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**Witchcraft and the Limits of the Law
- Cameroon and South Africa**

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Abstract

*This paper compares two recent judicial initiatives by State officials in the struggle against witchcraft in post-colonial Africa. In many parts of the continent people seem to be ever more obsessed with the idea that new forms of occult aggression are proliferating and the old sanctions do no longer suffice. This leads to increasing pressure on the State to do something about this. In the East Province of Cameroon, judges began to condemn “witches” since 1980, mainly on the basis of the testimony of the *nganga* (local specialist). In South Africa, the new ANC regime instituted in 1995, only one year after its rise to power, the Ralushai commission in the Northern Province (now Limpopo), that had to look into the causes of the recent witch-hunts by the “comrades” in the province. In its recommendations the commission looked mainly for a solution in alternative legislation. The comparison between these two examples shows how quite different initiatives became both entangled in the ambiguities and circularities of witchcraft thinking – notably because the *nganga/inyanga* (the local specialists), had to be involved in one way or another, thus introducing basic ambiguities into the judicial interventions..*

Indeed, the witchcraft conundrum seems to be a good example of a more general trend in the present-day world: the drive towards legalization directly reinforcing metaphysical feelings of disorder.

In the 1980’s, State courts in Cameroon – notably in the East Province, generally considered as backward and infested with witchcraft – began to condemn “witches” to heavy sentences (up to ten years in jail and heavy fines). This was a striking reversal of jurisprudence until then, especially since the judges were now ready to accept the testimony of *nganga* (“traditional healers”) as conclusive proof. Until then it were rather the *nganga* who risked persecution (for defamation and disturbance). In the 1980’s they became, on the contrary, crucial witnesses for the prosecution².

In the 1990’s, the new ANC regime in South Africa came under heavy pressure to intervene against “witchcraft”. Towards the end of Apartheid, especially the northern parts of the country became the scene of violent witch-hunts, in which gangs of young people – often associated with the ANC³ – played a leading role, supported by *inyanga* (experts in magic that

¹ Many thanks to Jean-François Bayart, Tlou Makhura, Achille Mbembe, Isak Niehaus, Barbara Oomen, Barbara Oomen, Eric de Rosny and the participants of the Radcliffe / Harvard conference – notably Adam Ashforth, Arjun Appadurai, Rosalind Morris, Janet Roitman and Nancy Scheper-Hughes – and, of course, to the editors of the present volume for their valuable criticisms and suggestions.

² See Fisiy & Geschiere 1990 and Geschiere 1997 ch. 6.

³ The Ralushai report (1996: 270 and 273) refers to “revolutionary forces” which – towards the end of the 1980’s - sought to “politicise the rural communities” and therefore “chose witchcraft and ritual killing to destabilize these communities”.

can be compared to the Cameroonian *nganga*). In 1995 the ANC government of the Northern Province (later re-baptized Limpopo Province) instituted a commission – named the Ralushai-commission after its chairman – to look into the causes of these disturbances. In 1996 the report of this commission advised to change the law in the sense that not only *inyanga* and other specialists could be persecuted, but also any person “... who does any act which creates a reasonable suspicion that he is engaged in the practice of witchcraft...” (p.55).⁴ One can wonder how the latter recommendation – which can be read as confirming the reality of witchcraft as a crime – is to be reconciled with the general trend of legislation under the post-Apartheid regime, notably with the modernist tenor of the new Constitution. In subsequent years the witch-hunts in Limpopo and in neighbouring Mpumalanga seem to have abated somewhat. According to Isak Niehaus (2001) this is mainly due to the restoration of the authority of “traditional” chiefs in these areas.⁵

However, it is clear as well that the ANC government – like the Cameroonian regime - continues to be under heavy popular pressure to deal one way or another with witchcraft. The general panic about a supposed proliferation of witchcraft remains certainly not limited to the rural regions. In several recent publications Adam Ashforth (1998a, 2000 and 2005) showed, for instance, that witchcraft panics become ever stronger in Soweto, the largest township in the country. He concludes that witches have replaced the former Apartheid regime as an explanation for people’s sufferings; and he adds that it might seriously affect the ANC-regime’s credibility if it will not show itself capable in one way or another to deal with this threat. Indeed, in December 2004, the South-African Parliament voted with great enthusiasm – clearly inspired by President Thabo Mbeki’s call for an “African Renaissance” which implies proper respect for “African knowledge” – a new law that formalizes further possibilities for State officials to work together with *inyanga*. It is not yet clear what the practical implications of this law will be.

The aim of this paper is to compare these two efforts to combat the rising fear of witchcraft. My question is notably whether one can expect the law – and I mean here State law – to contain the rising fear of witchcraft, that so many now see as a most urgent form of disorder? In many parts of the African continent this is, unfortunately, a pressing question. At the same time it will be clear that this is also a very tricky topic: writing about it clearly entails the dangers of exoticizing – or even primitivizing Africa as still beset by “traditional” forms of superstition. Especially in the US, many African-Americans (and also African colleagues working in the US) tend to complain that discussing “witchcraft” implies “...putting Africa back in the 19th century.” It is certainly true that the term itself is a most unfortunate translation of African notions with much broader meanings. However, inside the African continent itself, people – academics included – stress that the popular obsession with a supposed proliferation of “witchcraft” becomes an ever more urgent problem.⁶ Clearly it will not do to address such fears as stemming from a resilience of some sort of “traditional” relict

⁴ Moreover, for this offence the Ralushai report proposes the heaviest punishment of the three categories it distinguishes. Characteristic seems also the name of the new law proposed by the Ralushai commission: “Witchcraft *Control Act*” which is supposed to replace the old “Witchcraft *Suppression Act*” of 1957 (italics mine, PG)

⁵ This is striking since the Ralushai report (1996), in contrast, tends to emphasize the involvement of chiefs with witch-hunts. There might be regional differences involved here (Niehaus writes especially about the Lowveld/Mpumalanga while the Ralushai report is mainly based on findings from Limpopo (notably Vandaland). It is to be noted, moreover, that even though full-scale witch-hunts became much less frequent, general panics about zombie practices, *muti*-murders and such hardly abated.

⁶ In many parts of the continent, public debates on this issue are waged in terms like “witchcraft”, *sorcellerie* etc. Therefore it seems futile to try and avoid them in our analysis. It is true that these are Western notions but they have been appropriated on such a scale in public debate in Africa that academics would close themselves off from what is going on in society if they refuse to use these notions.

that is seen as the very opposite of everything that is “modern”. As the Comaroffs showed already more than ten years ago, in their seminal introduction to *Modernity and Its Malcontents* (1993), “witchcraft” has become, on the contrary, an integral part of people’s vision of modernity. The often disconcerting dynamics of these representations, precisely in the more modern sectors of life – new forms of entrepreneurship, health services, sports, politics - show that they express not so much a resistance against modernity, but rather an effort to interpret the modern changes and get access to them.⁷

The consequence is that in many parts of present-day Africa – and certainly not only in Cameroon or South Africa – there is increasing pressure on the government to intervene. It would be highly regrettable if political correctness made academics avoid such an urgent topic. Throughout the continent people complain that colonial governments (including the Apartheid one) tended to protect the witches: they intervened rather against the “witch-doctors”, convicting them for defamation and disturbance of the peace. Many feel that, thus, the State allowed witchcraft to proliferate.⁸ However, people expect this to be different in the post-colony: the new government should know what to do about witchcraft.

In this shadowy field, there is therefore certainly the tendency, signalled in the introduction to this collection, towards a “legalization” of everyday life. This tendency seems to be directly related to a widespread fear of looming and encompassing disorder. It is this fear – taking on, indeed, “metaphysical” dimensions – that directly reinforces the trend towards legalization. Yet, there may be a paradox here, in the sense that this very appeal to the law to set things right reinforces in a most dramatic way popular fears of disorder instead of appeasing them. After all, it is a moot question whether the State, with its juridical sanctions, is at all capable of dealing with this explosive issue, and this can radically heighten people’s feelings of intense insecurity.⁹ There seems to be a worrying but almost inevitable logic involved in this: the modernist State with its claims to general control tends to spread its interventions ever more broadly; thus it risks to become bogged down in domains that are clearly at the margins of its scope. And precisely, the failures of the supposedly all-powerful State can make the fear of disorder attain metaphysical dimensions. On this point the question, raised in the call for papers for our conference, as to whether the “post-colony” is exceptional (or not) is highly relevant. At first sight the whole conundrum of witchcraft and the law may seem to highlight the exceptionality of the post-colony. It is true that the glaring contrast between the kind of rationality on which the modern State is built (at least formally) and the logics involved in witchcraft thinking can expose the limits to State interventions in this treacherous field all the more blatantly. However, in a broader perspective, similar tendencies seem to emerge, ever more strongly, in the supposedly modern countries of the West. There also, a strong trend towards legalization – people invoking the law to tackle an

⁷ However, as several authors recently emphasized, Africa is certainly not exceptional in this. See, for instance, Jean Comaroff’s seminal comparison (1997) of witchcraft fears in postcolonial Africa with the popular obsession with child-abuse and Satanism in the West. See also J.S.LaFontaine 1998.; and my effort (1999) to highlight intriguing parallels with the upsurge of spirit cults in Taiwan during its economic boom; or my comparison (2003) between “witch-doctors” and “spin-doctors” in resp. African and American politics.

⁸ Yet, there seem to be good reasons to nuance this contrast between the colonial state (as acting against witch-doctors) and the post-colonial state (as more inclined to intervene against “witches”). There are many examples of colonial civil servants who realized that convicting *nganga* (who had attacked or even executed “witches”) gave the people the impression that officials were protecting the witches. Often they therefore hesitated in taking a clear stance (see Fields 1982; see also the very interesting research project by Tlou Makhura WISER [Univ. of Witwatersrand, 2002] on State interventions in the Lowveld (South Africa) in the early 20th century. For parallels in West Africa see the drawn-out debate on this issue between British civil servants in Nigeria and Southern Cameroons in the 1930’s (National Archives of Cameroon, Buea, Aa 1934,16).

⁹ See Ashforth on “spiritual insecurity” in Soweto (1998b and 2005). See also Jean and John Comaroff (und.) and their emphasis that, indeed, “witchcraft” marks the limits of the law – its “unroutinizable powers” making it a basic challenge, not only to (post-)colonial officials but even to local rulers of earlier times.

increasingly broad spectre of issues and problems – leads to unexpected dilemma's. To the Comaroffs (1999 and 2000) the distinguishing mark of “millennial capitalism” is the proliferation of “occult economies”: pyramid schemes, trans-national financial speculations, smuggling on a global scale, Satanist networks on the Internet and so on – all pretty difficult challenges for the State that is none the less expected to remain in control somehow. The predicament of the State, sketched above, is therefore not special to the African State (or even to the post-colonial one – see also Mbembe 2002). In the West as well the State seems to be drawn increasingly into fields that will inevitably highlight the limits to its power: think of the struggle over control over Internet, or the clumsy incursions into the family domain with its hidden currents of aggression.¹⁰ Moreover, there is an intriguing paradox here. How does this trend towards legalization and drawing in the State relate to the now omnipresent belief in “the” market as the solution to all problems and the concomitant conviction that the State should restrain itself as much as possible in order to give free rein to “the” economy? Can the law in such a context indeed be expected to contain popular feelings of disorder?

However, the aim of this contribution is more modest. The central question concerns the ability of the two governments mentioned above – the Cameroonian and the South African – to deal with this the tricky issue of witchcraft. There seem, indeed, to be good reasons to focus on the *limits* of the law in this context.¹¹ The Cameroonian example shows that a State offensive against witchcraft can be quite counter-productive. In practice it seems to have re-affirmed the popular obsession with witchcraft as an omnipresent danger. Moreover, the sanctions imposed proved to have completely opposite effects: what is the use of locking up a supposed witch for several years in jail, when everybody is convinced that by the time (s)he will come out, (s)he will have become an even more dangerous witch? However, such criticisms may seem to be quite gratuitous in view of the very real pressure on the government to do something. The question is, can South Africa do better?

Crucial issues – stumbling blocks? – seem to be:

- First of all, the circular and subversive character of witchcraft discourse. A precondition for any form of legislation – just as for our claims as academics – seems to be the creation of clarity and unequivocal distinctions. However as soon as the legislator has to deal with witchcraft, (s)he – again just like us, academics – becomes entangled in a minefield of ambiguities and shifting meanings, that seem to block any effort towards control.
- A second issue, directly related to the first, is the problematic but crucial role of the local expert (*nganga*, *inyanga*, *sangoma*, healer, diviner, witch-doctor – whatever term one prefers) as a key witness: Can judges ever establish proof in this occult domain without using their expertise? But how to avoid that this is seen by the people as legitimating a similar kind of forces as those attributed to the witches? A related concern is the limited effectivity the State's sanctions seem to have against “witches”, certainly in comparison to these local experts' forms of “healing.” In practice, it are precisely these indispensable intermediaries who entangle judges and legislators in all the ambiguities of witchcraft discourse

However, first a brief excursus might be helpful on witchcraft as “disorder” - all the more so in view of anthropology's persistent heritage of seeing these representations and practices as a

¹⁰ Indeed, in the West as well, the family proves to be *un noeud de vipères (à la Mauriac)* not only for its own members but also for outsiders like therapists, social workers, officials from child protection and many other government services. In this respect as well, the difference with witchcraft discourse that – at least in many parts of Africa – invariably looks for the origin of occult aggression within the family – are not that great.

¹¹ My title is a form of academic piracy from the title of one of the main research programme of WISER (Witwatersrand Institute for Social and Economic Research) “The Limits of the State”. Clearly the latter title relates very well to present-day predicaments in South Africa (and elsewhere).

very effective form of “social control”. The rest of the paper will then focus witchcraft as exposing the limits of the law.

Witchcraft as Disorder?

In general, interventions by the law into the field of witchcraft – be it in present-day Africa or, for instance in early modern Europe – are based on the assumption that witchcraft constitutes a direct attack on the social order. During the heyday of anthropological witchcraft studies in the 1940’s and 1950’s, anthropologists certainly agreed with this view, but they gave it a special twist by insisting on the role of these beliefs as very effective elements of social control. Max Gluckman, the guru of the so-called Manchester school, which produced a series of monographs on British “Central Africa” that deeply influenced anthropological views on witchcraft,¹² typically saw it as an essential element for maintaining social order. He compared the morality engrained in witchcraft beliefs to that of an Anglican anthem and deemed it even more effective:

“...beliefs in the malice of witchcraft ... do more than ask [to love your neighbour] as an act of grace; they affirm that if you do not love one another fervently, misfortune will come” (Gluckman 1955:94).

It was this threat that, in his view, made witchcraft so effective in obliging “men and women... to observe the social virtues”.¹³ From this peaceful view it is, indeed, a far cry to the horrors depicted (both in writing and in photographs) in the Ralushai report. Or to Peter Delius’ shocking descriptions of how in 1986, the “comrades” in two villages in Sekhukhuneland (present-day Limpopo province) called in the help of a local diviner, a certain Ramaredi Shaba, who no longer threw bones but instead had developed a more modern divining technique, called “African television.” On her over-sized screen the figures of the “witches” would appear who were then to be “necklaced” by the comrades (Delius 1996:195). No doubt, Gluckman would have characterized such horrors as symptomatic for a period of transition. But then we may have to see the entire postcolonial period as one great transition. Indeed, since people increasingly feel that the whole world is in constant transition, the term seems to lose its meaning.

It might be more relevant to question Gluckman’s (and many other anthropologists’) view of witchcraft as the opposite of the social order, serving to keep this order in shape. My informants in East Cameroon, just like several people quoted in the Ralushai report, rather seem to see it as an integral part of the social order: it may be an extremely evil force, yet it can bring also – in a more or less canalized form? – riches, luck and power. Laburthe-Tolra (1977) concluded that among the Beti of Central Cameroon, *evu* (now always translated as *sorcellerie*) is seen as the dark side of power, extremely dangerous, yet at the same time necessary for maintaining the social order. In these societies, the link between witchcraft and power rather seems to express the deep conviction that any form of power, even if it is necessary, is highly dangerous. And, again, it is striking that in the Ralushai report so many quotes from informants, especially those concerning the position of Venda chiefs, seem to echo this view.

This view, relativizing the distinction of good versus evil in witchcraft discourse, that was so strongly conveyed to me by my informants from the Cameroonian forest area, has

¹² See, among others, Max Marwick (1965) and Victor Turner (1954). Douglas (1970) is probably right in emphasizing that these monographs might have been more influential than Evens-Pritchard’s much quoted, but less followed book on the Zande.

¹³ See also Douglas (1970) with her ironical comment that for some time anthropologists managed to depict witchcraft as “domesticated” and “not running amuck” – this in stark contrast to historians.

been strongly criticized by several colleagues. In a recent contribution, the French-Togolese political scientist, Comi Toulabor, reproaches me in his eloquent way for not making a clear distinction between the “witch” and the “magician” (the first unequivocally evil, the second only capable to use his/her special powers in a more positive way – Toulabor 1999). John Hund (now at the University of the North, South Africa) attacks me even more forcefully by quoting me as an outstanding example that academic writers are “... unfortunately some of the worst perpetrators of confusion.” He is clearly shocked that I repeat my informants’ view of the *nganga* (“traditional healer”) being a kind of “super-witch” since (s)he can only heal by using the same powers as witches tend to do. For Hund this is an “overwhelming misunderstanding” (Hund 2000: 369/70). He insists instead that healers (for him especially the *sangoma* of South Africa) should be radically kept apart from the witches.

Of course, the whole witchcraft conundrum would be a lot easier to solve if such a separation could be applied so easily. The problem is, again, the subversive character of witchcraft discourse that so easily erodes all such comfortable conceptual distinctions (in Africa, just as elsewhere in the world – see Favret-Saada 1977 on Europe or Taussig 1987 on Columbia). It is clear that there are wide differences as to how African societies view central figures, like the chiefs or the healer, and notably in the ways in which they relate them to the occult powers (or try to separate them from these powers).¹⁴ It is true also that in the forest societies in Cameroon where I did my main field-work, the central notions (*djambe* among the Maka and *evu* among the Beti) are extremely broad and fluid, covering a wide array of different expressions of the occult, from highly negative to fairly positive ones – *djambe/evu* being potentially lethal but also essential for healing, exercising authority or accumulating wealth. Elsewhere I tried to show (Geschiere 1997) that, for instance in the more hierarchical societies of Cameroon’s western highlands, there is a determined effort to “compartmentalize” the sphere of the occult through clear terminological distinctions between more negative and more positive forms. In these societies, notably the chief - though certainly associated with occult powers - is normally rigidly separated from the darker manifestations of these powers. However, it might be important to emphasize that such distinctions are always precarious and never self-evident. It seems to require a constant struggle to maintain them against the inherent fluidity of any discourse on the occult. For instance, recently, when many chiefs from the Cameroonian highlands got into trouble with their subjects for their continued support to the hated regime of President Biya, people were quick to accuse them to be real witches.

There may be good reasons therefore to take the distinctions that are often emphasized in the literature on South Africa between “witch” and *sangoma* – or between the *sangoma* as a “priest-diviner” and the *inyanga* as his disreputable colleague – not too easily for granted. Even Hund (p. 373) emphasizes that they all use “... the same occult forces”, but he insists that there is an “ontological” difference. Again, one can sympathize with his effort to separate the *sangoma* as a reliable ally in these dark struggles. But who makes this ontological difference between actors that are so closely involved with the same forces? And how can such a distinction be maintained in practice? It is clear that widely different views of the *sangoma* pertain in daily life. Several spokesmen quoted in the Ralushai report (especially from Vendaland) say quite nasty things about *sangoma* (“... with a lust for blood and easy money...” p.268). Adam Ashforth (2000) quotes a *sangoma* (for whom Ashforth clearly had great respect) who told him that someone asked him to use his powers to kill another man. Which the healer “of course”, refused to do – yet the prospective client clearly had another idea of what *sangoma* do and do not.

Rather than taking such terminological distinctions as givens, it might be more urgent to study how exactly – through which struggles and by what means - such

¹⁴ Such variations make it a bit disconcerting that Hund still speaks so easily of “African culture.”

compartmentalization is maintained. Apparently this will always entail a highly precarious struggle against the blurring tenor of discourses on the occult. It might be this subversive charge, undermining any clear-cut distinction between good and evil (or any attempt at a clear definition whether by academics or by lawyers), that can help to understand the impressive resilience of these discourses in the face of modern changes. It is also this blurring tenor – think of the Comaroffs’ characterization (J.&J.Comaroff. und.) as “unroutinizable powers” - that makes it so difficult for the State to find reliable allies in its witchcraft struggle.

Subverting the Law: The Circularity of Witchcraft Discourse

A basic problem for any legislative intervention in the field of witchcraft is what might be called its “circular” character. As said, unequivocal terminology and clear-cut definitions are supposed to be crucial for any law-making (as they are for respectable academic research). It might be all the more important to emphasize that the very ambiguity and the fluidity of its core-notions are at the heart of the resilience of witchcraft discourse. This seems to be an important reason why changes can be integrated so easily this discourse and why it is capable to explain whatever outcome an event has, making it impervious against any Popperian attempt to try and falsify it. It might also be an important reason why both lawyers and academics have such difficulty of making sense in this tricky field.

For me, the first confrontation with the quite alarming circularity of witchcraft talk was when my neighbours in the village in South Cameroon where I had just settled started to gossip about my new friend Mendouga. The latter was a dignified lady of a certain age and with a somewhat enigmatic air who had already honoured me twice with a visit. This was really an honour since, at the time, she was generally seen as the greatest *nganga* (healer) of the area. But after her second visit, my assistant and his friends pointed out to me that “of course” this meant that she was a great *djindjamb* (litt. someone who has a *djambe* / “witchcraft”). Indeed, for them it was only because she had developed her *djambe* in an extraordinary way – thanks to the help of her “professor” – that she could “see” what the witches were doing (meaning that she had “the second pair of eyes”), fall upon them and force them to lift their spell so that their victim (Mendouga’s client) could be healed. Mendouga herself later on assured me, as all *nganga* will do, that her *djambe* was “different”: her professor had bound her with heavy “interdictions” to use her powers only to heal and never to kill.¹⁵ However, it was clear that my fellow-villagers were not so sure of this: a *djambe* is a *djambe*, and there is always the risk that the basic instinct of the *djindjamb* – that is to deliver your own kin to be devoured by your fellow-witches – will break through. Indeed, *nganga* are always seen as highly ambiguous figures: they are the obvious persons to turn to when one feels attacked; yet they are also terribly dangerous. And, indeed, about all *nganga* there was constant gossip that they had betrayed their own clients, that they worked in league with the witches and so on. Throughout the forest area of Cameroon, as in others parts of the continent, there is even a basic belief that, in order to become initiated, an aspiring *nganga* has to offer one of his/her own relatives to his/her professor.¹⁶

There is a basic circularity here: the *nganga* can only heal because (s)he has killed before. Moreover, the main protection against a *djambe* attack is to be found within the realm

¹⁵ Thus, the *nganga* is the best example that witchcraft’s evil forces can also be canalized and used in a highly constructive way: it is only because the *nganga* has learnt to control his/her dangerous powers that (s)he can heal. However, this control is always seen as precarious and so is, therefore, any distinction between more constructive and more destructive uses of the *djambe*.

¹⁶ See Eric de Rosny (1981 and 1992) who describes this as a crucial moment in his own initiation as a *nganga* in Douala. De Rosny is a French Jesuit who works in Douala for more than forty years now. After his initiation as a *nganga* he combined local forms of healing with Christian notions and practices in a most sophisticated and at the same time honest way. Luckily in his case the demand of his “professor” for *une bête sans poil* (an animal without body hair – that is, a human being) could be met by offering a goat as a substitute.

of the very same *djambe*. But by invoking the help and protection of a *nganga* one allows oneself already to be drawn into *djambe*'s vicious circles. No wonder it is so difficult to escape from it.¹⁷

Again, it might be good to emphasize that this example has aspects that may be particular to certain parts of Cameroon (or maybe of the Equatorial forest area). Yet the practical difficulties in keeping witch and healer apart – and the circularity this entails – seem to be much more general.¹⁸ The question is what happens when the State with its judicial apparatus intervenes in such a tricky field?

The research by Cyprian Fisiy and me on the witchcraft trials, mentioned before, in the East Province of Cameroon started from a set of files from the Court of Appeal of Bertoua (the capital of the East Province of Cameroon) to which Fisiy succeeded in getting access. The very language of these files shows to what kind of confusions this circularity will lead when a witchcraft affair has to be dealt with in legal writing. The files are full of long vituperations by the judges against witchcraft as a basic evil: they expose it as the villagers' main form of subversion of government initiatives and as *the* explanation of why this Province remains so backward. Like other civil servants, the judges clearly feel – at least in their official role - that witchcraft has to be exterminated at all costs. Any suspect who confesses to be a *sorcier* (witch) is, therefore, certain to be condemned to a heavy sentence (a longer term in jail, a heavy fine). The main witnesses against these “witches” are a small number of *nganga* whose expertise is clearly accepted by the court (in fact, their declaration that they have “seen” that the accused “went out” – that is left his body at night to fly off to a meeting with his fellow-witches – are in most cases the only form of “proof”). But when these *nganga* have to introduce themselves before the court in French, they announce themselves as Mr. So-and-so, *sorcier*.¹⁹ This is completely in line with the local way of speaking (after all, the *nganga* are *mindjindamb*). Yet it goes directly against the unequivocal condemnation of *la sorcellerie* as such by the judges. But, of course, they will never take the *nganga*'s introduction of himself as a *sorcier* as proof of his guilt. Such terminological inconsistencies highlight the basic ambiguity of the judges' offensive against *la sorcellerie*: the very fact that it hinges on the help of a *sorcier* (who, moreover, is seen by the locals as the main representative of the world of the *djambe*) makes it inconsistent in a very practical sense.

This inconsistency in the language of the files points to another ambiguity in the judges' position: like other civil servants, the judges may be quite insistent in their official condemnation of *la sorcellerie* as such when they perform in public, but in their private life nearly all of them are deeply implicated in the *nganga* world. We often saw a big black Mercedes parked in front of the relatively modest house of our *nganga* friend Mendouga. This was a sure sign that one of her elite clients – Mendouga often boasted that elites from all over the region came to her to ask for help – had a consult with her, in order to have themselves

¹⁷ See Geschiere 1997 for a more detailed analysis of Mendouga's vicissitudes (and those of other *nganga* in East Cameroon). See Ashforth (2000) for a very vivid (and therefore all the more disconcerting) description of how his friend from Soweto was sucked ever deeper into witchcraft's circular reasonings on his long quest along all sorts of healers. The overview of court cases in the Ralushai report indicates also that a considerable number of “witches” killed by the youth gangs around 1990 were *inyanga*. Apparently, to the people *inyanga* and witch were more or less equivalent (which did not stop them from asking the help of other *inyanga* for “sniffing” out the witches within the community).

¹⁸ And certainly not special to Africa; see for similar “confusions” Favret-Saada (1977) on the Bocage in France in the 1970's.

¹⁹ The *nganga* who play a role in such court cases are mostly men. This is quite striking since locally *nganga* are at least as often women. But with the “modernization” of the profession (that took off especially in the 1980's) men seem to take over, especially when *nganga* are performing in more modern contexts (as in the court room – see below and Geschiere 1997). Possibly this is only a temporary phenomenon, since there are signs that in the forest area of Cameroon female *nganga* are catching up with their modern male colleagues.

blindés (bouima, “armored”) against treacherous attacks of their political rivals; or possibly also to ask her to attack these opponents. No wonder, the judges did not see any inconsistency in accepting the help of these *sorciers* in their struggle against *la sorcellerie*.

The Ralushai report is plagued by similar terminological slippages. In their effort to create clarity Ralushai and his co-authors point out an interesting inconsistency in the prevailing South African Witchcraft Suppression Amendment Act of 1957/1970. They point out that, although “...the legislature’s approach [in this act] is that witchcraft does not exist”, the act none the less forbids people “...from practicing witchcraft, when it is said that it does not exist” (p.57). However, the report itself hardly succeeds in escaping from similar ambiguities. For instance, a central term in the report is, as can be expected, “witchcraft killings”. Yet, especially in the first chapters it is not clear whether this refers to the killing *of* “witches” or to supposed killings *by* witches. The case material that is so diligently accumulated in the report from various judicial archives in the Northern Province offers striking examples of both possibilities. In later chapters the authors seem to be conscious of possible confusion on this point; so they introduce alternative terms, like “witchcraft related killings”, “witch killings”, or “witchcraft violence”. But, again, the terms are not clearly distinguished. Instead, the report introduces “ritual murders” as a separate category, referring to the so-called *muti* murders (the killing of innocent victims, mostly children, in order to use body parts for producing “medicine” that will fortify the client). The report convincingly shows that it was especially the increasing rumors about such *muti* murders that pushed the young “comrades” into a frenzy of witch hunts. However, one can wonder whether these “ritual murders” can be so clearly separated from “witchcraft killings” – here, also there seems to be a subversive circularity, if only because the same *inyanga* who were used as “witch-finders” could also be easily accused of being involved in *muti* murders. The report is no doubt right in starting from local categories; yet some closer analysis of the ambiguities implied by these notions might help not to be caught in the slippages of these very categories.

As is only to be expected, things become even more complicated when the report addresses the role of the local “experts”, the *inyanga*.²⁰ In some passages it seems tempted to distinguish between “diviners” and “healers” (a distinction that, is seen as basic to the representations of the occult in many Bantu societies). But in subsequent formulations this distinction is again neglected. And, indeed, the commission’s case material shows how precarious such a distinction is becoming in present-day circumstances. In its recommendations the committee proposes instead another distinction: it severely criticizes the failure of “... most of the legislation to draw a clear line between the so-called witch, the sorcerer, and the witchfinder” (p. 61). The distinction between witch and sorcerer is not further elaborated in the report. But the aim of setting apart the “witchfinder” is clear. To Ralushai and his fellow commission members the “witchfinder” (in other passages the term *inyanga* is used) performed a key role in triggering the popular frenzy about a proliferation of witchcraft. And, no doubt with good reason, many of the report’s recommendations aim to make it possible to undertake legal action against these witchfinders.

Here again, the report seems to get entangled in the fluidity and circularity of these local notions. Its own case material shows in much detail how difficult it is to distinguish witch and witchfinder. In many cases, an *inyanga* is accused of being a witch and even physically attacked. And, as said, many of the witches that were killed in the large-scale hunts around 1990 were apparently *inyanga*. The report’s appendices spell out in detail how the “comrades” first forced the accused to display all his/her herbs and pots in front of the house and explain their use. Only after this (s)he was lynched. Often, the victim was explicitly

²⁰ Striking is also that the report does not try to set up a clear distinction between *inyanga* and *sangoma* (the latter term is only used occasionally)

accused of being involved in *muti* murders. Indeed, the *inyanga* figure as some sort of archetype of the witch; yet, as said, they worked also closely together with the comrades as witch-finders. Ramaredi Shaba with her “African Television” screen in Sekhukuneland - quoted before (Delius 1996) – may have been a particular frightening example of what an *inyanga* could do, but she was certainly not exceptional. In nearly all documented cases of witch-hunts by the comrades, the latter explicitly sought the help of one or several *inyanga* to help them to expose the witches. Indeed, it is quite clear that the *inyanga* were often in some sort of catch-22 situation: if they refused to collaborate with the comrades they were in grave danger of being exposed themselves as witches to be lynched. After all, any *inyanga* is a self-evident suspect. There seems to be the same circularity here as in the Cameroonian examples above: apparently the very capacity of the *inyanga* to “see” witches indicates that they are involved with the same occult powers.

Ralushai’s simple recommendation to “draw a clear line” between witch and witch-finder might, therefore, be quite naive. Yet, at the same time, it touches upon a central issue in the whole conundrum: how are judicial interventions in the field of witchcraft to deal with the *nganga*?

Cameroon: The *Nganga* as a Trojan Horse?

In our earlier publications on the witch-trials in East Cameroon, we compared the central role of the *nganga* in the judiciary offensive against witches to that of the Trojan horse that helped the Greeks to finally break the resistance of the proud city of Troy (Fisiy & Geschiere 1990, Geschiere 1997). As said, the Cameroonian judges feel that the “expertise” of the *nganga* is crucial for establishing “proof”. How else can they prove “beyond reasonable doubt” that the accused did “go out” – that is, left their bodies at night to attack their fellow men? However, to the Maka – as to other groups in the forest - the *nganga* is the most conspicuous representative of the world of *djambe* (or *evu*, or *sorcellerie*, or whatever term people use). The newly enhanced prestige of these local experts – who, instead of being persecuted by the courts, now play a central role during its sessions - seems therefore to confirm the popular belief in these powers.

This official recognition of their expertise seems to coincide with new aspects in the performance of these *nganga*. Especially after 1980, a novel, more modern type of *nganga* emerged. The *nganga* I knew in the Maka region during the 1970’s – for instance our friend Mendouga, referred to above - were true villagers. They hardly spoke French and their knowledge of the exterior world was limited. Some were considered to be rich, but people would always comment that the wealth of witches, the *nganga* included, is based upon “delight without sweat” – which seems to mean that it is easily acquired but does not last long. Most of the *nganga* lived in simple *poto-poto* houses (mud walls in a casco of poles), often situated slightly outside the village, not far from the bush. In everyday life they remained in the background: they were thought to operate in secret.

However, the *nganga* who figure in the court files as expert witnesses against the “witches” exhibit a quite different profile. They present themselves emphatically as modern figures, also in everyday life. Often, they worked for some time elsewhere, sometimes in public service. They speak French fluently and use, with certain ostentation, French (or even English) books on occultism, “Eastern magic” and other forms of secret knowledge. They brag about their modern education. One *nganga* (thirty-five years old) told me, for instance, that he had been admitted to a Swiss medical school when his ancestor “took” him. He remained paralyzed for six months. Then he started as a “traditional healer”. But he still called himself “doctor.” These modern *nganga* often emphasize that they work with the government

as members of the new association of traditional healers. Their membership card is used as a sort of license and, more generally, as a symbol of their modern prestige.²¹

Baba Denis, a *nganga* who played a central role in several of the court cases we could follow, can serve as an example here. Baba established himself as “traditional healer” in a village, close to the one where I lived, in the early 1980’s. But his compound was very different from that of, for instance, our former friend Mendouga (who had died in the meantime – people said she had “lost her power” already several years earlier). When I visited Baba in 1988, he lived in the middle of the village on the main crossroads. His house was adorned with several large signboards: not only “traditional Healer” but also *Astrologue* and *Rose-Croix* (Rosecrucian). Especially the last sign underscored the modernity of this healer: the Rosicrucians are supposed to be highly present among the new state elite (President Paul Biya himself is their acolyte). Indeed, Baba often spoke of his brother who would have an important position in the President’s office in the capital. He himself had the authoritarian air of a *fonctionnaire* which was hardly surprising since he served in the army for a long period. According to the villagers, he was sent home because of “problems”. It was said that he even spent some time in prison. But this rumor only served to enhance his renown as a specialist, since – as said – people generally believe that in prison one meets the really dangerous sorcerers and learns their secrets. Baba himself, however, emphasized the scientific nature of his expertise: before the tribunal, he often explained how he applied “his science.” Like his colleague referred to above, he called himself a doctor and talked about his compound as his “hospital.”²²

The high profile of such *nganga*, reinforced by the official recognition of their expertise, automatically enhances the popular idea that the *djambe* is everywhere. Of special importance in this context is, moreover, that these modern *nganga* exhibit a much more aggressive behaviour in recruiting clients and in unmasking suspects. In the 1970’s, most *nganga* were still fairly discrete. They appeared in public only on special occasions, such as when the village notables invited them to perform a purifying ritual or an oracle. They were often hesitant to advance specific accusations, no doubt for fear of difficulties with the authorities, but also because vague allusions seemed more useful to their forms of therapy. The treatments of a “healer” like for instance Ms. Mendouga were, indeed, mostly aimed at repairing family relations. A “modern” *nganga* like Baba intervenes in a very different manner. In several of the court cases on which we could read the files, it was he who took the initiative to “purify” a village, since he had “seen” that it was invaded by the witches (in one of these villages he even claimed to have destroyed a “nocturnal airstrip” where the witches “landed their planes”). During such purification actions, it was he who pointed out the witches and had them arrested by the villagers. Moreover, it was Baba who insisted that they should be handed over to the *gendarmes*. Other modern *nganga* as well have little scruples in hurling direct accusations against persons they often do not know. And they are constantly trying to attract new clients by warning them that they are victim to occult attacks and that they urgently need protection against evil-doers from within their close surroundings.

One reason for such aggressive behaviour is clearly that these *nganga* hope to make quick money: the world of the *nganga* is becoming ever more monetized and people often pay important sums of money for protection or purification. But they are also inspired by the new possibility to gain some sort of official recognition as a witch-finder. It is, indeed, quite clear

²¹ In Cameroon, this association is still not officially recognized, in contrast to other countries (Ghana, Zimbabwe – see below). Yet it has some sort of semi-official status.

²² Characteristic is also that he referred to his clients as his “patients”, but also as *les coupables* (the guilty).

that the high profile of these new *nganga*, as expert witnesses before the tribunals and allies of the government, hardly contributes to putting an end to *la sorcellerie*.²³ On the contrary it strengthens a general sense of “metaphysical disorder” among the people, since the omnipresence of these *nganga* seems to confirm that witchcraft is, indeed, proliferating.

The Ralushai Report: “Drawing a Clear Line...”

From the ways in which the South African courts try to deal with witchcraft and from the Ralushai report different patterns emerge. Yet, there are also many similarities as far as the daily context is concerned. For instance, in everyday life in South Africa, *inyanga* are certainly as present as the *nganga* in the Cameroonian context. The Ralushai report (p. 48) quotes an article by Mihalik and Cassim (SALJ, 1992:138):

“By 1985 there were some 10,000 sangomas and inyangas practising in greater Johannesburg. These traditional healers were consulted at least occasionally by 85 per cent of all black households and were supported by a national network of approximately 40,000 traders in healing and magical herbs. The African traditional Healers Association claimed a membership of 179,000 outnumbering western doctors by 8 to 1.”²⁴

These figures are quite convincing for anyone who has visited the Durban *muti* market, serving as a magical hub for the whole of South Africa (and beyond). Moreover, as said, it is also clear that these specialists played a key role in the outbreak of the shocking witch-hunts of the “comrades” in the Northern Province towards the end of Apartheid. Delius’ stories about Rameredi Shoba with her fearsome “African Television” screen, is paralleled by many similar reports in the rich case-material collected in the Ralushai report (cf. also Niehaus 2001). As in the judicial offensive against witchcraft in Cameroon, these local specialists were indispensable to the comrades’ action against similar dangers: who else could “sniff out” the witches?

However, the eagerness with which the comrades – apparently encouraged by the changing political context – took matters in their own hands and the violent consequences of this, gave the whole issue of witchcraft a somewhat different twist than in Cameroon (and many other Sub-Saharan countries). In Cameroon, witchcraft as such became increasingly defined by politicians as the ultimate form of subversion of the State, sabotaging *le développement* and undermining the position of the State elite. Indeed, while I was living in the village in East Cameroon, I regularly witnessed officials haranguing the villagers that they should stop sabotaging the government’s development projects with their eternal witchcraft, or else..... The judicial offensive against witchcraft after 1980 seemed to be as much inspired by such worries among the Cameroonian authorities as by pressures “from below” (from the people) on the state to do something about the proliferation of occult attacks. In South Africa, at least in the former Northern Province, it was the proliferation of violent witch-hunts - the summary executions of “witches” by the comrades – rather than supposed conspiracies by the witches that posed an urgent threat to the State. As several observers noted, the witch-hunts seemed to highlight that the State was no longer in control in the area - which was highly problematic both for the Apartheid regime and for the subsequent ANC government (see also Ralushai report p. 231). The vital question became, therefore, what the State courts had done

²³ At stake is here not only the impact of the *nganga* on the courts but also, vice versa, the effect of their performance before the courts on their role as healers. In our earlier publications (Fisiy & Geschiere 1990, Geschiere 1997) we emphasized that the association of the *nganga* with the courts and the *gendarmes* in their offensive against *la sorcellerie* seems to turn them into disciplinary figures (some sort of outgrowth of the authoritarian State). It remains to be seen how this will affect their performance as healers.

²⁴ Striking is of course that these authors seem to take it for granted that only black households make use of the services of *inyanga*.

– and could do – to contain these hunts. It is notably on this point that Ralushai and his co-authors evaluate the rich array of cases in the annexes of their report.

The authors note with clear dismay that in several cases the courts did not intervene at all. This seems to have occurred notably in those cases where chiefs were actively involved in the witch-hunts. The report sees this refusal of at least some courts to act as a crucial failure since it must have encouraged further witch-hunts (Ralushai p. 236, 270). It notes also that in several cases, where the courts did condemn the perpetrators of witch-killings, they imposed punishments that were purely nominal - which meant again encouraging the further spread of the hunts (p.240, 245). Only in a few cases, proper punishments were imposed on the main culprits of the lynchings.²⁵ Moreover, the report notes that in none of these cases judicial action was undertaken against the *inyanga* who had been involved in “sniffing out” the witches; it clearly sees this as another failure of the judiciary apparatus (p. 187, 269).

Indeed, Ralushai and his co-authors seem to recognize – and rightly so – that the *inyanga* were at the heart of the whole problem. Several of their most stringent recommendations are directed against the *inyanga* and the problematic implications of their role as witch-finders. Striking is, for instance, that the new “Witchcraft Control Act” (which the commission proposes as replacement for the Witchcraft Suppression Act of 1957/70) retains the article from the older law that declares guilty and “liable on conviction” anybody who

“...employs or solicits any witch-doctor, witch-finder or any other person to name or indicate any person as a wizard or a witch” (art. 1c, Ralushai 1996:55)

Since it is central to the expertise of any *inyanga* (or any healer in general) that (s)he is able to “see” from where the occult aggression comes that is supposed to undermine the client’s well-being, this article would mean that anybody who consults a local healer risks to be persecuted. How is a client to stop the healer from exercising the gift that is supposed to be the secret to his/her powers? Not only the impressive figures quoted above, but also the rich case material in the report’s Annexes vividly illustrate the omnipresence of the *inyanga* in everyday life. So how is this article ever to be applied with some degree of success?

The report’s draconic recommendations against *inyanga* – understandable as they may be – are also difficult to reconcile with the emphasis in its opening pages on the need to take the popular concern about witchcraft seriously. For instance, after a few preliminary pages about the composition and the procedures of the committee, the report with eloquent simplicity raises right away what might be considered as the crucial issue:

“The question may be asked whether a community that still strongly believes in witchcraft can be blamed for insisting that the old man, who had made the threat [of witchcraft – PG], should not be removed from the area” (p. 13)²⁶

²⁵ p. 247; cf. also p. 270: “The harsh sentences imposed by the courts in the Venda Supreme Court have also played a significant role in curbing these killings. Venda is quiet now except for the case at Mutale....”

²⁶ The quote sums up, with admirable briefness, the basic dilemma of any official who has to deal with a witchcraft case. We (Cyprian Fisiy and I) came upon exactly the same proposition in various parts of Cameroon. For instance, during an interview we had in 1992 with the new Prosecutor at Kribi (in the Province of the South), this official complained to us that right after his installation he had been caught in the same dilemma. Just before his arrival in Kribi, his predecessor had been confronted with a gang of young men from the village of Ntdoua who dragged an old man to his office demanding that the man should be locked up since he was a witch. His predecessor refused to do so. A few months later the young men set fire to the old man’s house who perished in the flames. Now he (the new Prosecutor we could interview) was stuck with the young men in his jail. “What can I do? If I will have them accused of murder, the people will say the State is protecting witches. If I let them go, people might start murdering witches throughout the region.” Our Prosecutor, therefore, tended to accept (clearly with some hesitation) the proposition that if a community wanted to expel a “witch”, the State had to accept this (if only for the protection of the accused – see further Geschiere 1997:185). The catch in such an apparently impenetrable statement is of course the notion of “community.” Only in very exceptional cases will a

The next question that automatically seems to follow from this is whether it is possible to take such concerns seriously without involving in one way or another a local expert? Indeed, in other passages as well the commission seems to highlight both how indispensable the *inyanga* are for reassuring the population; and, at the same time, what a dangerous and unreliable partners they are for to any attempt by the government to intervene.

The report seems to look for a way-out from this dilemma in the institution of a National Traditional Healers Association. No less than 23 pages of the report (p.64-87) concern a “Proposed Draft Legislation to Control the Practice of Traditional Healers.” This draft is strongly influenced by the Zimbabwe example where such an association has been functioning since the 1980’s. Professor Ralushai himself and Mr. Ndou, another commission member, visited Harare and had a long interview with Prof. Chavunduka, Vice-Chancellor of the University of Zimbabwe and President of the Zimbabwe National Traditional Healers Association. They talked also to other members of the Executive Committee of this association. The law text they proposed on the basis of these interviews has a strikingly disciplinary character. It mainly consists of a long enumeration of all sorts of controlling instances and possible disciplinary measures against “improper or disgraceful conduct” by members. The text itself does not spell out what such conduct might be. But the rest of the report (notably the proposed text for the Witchcraft Control Act) makes it quite clear that this would especially be “... to name or indicate any person as wizard or witch.” As a consequence the heavily disciplinary tenor of the proposed Traditional Medical Practitioners Act seems to take a very partial view of what “traditional healing” is: if the whole aspect of “seeing” is cut out, what is left of this “healing”?

The basic problem is, again, the highly fluid character of notions of healing and healing power. The proposed Act on traditional healers reminded me strongly of long debates in Cameroon on how to distinguish “bonafide” and “malafide” *nganga*. In Cameroon as well, some people advocate official recognition for a national association of traditional healers (which, as said, exists for some time but still has a somewhat shadowy existence). The idea is here as well, that it would help to separate charletans – and in this context people often mention Nigerian “specialists” – from real *nganga*. Some insist that the line should be drawn between healers working with herbal medicine and other forms of “local knowledge” on the one hand, and those dabbling in “witchcraft” on the other. However, to the people in general such distinctions are never convincing: at least the capacity to “see” – to have “the second pair of eyes” - is seen as crucial to any form of local knowledge. In this respect again, any distinction in the field of occult knowledge seems to be precarious and constantly shifting. There may be good reasons to doubt whether Ralushai’s disciplinary Act on Traditional Practitioners can ever relate to ambivalences of popular perceptions on healing and protection against occult aggression.

Conclusion

As said, very different patterns emerge from the ways in which the State, or the Law, get entangled with witchcraft in Cameroon and in South Africa. Yet somewhat similar vicious circles seem to stand out.

whole community agree about a witchcraft accusation – it rather seems to be in the nature of witchcraft that there is always disagreement over it. These quotes from the Ralushai report and from the Kribi Prosecutor may show, therefore, that there is some urgency for anthropologists in debunking the notion of “community” – yet another of these notions that our forebears launched with so much success, also outside the discipline, but now come back to us with a vengeance.

In Cameroon, the results of the judicial offensive against *la sorcellerie* since the 1980's have been far from conclusive. On the contrary, it seems to have aggravated the popular obsession with the proliferation of witchcraft as an omnipresent form of disorder. A practical reason for this is the blatant inefficiency of the judicial apparatus. Court cases drag on for years. When people are finally convoked and come to the tribunal – often after a heavy journey – they are told that one of the magistrates had urgent things to do elsewhere and that the *affaire* has once more been postponed, and so on. Witchcraft cases that are taken to the court often attract a lot of attention, certainly in the village(s) concerned. And precisely the fact that such cases drag on and on, reinforces the feeling of disorder. No wonder that lately people seem to look elsewhere for solutions, notably in the rapidly growing Pentecostal churches. Indeed, the Pentecostals seem to be much more efficient than the State in dealing with witchcraft dangers.²⁷

At a more general level, this judicial offensive seems to be counterproductive because of its inherent inconsistencies. As said, in their efforts to suppress witchcraft as a dangerous form of subversion - even undermining the State itself -, the judges have to enlist the help of the *nganga*. How else can they ever hope to establish proof that the accused have, indeed, practised witchcraft?²⁸ However, their alliance with the *nganga* (“traditional healers”) as expert witnesses proved to have the opposite effect: it bestowed some sort of official recognition on these local specialists. And since for the population the *nganga* are the outstanding representatives of the world of the *djambe/sorcellerie*, this re-affirmed people in their preoccupation with occult threats. Moreover, it promoted the emergence of a more modern type of *nganga* with a much more aggressive approach – both to potential clients and people they accuse – who play a key-role in the general excitement about the proliferation of witchcraft as, indeed, a metaphysical form of disorder.

The dealings of the law with witchcraft in South Africa, though quite different, seem to be haunted by similar circularity and ambiguity. The Ralushai commission - like several other observers - identified the *inyanga* as having played a crucial role in the fierce witch-hunts by the “comrades” in the former Northern Province, which threatened to destabilize this part of the country during the transition from Apartheid to ANC rule. The report severely criticized the courts for their leniency towards the perpetrators of these lynchings and especially towards the *inyanga* whose role as witch-finders had been indispensable in starting the hunts. Moreover, it insisted (p.61) that the *inyanga* should remain a-political – meaning that they should stay out of party-politics. The commission clearly realized how dangerous it

²⁷ Cf. Birgit Meyer (1999). One may wonder to what extent the Pentecostals will be able to stay out of the vicious circles of witchcraft discourse, noted above. For instance in Nigeria, there seems to be a rapid increase in rumours about the involvement of the more successful preachers in pacts with the witches, c.q. Satan, to get rich etc.

²⁸ In our earlier publications (Fisiy & Geschiere 1990; Geschiere 1997), we discussed two opposing explanations of the sudden reversal in the Cameroonian jurisprudence on witchcraft. Did the initiative to the judicial offensive against the witches come from above, from the government that was increasingly worried about witchcraft as a supreme form of subversion? Or was it rather the pressure from below, from the population becoming ever more obsessed with the supposed proliferation of witchcraft, that made the judges intervene in this tricky terrain? Interestingly there is a similar debate among historians of the great witch-hunts in early-modern Europe. Some (for instance, Muchembled 1978 and 1981) see the witch-trials as the logical outcome of an *offensive civilisatrice* by the absolutist State, supported by the Church, in order to subdue popular culture. Others (for instance, Robin Briggs 1996; cf. also Brian Levack 1995 and Guido Marneff 1997) emphasize in contrast that the main epidemics of witch-hunting in early-modern Europe occurred in areas where the State was relatively weak; they try to show that the courts were often reluctant to give in to popular pressure to intervene against the witches. In the Cameroonian case there are signs that the government – with its hegemonical project of “nation-building” and its constant appeals to *vigilance* against all the forms of *subversion* that seemed to threaten national unity (Bayart 1979) – became increasingly worried about witchcraft as a form of subversion that was especially hard to control. Yet it is clear as well that there was heavy pressure on the courts “from below”, to do something about occult threats.

is to mix the world of occult healing with the politics of the State. However, the commission emphasized also that the legislator should take the popular fear of witchcraft more seriously. Therefore, it could hardly propose to ban the *inyanga* altogether. As a consequence it launched a quite Don Quichotic project for an official association that should discipline the healers and select the “legitimate” ones – without taking into consideration the fluidity and secrecy that is crucial to any form of occult healing.

Apparently any form of State intervention in this tricky domain runs up against the basic ambiguities of witchcraft thinking as personified by the *nganga/inyanga*.²⁹

Is there a solution to this stalemate? To an outsider (like me), it might be tempting to conclude from all these ambiguities and circularity that the State should stay out of this treacherous field as much as possible, and that adventurous interventions like those of the Cameroonian judges with their efforts to subdue *la sorcellerie* are highly inadvisable. Indeed, witchcraft and the minefield it offers to any judicial intervention seem to be a good example of the paradox highlighted in the introduction above (and in the general introduction to this volume) that the very trend towards ever further “legalization” reinforces the sense of disorder: the modern State is drawn into a terrain where it is not equipped to exercise control – how are the judges to establish proof amidst so much secrecy? what can the State do if its sanctions do not apply?; the consequent failure then inevitably raises an acute feeling of disorder, since even the State with all its pretence of control seems to be powerless.

However, from close range such a conclusion might be all too easy. As said, the popular unrest is very real and it is hardly possible for the State to stay out of the whole conundrum.³⁰ There are, of course, alternatives. One of the reasons why the witch-hunts – at least the more open ones - have subsided in South Africa seems to be the re-affirmation of the chiefs with their traditional prerogatives.³¹ Indeed, the chiefs still have their own ways for

²⁹ It is striking that one of the few, more or less formal follow-ups to the work of the Ralushai committee seems to be haunted by the same challenge of creating clarity in a by definition highly ambiguous field. In September 1998, the participants to the National Conference on Witchcraft Violence convened by the National Commission on Gender Equality in Thohoyandou (the capital of Vandaland, Limpopo) launched a highly committed declaration in order to put the issue on the national agenda. Like the Ralushai report, they asked for new legislation to replace the 1957 Witchcraft Suppression Act, seen as “...fuelling witchcraft.” The new legislation should allow to “...separate those who are engaged in harmful practices... from those who are falsely accused” (apparently the implication is that not only the false accusers, but also those engaged in harmful practices – the “witches”? [thus, implicitly, accepted as real?] – should be “brought to book”). To this aim the declaration requests “... clear definitions for words and concepts such as “witch”, “wizard” and “witchcraft”; and a “Code of Conduct” to control the practice of “traditional medicine” (Commission on Gender Equality 1998 – see also Adam Ashforth i.p. p.358; and Khaukanani M. Mavhungu und.). Again, this courageous declaration risks to remain a pious wish if one does not take into account the ambiguity of all positions and concepts in this field.

³⁰ No one less than Eric de Rosny - the French Jesuit mentioned before who had himself initiated as a *nganga* in Douala and has an experience of more than forty years working with issues of witchcraft and healing (see de Rosny 1981 and 1992) – insists, indeed, that the State has to play a role in assuaging popular fears of witchcraft. For him the State, Church leaders and psycho-therapists should form a common front in order to deal with these issues. In March 2005 he organized a conference at the *Université catholique de l’Afrique centrale* in Yaounde on *Justice et sorcellerie* which became a major event due to the presence of a huge audience and the participation of several judges and officials of the Ministry of Justice (the papers of this conference will be published soon at the *Presses* of this university). Cf. also Riekje Pelgrim (2003) who on the basis of a series of interviews with members of the police in Limpopo Province concludes that it is hardly possible for a State official to function if the State does not propose some sort of solution to the witchcraft conundrum. Adam Ashforth (2000 and i.p.) and Hallie Ludsin (2003) seem to share this view.

³¹ See Isak Niehaus (2001). See also Barbara Oomen (2005) for a very rich analysis of how “traditional chiefs”- in earlier years often seen as stooges of Apartheid – succeeded to re-instate themselves as indispensable spokesmen and partners to the ANC regime – possibly also in witchcraft affairs. However, the capacities of the chiefs and their customary courts in this field must not be over-rated. The renaissance of chieftaincy certainly did not lead to a decrease in the popular anxiety about witchcraft (cf. the continuing stream of rumours and cases of

dealing with the occult. However, it is clear that such dependency on “traditional” chieftaincy has its costs for a government intent on bringing development and progress.³² In Cameroon, the rapid rise of Pentecostalism with its own forms of combating witchcraft (as the work of Satan) seemed to have taken away some of the pressure on the State to do something about these occults threats. Yet, the example of Ghana where Pentecostalism appears now to be intent on developing a political project that may take over the State – shows that also this alternative has its costs.

Is the best alternative then a drastic paradigm change of the law that allows the State courts to take witchcraft seriously? This is what both the Ralushai Report and the National Committee on Gender Equity suggest; and authors like J.Hund (2000), R.Pelgrim (2003) and H.Ludsin (2003) seem to share this view. New legislation should allow the State courts with the help of “legitimate” *sangoma* to distinguish between false accusations and well-founded suspicions of witchcraft; and, thus, to intervene against both false accusers and those (“the” witches?) who are, indeed, “...engaged in harmful practices.” The above might suggest that this approach has its dangers. If State politicians deem it necessary to link up, in one way or another, with the *nganga/inyanganga* who dominate this field, they should at least take into account that these local experts are inherently ambivalent and that any effort to separate good from evil - destruction from construction, killing from healing - will always remain highly precarious in this field, just like any attempt to discipline these trickster figures. Moreover, the costs of the State getting involved in this minefield of ambiguity may be clear: if State officials pretend that they can play a role in the witchcraft struggle, but find themselves ambushed in its ambivalences, the prestige of the State as such might be even more damaged than in case of clear abstinence. This seems at least to be the lesson of the Cameroonian example, discussed above.

In my view, there is good reason to doubt whether the solution can be found at an “ontological level” (cf. Hund 2000) or by launching a “paradigm change” (cf. Commission on Gender Equality) which tries to formally reconcile the bureaucratic logic of the modern State with witchcraft thinking. This might only reinforce the idea of a principled incompatibility of the two. However, this does not exclude more practical combinations. In an as yet unpublished paper Jean and John Comaroff (und.) suggest a very promising alternative. They discuss a case in which a local magistrate (at Lehurutse Magistrate’s Court in South Africa’s far-out North West Province) succeeds to handle a very “dangerous” affair with clear witchcraft implications within the limits of the law. Witchcraft is discussed here not as an exotic belief – to be accepted or not - but as part-and-parcel of daily life. The whole affair is treated as a breach of contract – should the applicant still pay a certain sum of money to a healer? – rather than in terms of occult aggression (real or not?). Thus, the magistrate succeeds to address “... contemporary African concerns ... without offending Euro-modern legal reason” – his approach is in terms of practical social contextualization rather than ostentatious moral relativism. One can wonder whether such a pragmatic approach is possible when the issue is a supposed killing and not just payments of money – whether in such a more serious it is possible to contain people’s anger without either accepting or refusing the “reality” of such accusations. Yet, it is clear that “...legal code and local custom can act upon each other in supple, surprising ways” (J. & J.Comaroff und.:30). Such a practical approach

violence in relation to zombie practices, *muti* murders and such). Moreover, if the chiefs will be indeed increasingly associated with the modern State, witchcraft as an “unroutinizable form of power” (J. & J.Comaroff und.) may become a hard-to-handle challenge for them as well (cf. similar trends in Cameroun – see Fisiy & Geschiere 1991, Geschiere & Ndjio und.).

³² This is one of the less controversial theses of Mahmoud Mamdani’s much discussed book (1996).

might fit better with all the ambiguities of the witchcraft conundrum than trying to find a once-and-for-all solution on an ontological level.³³

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Commission on Gender Equality

³³ Maybe such a more pragmatic approach could be elaborated in the sense of the law leaving a certain scope for healers to try and reconcile cases, without formally collaborating with them – but clearly setting limits to their actions. After all, any witchcraft discourse always contains its own procedures for attempts at reconciliation (or protection). Summary executions, as in the case of the comrades' witch-hunts, are not in accordance with "local custom" – certainly not if one has not first tried out the other solutions available (attempts to neutralize dangerous witchcraft etc.); so it is certainly not clear why State courts should be especially lenient in these cases. Leaving some scope for alternative local arrangements for resolution – without making them part and parcel of the State's judiciary apparatus – might ease the pressure on the State to intervene. A hopeful sign is also the quite surprising outcome of Riekje Pilgrim's recent research in parts of Limpopo Province. She notes a continuous increase for the 1990's of witchcraft affairs brought before the State courts. However, since around 1995 – and in contrast to earlier periods – these concern mostly complaints about defamation (people starting a law-suit against fellow-villagers who openly accused them of witchcraft - Pilgrim 2003:109-112). Apparently this change was promoted by several tours through the area of Mr. Seth Ntaai, Minister of Safety and Security for the Northern Province (he who was also one of the main initiators of the installation of the Ralushai commission), during which he strongly emphasized the possibility to bring such accusations before the court. This might be an example of a limited State intervention that did have certain effects. Again, a more piecemeal and variegated approach seems to have more of a chance to diffuse people's anxieties about witchcraft and to relativize the representations involved than efforts to bridge the chasm between law and witchcraft discourse in "ontological" terms

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