, non-sectarian way to invoke supernatural concerns in the mediation. They should develop rituals to begin and end the mediation. I agree with Ngubane (1987) that ritual increases commitment, and I believe these results provide confirmation. Among the various Nguni-speaking cultures, the disputants must drink out of the same small cup simultaneously, forcing very close physical intimacy and cooperation upon them. If one or both are not truly reconciled, the ancestors, who know their hearts, will see to it that beer will enlarge their stomachs and give them terrible hangovers the next day. The former disputants may be bound with palm fronds and other means of ensuring their closeness and giving public recognition

to their progress in restoring harmony to the community. Or, the disputants ritually wash their hands together, washing away the anger in their hearts, and then kill a goat and eat it together (Ngubane, 1976).

Mediations should also include this community, by encouraging a large number of people who are not directly involved in the dispute to attend, as witnesses and audience, to make the decision more likely to be followed. The more successful mediators were also willing to discuss matters for days rather than expecting a resolution after a few hours. Even in the U.S., speaking freely without time limits has been shown to decrease conflict and increase agreement between opponents (McCarthy, 1977). Insisting on confidentiality in the U.S. decreases the pressure on disputants to agree and to follow through their agreement. Since members of most of the Southern African cultural groups believe that their health is determined as much by social relations as by individual biology, people fear the envy of others (e.g. Wickstrom, 2014). Public criticism and, especially, fines and physical punishment delivered in public are preferred by disputants because such public shame defuses such envy, among other reasons.

In mediations by individuals and in the community courts with their group of elders, spokespersons ensure that both disputants are criticized in front of the whole community. Many disputants said that they prefer such public shaming to the more private processes of a formal legal courtroom, where one side is judged to be at fault, where most people are unaware of what went on, and, especially, where the disputants do not feel as though the community has accepted them and now believes that they will try in good faith to restore harmony to the community (Burr & Jensen, 2004; Hund & Kotu-Rammopo, 1983; Oomen, 2004).

I suggest that mediators everywhere experiment with making these simple changes, as I believe they would increase the likelihood of success of any mediation, not just those held in South Africa. Drinking beer out of the same small cup simultaneously may not be appropriate everywhere, for example, but some such simple ritual which is locally appropriate should be incorporated into the end of the mediation process.

These data should allow teams seeking to train local mediators to choose candidates for training more efficiently. We have an idea now as to what qualities are most effective in mediators: those holding the beliefs described here about human nature and society, with the identified age, rank, wealth, gender, and supernatural attributes are most likely to lead to success, at least in Southern Africa.

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