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Witchcraft and policing : South Africa Police Service attitudes towards witchcraft and witchcraft-related crime in the Northern Province

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Witchcraft and policing

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Witchcraft and policing

South Africa Police Service attitudes
towards witchcraft and witchcraft-related
crime in the Northern Province

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Preface

Riekje Pelgrim is the first winner of the ASC Master's Thesis Award. Her thesis, *Witchcraft and policing: South Africa Police Service attitudes towards witchcraft and witchcraft-related crime in the Northern Province*, was judged to be the best of the 31 theses submitted in 2003 and it is with great pleasure that I write this preface.

Witchcraft, when described by a white, western scholar, might well be seen as something from the past but, as Riekje Pelgrim convincingly explains, the number of violent assaults on individuals or groups who are believed to be practicing witchcraft in South Africa's Northern Province today is increasing. Pelgrim discusses this problem from the point of view of the police. She investigates the views and beliefs of the local community, the stipulations of the national witchcraft legislation and the dilemmas the police face regarding local views on this legislation – which they often share.

The jury felt that writing about such a sensitive and complicated issue was original and innovative and Pelgrim succeeded in providing a finely tuned analysis of the subject matter. She applied an impressive mix of methodologies, while the thesis also contains both interesting ethnographic information and fascinating case studies. Pelgrim manages to make the problem of witchcraft and policing accessible to policy makers and other interested parties outside the world of academia.

Her thesis is part of a larger research programme entitled 'Crossing Witchcraft Barriers in South Africa' that is being jointly organized by the University of the North in South Africa and Utrecht University.

I sincerely hope that you will enjoy reading *Witchcraft and policing* as much as the jury did.

Jos van Beurden
Chairman of the Jury

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Magdalena Lerumo, for her strength and overwhelming enthusiasm.

Without these people, it would not have been possible to conduct the research.

Vocabulary

<i>bantustan</i>	homeland
<i>comrade</i>	predominantly young, political activist
CPF	Community Policing Forum
<i>dolos</i>	collection of bones and dice, used for divination
<i>dukwane</i>	zombie, plural: <i>madukwane</i>
<i>induna</i>	headman
<i>kgoro</i>	chief's court
kraal	traditional homestead of extended family
<i>maitshwaro</i>	virtuous conduct (Sotho)
<i>mandlozi</i>	ancestors
<i>moloi</i>	witchcraft
<i>motse</i>	realm of human settlement (Sotho)
<i>musanda</i>	chief or chief's kraal
<i>mukomana</i>	younger brother to a man or younger sister to a woman
<i>muloi</i>	witch, plural: <i>vhaloi</i>
<i>mungoma</i>	diviner, plural: <i>mingoma</i>
<i>murathu</i>	older brother to a man or older sister to a woman
<i>muthu</i>	person, human being, plural: <i>vhathu</i>
<i>muti</i>	traditional medicine
<i>MuVenda</i>	a Venda man or woman, plural: <i>VhaVenda</i>
<i>mwadi</i>	most senior TshiVenda deity, also known as Raluvhimba or Khuzwane
<i>ndadzi</i>	lightning or lightning bird
<i>nyanga</i>	traditional healer, plural: <i>dzinyanga</i>
SANPAD	South Africa Netherlands Project for Alternative Development
SAP	South African Police
SAPS	South African Police Service
shebeen	illicit African bar, usually very improvised
<i>tlhaga</i>	the primordial (Sotho)
<i>tokolosi</i>	witch familiar
<i>u ila</i>	taboo
<i>u loya</i>	to bewitch

<i>vhutshivha</i>	jealousy
voortrekkers	descendants of the Dutch settlers, ancestors of the Afrikaners
ZAR	Zuid-Afrikaanse Republiek
ZARP	Zuid-Afrikaanse Republiek Politie

Introduction

A focus on witchcraft related problems

In the last two decades, the Northern Province of South Africa has experienced hundreds of so-called witch attacks: violent assaults in which individuals or groups of people are accused of practicing witchcraft. Since the mid 1980s, the attacking and killing of people believed to be witches has become an increasingly problematic social issue in this part of the world. Narrations of witchcraft related violence have been numerous in the press, police reports and the academic world. South African newspapers and television have covered the issue of witchcraft related problems extensively: a quick review of backdated articles and television programmes reflects the ever-growing social problem caused by the belief in witchcraft. During my six-month fieldwork period in the Northern Province, both *The Mirror* and the *Soutpansberger*, two local weekly newspapers, carried on average one witchcraft related article per edition. Even the *Mail & Guardian* and the *Sowetan*, national newspapers of substantial influence and objective reputation, have published numerous articles dealing with witchcraft related issues.

Additionally, police reports of witchcraft related crime have been numerous. Statistics show that between 1990 and 2001, the number of witchcraft related cases has increased from an estimated 50 cases per year to over 1300 a year. As a result, special attention has been paid to this type of crime: the South Africa Police Service (SAPS) has been collecting statistical data and organising rallies

and workshops. In this manner, the police have tried to raise awareness regarding the serious consequences of this type of crime and hope to diminish it.

Awakened by these statistics, the social unrest and the subsequent media attention during the late 1980s and the early 1990s, the new national ANC government felt that it needed to address this situation. In an attempt to combat the ever-growing problems caused by the belief in witchcraft, it appointed a special research committee in 1995: the Commission of Inquiry into the Witchcraft Violence and Ritual Murders in the Northern Province of South Africa. Through means of unstructured interviews this commission – headed by Professor Ralushai – conducted extensive research regarding the subject of witchcraft and its related problems. The overall findings however were very limited and disappointing due to, *inter alia*, a complete lack of theoretical foundation and ambiguous methodology. Despite the fact that some recommendations in the fields of education and legislation were made, no constructive steps were ever taken and, like so many other research reports, the Ralushai findings ended up on a government shelf collecting dust.

Compared to the media, the SAPS and the national government, the academic world has seriously fallen behind in its attention and concern for contemporary witchcraft related problems in the Northern Province of South Africa. Most scientific studies regarding witchcraft beliefs and their related social consequences are exceptionally dated. Although anthropologists studied the general topic of witchcraft beliefs extensively during the twentieth century, most data regarding the belief in witchcraft in the Northern Province dates back to fieldwork that was conducted during the 1930s and 1940s (Niehaus 2001: 1). Particular ethnic groups, such as the Sotho, the Tswana and Lovedu, were studied in those years by scholars like Junod and Krige, and their studies are to this day regarded as blueprints for Northern Province witchcraft beliefs. Although more recent data regarding these beliefs has been provided by scholars like Hammond-Tooke, Ritchken, Stadler and Delius during the 1980 and even 1990s, real in-depth anthropological studies regarding Northern Province witchcraft beliefs and especially their serious social consequences in the Northern Province leave much to be desired.¹

In an effort to both fill this theoretical gap regarding witchcraft beliefs in the Northern Province, and to collect empirical data regarding specific witchcraft accusations, a research programme named ‘Crossing Witchcraft Barriers in South Africa’ was set up in 1997 as part of the South Africa-Netherlands Research Programme on Alternatives in Development (SANPAD). The aim of

¹ Niehaus, a South African scholar, may be regarded as the only exception in this theoretical vacuum. He has been one of the few researchers that has been conducting extensive anthropological research into the subject of witchcraft related problems in the Northern Province on both a theoretical and a social level.

SANPAD programmes has been to stimulate alternative academic research in South Africa in the area of cross-fields of developments.² The research project 'Crossing Witchcraft Barriers in South Africa' was based at the University of the North in South Africa and supported by the University of Utrecht in The Netherlands. Its aims were to establish an interdisciplinary study of witchcraft beliefs and witchcraft accusations in South Africa. At first, this programme was carried out by about a dozen senior students and junior staff from the University of the North in cooperation with members of the University of Utrecht. Researchers from different disciplinary backgrounds – sociology, psychology, anthropology, theology and religious studies – were engaged in fieldwork to find out from all parties involved what exactly happens in specific witchcraft related cases, and what their background and consequences are.

As part of this project, I was invited as the only non-South African to partake in this research project in the Northern Province. During two periods of three months in 2001, I conducted research regarding the topic of the belief in witchcraft and in particular its relation to policing and legislation. Before going into the finer details of my research however, I will describe the problems caused by the Northern Province witchcraft belief, in order to contextualise the research question.

Three interrelated witchcraft dilemmas: Social, legal and policing problems

The extent of the Northern Province witchcraft related problems has been quite substantial. The belief in witchcraft started becoming evidently problematic during the late 1980s, with increasingly far-fetching consequences during the 1990s. The problems caused by the belief in witchcraft in the Northern Province of South Africa can be divided in three interrelated categories: social problems, legal problems and problems regarding policing. Although I will go into the three types of problems in more detail at a later stage, I will briefly point them out here so as to give an indication of the extent of witchcraft related problems.

Social problems resulting from a belief in witchcraft are predominantly caused by so-called 'witch-purging' practices, i.e. the ridding of witches from communities. This custom varies from alleged witches and their families being expelled from their villages by simply being told to gather their belongings and

² One of the more specific topics SANPAD has been focusing on is social development and empowerment. The five themes that were identified as the basis for study ranged from economic, social, natural sciences developments, governance to culture (SANPAD 1998: 2).

leave, to being threatened, physically attacked and even murdered. Because witches are thought to be evil, it is believed that there is no place for them in the human realm. Communities should be kept clear from witches and hence alleged witches must be removed from them at all cost.

The social consequences of these witch-purging practices are more or less threefold. Firstly they have brought about a number of displaced people: individuals and families that have been chased out of their villages because they are thought to be witches. The lives of these displaced people have been severely disrupted: they have lost their position in the intricate social network that most African societies are based on; they have no access to basic human needs and rights, like clean water, medical aid and schooling; and they have no means of supporting themselves or their families since they have become total social outcasts. Moreover, witch-purging has been closely related to intense brutality, a practice that has brought about (or may be a result of) a culture of violence. Finally, the practice of witch-purging is mostly aimed at the most vulnerable members sections of society, i.e. women, elderly people, and those that display exceptional behaviour.

Legal problems related to the belief in witchcraft have mainly been caused by ambiguous legislation. Current South African witchcraft legislation is based on a law that was officially introduced in 1957, during the heyday of apartheid. Consequently, it is generally regarded as euro-centric and perceived as illegitimate by those whom it affects. Moreover, current witchcraft legislation is the cause of some contradictory interpretation. Because the law is not entirely straightforward on certain issues, it has brought about confusion about what exactly constitutes as a criminal offence. Finally, South Africa witchcraft legislation has become an instrument for people that are in pursuit of personal gain: ordinary household arguments end up being dealt with by the already backlogged courts, because individuals or families hold a grudge against one another and want to fight their battle on a higher level. Witchcraft legislation makes it possible for them to turn petty cases into serious criminal offences and to take their adversaries to court.

The one government organisation that has been faced with both these social and legislative dilemmas regarding the belief in witchcraft is the South African Police Service. Since the late 1980s, the SAPS has been increasingly confronted with witchcraft related crime. It was not until the mid 1990s however, that some measurements were taken in order to deal with witchcraft related problems. Two such initiatives were the collection of detailed statistical information regarding witchcraft related crime in order to get an idea of the extend of the problem, and the introduction of a special flying squad, whose task it was to

clamp down on witchcraft related attacks and to educate the people involved concerning these attacks.³

One of the core problems regarding this clamp-down on witchcraft related crimes has been that individual SAPS members seem to have been stuck in the middle. On the one hand, they are members of the local communities and they have to serve these local communities on a daily basis. This implies that they have to deal with the local witchcraft belief that stipulates that witchcraft is a clear manifestation of evil and that anyone suspected of using witchcraft should be punished. On the other hand, the police have to uphold official witchcraft legislation, which stipulates that witchcraft accusations are a crime and that anyone committing such a crime will be brought to justice. This law however is not a representation of the people's beliefs. It does not take into account that witchcraft accusations are part of an ancient system of dealing with social problems and anomalies. The complete lack of correspondence between the people's beliefs and national legislation has put individual SAPS members in a difficult position: on the one side they have to uphold the law; on the other side they have been brought up with the belief in witchcraft, and they have to serve people that genuinely perceive witchcraft as a serious threat to the community. This has forced individual SAPS members to make a choice between personal beliefs and professional demeanour.

The main focus of my research has been this stuck-in-the-middle position of individual SAPS members regarding witchcraft related problems. The principal question I will try to answer in this book is *what issues the SAPS in the Northern Province has been faced with when trying to deal with witchcraft related problems*. The dynamics between the three above mentioned positions – the local community with its witchcraft discourse, the national witchcraft legislation and the position of the SAPS – have formed the framework of the research.

Some methodological considerations

The research this book is based on was carried out in the area of Tshilwavhusiku in the Northern Province of South Africa during two three-month periods in 2001. During my fieldwork, I relied on several different methods of which participant observation was the most important. This participant observation was mainly supported by open-ended interviews. Although the

³ According to former Captain Botha, head of the SAPS 'witchcraft flying squad' from 1995 till 1997, the provision of protection to alleged witches was surprisingly never a focus.

details and the consequences of the chosen methods will become sufficiently clear throughout the report, I will briefly go into their outlines.

Since the research was conducted from an anthropological perspective, the main method it relied on was participant observation. Participation in and observation of the life of the local community of Tshilwavhusiku took place continually during the two three-month research periods. This participant observation consisted of the widest variety of actions conceivable. It ranged from attending *kgoro*⁴ meetings to going out to local *shebeens*; from trying to learn Venda to accompanying local women on their shopping; from attending local church meetings in the middle of the night to spending hours talking to the ladies of a local crèche.

The topic of witchcraft being enshrouded in secrecy, the choice for participant observation was not just obvious, but also sensible. It helped overcome people's unwillingness to speak about witchcraft. It also showed informants that knowing things about witchcraft and telling me about them did not necessarily imply that they themselves were witches. Additionally, it made me more confident in discussing particularly sensitive subjects, such as extra-marital relations. In short, the method of participant observation slowly built mutual trust and confidence between the informants and myself, without which I would never have been able to conduct the research.

A second form of participant observation I relied on was that within the SAPS. Although I had more or less assumed I would be able to conduct this specific element of the research by means of a questionnaire or at the very least some form of structured interview, it was blatantly obvious from the beginning that I could not simply walk into a police station, ask to have access to their files and start asking sensitive questions, even if the SAPS members involved had been notified about my visit beforehand by the provincial headquarters. The process of getting to know individual policemen and them getting to know and trust me was just as important within the SAPS as it was in the local community⁵. This form of participant observation consisted of accompanying policemen on investigations that – most of the time – didn't have anything to do with witchcraft, of simply hanging around at the police station speaking to individual

⁴ Chief's kraal.

⁵ I came to this realisation when I was invited to a teambuilding party that had been organised by the Louis Trichardt detectives department. A few hours into the party the policemen started getting quite drunk and consequently they opened up to me. It turned out that the fact that I had made the effort to come to their party had meant a lot to them and I was no longer regarded as just another researcher or journalist who needed to get some quick information. It was from that point that they really opened up to me and told me things that otherwise would have been left unmentioned.

members and of attending meetings. In the end, seemingly pointless activities bore their fruits.

As mentioned, the method of participant observation was heavily supported by open-ended interviews. The choice for *open-ended* interviews was based on the idea that with this type of interview it is not the researcher who determines the line of inquiry, but the informants. I usually merely provided the topics I wished to discuss and the informants actually determined the course of the interview. This way I didn't restrict myself to any preconceived ideas or previous findings, but opened myself up to new input and different perspectives. Again, this method was carried out in both the local community and at the police station.

This main research procedure was supported by some general methods. With the help of some government organisations – Crime Information Analysis Centre, Statistics South Africa – I compiled statistical data on regional demographic patterns and provincial witchcraft related crime. In addition, I studied many police files, newspapers and other local historical documents.

Finally, I collected a lot of data through the hundreds of witchcraft related police files that were made available to me. After reading these, I randomly chose several to follow up.⁶ I first spoke to the investigating officer that had been in charge of the case and he or she would help me locate the people involved. Next, I visited these informants and I tried to speak to everybody that had been involved or that could provide any kind of input regarding the case or its context. This way, I collected information regarding the case from as many viewpoints as possible.

Throughout the research within the local community, I relied heavily on my assistant, Magdalena Lerumo. Speaking both the local languages, Venda and Sotho, and English, Magdalena acted as my interpreter. Being a well-known and much respected older woman, she helped me find my way around, introduced me to many people and convinced them to trust me and speak to me. Moreover, she was a general source of information, being able to confirm or deny for instance certain rumours that were going around the area.

A fundamental methodological aspect of the research was that of *understanding*. When conducting research in an area that is foreign to the researcher, the focus should be on trying to understand the field. The researcher should always try to make sense of the things he or she is studying, not approach them from a (usually) western point of view, which leads to other cultures being

⁶ The choice of researching particular cases was usually made by circumstances: sometimes the police file regarding the case could simply not be located; at other times the investigating officer in charge of the case would be on leave or have left the SAPS permanently; sometimes those involved in cases could not be found and sometimes they simply refused to talk to me.

stereotyped as irrational and nonsensical. Only when the researcher approaches his or her field of study from a perspective that makes sense to the people within this field, can the research be considered as useful. This point was very nicely illustrated by Smuts in the foreword to Krige's *Realm of a Rain-queen* (Krige 1943, ix):

‘The acid test of the investigator's understanding of the primitive people he studied is whether or not he makes sense of what appears to the ordinary observer as a mass of vices, follies, and superstitions (...) customs and an outlook so different from ours as to be regarded from our point of view as irrational and perverted emerge as perfectly natural and coherent – nay, inevitable in the total context of the culture.’

My fieldwork focussed on the question of how the SAPS in the Northern Province is trying to deal with witchcraft related crime and what problems they are faced with when doing so. The belief in witchcraft is pre-eminently a topic that calls for an approach in which understanding is of the highest priority. Turner, and many other researchers with him, has stressed that in the study of witchcraft beliefs cultural facts, such as beliefs, symbols, values, moral rules, and legal concepts should always be taken into account, because they constitute determinable influences inclining persons and groups to action in the field context (Turner 1967: 118). Both theoretically and practically this means that witchcraft beliefs and accusations should be studied within their context, from an *emic* point of view.

Based on this theoretical consideration, the fieldwork this book is based on was conducted from the perspective of understanding and emic approach. Throughout the research, I tried to adopt a perspective that was relevant to the research population. As a consequence of this approach, I will also use these concepts and distinctions in this report. They are concepts that are meaningful to the people of the Northern Province of South Africa. As these concepts are so very different from what the average reader of this report is probably used to, a relatively large section will be devoted to the explanation of the concept of the Northern Province witchcraft belief. I will explain that the basis of this belief is that witchcraft is a clear manifestation of evil. This belief should not be questioned, nor should it be put on moral scales. It is not up to me, the researcher, or you, the reader, to decide whether these people's views are right or wrong. What is important in the context of my research is that the people of the Northern Province of South Africa believe in witchcraft and that it is part of their everyday lives. They have grown up with notions of witchcraft; they talk about it and experience it. For them, witchcraft is a discourse. As social scientists we should use this discourse as a starting point.

To conclude these methodological considerations, I would like to make two final remarks. Firstly, it should be noted that the research this book is built on

was conducted in a small area of the present-day Northern Province of South Africa. Although some of the research results will most certainly be relevant to a wider geographical area – the witchcraft discourse is very widely spread all over Africa and although variations are numerous, some basic concepts can be found almost everywhere – I by no means claim that my research results can be entirely generalised.

Secondly, I would like to point out that, with the exception of a few public figures, most names used in this report are pseudonyms. I felt this was necessary in order to protect the identity of those involved in the research.

Outline of the book

To provide the reader with a general framework, the second chapter of this research report focuses on the history and the present-day situation of the area of Tshilwavhusiku, set in the larger geographical framework of the former homeland of Venda and South Africa as a whole. The third chapter describes traditional TshiVenda cosmology based on the above-argued perspective of understanding. Next, in chapter four, the concept of the local witchcraft belief as a discourse is discussed: it describes what the VhaVenda understand *moloi* to be, how it encompasses all aspects of daily life and that in fact it provides people with a means of talking about their world. Additionally, it provides some theoretical analysis of the belief in witchcraft.

In chapter five, the dynamics of actual accusations of witchcraft are described and analysed: by means of several cases it is explained what the exact relationship is between those that are involved in actual witchcraft accusations, and how jealousy is usually their main motive. In chapter six, these dynamics are subsequently linked with a theoretical approach of the belief in witchcraft that argues that accusations of witchcraft are in fact indicative of social tension.

In chapter seven, the history of South Africa policing is discussed: different approaches linked to South Africa history are described and it is pointed out that the latest approach, with all its theoretical and political correctness, has still left the SAPS wanting in practice. In chapter eight, it is subsequently described how the SAPS was increasingly confronted with the issue of witchcraft during the late 1980s and the early 1990s. It is argued that this is mostly a result of the involvement of the so-called comrades in the struggle.

Chapter nine then provides a theoretical discussion of the current South Africa Witchcraft Suppression Act and discusses some possible alternatives to this witchcraft legislation. In chapter ten, this Witchcraft Suppression Act is then translated into reality: it is described which witchcraft related crimes the SAPS has actually been faced with in the past and more recently. Chapter

eleven describes how members of the SAPS view these witchcraft related crimes: whether they believe in witchcraft, what their opinion of the Witchcraft Suppression Act is and what their consequent attitude towards witchcraft related crime is. Finally, some conclusions are drawn in chapter twelve.



Photo 1 One of the limited services available to the people of Tshilwavhusiku

South Africa, Venda and Tshilwavhusiku: Historical transformation and present-day society

‘The land of a hundred streams’: A history

Tshilwavhusiku, the geographical focus of my research, is situated in the former homeland of Venda in the most north-eastern part of the present-day Northern Province of South Africa. Venda lies between approximately 22° and 24° S latitude and 29° and 32° E latitude, about 35 km north of the Tropic of the Capricorn. The Soutpansberg mountain range forms the predominant topographical, geographical and ecological factor of the area. Stretching about 125 km from east to west and 15 to 30 km from north to south, the Soutpansberg is the northernmost significant mountain range in South Africa. It includes some of the best-watered regions in Southern Africa and consequently the former area of Venda is often referred to as ‘the Land of a Hundred Streams’ (Van Rensbeek 1979: 18).

Temperatures in Venda range from 20°C to 35°C in summer – September till April – and hardly ever drop below 15°C in winter, making even this time of the year very agreeable and suitable for both subsistence and – as history has showed – commercial farming. Summer is also the wet season in this part of Africa, bringing plenty of rain and turning the countryside into a lush, green

landscape of exceeding beauty. Due to the pleasant climate, tropical crops are cultivated all year around in Venda. Bananas, avocados, citrus fruits, peaches and *mealies* (maize) are found in abundance. In the extreme north-eastern parts even large tea plantations can be found.

The area of Tshilwavhusiku, about 15 km west of Louis Trichardt, stands in stark contrast to the pleasant mountainous landscape of the rest of Venda. Instead of being situated in the actual Soutpansberg, it is located at the foot of the mountain-range. As a consequence, Tshilwavhusiku's landscape is not one of rolling hills, but rather of complete flatness: horizontal planes reach as far as the eye can see. Moreover, Tshilwavhusiku is deprived of the general rainfall other parts of Venda receive: the annual rains bring Tshilwavhusiku only a fraction of the rainfall of what the rest of Venda receives.

The lack of rain in Tshilwavhusiku is a direct result of its geographical position. Being just south of the Soutpansberger, the great rains from Botswana and Zimbabwe are blocked in the north by the mountains. Additionally, the dry, hot air in Tshilwavhusiku causes the rains from Mozambique in the east to be completely evaporated by the time it reaches the area. Consequently, the whole area is extremely inhospitable, which makes life in Tshilwavhusiku harsh and somewhat unpleasant. The loving phrase 'Land of the Hundred Streams', often applied to Venda, could thus not be more inappropriate for Tshilwavhusiku. The combination of the flatness and the lack of rain make Tshilwavhusiku hot, arid and dry. The land is generally infertile and very few crops can be cultivated. Those crops that can actually be cultivated, such as *mealies* and peanuts, regularly fail because of a lack of rain. Most people in the Tshilwavhusiku area cannot remember when they last had a successful and effortless harvest.

The most noticeable aspect about Tshilwavhusiku's geographical position is that it is severed from the rest of the Venda area. This split was caused some time during the first part of the twentieth century. Chief Kutama, one of the two traditional leaders of Tshilwavhusiku, relates:

'People in this particular area have been living around here since the 1930s (...). Before that, the whole area from Thohoyandou up until the border with Botswana used to be under one king, Makhado, and that whole area was called Venda. After Makhado died, there was a fight over the chieftaincy: his oldest son Mphephu took his place, but there was a conflict between him and his younger brothers, Maemu, Sinthumule and Kutama. When Mphephu took over, some brothers accepted him, some didn't. Sinthumule for instance had some differences with Mphephu and the two were not in good terms. Because Sinthumule was fighting with Mphephu, he was given a portion of land at the far southwest of the kingdom. Sinthumule left the royal kraal and took his followers and settled on the land that he was allocated.

Some years later the same thing happened with another younger brother, Kutama. Mphephu and Kutama also fell out. It is not exactly sure what the conflict was about, but it is believed it had something to do with taxes. Kutama no longer accepted the taxes his people had to pay to Mphephu and as a result he was also given a piece of land in the same area as their brother Sinthumule.’

Both Sinthumule and Kutama were thus given a piece of land in the same area. The two brothers were never on good terms however, because Kutama had always supported Mphephu: in the conflict between Mphephu and Sinthumule over the chieftaincy Kutama had chosen Mphephu’s side. This caused Sinthumule to hold a grudge against Kutama. The two local chief of Tshilwavhusiku, Kutama and Sinthumule, who had been forced to live in the same area, never got along. The name ‘Tshilwavhusiku’ actually reflects this animosity between the two chiefs and is a testimony of their strenuous relationship. It literally means ‘fight in the night’, referring to a particularly vicious battle that took place between the brothers.

The fact that both Sinthumule and Kutama were sent away from the royal kraal, does however not account for why the people of Tshilwavhusiku are presently living under such harsh circumstances. Although Mphephu was known for his fierceness, it would have been unthinkable even for him to send his own people to a completely inhospitable place. It is believed that the present-day people of Tshilwavhusiku didn’t originally inhabit this exact area, but rather the much more fertile land of the mountains a few kilometres to the north. The old people of Tshilwavhusiku claim that their forefathers were forcefully removed from these fertile mountains. A few decades after they had been sent there by their leader Mphephu, the people of Tshilwavhusiku were once again removed from their land.

This time it was confiscated by white farmers who needed large areas of good soil for commercial farming. White *Voortrekkers*, descendants from the Dutch settlers in the Cape, had been on the move since the early nineteenth century in a desperate attempt to escape the British settlers, their sworn enemies. The original black inhabitants were thus forcefully removed to the infertile present-day area of Tshilwavhusiku. Chief Kutama comments:

‘The Venda in this area were never exactly staying here. They were staying more towards the mountains, along the Sand River towards the south. But then the whites of that time noticed that the land along the river and near the mountain was very fertile and they told the Venda to move. They started farming on our land. They also realised that the land they were sending us was rocky and that it couldn’t be ploughed. If this had also been fertile they would have taken this land too.’

This particular clash however was no exception, but rather a confirmation of the stereotypical strenuous relation between the original black inhabitants and the white settlers. Just like the rest of South Africa, this small part of the Northern Province had already been marked by an ongoing conflict between black and white, by a discrepancy between an African and a western world-view. The self-allocation of land, the implementation of tax systems and the rapid depletion of game (mostly caused by lucrative ivory trade) gave rise to increasingly serious conflicts between the VhaVenda and Afrikaners.¹

The mutual hostility between the VhaVenda and the white settlers had reached its climax with the Mphephu War in 1898. In this war, Mphephu had resisted peaceful surrender to the Afrikaners, who by then had been united in the Zuid-Afrikaanse Republiek (ZAR) under the leadership of Paul Kruger. Mphephu's defeat marked the subjugation of the VhaVenda by the ZAR (Benso 1979: 23). One of the immediate results of the Mphephu war, was the establishment of Louis Trichardt, the Soutpansberger's contemporary principal town (*ibid.*). From the time of its foundation, the town of Louis Trichardt set the tone for life in the Northern Province throughout the largest part of the twentieth century. Keeping in line with contemporary conservative ideas, Louis Trichardt was reserved for whites only. With the 1913 Bantu Land Act, national government introduced one of the first steps in its segregationist policy: it defined an area of some 9 million hectares (later increased with another 6.3 million hectares) and scheduled it as permanent black territory. This territorial segregation forced black and coloured South Africans to live in the most inhospitable areas – both urban and rural – and provided white South Africa with an efficient vessel of unlimited supply of labourers. Like the rest of South Africa, the Soutpansberg was divided into black and white areas during these years. The town of Louis Trichardt was essentially white, but was allocated a black township, Tshikota. The surrounding rural area was divided amongst white farmers and the remaining black population.

As well known, black South Africans got the short end of the stick in this segregation policy. Their rights were severely limited and their lives became very constraint: they were only allowed to work in urban areas or on white farms with a pass, or were condemned to resort to subsistence agricultural farming in areas that had been allocated to them and were mostly infertile. With the passing of time and an increasing amount of laws, indigenous black South Africans were turned into second-rate citizens and the few rights they had had were taken away from them.

¹ For a more detailed history of the Soutpansberg area see Tempelhoff's 'Townpeople of the Soutpansberg'.

The 1948 the national elections proved a turning point in South Africa history. The conservative Afrikaners came into parliament, the different laws regarding the position of the black South African population were brought together, and *apartheid* was introduced as a legally implemented regime. The system of segregation was taken a step further and so-called *bantustans*, homelands, were created: local black governments that in due time were to become completely independent of South Africa. The first of these black states to be granted sovereign independence was the Transkei in 1976, followed by Bophuthatswana in 1977 and Venda in 1979 (Van Rensburg 1979: 68).

Although life was harsh on many Africans during those years, some VhaVenda claim all was not completely bad during the years of the Venda homeland. Sofia, an elderly MuVenda, comments:

‘Venda was independent from 1979 until 1994. Although you mostly hear bad things about those years, life was o.k. then. Immediately after independence, things moved well. The media criticised it a lot, but socially the Venda government was delivering well. The things we have here like electricity and the tar road, came before the present government; it was the homeland government that took care of these things. At least during those years the government was taking care of things that we needed. If the Venda government would still be around things would probably have been even better.’

From the late 1980s, the relatively stable life in the homeland of Venda came to a halt. The tempo of popular struggle in urban South Africa quickened (Delius 1996: 179), and political protest against the national government and the homeland parliament, which the people regarded as a puppet of the apartheid regime, was ever growing. People became more organised in their protest as prisoners from Robben Island returned and the United Democratic Front (UDF), which directly associated itself with the ANC, was launched.

Consistent with the rest of South Africa, the struggle in the Northern Province was predominantly led by youths, mostly students, who had had more than enough of white oppression and had come to the stage where they were willing to do whatever it took to overthrow the apartheid government and its black alliances. The University of the North just outside Pietersburg became a true centre of resistance,² spreading its influence to the rural areas where its students came from. Scholars barely twenty years old, calling themselves *comrades*, were leading other youths into protest and revolt. The original core

² Many contemporary students from the University of the North – or *Turfloop* as it is commonly known – are still extremely proud that their university produced some great resistance leaders, such as Steve Biko. Although in a lesser form, Turfloop is still regarded as a centre of student resistance. In February 2001 for instance the administration of the university called in armed police to disperse protesting students.

of intellectuals and activists was joined by a mass following consisting of school pupils and, increasingly, unemployed youth (*ibid.* 184).

The youths, who had been listening quietly to the passive complaints of their elders for years, decided it was time for action. In the rural areas, they went around villages, calling meetings, pointing out 'undesirable individuals', i.e. people whom they believed to be supporters of the apartheid government, who were unsympathetic to the cause of the struggle, or who disapproved of the comrades' fanatic approach. But they also persecuted those whom they believed had a general bad influence on the local communities. Businessmen were particularly aggrieved and threatened by the actions of the youth. They were subjected to regular demands for food and money, and their persons and property were threatened if they refused. Shopkeepers could not go to town to buy stock and companies dare not deliver. Buses, cars and taxis were regularly hijacked so that youths could attend rallies and funerals or simply move between villages (*ibid.* 189). Serious forms of crime thus became intertwined with the youth revolt.

In 1990, the government of the Venda homeland was overthrown. Where the 1980s had been years of revolt, the 1990s were to become an era of reform. On a national level, talks were taking place between apartheid government officials and the by then un-banned ANC leaders. On a local level, some of the traditional authorities were being restored. Chief Kutama recalls:

'In May 1990, we had started discussions with the Venda government. This was before the military takeover in 1990. We resumed those discussions after the takeover with president Ravele. He was resisting. The government wanted to give my uncle permanent chieftaincy, because they knew they would be able to control him. We argued about this for a long time. In the end I tricked them: I convinced the president that my uncle was deceiving him. This made him decide that I should be appointed as the chief. My followers and I then went around the villages to announce my reinstatement. The people were so happy! And on 2 June 1990, I was inaugurated as the chief of Kutama. Once again a proper chief was ruling over his people!'

Then, in 1994, the first free, democratic, South African elections took place. In the years leading up to these elections, the ANC had set up a major national campaign. In the Northern Province, these ANC election campaigns focused on the provision of basic services, employment and housing (*ibid.* 211). On 27 April 1994, the ANC won the national elections with an overwhelming 92%: Nelson Mandela became the first democratically chosen South African president.

Present-day Tshilwavhusiku life

The present-day area of Tshilwavhusiku consists of 17 villages with a total of an estimated 60 000 people. Although there is no official data to confirm this, it is estimated that about 70% of the Tshilwavhusiku population is VhaVenda. The remaining 30% consists for the most part of Northern Sotho (Pedi) and an occasional Shangaan.

There is a slight gender imbalance with 56% of the total population being female. This imbalance is most probably influenced by migration labour: many men still travel to the big cities – Pietersburg, Pretoria, Johannesburg – to seek employment. Not taking these migration workers into account, only 13% of the population is employed on either a fulltime or a parttime basis. The remainder is either unemployed, seeking employment or not working at all, but attending school or receiving a pension or a disability allowance. This high percentage of unemployment can partly be accounted for by the high percentage of minors. Almost 30% of the total population of Tshilwavhusiku is under ten years old and 54% is under twenty years old.³

All individual households in this area have access to electricity. They do however not have access to running water: they have to make use of the communal taps, which are provided on street corners. These communal taps have been the cause of great problems in Tshilwavhusiku. When local government was changed in 1998, Tshilwavhusiku was, like many other former black areas, incorporated in the Louis Trichardt municipality. Louis Trichardt, having been a small white municipality, was unable to cope with the enormous costs of this change, and decided that some services, like free water, should in future be paid for. This decision encountered great protest from the different communities, and in the end the metres that were installed at the taps to control individual water usage, were forcefully removed by angry youth mobs.

Although all households have access to electricity, many households choose not to make use of this service, because they simply can't afford it. They rely on wood and paraffin instead for their cooking, heating and light. This makes the area very traditional in many ways. Women spend a large proportion of their time collecting firewood and some of the braver ones make the effort of cultivating the rather infertile land. Children are used for the ploughing of the fields, herding cows and fetching water at the taps. Young women are usually in charge of household activities, like cooking and cleaning.

The inhabitants of Tshilwavhusiku do not have access to many facilities. There is one clinic, one police station and one magistrate's court. Additionally, most villages in the area have a primary school and a 'Spaza' shop where basic

³ Statistics South Africa, Pietersburg.

commodities, such as toilet paper and *mealie* meal, can be purchased. The primary schools are generally not held in high regard, because they use TshiVenda as the medium language, rather than English. Children that really wish to further their schooling must therefore travel to a school in Louis Trichardt, something that most families cannot afford. No secondary schools are available in Tshilwavhusiku.

As mentioned before, the area of Tshilwavhusiku is divided among two traditional leaders: chief Ravele and chief Sinthumule, whose fathers were brothers from different mothers. The extent of the current power of these chiefs is very limited however. Since the new ANC government took over from the apartheid regime in 1994, traditional leadership has continued to be taken away from the chiefs. Two main reasons can be pointed out for this policy. Firstly the system of traditional leadership was completely disturbed by the previous apartheid government. As it manipulated chiefs into cooperation – it used them for the implementation of apartheid legislation on a grass-root level – the traditional power of chiefs was eroded and many people lost their faith in traditional leaders. Secondly, it has been argued that the system of chieftaincy is inherently contradictory to the system of democracy: it is said that traditional leaders cannot follow the new democratic path, that they cannot be fitted into the new system, because they are appointed for life, as opposed to elected by the people for a limited period. Although this line of reasoning is not entirely correct,⁴ it is partly responsible for the fact that in reality, contemporary chiefs have very little say. They have been incorporated in the official municipality council where they form 20% of the local council. They do however not have a vote in this council, because they are not elected. Their role in the local council is thus entirely advisory. Kekana, representative of the Northern Province's House of Traditional Leaders, elaborates:

‘Local government is an implementing agency. Implementation of the law takes place at the level of tribal authorities. People that are getting the service and the projects are community members. They feel that when the councillors are discussing issues that are important to them, the input of the traditional leaders will assist them in coming to resolutions. It is not so, that the local government makes a decision, then puts it to the traditional leaders and asks them to comment on it. The traditional leaders actively partake in the discussions; the mood, the tensions, the expressions all contribute to the coming of a proper decision. If any municipality wants to

⁴ Albie Sachs (1992:77) for instance has argued that there is no inherent or inevitable tension between traditionalism and democracy, that both in their different ways can serve the same national interest, namely the development of good government in the interest of all South Africans. He points out that rather than to traditionalise democratic values or to democratise traditional values, the objective should be to institutionalise traditional institutions.

embark in a project in a particular tribal authority, that chief will sit in the local municipality. He can either advise the municipality on how to implement that project in his area or if, there are some problems, he can say 'the time is not right' and the programme will not be implemented at all.

'Currently, the role of traditional leaders in the new democracy has been reduced to looking after the customs of their communities and the rituals according to their tradition. They still can administer over petty cases, such as disputes within the families, and over civil cases of minor effect, like when cattle have grazed in somebody's field. The traditional leaders can deal with these minor cases. But they are no longer allowed to deal with criminal cases, unless it is very, very minor, like a case of one individual slapping another one in the face. However, the community has the choice to go either to the police or to the traditional tribal authority. You find that the young generation prefers to go to the courts rather than to the chiefs. Those who go to the chiefs for minor criminal cases are elderly people.'

Generally, there is great dissatisfaction about the way national government has imposed this new municipality system upon its people. The people of Tshilwavhusiku for instance do not feel part of the municipality of Louis Trichardt. To them the town of Louis Trichardt is still associated with the system of segregation, and they still popularly refer to it as *Staandari*, derived from the Afrikaans 'staan daar!'⁵, an expression commonly used by whites to keep blacks in their place. Moreover, they feel that they have no say about what is discussed in the council and that decisions are superimposed on them, a claim that, regarding the fact that their representatives, the chiefs, have no vote in the municipality, is not unreasonable. There is therefore a great gap between wants and needs on a grass-root level and policy making on the municipality level.

Historical issues have thus clearly left a mark on contemporary life in Tshilwavhusiku and they still bear their effects on most elements of the people's existence, especially on their social-economical position and their political orientation. Although most people are very willing to put the past behind them and look towards the future, things are not that simple. Having the feeling that voices are being ignored and basic needs are not met, does not bring relief to that situation.

⁵ 'Stand there!'

Understanding traditional TshiVenda cosmology

Traditional TshiVenda cosmology

The belief in witchcraft should, like any study of religious beliefs, be approached from a cosmological angle. Anthropological studies have pointed out that ideas about how the world is organised and classified are universal: cosmological world-views can be found just about anywhere. Although most of these classifications do not conform to the ideas of western classification of the world – nature versus culture – most societies are familiar with the concept of division. Niehaus, for instance, has pointed out that for the Sotho and the Tsonga of the Northern Province Lowveld this cosmological classification is based on the difference between *motse* versus *tlhaga*. Both terms have a wide frame of reference: *motse* can be translated as ‘village’ or ‘family’ and refers to the realm of human settlement. It is the public domain of political and ritual action and is associated with civilisation and culture. *Tlhaga* on the other hand refers to the wild, untamed realm of nature and it is the domain of vegetation and animals. *Tlhaga* also denotes that which is primordial. The main aspect of the cosmological classification that sets *motse* and *tlhaga* apart is *maitshwaro*. *Maitshwaro* is the major attribute that separates people from animals. The concept refers to virtuous conduct and character, and because of it people can conduct themselves in a cultured, responsible and honest manner. *Maitshwaro* makes people control their inner self-centred desires. Because animals lack

maitshwaro they are unable to control themselves and they have to give into their desires for food and sex (Niehaus 1995: 519).

The key to studying other people, and especially to understanding certain aspects of their behaviour that may seem strange or irrational, lies in the knowledge of their cosmological classification. Only when people's world-views are known, can the meaning of and the motivation behind their actions truly be understood. In the above-mentioned example of the Sotho and the Tsonga of the Northern Province Lowveld this means that only once the cosmological concepts of *motse*, *tlhaga* and *maitshwaro* are known, is it possible to understand why witches are believed to be able to change their appearance from human to animal: because witches lack *maitshwaro*, they possess both human and animal characteristics. Witches among the Sotho and the Tsonga of the Northern Province Lowveld are believed to straddle the two domains of *motse* and *tlhaga* and they hence symbolise the reverse of moral order (*ibid.* 520).

The first actual witchcraft related research with deep impact and substantial theoretical outcome was based on this concept of *understanding*. From his research among the Azande in 1937, Evans-Pritchard concluded that, although the religious practices he was describing may have seemed very strange and at times even irrational and nonsensical, when regarded from a Zande point of view, they made perfect sense (Evans-Pritchard 1937). With his research amongst the Azande and the related theoretical explanations, Evans-Pritchard laid the foundations of contemporary scholarly understanding of witchcraft beliefs. His functionalist approach of witchcraft beliefs and practices substantially influenced the way in which was thought and spoken about the belief in witchcraft. It had far-fetching consequences, because it made clear that witchcraft beliefs weren't simply irrational aspects of 'native society'. For the first time, the rational and – possibly more importantly – the functional aspects of the belief in witchcraft were stressed.

Evans-Pritchard's structural theoretical approach of witchcraft was based on the idea of society as a balanced system. From this point of view, witchcraft can be regarded as functional part of the system that has developed in order to maintain a social equilibrium. Witchcraft beliefs and attendant behaviour are related to a mesh of moral values, social relationships and social institutions. The belief in witchcraft preserves the social group's equilibrium. Accusations of witchcraft are thus mostly aimed at people with a social disposition; at those that are inexplicably rich and prosper when times are hard; at those whose crops flourish when others' have failed; at those that show extravagant behaviour like having an inappropriate amount of sexual partners; and at those who are believed to have gained power in an unjust manner. From this theoretical approach, the belief in witchcraft prevents undue accumulation of wealth, power

and abundant sexual relations, hence the focus of witchcraft on the economical, sexual and political aspects of society. Witchcraft serves to denounce overly ambitious leaders and to neutralise changes that threaten to undermine the local order. It acts as a conservative force. Witchcraft safeguards the moral order (Krige 1970: 237) and tempers too rapid social change. In its norms and values, witchcraft is a technique of social control and stability.

The basis of the traditional TshiVenda witchcraft belief is embedded in the concept of structural functionalism. The belief's traditional aim was to preserve the social equilibrium and it was indeed used as a tool of social control. Analysed from this theoretical point of view, the Tshilwavirusiku witchcraft belief has to be seen as an essential part of a traditional cosmological world-view that is characterised by three main elements:

- (i) a hierarchical organisation
- (ii) a concept of social order as the highest virtue
- (iii) a limited supply of cosmological energy

The analysis of traditional TshiVenda cosmology and the inter-relatedness of its three main elements, outlines its background and helps explain the basis of contemporary people's belief in witchcraft.

(i) Traditional TshiVenda cosmological world-view is very different from the typical western classification of nature versus culture. Instead, the VhaVenda – and their closely related African counterparts – perceive nature, culture, the living and the dead as one entity. All things are part of the cosmic world. No distinction can be made between sacred and secular, between natural and supernatural, for Nature, Man and the Unseen are inseparably involved in one another in a total community (Taylor 1963: 72). This cosmological unity is ruled by very strict hierarchical forces. Each of these forces has a fixed place in the totality and exercises influence or power on the other forces. By no means, is man perceived to be the centre of the universe: he has his own place in this hierarchy, somewhere below the spirits and above the animals and the plants, a small part of an intimately related totality (Van Rooy 1971: 36).

(ii) Additionally, traditional TshiVenda cosmology is characterised by a belief in social order as the highest virtue. Stability and social balance are believed to be all-important. All beliefs and related behaviour are intent on either maintaining this social stability or on restoring it. Since society is made up of human beings, interpersonal relationships are at the core of this balance. Interaction between individuals and social groups should always be focussed on sustaining peace, never on creating confrontation or instability. Individuals that are wittingly challenging the social balance are regarded as a direct threat to

society: by acting in an unadjusted and unacceptable manner they disturb the peace and they should therefore be removed from the community.

(iii) Thirdly, TshiVenda cosmology, like many other Bantu cultures,¹ is defined by the concept of *zwivhuya*. This notion refers to the idea that the universe is equipped with a limited amount of cosmic energy and that every person has his or her fair share of it. This individual cosmic energy gives people access to assets like power, success, health, prestige, force and luck. Since the cosmic goods are limited, it is believed that every individual is equipped with his or her fair share of it. Increasing one's amount of cosmic energy can only be done at the expense of somebody else: if one individual acquires more, another person is losing some and vice versa.

One important such limited good is that of life force. Every individual is believed to have a certain amount of life force, which keeps him healthy and provides him with energy for manual labour, like working in the fields. Like cosmic energy in general, life force is equally divided among the people. In order to gain more life force, it can be taken from other people who will consequently become weak and sick. This life force can only be increased in a dishonest manner however, i.e. by 'stealing' it of others. A sudden individual increase in energy is frowned upon and instantly associated with deceitfulness. If, for instance, one man has better crops than others, the VhaVenda will immediately associate this with the concept of limited cosmic goods and attribute it to the idea that the man has 'eaten' the life force of others: he is working harder than others and must be employing the life force of others for his or her own benefit.^{2 3}

Social consequences of the cosmological world-view

These three cosmological concepts have important consequences for traditional TshiVenda life. The perception of the cosmology as a hierarchical entity has positioned man not in the centre of the universe, but rather in a more mediocre

¹ Van Rooy (1971) for instance has pointed out that the concept of limited cosmological energy is typical for subsistence societies.

² It has been suggested that this concept of limited cosmic goods may explain the widespread Bantu idea that white people in Africa can only prosper at the expense of the black people and that for a long time white domination was accepted without much protest.

³ The only exception to the concept of limited cosmological energy is that of the power of the *musanda*, the chief. Being the most powerful individual in TshiVenda society and being a representative of the people he is allowed to acquire more than the rest, because indirectly his wealth is shared by the whole community: if a chief is powerful it means that the whole community is powerful.

position. At the top of the hierarchical cosmic order is Mwadi, the TshiVenda God, also known as Raluvhimba, or Khuzwane.⁴ Although Mwadi is technically the most superior being, very little is known about him. He is completely unapproachable, except by some exceptional people on rare occasions. Mwadi has very little influence on the daily lives of the ordinary people, and he is thus of more symbolic, rather than practical, significance.⁵

Next in the hierarchical line and by far the most important are the *mandlozi*, who truly rule the spiritual world. The *mandlozi*, also called *mudzimu*, are forefathers that have passed away. The belief in *mandlozi* is experienced on an individual, rather than a social or communal, level. All individuals of a society their own have particular *mandlozi* that exert influence on their daily lives. Most common are the grandparent *mandlozi*, those spirits with whom an individual had a close, loving and respectful relationship during his or her early life. Every generation has its own *mandlozi*, and like people are slowly forgotten after they pass away from life, *mandlozi* are forgotten and replaced by their descendants after two or three generations.

The relationship between human beings and the *mandlozi* is characterised by a bond of interdependence: human beings are dependent on their ancestors for their general well being; the ancestors are dependent on their descendants for remembrance. The *mandlozi* pervade all spheres of daily human life: family life, the relationship between the chief and his subjects, divining and medicine, agricultural activities and important rites de passage, like birth, the coming of age and death. They have the power to grant their descendants either fortune or misfortune in any of these spheres. The *mandlozi* can, for instance, be responsible for serious illness. Consequently, the ancestors are regarded with great respect and fear, and human beings have to do their utmost to keep them satisfied at all times. They do this by making them part of daily life as much as possible: people talk to their *mandlozi*, they let them know what is happening in their lives, they ask them for advice, and they offer them food.⁶

⁴ The name Khuzwane is still used by the Northern Province Bolobedu to refer to their supreme deity (van Rooy 1971: 40).

⁵ Raluvhimba was known as the god who made everything out of clay (*vhumba*). He also had the power of rain, which associated him with natural phenomena such as lightning, thunder and shooting stars. He could also be found in more intimate phenomena like daylight.

⁶ Because *mandlozi* are human beings that have passed away, they possess human characteristics. One of these characteristics being meddlesome and having an appetite for gossip, humans have to tell the *mandlozi* about everything that is going on in their lives, like family fights, deaths, community disputes, pregnancies, etc. The offering of food is done on a daily basis in an informal ritual in which the head of the family takes a small portion of the food that is about to be eaten and puts it down in front of something that represents the *mandlozi*, usually a plant in the yard.

The *mandlozi* have a higher position in the cosmological hierarchy than the living and are thus more powerful. They are however dependent on their descendants for remembrance. To be forgotten or ignored is the worst fate that may befall a *mandlozi*. If people no longer pay attention to an individual that has passed away, that *mandlozi* can no longer be part of the cosmology and is therefore slowly forgotten. The only way for *mandlozi* to prevent this from happening, is by making a real burden of themselves: they can make life extremely hard on the living by sending all kinds of problems. In this fashion, the *mandlozi* can be compared to troublesome children that are crying out for attention. So although the *mandlozi* hold a higher position in the cosmology than their living counterparts, the relationship between human beings and *mandlozi* is based on mutual interdependence.

One step down in the cosmological hierarchy are the people, the living human beings. This part of the hierarchy is subdivided by a second strict line of superiority. Hierarchy in human interaction is defined by superiority in status, age and, to a lesser extent, gender. The most superior position in the Venda community is held by the *musanda*, the chief. This *musanda* is most likely male,⁷ and his power is inherited: in the most straightforward case the chief is the firstborn male child to his father, the former chief, and his father's first wife. The *musanda's* power usually stretches over several villages. In the daily running of these villages, he is assisted by several *dzinduna* (singular: *induna*): headmen, who can be regarded as the chiefs of individual villages. An *induna* is usually a relative of the *musanda* and he has to report to him regarding the situation in the village on periodic, usually weekly, basis. A committee of village elders, usually 'wise old men' who know the village and its inhabitants inside out, in turn assists the *induna* in his day-to-day activities.

A second hierarchical determinant is that of gender. Men usually have a higher social position than women. They are the head of the extended family and they hold most important social positions. When compared with age however, gender is not all that important. Traditionally, elderly people should be treated with a great deal of respect. The concept of the elderly having a higher hierarchical position is unmistakably present in TshiVenda language. An obvious linguistic indication is the fact that TshiVenda does not have separate words for 'brother' or 'sister', but instead uses the words '*murathu*' for either older brother of a man or older sister of a woman and '*mukomana*' for either younger brother of a man or younger sister of a woman. This points out the huge importance that is placed on age difference. So although gender does have some

⁷ Exceptions do confirm the rule: during my research I met Shinakaho, female chief of Shiende Ulu. She had become chief after her father passed away, because no male relatives were considered to be suitable for the job.

influence on human interaction, age is by far the more important hierarchical specification: when a young man for instance meets an old woman, the latter is the most respected.⁸

The combination of the concept of a hierarchical cosmology with the emphasis on social balance and interpersonal relationships has led to a strictly organised society. Because of the hierarchical organisation, every individual has a clear-cut social position. This position is never questioned. The power of the *musanda*, for instance, is quite extensive and covers all areas of traditional TshiVenda life: he allocates land for both living and farming, he settles family and social disputes and he is the most superior judge in criminal cases. Moreover, his power is absolute: what the chief says goes and his decisions are generally not questioned. Even if the public opinion of the chief is not very high, he will still be approached and regarded with the utmost respect, a custom that is usually frowned upon from a western point of view. This unchallenged acceptance of people's social positions applies to every individual in Venda society, young and old, powerful and insignificant. Questioning that position may disturb the fragile social balance and is therefore unacceptable.

The great emphasis on interpersonal relations in TshiVenda society is illustrated by a well-known saying: '*muthu ndi muthu nga munwe*', meaning 'a person is a person only through other people'. It illustrates that an individual is nothing without the people that he or she is surrounded with. Consequently, TshiVenda life – like most African societies – concentrates on a group. The focus is always on the extended family (including the *mandlozi*) or the community, as opposed to the individual. Integration in these social groups provides people with a sense of well-being, security and harmony with the totality. Being integrated in a family and the community, knowing one's place in them, and behaving accordingly, is considered the highest virtue. Individuals that do not know or accept their position in the different social groups are regarded as a threat to the social balance and should therefore be removed from society.⁹

Social order is thus all-important in TshiVenda society and should never be disturbed. Sin and evil are concepts that the VhaVenda use to refer to actions

⁸ During my research, I discovered the significance of old age very rapidly: my initial choice for a young male student as my interpreter turned out to be a big mistake. People did not respect him and were hence not inclined to speak to him. An older woman as interpreter turned out to be a much wiser choice.

⁹ Translated into daily TshiVenda life the emphasis on the group, as opposed to the individual, entails that not being part of a social group, i.e. an extended family, is like not being part of TshiVenda society at all. A childless woman for instance is not regarded as a full member of the community: firstly, because she will not be remembered after her death, and secondly, and more importantly, because she does not have a position in the closely-knit web of marriage exchange and reciprocity that Venda communities are built on.

that disturb the harmony within the kinship-group or the community. The concept of *vhutshivha*, jealousy, for instance, is regarded as extremely sinful, because it directly jeopardises the social balance: some people simply have more goods than others because of their social position: this should not be questioned.

The priority of interpersonal relations is so strong, that it has led to the development of an entirely distinctive moral code. Characteristics that are appreciated in VhaVenda society are not, as in Western European society, those of honesty, truthfulness, frankness, integrity, consistency and perseverance in pursuing a goal, but rather of friendliness, complaisance, adaptability, pliability, the willingness to compromise, modesty, respect for seniors, open-handedness, the willingness to share what one has with others, everything that contributes to smooth interpersonal relations and to avoiding friction between persons (Van Rooy, 1971: 47).¹⁰ Moreover, individual prosperity is regarded as a vice. The VhaVenda are inclined to be suspicious of rich people, and to rejoice over misfortunes which may befall to them. The majority would prefer to be worse off, provided others were in the same boat, rather than better off if this meant that wealthy folk would be better off still. To the average MuVenda, poverty seems supportable, but the prosperity of another, insupportable (*ibid.* 63).

An additional social consequence of the strict hierarchical cosmology, is the concept of '*u ila*', taboo. Taboos are generally imposed on a society in order to maintain some form of balance. Hammond-Tooke thus (1981: 127) shows that pollution taboos among the South African Sotho are imposed to maintain environmental order, that they highlight the boundaries between the seasons, nature and culture, life and death, senior and junior, and between different persons. *U ila* is omnipresent in TshiVenda daily life and it roughly refers to the idea of having to avoid something because of its superiority or seniority. The reason for something being considered taboo is because it is thought to have a higher position in the hierarchical cosmology. When a MuVenda for instance says that the trunk of an elephant is taboo for him, this is because for some reason the elephant's trunk has a higher position in the hierarchy of power (Van Rooy 1971: 39). Maybe somewhere in the past an elephant played an important role. Usually however the actual reason is unknown and people simply accept the fact that some things are taboo. Taboo can refer to a lot of things, but mainly it is aimed at maintaining the social order. For this reason, it is considered taboo to treat an elder in a disrespectful manner or to question the *musanda's* judgement.

¹⁰ It has been suggested that the strict concept of social order as the highest virtue has contributed to the relative ease with which the VhaVenda were conquered and for the lack of protest against their suppression. It may also account for relative static character of Venda culture and lack of individual initiative.

Traditional TshiVenda daily life thus revolves around its cosmological world-view, and is dominated by the central elements of this cosmology: hierarchical organisation, a concept of social order as the highest virtue and a limited supply of cosmological energy. It is within the framework of this cosmological world-view that the belief in witchcraft comes into action. All VhaVenda have their own firm position within society and their own fair share of cosmic energy. They can only change their social position and increase their personal energy at the expense of others, because if one individual is gaining, another must be losing. This stealing of other people's energy, referred to as 'eating', can only be done by means of *moloi*, witchcraft.

By bewitching a person, his (her) life-force can be eaten and as a result that person will become weak or ill, or may even die, depending on the witch's greed and intention: sometimes a witch is out to get a specific individual and aims at reducing that person's energy, so that he or she will die; at other times, a witch is simply in desperate need for more energy and eats it wherever he or she can. General misfortune, illness and untimely death are therefore always associated with the concept of *moloi*, because it refers to the process of a person's life-force being 'eaten'. In a similar manner, people can be stripped of their social position, their power, their sexual relations, their wealth and their general good luck. Those that have fallen from grace, have been left by their lover, or have lost a great deal of money or other worldly goods may all be under the influence of witchcraft. The more exact ins and outs of the belief in and the practice of witchcraft will be addressed in the next chapter.

The Tshilwavhusiku witchcraft discourse

The TshiVenda concept of *moloi*

Throughout the twentieth century, anthropologists studying the belief in witchcraft have superimposed western terminology on African concepts in an effort to make sense of the things they were witnessing in terms that they could grasp. The use of the term ‘witchcraft’ and the distinction between good and evil are two such superimposed differentiations that have had far-fetching consequences for the theoretical understanding and development of the belief in witchcraft.

Stayt, Mönnig, Hammond-Tooke and Junod, scholars that have been regarded as specialists of Northern Province cultures, have all described the belief in witchcraft in western terminology, and have superimposed some form of distinction. There has been a distinction between good and evil witches, or between so-called day and night witches, a distinction between black and white witchcraft, where black witchcraft is inherited and white witchcraft is acquired through education, a distinction between witchcraft for either helping or harming the community, and a distinction between male and female witchcraft, in which the women are always indicated as those who carry out the evil.

In more recent years, it has been pointed out that the superimposition of this western terminology on witchcraft beliefs has not been a very fruitful one. Geschiere (1977: 13) argues that:

‘one difficulty is that these terms (...) have strongly moralising connotations. The diffusion of these terms on a truly world-wide scale seems to demonstrate the success of the Western vision (strongly propagated by missionaries, civil servants, and also anthropologists) of these forces as by definition linked to Evil and opposed to all Good. It is (...) all the more important to repeat that these terms are highly unfortunate and even misleading translations of African notions that often have a much wider range of meaning.’

Topics like the belief in witchcraft thus need to be approached from an African point of view, from a perspective that makes sense to the people it concerns. The concept of the VhaVenda *moloi* is precisely one of those notions that cannot be understood in western terminology. Although it has always been referred to as ‘witchcraft’, this term does not do justice to the full meaning of the concept in VhaVenda understanding.¹

The concept of *moloi* is derived from the verb *u loya*, ‘to bewitch’. It is applied to those people who through sheer malignancy employ magical means to encompass all manner of evil to the detriment of their fellow-creatures (Stayt 1968: 273). It is a characteristic that is ascribed to both male and female, that can be both innate and acquired, that can be practised both on a conscious and subconscious level and that is mostly used to do evil, but can also be applied to perform good.

Most people believe that *moloi* is a characteristic that one is born with. Although it is possible to inherit *moloi* from the father, it is mostly passed on through the mother at birth. This innate type of *moloi* is passed on selectively. Not all the children of a *muloi* (‘witch’, plural: *vhaloi*) will inherit their mother’s characteristic. If a mother *muloi* wants to know whether her new-born child also possesses the power, she can run a quick check by throwing the baby against a wall of her hut: if the child indeed has *moloi*, it will cling to the wall like a bat. The mother can then start to train her little *muloi*, so that the innate power can become fully developed.

It is however also believed that *moloi* can be acquired at a later stage in life. In this manner, it is either superimposed by the *mandlozi*, the ancestors, or bought from another *muloi*. Sometimes the *mandlozi* have a score to settle with other ancestors or with the living, and they take possession of one of their descendants. This possessed person will then have to carry out evil will of the *mandlozi*. In this manner a person is overtaken by *moloi* and acts to it quite involuntarily.

Other people just become inexplicably evil during their life and they decide they want to become a *muloi*. They can then approach a reputed *muloi* or a

¹ A practical problem encountered when trying to understand the concept of *moloi* is that the VhaVenda themselves have adopted the western term ‘witchcraft’ to refer to it.

corrupted traditional healer and buy *moloi* of him or her.² Additionally, pure jealousy or hatred can lead a normal human being to become a *muloi* on a subconscious level. This type of *moloi* can be compared to that of the western concept of conscience and is usually related to the notion of guilt. An example provided by Nemavhidi, a forty-year old TshiVenda from Samekomste, can serve to illustrate this type:

‘I used to be married to a lady in Thohoyandou. We had two children together and were very happy. But then I found out that my wife was seeing another man. It wasn’t just another man; this man used to be my teacher at school. He was a real drunk and he was just trying to make things upside-down between me and my wife. After I found out about the two of them, I moved away and I divorced the lady. My heart was so painful, because the man was my teacher in school: I used to look up to him and now he was sleeping with my wife. It was on my mind all the time. I could think of anything else. My heart was burning every day and I was wondering ‘why is this man troubling me and my wife?’.

Then one day the man passed away. There was no real explanation for his death. He just died all of a sudden. His relatives consulted a *nyanga* [traditional healer], but they did not find out why the man died. But I know he died because of those bad things I was thinking. By thinking bad things all the time, I bewitched him. I was even dreaming about the things I would like to do to that man, about how I could make him suffer, just like he made me suffer. You know, it is possible to kill somebody by just thinking bad things about them all the time.’

This rationale most probably explains why some people that are perceived as innocent victims of violent witch-attacks by the outside world, actually often admit to being guilty of practising *moloi*. They rationalise that having had bad thoughts about, or being jealous of another person has caused some evil to happen, and they claim responsibility for inexplicable events. Their guilt makes them confess to just about anything.

There are different ways in which *moloi* can manifest itself. The most common practice is that of a *muloi* who leaves his or her hut after dark, when all the other people are asleep. This type of *muloi* acts quite consciously: during the day, he (she) pretends to be a regular human being, but during the night, he transforms itself into pure evil. A *muloi* has several techniques to prevent the others in the hut from finding out about the nightly escapade. They can either be

² In the Northern Province, this form of buying *moloi* has in recent years become intertwined with elements of Christianity, more particularly with Satanism: many people talk about acquiring *moloi* in the same manner that a Christian would sell his soul to the Devil. As a result, some overlapping elements between Christianity and traditional witchcraft beliefs can be pointed out: an inescapable pact that makes a person commit evil deeds, an insatiable lust for blood, some evil creature whose commands have to be carried out.

treated with some form of medicine, so that they fall into a very deep sleep, or the *muloi* can leave an animal assistant that looks like him (her) in its place, so that if anyone should wake up, they would not notice the person gone.

Certain animals are typically associated with *vhaloi*. These so-called witch familiars are kept by *vhaloi* like pets and are believed to work for them. The Tshilwavhusiku VhaVenda commonly associate snakes, wild cats, baboons, crocodiles, owls, polecats, skunks and all types of bugs with *moloi*. Witch familiars can be either bred by the *muloi* himself or bought from others. They can be put to use in different ways. As mentioned above, a familiar can be applied to deceive other human beings: it can change shape and be left in the place of a *muloi*, so that people should never suspect the person is gone. Additionally, a *muloi* can choose to send a familiar out in the night to conduct evil practices in its place, like stealing food or money and killing people. Furthermore, a familiar can be used to conduct hard physical labour, like ploughing fields. People with prosperous fields are therefore often accused of having some type of familiar working for them. Familiars can also metamorphose into any human form. This way, they can seduce a sleeping victim and have sexual intercourse with this person without him or her knowing it. Familiars may additionally have sexual relations with their owner. Frigidity in women is sometimes explained as being caused by this illicit congress (Hammond-Tooke 1981: 99). People will say that the woman doesn't want to have sexual relations with men, because she has a familiar that keeps her satisfied.

A special type of familiar is the *tokolosi*.³ The *tokolosi* is an extremely ugly creature: it has the basic features of a human being, but is only about as high as a child. It is covered in hair, even in the face and has one buttock like a baboon. The *tokolosi* can be both male and female, although the male variety is much more widely known. This male *tokolosi* is believed to have an exceptionally large penis, which he carries over his shoulder and uses as a club to hit people with. Like other familiars, the *tokolosi* can be used for various purposes. It can guard and protect their homes, steal goods and money from neighbours and be kept as a lover. Additionally, it can be sent out to kill people.

Moreover, the VhaVenda believe that *vhaloi* receive help from another type of assistant, a *dukwane* (plural: *madukwane*), or zombie. *Madukwane* are involuntary witch-accomplices and they can be acquired in several ways. Firstly, a *muloi* can kill a human being by means of *moloi*. Instead of the person

³ The concept of the *tokolosi* is widely spread in Southern Africa. It is however not an indigenous of Northern Province witchcraft beliefs. Niehaus has suggested that it was introduced in the area after the population removals of the 1960s. He suggests that migrant labourers that worked in the Witwatersrand mines may have brought this familiar to the area (Niehaus 2001: 50)

being dead however, he or she is turned into a *dukwane*. A common manner of turning a person into a zombie is by means of lightning. This way, the person that has been struck seems quite dead to the outside world, when in fact he or she is transformed into a *dukwane* and controlled by a *muloi*. *Madukwane* are thus believed to be human beings that have been killed by *vhaloi*, but instead they are used by the *vhaloi* to perform tasks for them in a similar manner to the *tokolosi* and other familiars. Additionally, it is possible for a human being to be turned into a *dukwane* whilst still alive. This way the *muloi* casts a spell on the person and whenever the zombie is needed, he (she) blows a whistle and the zombie cannot help but to obey. Usually, these living *madukwane* are called during the night, so that other people don't get suspicious when a person suddenly disappears. Zombies are generally used to perform manual labour, like working in the *muloi*'s fields. It is therefore believed that if a person wakes up in the morning feeling tired and sore after what is supposed to be a long, peaceful sleep, he (she) must be a *dukwane* carrying out somebody else's duties at night.

Niehaus has argued that the special relationship between witches and their familiars is typical for their position in society. He contends that in the Northern Province Lowveld area, both witches and familiars are neither entirely human nor completely animal. They are shown to constitute a duality in which human and animal identities are different manifestations of a single form. As anomalous beings, witches and familiars stand betwixt-and-between the opposed categories of *motse*, the village, and *tlhago*.⁴ They exist simultaneously in the village and the forest, but are not fully part of either realm (Niehaus 2001: 46).

This anomalous position of the witch cannot be found in TshiVenda society however. As a matter of fact, *vhaloi* are perceived as characteristically human beings, only with an evil streak. For this reason, witches are not regarded as some threat from outside, as Niehaus has demonstrated, but rather as a threat from inside. In TshiVenda, *vhaloi* are regarded as a danger to the community from within that community, which is precisely the reason that they are considered so dangerous. The VhaVenda believe that the social balance is not under threat by some personalised power from outside their society, but rather from within. This perception is sustained by TshiVenda linguistics: the terms *muloi* and *vhaloi* for instance are part of the *mu-/vha-* noun class. This class holds all nouns that particularly refer to the human realm. In TshiVenda a *muloi* is therefore most characteristically a human being and not some dualistic form of human and animal.

Vhaloi know each other and they conduct meetings to plot their evil plans. They help each other as much as they can, but just like the relationship between

⁴ See chapter 3.

human being, this sometimes goes wrong. Martha, a thirty-two year old MuVenda from Madombidzha, relates:

‘I remember that in my village there was once a problem between two ladies.⁵ They had hyenas. The one lady’s hyena became pregnant. Realising that the hyena was pregnant, she decided that she wasn’t going to use it any more. When the hyena was about to give birth, she asked the other lady if she could borrow her hyena, because she couldn’t use her own. She told the other lady that she was afraid that her hyena wouldn’t make it all the way to Johannesburg and back, because it was getting tired quickly. The other lady agreed and borrowed her the hyena.

When the first lady came back from Jo’burg however, the hyena was limping. It sustained an injury somewhere along the way. She returned the hyena to the rightful owner and went home. But the following day the other lady confronted her. She asked why the other lady didn’t tell her that her hyena picked up a problem along the way. Then a quarrel started and the problem was reported at the headman’s kraal. Initially, they didn’t want to tell the headman what the real problem was. One of the ladies then decided that she might as well tell the truth. She told everything. They were taken to the territorial council in Tshiozwi, because it has more power. The case was finalised there. The old men of the *musanda* were too scared to do anything about the case. They told the ladies to go home and solve the problem amongst themselves. It appears to me that they did just that, because after some months the son of the lady that went to Jo’burg with the other one’s hyena, just passed away. I think that the lady gave her son to the other one as a fine for damaging the hyena.’

Vhaloi always operate during the night.⁶ They usually leave their huts just after dark when other people are asleep, and they assemble preferably under a big tree or at the bottom of the sea. During their meetings they drink blood and eat human flesh.⁷ *Vhaloi* are always believed to be naked, having left their clothes at home to cover the familiar they have left in their place. Coming across a naked person in the night is therefore a sure sign of having encountered a *muloi*.

All *vhaloi* have their own specialities. Some are expert flyers, being able to go to Johannesburg and back in one night on the back of a pig, a hyena, or on a loaf of bread.⁸ Others are good at turning people into *madukwane*. They can practice this for their own benefit, but if they are exceptionally good at it, they can also turn people into zombies and sell them to other *vhaloi*. Others again go around stealing food and raping people or send familiars to do this for them.

⁵ Two *vhaloi*.

⁶ This may explain the western classification of *vhaloi* as ‘night-witches’.

⁷ Another possible reference to Christianity.

⁸ The idea of *vhaloi* using bread for their evil practices triggered a wave of panic in the Northern Province at the end of 2001. Residents of the Lowveld suddenly refused to eat brown bread, because it was believed that *vhaloi* had been using brown bread for transportation: it was claimed that they converted the bread into a truck which ferried them to kill people (Capricorn Voice: 21 November 2001).

Then there are *vhaloi* that are specialised in controlling lightning, being able to send it to kill people or to burn down their houses. This is a well-known practice in TshiVenda. Although it is believed that some lightning is natural, the VhaVenda believe that most lightning has been sent by a *muloi*. This is done by means of *ndadzi*, a lightning bird. A *muloi* or *nyanga* can keep *ndadzi* and at any given moment send it to attack an enemy. The bird then flashes across the sky and strikes the earth with a resounding crash, and as it leaves the earth it often passes through some object or person and injures it (Stayt 1968: 225). In this manner both people and large objects, like huts, can be attacked.

The concept of *moloi* as an explanation for the inexplicable

Vhaloi are held responsible for any form of inexplicable individual or collective tragedy. As mentioned, they are believed to steal, to destroy property, to cause accidents, to spread diseases and to cause death. Like many others, the VhaVenda use the concept of *moloi* to explain the inexplicable, to make sense of general misfortune. This type of rationalisation was first described by Evans-Pritchard in his pioneering study of the Azande. His starting point in the approach of the belief in witchcraft was that it could offer an explanation for situations that could not be explained in any other rational way. Events in which normal reactions could not provide satisfactory answers, like sudden death and inexplicable illness, political unrest, extreme drought and related hunger were all situations in which witchcraft could be indicated as the cause. Evans-Pritchard (1937: 63) pointed out that witchcraft beliefs could generally be regarded as a logical explanation for misfortune:

‘The concept of witchcraft (...) provides them [the Azande] with a natural philosophy by which the relations between men and unfortunate events are explained and a ready and stereotyped means of reacting to such events. Witchcraft events (...) embrace a system of values which regulate human conduct.

Like the Azande, the VhaVenda use their belief in witchcraft to rationalise situations of which they cannot directly make sense, situations that may seem unfair or unjust. In this manner, they explain natural disasters, injuries, diseases and illness and general misfortune.

An important aspect of this kind of rationalisation is the fact that it focuses on the ‘why’ of unfortunate events, rather than on the ‘how’. Once again, this is very different from a western type of reasoning. Whereas the western scientific approach sees the world as a vast machine in which parts are nicely interlocked to form a system, which can be understood if the laws governing it can be

discerned, the traditional approach uses a personalised model, which is based on the causation by human or spiritual agents (Hammond-Tooke 1981: 95). As such, general misfortune is attributed to a specific individual, in the case of the VhaVenda to a *muloi*, a witch. The VhaVenda do not ask, for instance, how a car accident has happened, but why, and who is responsible. They do not reason that maybe the mechanics of the car were not up to standard – perhaps the brakes weren't working – or that the driver may have been reckless or even drunk, or that a dangerous situation may have occurred – maybe an animal crossed the road and the driver swerved to avoid it. Instead, they wonder why this accident happened at that particular time in that particular place to that particular individual, because maybe the mechanics of the car had always been faulty and the driver was always displaying reckless driving and animals are always crossing the road. Something, or rather someone, must have made this accident happen to that driver. The only logical explanation can be *moloi*.

This kind of rationale has two serious implications. Firstly, it protects the belief in witchcraft is against disproof. It is impossible to dispute that witchcraft was indeed responsible for certain events. Although it is not possible to prove – from a western type of reasoning – that witchcraft was indeed responsible for a certain unfortunate event, it is also impossible to prove the opposite, i.e. that witchcraft was not responsible. Going back to the example of the car accident, this implies that it is impossible to prove that witchcraft was *not* the cause of the car accident.

Once again, Evans-Pritchard was the first scholar to point out this infallibility of witchcraft beliefs. He was puzzled by the fact that on the one hand the Azande appeared to have a logical rationale and on the other hand they held on to this seemingly illogical belief. He wondered how people could tolerate discrepancies in their beliefs and could limit the questions they asked about the universe (Douglas 1970: xiv). He remarked that the

‘Zande belief in witchcraft in no way contradicts empirical knowledge of cause and effect. The world known to the senses is just as real to them as it is to us.’ (Evans-Pritchard 1937: 73)

Evans-Pritchard found the answer to this dilemma in what he called ‘transcendence’. He showed that Azande witchcraft beliefs were protected by a set of social processes and institutions, that they were sustained by moral values. As such, the Azande immunised their witchcraft beliefs against disproof.

Niehaus (2001: 115) has clarified this type of rationale by using Kuhn's (1962) notion of the paradigm as an analogy. He points out that just like the central premises of paradigms in the human sciences – such as the subconscious, class conflict or social structure – the key assumptions of witch beliefs

escape critical scrutiny. In a similar manner, the belief in witchcraft is built on central premises that cannot be questioned. These key assumptions become evident in situations that call for proof of witchcraft: it is then that the social support system of processes, institutions and moral values comes into action.

In the previous chapter, it was pointed out that people's belief in witchcraft should not be questioned, but rather accepted for what it means to them. Should it however be questioned none the less, the immunisation of witchcraft beliefs against disproof would provide a serious obstacle. The question of whether or not witchcraft exists is avoided by simply turning it around. Instead of asking to provide proof for the existence of witchcraft, it becomes an issue of having to provide proof for the contrary, its absence. And because societies that believe in witchcraft, like the VhaVenda, have a set of social processes and institutions to protect their belief, this is impossible. Their witchcraft beliefs are sustained by moral values.

A second implication of the 'why' rationale is that it may explain the belief's sustenance against the desperate attempts of colonial and religious representatives to combat it in the nineteenth and twentieth century. It has, for example, resulted in a virtually complete failure of so-called educational programmes. Witchcraft beliefs all over Africa came under fire with the arrival of white colonial power. Indigenous ideas were perceived as irrational and heathen, and it was commonly held that 'backward' Africans could be uplifted through means of education. Programmes that were set up to eradicate witchcraft beliefs or more especially to combat their social consequences, proved relatively futile. Medical awareness programmes were thus based on the reasoning that if people know how some illnesses occur, they will stop holding some personified force, like a witch, responsible for them. People were taught for instance about how to avoid contracting and spreading infectious diseases. This proved pointless however, because the foundation of reasoning was not dealt with. From the perspective of the belief in witchcraft, people will always question 'why' a person contracted a disease, even though they are aware of the 'how'. Petrus, a well-educated MuVenda from Ravele, explains:

'We young people know, for instance, that some illnesses are caused by maybe a bug or an infection. [We have been taught in school that] if you have a sharp thorn in your foot, you must take the thorn out and then keep the wound clean, otherwise it will start rotting. But we also know that after stepping in a thorn, sometimes nothing happens. Sometimes you take the thorn out and you are fine. Sometimes you take the thorn out and it gets infected. Even if you keep it very clean it can still get swollen. How do you explain that? Why is it that sometimes it gets infected and sometimes it doesn't? Sometimes your foot even gets infected if you haven't even stepped in thorn! That's why people blame these sort of unfortunate things on witchcraft. Because there doesn't seem to be a logical explanation for them.'

The belief in witchcraft is therefore a discourse, a way of speaking about life. The VhaVenda have a saying '*A huna tshi no da nga tshothe*', meaning 'Nothing simply happens by itself'. It is believed that there is a secondary reason to everything, the secondary reason of course being witchcraft. For every inexplicable unfortunate event, a magical cause is pointed out, the cause being a personalised entity. For these reasons, the belief in witchcraft can thus not be regarded as simply one isolated aspect of TshiVenda life. It does not exist in some kind of social vacuum. The belief in witchcraft penetrates every element of TshiVenda society.

Traditional healers

The VhaVenda know two main types of traditional healers: the *nyanga* and the *mungoma*. A *nyanga* (plural: *dzinyanga*) can be described as a doctor, as a healer, whose main function it is to point out a disease and treat it. A *mungoma* (plural: *mingoma*) on the other hand is a genuine diviner, whose task it is to point out *vhaloi*. Although some *dzinyanga* focus on healing based on pure medicinal and herbal remedies, most combine it with divination. This combination can be compared to the concept of 'healthy mind and body': without the divination, the herbal treatment will not work and therefore no healing can take place.

All traditional healers can be both male and female. They are believed to be able to communicate directly with their *mandlozi*, their ancestors. These *mandlozi* assist the *dzinyanga* in establishing the true cause of an illness, in prescribing a treatment and in indicating what witch is responsible for what actions. For their divination and their communication with the ancestors, the traditional healers rely on their *dolos*, a spectacular collection of dice and bones, mostly goat's knuckles. During the divination, these *dolos* are asked a question and thrown on the floor in front of the healer. The *dolos*' pattern is formed by the *mandlozi* and is interpreted by the diviner. It is thus believed that the *mandlozi* pass information on to the diviner through the bones.

Becoming a *nyanga* can – like becoming a *muloi* – be based both on hereditary factors and on free will. Descending from a long line of *dzinyanga*, chances are that one will become a healer himself. Once again however, the power is passed on selectively: not all a *nyanga*'s children will become healers: one or two will be chosen. On the other hand, a man or woman may also decide to become a *nyanga* by sheer desire. He or she can then approach a well-known *nyanga* and request to become a healer. This *nyanga* will consult his or her *mandlozi* and they will decide whether or not the applicant may become an apprentice.

Although generally *dzinyanga* are well-respected members of society, they do not have an easy life and becoming a *nyanga* is usually associated with severe suffering. The story of Masekwa, a middle-aged female *nyanga* from Ravele, may serve as an illustration:

‘I was still a young child when I started to be heavily troubled. I became very ill: when I was playing with the other children for instance, my legs would sometimes stop working. I would just collapse in the yard and then I couldn’t continue to play with the other kids. This made me very unhappy and lonely.

After this continued for some time, my family became very worried and some of my relatives thought it might be a good idea to consult a *nyanga*. They took me to a powerful *nyanga* far away – we had to travel for two days – and when we got there, my relatives told the old man about the things that had been happening to me. The *nyanga* threw his bones and consulted his *mandlozi*. He did not tell me what they were telling him. He only told my relatives. After two days we went home again, but I was not cured.

Then one day, when I was already a bit older, I was walking on a path through the bushes. I came across a pile of *dolos*. Somehow I felt that these bones had been put there for me and I picked them up. When I had them in my hands however, I became scared and instead of taking them home with me, I buried them. This happened two or three more times: I kept finding the same bones in different places. Then, one night, I had a dream about the bones and then I realised that I could no longer escape this thing. Then next time I came across the bones I finally took them home with me. When I arrived home with the bones in my hands, my family explained to me that they were from the *mandlozi*, that my ancestors had sent me a sign. They told me that when we had gone to visit that *nyanga* far away, they had been told they the *mandlozi* wanted me to become a *nyanga*. My family however had decided that I was too young to understand what was happening to me and so they had not told me at the time.

At first, I refused to believe what my relatives were telling me. I was very scared, because I didn’t understand what was happening to me. I didn’t want to become a *nyanga*. But then my relatives told me that if I did not obey the *mandlozi*, they would kill me. They would make me even sicker than I had already been and that in the end I would die. I realised that I wouldn’t be able to escape the wish of my ancestors: they would kill me if I didn’t succumb to their wish.’

Most *dzinyanga* have got a similar story to tell. They have to suffer a great deal before they can become a *nyanga*. Some believe this agony is an examination from the *mandlozi* to test the person’s strength. As a consequence, many *dzinyanga* are not shy about sharing their stories of suffering: the more they suffered, the better they may claim to be.

After it has been established that a person should become a healer, he or she will become an apprentice with either a family member – if inheritance is the decisive factor – or a *nyanga* of good repute. The apprentice will be educated in

the ins and outs of both healing and divining. He or she will be taught how to communicate with the *mandlozi* through the *dolos*. He or she will also follow the master around and learn all about herbal treatments: where to find certain herbs and roots, what to do with them and how to administer them to patients. This educational process can take up to three years.

No single *nyanga* knows every aspect of human disease. *Dzinyanga* are always specialised in some particular form of healing. There are those that are specialised in matters of the earth, like bringing rain and enhancing fertility. Then there are those who ‘suck’ objects (like stones and snakes) out of their patients, because they have been diagnosed as the cause of the disease. And there are *dzinyanga* who deal with mental diseases, like delirium and insanity and those that are specialised in illness related to certain organs or parts of the body (Stayt 1968: 264).

A *mungoma* on the other hand is a diviner who is approached to deal with situations in which a regular *nyanga* has already pointed witchcraft out as the cause of some misfortune. By means of throwing the *dolos*, the *mungoma* can tell who is responsible for actions of witchcraft. Traditionally, it was accepted that a person was not allowed to accuse another person of being a *muloi*, until he (she) had consulted a *mungoma* and the suspicions had been confirmed. If indeed a certain person was found guilty of practising *moloi* on another person, he (she) would be brought to trial at the chief’s *kgoro*. Since colonial legislation however, people are no longer allowed to openly accuse another individual as a witch.⁹ For this reason, no *mungoma* will ever admit to indicating somebody as a witch, although everybody knows that he or she has the ability and still puts it to practice.

Traditional healers are believed to be the cream of the crop of TshiVenda society. They are intelligent and observant human beings. They know what goes on in the community and use this knowledge in their divining practice:

‘The art of the medico-magician is inextricably woven into the social, religious, and economic life of the whole community; he has an influence out of all proportion to his knowledge and skill; he is in constant and intimate touch with the chiefs, some of whom actually belong to the fraternity. (...) The shrewd and intelligent man, who from childhood has been taught by his father all the hidden secrets and family skeletons in the neighbourhood, achieves a very intimate knowledge of the lives, habits and character of his clients. In looking closely into the details of the divinatory powers of these practitioners many simple and obvious rules are brought to light; doubtless some of the more obscure magic is made by equally simple methods.’ (Stayt 1968: 300 – 301)

⁹ See chapter 9.

It is hence often said by outsiders that traditional healers trick their patients into believing them. They have ways and means of finding out information about them. They know how to read people and how to interpret situations. If, for instance, a young woman, who is known to have problems with her mother-in-law, comes to consult a *nyanga*, her mother-in-law will most probably be indicated as the source of her problem. Traditional healers also have ways of drawing information out of their patients without them realising it. Indirectly, a *nyanga* or *mungoma* can thus find out whom the client is jealous of or who is jealous of the client. These kinds of social processes are well taken into consideration during a consultation and most of the divination is thus clever reasoning.

An inseparable aspect of traditional healing is that of *muti*, magical medicine. *Muti* can be found in several forms – as a power, as a liquid, as a paste – and is made from any natural substance: plants, trees, grasses, parts of animals and even parts of human beings. The production of *muti* is enshrouded in great secrecy. Except for *dzinyanga* and *mingoma*, nobody knows what ingredients a particular *muti* consists of, where the ingredients were obtained or what the exact combination is. This is information that should never be questioned by patients.

Learning about what ingredients to use, in what combination and form, and where to find them is one of the reasons why being trained as a traditional healer can take anything up to three years. Although most *dzinyanga* claim to be told by their *mandlozi* how exactly to cure a patient – what *muti* to use – it is common knowledge that they have all undergone intensive training: for a long time they followed an expert *nyanga* around, so they know where to find certain herbs or plants. They have watched their teacher prepare and combine certain ingredients, and they have been taught in the art of curing patients by means of natural potions.

Just as *muti* comes in almost any form, it can also be used for just about anything: from minor cuts and bruises to terminal illnesses;¹⁰ from serious medical conditions to social and psychological problems. Additionally, *muti* can be administered to patients in different ways. Tuberculosis for instance is a disease that is usually treated by means of drinking a *muti* that has been dissolved in water, but also sometimes in blood – human or animal – or in urine. A common treatment for general madness or for ‘having a frog or snake inside’, a diagnosis used for a great many diseases, is sprinkling a particular type of

¹⁰ To the despair of many social workers and medical experts, most South African traditional healers thus claim to have a cure for AIDS.

muti over a fire while the patient inhales the smoke. The inhaling of the *muti* will make the patient throw up the snake or frog or come back to his senses.¹¹

A well-known form of administering *muti* is by making small cuts all over the patient's body by means of a razor blade and rubbing the *muti* in it. A common reminder of this procedure can be found in the two small scars many VhaVenda have under both eyes. Some VhaVenda claim that this has to do with some medical condition of the eyes, while others say it is associated with the initiation rite they go through at birth, when a new-born baby is treated in order to protect it from harm for the rest of its life.¹² Parenthetically, this ritual treatment indicates that *muti* is not only used for curing patients, but also is administered as a preventive medicine.

Powerful *dzinyanga* are generally associated with powerful *muti*. Strong *muti* is usually derived from specific parts of certain animals: the head and the hands of a baboon, for instance, are regarded as very potent for attracting business. A shop-owner who wishes to attract more customers should therefore bury a hand, but preferably the head, of a baboon at the entrance of his shop. This will make the people come to his shop spending large amounts of money.

Although many traditional healers are believed to be involved in illicit practices, they are usually associated with healing, rather than with harming. The line between healing and harming however is very thin and easily crossed. Because *dzinyanga* have the same powers as *vhaloi*, witches, they can commit the same evil deeds. The power of *moloi* can thus be used in both a constructive and a destructive manner. Those that use it in a constructive way are usually referred to as *dzinyanga*. A *nyanga* mostly uses his or her abilities for the good of society, hence the western categorisation of 'good' or 'white witchcraft'. A *nyanga* can however just as easily become a *muloi* and use his or her powers for the destruction of society, which would in western terms classify him or her as a 'witch'. The seemingly logical western distinction between good and evil 'witchcraft' and 'witches' is hence by no means accurate for the VhaVenda notion of *moloi*. Depending on which way they are looked at, good intentions can quite effortlessly change into bad ones. If, for instance, a patient comes to consult a *nyanga* and it turns out that the patient has been bewitched, the *nyanga* has the ability to reverse the spell and turn it back to the person it came from. In a way the healer is then bewitching the person that sent the spell in the first place. Whether or not this is considered legitimate practice depends on personal interpretation and the context. Some VhaVenda find it acceptable, others don't. Some therefore say that all *dzinyanga* are *vhaloi*, others don't. In

¹¹ A more recent practice is the mixing the *muti* with Vaseline and smearing it all over the body.

¹² See chapter 5.

short, *dzinyanga* and *vhaloi* can be regarded as opposite sides of the same coin. They have exactly the same powers, but they can use these powers for different purposes



Photo 2 Nyanga Mukumela offering food to her mandlozi



Photo 3 A small selection of a nyanga's muti collection

The dynamics of witchcraft accusations

Witchcraft accusation and their chief actors

One of the most striking elements of the TshiVenda witchcraft belief is the immense brutality that has gone hand in hand with the accusations. Accusations of witchcraft are the most concrete manifestations of witchcraft beliefs (Geschiere 1997: 219). It is through accusations of witchcraft practices that the belief in witchcraft has proved socially problematic. The VhaVenda perceive *vhaloi* to be fundamentally evil: they regard them as a direct threat to society and believe that they should therefore be singled out and be eliminated. Usually these accusations go hand in hand with brutal attacks, which has caused the TshiVenda witchcraft belief to have become associated with displacement, fear and violence.

Because of this correlation between the belief in witchcraft and brutal violence – and the subsequent mass media coverage – it has become commonly accepted that all witchcraft beliefs are related to the type of social problems experienced in the Northern Province of South Africa. This is however not always the case. In fact, many witchcraft beliefs worldwide show no correlation between their belief and social problems at all. The situation in the Northern Province of South Africa may just as well be the exception, rather than the rule.

With the construction of a so-called ‘ladder model’ Van Beek (2003) has argued that the belief in witchcraft does indeed not necessarily lead to the type

of escalation found in TshiVenda society. He has pointed out that many societies do have a belief in witchcraft, but not the culture of violence. The model is based on the idea that tensions and stress exist in any society, but that every society deals with these problems their own way. Societies may choose to ignore the problems and tensions, they may recognise them but desist from action, they may formulate suspicions, follow up on these suspicions, they may make accusations, and they may or may not have proper institutions to deal with these accusations. Applied to witchcraft beliefs, this model argues that, although many societies know such beliefs, they do not necessarily experience them as problematic.

Starting with The Dogon in Mali, the model points out that some societies have what is referred to as a 'hidden' belief in witchcraft: although suspicions of witchcraft arise, they are never expressed, because of the emphasis on interpersonal relations. The Dogon consider it to be extremely shameful (*dogo*) to accuse a person wrongfully, and hence suspicion never develops into accusations. If relations are deemed less sacrosanct, like among the Cameroonian Kapsiki, people do gossip about witchcraft, but it never develops into public outcry. In some societies, like among the Nigerian Tiv, the discourse on witchcraft is quite public, but it is not upheld by any methods of detection: witchcraft thus become something one can speak about, to denounce and to complain about, but not to be acted upon.

It seems to be among the Bantu-speaking groups of Central and Southern Africa that witchcraft beliefs escalate to more violent practices. It is suggested that the key to this escalation is divination. By means of divinations, it can be ascertained whether specific people are guilty of practising witchcraft. This however does not imply that alleged witches are subsequently necessarily brought to trial: van Beek points out that among the Kavongo groups, like the VagCiriku in North Namibia, witchcraft may be detected and individuals may be found guilty, but no action is taken against these individuals. It is thought that this is caused by the fact that the different groups involved in these accusations have little hold over one another, and can thus not eliminate the opposing opinion. If consensus about the divination is attained on the other hand, individuals may be brought to justice. Through a system of legal or religious institutions, alleged witches may either repent their illegal behaviour or be chased away from the community.

This however still does not reach the point of the violent witch-hunts found in the Northern Province of South Africa. Alleged witches are accused, found guilty through means of divination, there is consensus about the decision, but no legal or religious procedure exists to bring the accused justice. This is when people take matters into their own hands and the belief in witchcraft becomes

associated with a culture of fear and violence.¹ Alleged witches are attacked, chased from their communities, their properties destroyed and they are even brutally killed.

The knowledge that accusations of witchcraft in TshiVenda society usually do escalate to the point of violent attacks, does not explain how these attacks build up, in what social context they occur and who is involved in them. It is therefore necessary to take a step back, and take a look at some of the characteristics of TshiVenda witchcraft accusations.

One of the most significant features of the sociology of witchcraft accusations is that suspected witches are thought to be fairly intimate with their victims (Stadler 1996: 95). *Vhaloi* can only harm those with whom they share a close relationship. Hence, accusations of witchcraft only occur between people who know each other well. Because of the traditional organisation of TshiVenda society – communities were largely made up of extended families and all social, religious, political and economic activities were organised within the extended family – attacks of witchcraft were almost always directed at direct members of the kinship group. The alleged witch and victim were thus believed to have an intimate and enduring relationship.²

The contemporary TshiVenda witchcraft belief has not drifted much from this traditional characteristic. *Vhaloi* are still believed to be able to harm only those they know well. They require certain information before they can actually bring harm to a person through means of witchcraft. Some VhaVenda say that *vhaloi* need to know the family structure of the person they want to harm. When casting a spell, for instance, they need to utter the victims name, his father's name, his father's father's name etc. A *muloi* must have detailed knowledge of the clan and all its members before being capable of bewitching a person. Because of the intricate TshiVenda kinship system this can be very difficult and it is said that only direct family members can obtain this information.

Other TshiVenda informants on the other hand have pointed out that witches can only harm people whose medicinal (*muti*) background they know. When a MuVenda is born, both the mother and the baby must stay indoors for a limited period of time, varying between anything from three days to a month: with the exception of a *nyanga* and one or two older female relatives, they are isolated from the rest of the community. On the day that the new-born child is

¹ See chapter 9 for a discussion regarding the legal aspects surrounding the issue of witchcraft beliefs.

² Geschiere (1997: 228) has pointed out that the link between witchcraft and kinship is not necessarily universal. He explains that Copet-Rougier is currently working on an interesting comparison between, on the one hand, New Guinea, where the witch is usually supposed to be a stranger and, on the other hand, West and Central Africa, where people generally believe that witchcraft attacks come from inside the house.

introduced into the extended family, it is subjected to a unique ritual called *u bvisa mwana*, 'to bring the child outside'. During this ritual, the baby is treated with different types of *muti* in various ways. Some VhaVenda mix the *muti* into a paste and smear it all over the baby; others mix it with boiled water and give it to the baby to drink; some make little cuts all over the baby's body and smear a *muti* mixture in the cuts, which explains the two small scars many VhaVenda have on each cheek; and others again treat a special rope with *muti* and tie that around the baby's waist.³ Although the practice of the ritual varies, its basis and purpose are the same in every case: the exact contents of the *muti* mixture is classified, only known to the *nyanga* who is conducting the ritual and maybe a few selected individuals like the mother's older sister. The purpose of the ritual is to celebrate the baby's life, to protect it from harm against evil influences for the rest of its life, and to treat it so that it may grow up healthy and strong. It is believed that only those who know the exact ingredients of the *muti* used at a person's birth ritual, can harm that person by means of *moloi*. They know its strengths and its weaknesses and consequently how to get around them. Mashavhavhe, a 35-year-old Sotho from Tshilwavhusiku, explains:

'Normally these people [that bewitch others] are relatives of the victim. A foreigner or a stranger cannot come and bewitch me. I can only be bewitched by somebody who knows which *muti* was used when I was born, by somebody who knows where my placenta has been buried, or by somebody who knows my family history and all my clan names. If you want to bewitch me, you have to know these things. This is why witchcraft always occurs in family circumstances: the victims always know the person that has bewitched them.'

Accusations of witchcraft therefore predominantly occur between people who are each other's kin. Some family relations however are more prone to accusations of witchcraft than others. Co-wives (women who are married to the same man) and in-laws for instance often accuse each other of bewitching the other. The following three examples from the area of Tshilwavhusiku illustrate the typical accusing kinship relations. Selina, a 27-year-old MuVenda from Ramahantsha, recounts:

'One day last year, I went to visit my mother. Upon entering her house, my sister Margareth (from the same father, but a different mother) confronted me. She said that I am practising witchcraft with my mother. She said that we are both witches and that we bewitched her son Louis who is mentally deranged. Margareth also said

³ Most of these treatments have been influenced by customs of neighbouring ethnic groups, like the Sotho and the Tswana. Stayt (1937: 89) also described the *u bvisa mwana* ritual, but he interpreted it as a symbolic representation of the child's future activities (sowing, hoeing, herding) and no use of *muti* was involved.

that I killed my brother who passed away a few months ago. She said I killed him because I wanted his house, as I have no house of my own.’

Francina, a 50-year-old MuVenda from Tshiozwi, relates:

‘My husband’s other wife is always accusing me of killing my late husband. She says that I mixed *muti* in his food all the time and that he slowly died because of that. She says that my daughter by my late husband is also a witch and that I am teaching her all my evil tricks.’

Rasiluma, a 33-year-old MuVenda from Maibani, narrates:

‘I was walking in the street one day, on my way to see a friend. Suddenly Mushoni came up to me. She was shouting and using vulgar words. She said that I must put a stop to my relationship with her former husband. She said that if I declined to do so, she would take steps. She even said that it would be better for me to kill her, that I should just strike her with lightning. Otherwise she would make sure she would do that to me, meaning that she would kill me.’

These examples indicate that the relationship between an alleged *muloi* and its victim is usually not only intimate, but also typically problematic. Accusations of witchcraft mostly occur between people that are involved in what is regarded as distinctively strenuous relationships, like that of co-wives or children of the same father, but of different mothers.

More recently however, the direction of witchcraft attacks in Tshilwavhusiku has undergone a slight shift. Since the social, political and economical changes of the second half on the twentieth century, which brought about significant changes in settlement patterns,⁴ the attacks have no longer been exclusively aimed at direct family members, but also at those that one shares an intimate relationship with outside the extended family. Because *vhaloi*, like other people, no longer socialise exclusively with their direct kinship group, but also with people like neighbours, attacks in this direction have come into existence. The following examples from Tshilwavhusiku illustrate these extra-familial accusations. Matheva, a 39-year-old MuVenda from Manavhela, relates:

‘Ever since Takalani moved in next door to us, there have been problems. She is always insulting me and my family. For everything that goes wrong in her life, she blames me. Like last week: I was sitting at home when she came to the fence that divides our yards. I heard her shouting, so I went outside to see what was happening. There I found Takalani saying that I am a witch, that I make her daughter sick.’

⁴ See chapter 6

Silvia, an elderly MuVenda from Magau, narrates:

‘Some time ago, my neighbour Thinavhuyo came over to my house to tell me that my grand-children had left some rubbish in her yard. I went to have a look and I found some orange peels there. I started picking them up, saying that I was sorry for what the children had done. Then suddenly Thinavhuyo started insulting me, saying that I bewitched her son and her father. She said that I use my traditional healing powers to bewitch people. This really surprised me. It is true that I am a *nyanga*, but my job is to serve the community, to heal the people, not to bewitch them.’

Additionally, attacks in the direction of another relatively recent close relationship can be found, namely that of co-workers or colleagues. Freddy, a 31-year-old MuVenda from Muraleni, illustrates:

‘I have been working at the herbalist shop it Louis Trichardt for about a year now. From the beginning, I never really liked that place. But then a few weeks ago my female colleagues started saying that I am a witch, that I go out at night after dark and that I meet other witches. I know they don’t like me, but I don’t understand why they are accusing me of doing those things.’

Moreover, traditional healers often fall victim to witchcraft accusation, because it is believed that they can very easily cross the line between using their power for the purpose of helping the community and harming it.⁵ The main incentive to turn from good to evil is believed to be money: if a *nyanga* is paid enough, he or she will not hesitate to bewitch people instead of healing them. An example by Freddy, a *nyanga* from Samekomste, being accused of practicing witchcraft:

‘On the twelfth of November of last year, I was visiting my common kraal in Samekomste together with my wife Sarah. I was sitting outside under a tree when Freddie, the neighbour’s son, came to the fence and started insulting me. He said that I killed some people in Samekomste and that I used their flesh as *muti*. He also claimed that his wife refuses to sleep with him, because I bewitched her. He then threatened to shoot me if I didn’t put a stop to all these things. I asked him how I was supposed to have done all these things and he answered me that I used my *nyanga* powers, that I am greedy and that I will do anything for money.’

Apart from no longer taking place exclusively between closely related kin, TshiVenda witchcraft accusations have undergone a second change related to modernisation: they have become related to western aspects of daily life that do not make sense within the traditional TshiVenda cosmology. In Tshilwavhusiku, the issue of child support has thus become increasingly socially problematic, and closely associated with the practice of witchcraft. Because of the

⁵ See chapter 4.

erosion of traditional African society – sexual relations have become looser, marriage is no longer perceived as a lifetime commitment, the social support system of the extended family has diminished – many VhaVenda women are faced with raising children by themselves. The South African government has responded to this situation by setting up an awareness campaign regarding women's rights to financial support. Generally, this development is highly resented by African men and it is believed that they will try anything, including witchcraft, to escape from paying child support. An example from the village of Ravele in the area of Tshilwavhusiku of how a former couple accused each other of practicing *moloi* after their newborn baby became very ill and died:

On 18 February 2001, a Sunday, Sikwari, was leaving church when he was approached by Gifty. Gifty was his ex-girlfriend and mother of the child they had together. Unfortunately, the child had passed away several weeks earlier. Gifty was angry and demanded to speak to Sikwari. Sikwari however refused to speak to her, because he was busy and because he had been at the receiving end of Gifty's bad temper many times before. Gifty insisted however and followed Sikwari. Along the way she was shouting at him, claiming that he had killed their baby through means of witchcraft. She claimed that he had bewitched the baby so that it would get sick and die, so that he wouldn't have to pay her child support. In reaction to this claim, Sikwari then told Gifty that she had probably killed the child herself by going to see a traditional healer, rather than take the baby to a proper clinic. Gifty interpreted this as being called a witch.

Because the issue of child maintenance is completely alien to traditional TshiVenda society and many VhaVenda do not know how to deal with it, it has become a source of great frustration. As a result, it has become closely associated with the belief in witchcraft. Although generally regarded as unacceptable, the practice of bewitching either the mother of the child or the baby itself in order to escape monthly payments is believed to have become common practice for many TshiVenda men. TshiVenda women in turn are accused of bewitching men to have sexual intercourse with them, so that they will become pregnant and will be able to claim child support. Either way, it is clear that the introduction of a foreign and ill-fitting element into TshiVenda society has resulted in accusations of witchcraft.

Jealousy

As pointed out before, the VhaVenda put substantial emphasis on sharing and on maintaining a balanced society.⁶ Individual prosperity for instance is generally frowned upon and usually associated with the stealing of other people's limited cosmological energy. It has therefore been suggested that the VhaVenda are exceptionally prone to jealousy (Van Rooy 1971: 63). Due to the emphasis on equality, people are quick to become suspicious and jealous of those that seem to prosper. The thought of acquiring more than others, and the subsequent threat of being accused of practicing witchcraft, seems to prevent people from disturbing the social balance.

Within this structural function of the witchcraft belief, jealousy can be regarded as the main trigger of accusations: it gives people the justification to accuse somebody of something terrible and hence brings the alleged culprit back to an acceptable, equal level. Jealousy can be regarded as the trigger that starts the process of the reinforcement of social stability. This, in turn, is closely related to the earlier described typical aspect of the intimate relationships in which accusations of witchcraft usually take place. Mapela, a 30-year-old Sotho from Bochum, now residing in Pietersburg, explains it as follows:

'Normally, jealousy takes place between people that know each other. Witchcraft has a lot to do with jealousy. Say for instance that we grew up together and we know each other very well. Now say that I have 4 children and they are all doing very well at school, and you don't have any children at all. Now you will realise that my children will help me in the future when I get old. You know that they will look after me, so you think it is better to get rid of the children, so that we can be the same once again. You are jealous of me and my children and you think that by bewitching them, you can bring me back to you again. In the beginning, we were the same. Now I am better. But you want us to be the same again, so the best thing for you to do is to attack the children.'

Accusations of witchcraft thus usually occur between people who know each other well. The afore-mentioned typically strenuous relationships – co-wives, in-laws, children of the same father, but of different mothers, troublesome neighbours and colleagues – are typically prone to accusations of witchcraft, because they are susceptible to jealousy. The jealousy arises within these relationships, because the people involved in them are competing with each other over scarce goods, like for instance a shared husband.

⁶ See chapter 3.

Parenthetically it is because of this correlation between the belief in witchcraft, intimate relationships and jealousy that strangers can never be bewitched or accused of practicing witchcraft. Mapela continues:

‘If I don’t know you, I don’t have a reason to be jealous of you. If I don’t have a reason to be jealous of you, I don’t have a reason to bewitch you. Besides, how would I bewitch you? If you are a stranger, I don’t know anything about you: not your [birth ritual] *muti*, not your parents, nothing. So how should I do that? But if you and I grew up together and I know you, then I have reason to be jealous of you. Maybe you are more successful, have more money, a nicer house, your children are good in school. Yes, then I have a reason to be jealous and a reason to bewitch you.’

This idea of witchcraft being related to jealousy is by no means exclusive to the VhaVenda of Tshilwavhusiku. Niehaus (2001: 108) observed a similar mechanism in Green Valley, South Africa:⁷

‘In Green Valley social inequality was most apparent between neighbours. Wealth, health and good fortune was not distributed equally or equitable. Some households were conspicuously successful: their men earned good wages, their women gave birth to healthy children, their youngsters passed at school, they lived in well-built homes, and could afford luxuries such as television sets, telephones, furniture and motor cars. Other households were much less successful: their members experienced prolonged periods of unemployment, suffered ill health, did poorly at school, lived in shanties and struggled to make ends meet. For villagers these inequalities, which were fertile breeding grounds for feelings of envy and resentment, could easily lead to witchcraft.’

From this point of view, accusations of witchcraft are thus aimed at restoring equality within the community. They bring those that prosper back to the same level as the rest of the community. This explains why witch attacks are often aimed at those that display an economic social disposition. An illustration from the village of Tshiozwi in the area of Tshilwavhusiku:

In 2001, the whole of Venda was shaken by a case of witchcraft that occurred in Nzhelele. From the beginning of January, the Thononda family started experiencing inexplicable events. Self-igniting fire was burning all their possessions: blankets, clothes, furniture, bedding, even food. On a daily basis, fire would just suddenly start somewhere in the house and could not be controlled. It would only stop once the item on fire was completely destroyed. The fire burned all the food in the house and the family was reduced to living of charity and hand-outs. It also followed

⁷ Niehaus’ research of witchcraft beliefs did not have the structural functionalist approach as a starting point. He rather considered the belief as a symbolic system in relation to political action.

individual family members everywhere: in school, the children's books and desks caught fire and as a result, the children were requested by the principal not to attend school until this thing had passed; even at the mother's work, Siloam hospital, objects simply caught fire.

After the whole house had burned down, Sarah Thononda, the mother of the family, decided that, because she had no where else to go, she should move back to her mother's house in the area of Tshilwavhusiku, some 50 km away. But even this did not stop the fire. It continued in the grandmother's house. The situation got so bad that the family became completely isolated. The children no longer attended school, and the mother lost her job at the hospital. Even cousins and aunts would not welcome the family in their own houses any longer for fear that the fire would also come after them.

After some consultations with different *dzinyanga*, it was concluded that the family was being bewitched. Sarah Thononda was told that a man and a woman were responsible for the fire, but she was not able to find out who these people were or where they were coming from. She however had her own ideas about why her family was being tortured like that:

'My husband has got a good job in Johannesburg. He works for the railways and gets a good salary. He doesn't spend his salary on drink like other men, but sends most of it home to me and the children. I also used to have a good job at the Siloam hospital. I worked there many years as a nurse. Now that I have lost my job there I only work a few days a week at the Louis Trichardt hospital. This job is not bringing me enough money.

I think people are bewitching my family, because we are looking better than other people: we used to have a big house with nice furniture. Electricity, water, everything. Because my husband and I were both working, we were able to do more things than other people. We could buy nice food, nice clothes and send the children to a good school. Now everything is gone. We lost the big house and all our possessions. I lost my job. The children are not going to school. Now we have become like everybody else again.'

The levelling effect of witchcraft in this case is quite clear. The family was believed to be attacked because it held an economically and socially superior position within the community. After the *vhaloi* were done with them, they were back at the same level as the rest of the community and social balance was restored. Due to jealousy, the process of an accusation of witchcraft was set in motion and those in a superior position were brought back down.

Re-victimisation of certain families

Finally, witchcraft accusations are often associated with certain families, and as a result they may be long-continued. During their lives, the VhaVenda are continually instructed in the whereabouts of *vhaloi*: as children, they are told

not to play with certain other children, because members of their family are believed to be witches; young men are told not to court certain girls because either the girl herself is believed to be a witch or her close relatives are; it is also said that people should never accept food, a particularly social commodity, from certain families because they are thought to be witches and may have mixed the food with some form of *muti*.

The families that are singled out as witch families are thus avoided and become increasingly isolated. When some unfortunate event takes place, these families are exceptionally prone to accusations of witchcraft, which in turn isolates them even more. The process of re-victimisation is evidently present in TshiVenda society. The following story told by Silvia, an elderly MuVenda originally from the area of Sibasa, but residing in Ravele for nearly 50 years, may serve as an illustration:

‘One day when I was still young, maybe 5 or 6, my friend called me. She said that the old lady Ashudi had given her a bundle of sticks and told her to take the sticks to the next village. My friend asked me to come with her, because she didn’t know the way. We knew from our parents that we really shouldn’t associate with this woman, but as we were still young, we didn’t question her and we did what we were told. We went to the next village and spread the sticks out under a tree, because this is what Ashudi had told my friend to do.

A few days after we had done this, we heard that a six-month old baby had died in the next village, right near the place where we had put the sticks under the tree. Somebody told us that the mother of the baby that had passed away always collected wood for the cooking fire under that same tree. Rumour had it that the mother had been bewitched by something she had picked up from the ground. My friend and I realised that she must have picked up the sticks that we had put there together with the other wood. Ashudi must have bewitched those sticks. When we found out that that baby had passed away we became very scared. We knew Ashudi had killed that baby with witchcraft and that she could easily do the same to us if we told anyone what we had done. I was so scared of the old lady that I didn’t tell anyone about it for 30 years.

After some time it became clear that the dead baby had been Ashudi’s grandchild. Apparently Ashudi’s son, Mahosi, had made this girl in the next village pregnant, but he didn’t want to marry her. This is why the old lady killed the girl’s baby. She did not want her family to become involved in a long battle over this baby, so she took the easy way out and killed it.

Years later Mahosi married another girl and he had three children with this lady; two girls and one boy. When the boy, Peter, was older he went and did the same thing as his father had done years before: he got a girl called Mavis pregnant, but he didn’t want to marry her. One day Peter was drinking with his friends. They all got very drunk. They were just talking and one of the friends asked Peter why he had a sore on his leg. Peter said he didn’t know where it came from; all he knew was that it just

wouldn't heal. Then he said he was convinced that Mavis was responsible for causing this sore and that she was a witch.

Some days later Mavis heard about what Peter had said and she reported him to the police for pointing her out as a witch. Peter was released on bail and he heard that Mavis was telling people that she would take him to court and make him pay maintenance for his child. Then all of a sudden both Mavis and her young child died. Remembering what had happened years before it was obvious to everybody in the area that the boy's grandmother, Ashudi, had helped her family out of a difficult situation once again. This time she killed both the mother and the child.

Then some time ago some people were walking along a path in the long grass. Suddenly they came across a stick on the path. It had been covered up with grass so the people wouldn't see it. Great excitement occurred, because it was clear that the stick somehow had something to do with witchcraft. The people said the stick must have been put there by a *muloi* in order to harm somebody. After a while the chief appeared, having heard the excitement. He decided that the stick should be taken to a *nyanga*. Just as the people were about to take the stick, an old man called Moraudzi, arrived. Moraudzi was Ashudi's father. He said that the people shouldn't take the stick to a *nyanga*. Then he took the stick and he disappeared with it. As the old man was a minister in a Christian church he was very powerful, and so nobody said anything when he left with the stick. Nobody knew what he did with it and nothing was thought about it again until a month later.

At that time my mother, Irene, was going to the river to wash. It was already getting dark. In order to get to the river, my mother had to pass the house of her niece, Caroline, who was also the daughter of Ashudi's sister. My mother had left the house quite a while already when suddenly Caroline came running to our house. She was shouting 'come quickly, there is something lying on the path!'. When we went to have a look we saw my mother. She was just lying there. She was dead.

We know my mother was killed by witchcraft. We were never able to prove it, but our family always held Ashudi responsible. When those people found that stick in the grass that day, it had been put there for my mother. This was the path she used to take every day, but as she had been sick that day, so she had not gone out and Ashudi's plan to bewitch my mother with the stick had failed. When my mother went out that evening to the river, Ashudi must have planned something with Caroline, who she was obviously teaching. This time her evil plan worked and so she killed my mother.'

Silvia's story illustrates how a certain family may repeatedly be blamed for inexplicable events. In this case, one old woman, Ashudi, was blamed for the death of two babies and two women. In the minds of the VhaVenda the fact that Moraudzi took the stick that had caused great excitement, was a clear indication that Ashudi was up to no good, and that her father knew about it and tried to cover it up. Moreover, the fact that Caroline, the old woman's niece, was the one that found Silvia's mother cannot be regarded as a coincidence: in the eyes of those affected by the events this was another clear sign that Ashudi was responsible, and that she somehow also got her niece involved. In all, Ashudi

was held responsible for the deaths of four deaths: first the baby of her son's lover, then both her grandson's lover and her baby, and finally the story-teller's mother. As these incidents took place over a period of approximately 40 years, the story shows that people do not forget and tend to accuse those that have a track-record of practicing witchcraft. Once a person has been marked as a witch, he or she will run a great risk of being pointed out again at a later stage. And as witchcraft is usually believed to be hereditary, his or her family members are also marked as possible witches. In this manner, the old woman's niece, Caroline, was pointed out as an accomplice in the practice of witchcraft.

Additionally, Silvia's story once again indicates that the practice of witchcraft often occurs between people that share a close relationship and that jealousy is a dangerous element in TshiVenda society. Both Mahosi and the two babies that died were namely believed to be in a close relationship with the alleged witch's son and grandson. Moreover, it turned out that the story-teller mother, Irene, who was also believed to be killed by Ashudi by means of witchcraft, was also related to the old woman: she was a co-wife to the Ashudi's sister. The alleged witch and the victim thus knew each other well, and according to Silvia there was always a lot of jealousy between the different wives, a situation in which Ashudi had always taken her sister's side. The jealousy between the women was apparently caused by the fact that their shared husband worked in Johannesburg and gave priority treatment to Irene by always giving her more money than the others. And according to the above-described dynamics of witchcraft accusations in TshiVenda society, this may very well have been sufficient reason for bewitching her.



Photo 4 Men drinking homebrewed beer on a Saturday afternoon

Accusations of witchcraft as a social strain gauge

Social change as a new focal point: The belief in witchcraft as a social strain gauge

The in the previous chapter described intimate relationship that exists between people that are involved in accusations of witchcraft is a well-known anthropological theme. It is one of the reasons that the study of witchcraft beliefs, and their related accusations, developed a new perspective during the second half of the twentieth century. Up until then, the belief in witchcraft had mainly been regarded as a levelling element, a way of maintaining stability and tempering too rapid social change. Social scientists started realising however, that the belief in witchcraft had an important second element to it: that of indicating social tension and of introducing social change.

During the second half of the twentieth century, many so-called traditional societies in Africa underwent big social changes, mostly under the influence of former colonial powers. Douglas (1999), for instance, shows that intensive missionary work disturbed the traditional religious beliefs, which in turn disturbed the generational relationships of her research population, the Lele of the Kasai.¹ Because many young Lele converted to Christianity, the traditional Lele deity became associated with paganism. This resulted in contempt for the old, liberation for the young and mutual hatred and mistrust between the two

¹ Belgian Congo

generations. In this social context, witchcraft accusations were the order of the day. Not having experienced witchcraft beliefs in previous fieldwork periods, Douglas concluded that these witchcraft accusations had to be related to the social tension caused by the missionary work (*ibid.* 178-179).

The Northern Province of South Africa underwent some far-fetching changes itself during the second half of twentieth century. Firstly, the Northern Province underwent some fundamental religious changes. It seems that missionaries carried out their jobs with such vigour that they were able to convert the principal part of the local African population. As a result, the former homeland of Venda now counts dozens of different churches, all of which proclaim to be the true followers of Christ. In reality however, most VhaVenda have adopted some form of compromise between traditional ancestral worship, witchcraft beliefs and Christianity. Petrus, a forty-five-year old MuVenda from the area of Tshilwavhusiku, comments:

‘There are people who believe in Christianity and there are people that believe in witchcraft. There are people who partially believe in both. There are people who completely do not believe in witchcraft and people who completely believe in witchcraft. I personally believe witchcraft exists, because it says so in the bible.’²

Some VhaVenda believe that the Christian God cooperates with the ancestors, that they can pray to their ancestors, who will in turn pass the message on to God. Many churches have accepted the teachings of the bible, but have incorporated an element of healing. They allege that they can cure physical complaints and serious illnesses by offering people holy water or tea. The influence of traditional healing in these types of churches is self-evident. Other VhaVenda have simply kept their traditional belief, but given it a different name: these people for instance don’t speak of evil in the form of witchcraft, but in the form of Satan.

Secondly, TshiVenda society underwent some political changes. Over the course of the twentieth century, traditional leaders were systematically stripped of their powers and white government took over most of their tasks. Before the transition into *bantustans*, black areas had been governed by chiefs, but after the introduction of the homeland policy, chiefs were turned into puppets of the white apartheid government. They were exploited in order to implement the national segregation legislation, and as a result members of local communities generally lost their faith in traditional leaders.

Thirdly, TshiVenda society experienced some far-fetching social changes. The implementation of the homeland policy thus thoroughly marginalised traditional subsistence farming. Through forced removals, a large number of

² Exodus 22: 17; Deuteronomy 18: 10-11; Acts 8: 18-20.

people were pushed back into a very small area: ninety percent of the South African population was forced to live in seven percent (later augmented to fourteen percent) of the country. As a result, many families lost their farming plots and subsistence agriculture was made virtually impossible. Additionally, the traditional way of life became disturbed, because people were forced to live close together on small plots in nuclear villages in areas where the settlement patterns had been one of dispersed homesteads. Finally, many adults, especially men, were forced to resort to migrant labour: they had to leave their families and seek employment in the larger industrial and commercial towns, because local employment was difficult to find (SANPAD Preliminary Report 2000: 3). The combination of marginalised subsistence agriculture and migration labour additionally destroyed the traditional gender relations. Because they lost their farmland, women, who had traditionally been the ones working on the fields, became more or less dependent of the remittances of their men in the cities. Apart from divination and hawking there, were very few economic activities to compensate for this loss, as there were exceptionally few wage-earning opportunities for women (Niehaus 1993: 511).

Moreover, the removals brought about great social tension, because different ethnic groups were forced to live together. People with very different life styles became each other's neighbours, which sometimes resulted in ethnic conflicts. And finally, the removals also had a profound effect on generational relations (*ibid.*). In the absence of the migrant fathers, mothers and grandparents found it hard to discipline their children. Because children started attending school instead of herding the cattle, the children's status regarding their illiterate parents was enhanced. Generational tensions became very common.

During this period of social change, which applies to many African states, the generally accepted academic theory of structural functionalism became heavily criticised. It was pointed out that this approach of culture in general, and witchcraft beliefs in particular, had been too limited. It had regarded societies as closed-off and static units, and had not taken into account that societies are continuously subjected to change. Through the external influence of former western colonial powers, it became clear that the interpretation of societies as a 'magical equilibrium' in which the belief in witchcraft had a mere levelling function, was superseded. The a-temporal and a-historical representation of African village communities, and the neglect of profound and constant change experienced by these societies long before colonisation proved dangerous (Geschiere 1995: 189).

In a new theoretical approach of society, the pivotal point became *change*. Communities were no longer viewed as static and closed-off units, but rather as dynamic systems. It was pointed out that societies are always under the influence of not just external – as was mostly the case in Africa during the

second half of the twentieth century – but also internal change. Through this shift in the theoretical approach of societies as a whole, individual social elements such as the belief in witchcraft, also underwent a shift in perspective. The idea that witchcraft beliefs had a social function remained, but the levelling aspect became marginalised. Maintaining the social equilibrium was no longer regarded as the main functional element of witchcraft; instead, it was attributed a dynamic element. This theoretical variant treated witchcraft accusations as indices of social tension and as a vehicle of social change (Marwick 1970: 17).

One of the first and most significant representatives of this dynamic functional approach of witchcraft beliefs was Marwick. Based on an extensive field study of the Northern Rhodesian Cewa (1965), he concluded that the belief in witchcraft provides a social strain gauge:

‘A corollary to the generalisation supported by the African material is that the relationship between alleged witch (...) and believed victim is not only close but also strained: and this fact gives us a meaning of detecting the tension-points of a social structure by the frequency with which attacks of witchcraft (...) are believed to occur between persons standing in various relationships.’ (Marwick 1970: 280)

The social strain gauge was based on the idea that in different societies, various types of persons accuse each other of witchcraft. From the new theoretical point of view, it was argued that these particular accusations indicate typically stressful relationships or situations. Wilson (1951), for instance, showed in a comparative study that among the South Africa Mpondo, accusations of witchcraft mostly take place between mothers- and daughters-in-law and between neighbours, and that among the East African Nyakyusa, accusation of witchcraft mainly take place between unrelated village neighbours. According to Wilson, this indicated that accusation of witchcraft indicate different social pressure points, and she subsequently argued that, as the Mpondo and the Nyakyusa have completely different social settings (the Mpondo live in small hamlets with their paternal kinsmen and wives, and the Nyakyusa live in villages with unrelated age-mates), their accusations of witchcraft are directed at different types of people (*ibid.* 281).

From the perspective of the social strain gauge, it was further argued that typically accusing relationships indicate particularly weak point of a society. Marwick thus showed that the Bantu-speaking people of Southern Africa used to have most of their witchcraft related accusation directed at women who were brought as wives from outside the community. Marwick argued that these women were victims of these accusations, because they disturbed the traditional patriarchal, virilocal settlement system and caused a lot of friction within the traditional house complex (*ibid.*). From the social strain perspective, the continuous and frequent accusation of these women as witches thus indicated a

particularly stressful element of society: the fact that these women didn't really fit in.

The development of the social-strain-gauge theory brought about an important methodological consideration. As accusations of witchcraft became regarded as indices for social tension, these *accusations* became key elements in the study of witchcraft beliefs. Rather than studying witchcraft beliefs as a whole, many social scientists became increasingly only interested the accusations. Marwick (1970: 304) thus pointed out that:

‘the record of people’s beliefs about the relationship between alleged witches (...) and their victims provides us with an interesting summary of their insights into their own social system. By noting the frequency with which persons in various categories of social relationship come together as witch and victim (...) we are reading the society’s home-made strain-gauges.

The focus on accusations of witchcraft, as opposed to witchcraft beliefs as a whole, did simplify the study of witchcraft beliefs. Geschiere (1997: 219) thus pointed out that:

‘since accusations are often the most concrete manifestations of the occult forces, the focus on accusations automatically relates witchcraft to the reproduction of the social order. After all, there is a fair chance that only those accusations that do not attack as such are expressed in public.’

Through the focus on actual accusations, many elements surrounding the belief in witchcraft – such as for instance the process of the build-up of an accusation, or the role of traditional healers in this build-up – escaped the field of study. It was thus argued that the focus on accusations of witchcraft rather limited the study in witchcraft beliefs.

On the whole however, the social strain gauge had great impact on the study of witchcraft beliefs, and Marwick’s theoretical approach had a great following. In a recent study in the area of Green Valley in South Africa, Niehaus (2001), for instance, has shown that especially during the time that South Africa as a whole and Green Valley in particular underwent great social change due to the relocation politics of the apartheid government, numerous accusations of witchcraft occurred. From the social-strain-gauge perspective, Niehaus reduced these accusations to expressions of social instability. As many accusations of witchcraft were directed at the elderly, he concluded that this was caused by the fact that the traditional generational stability had been disturbed: as many fathers were absent due to migrant labour and boys could no longer carry out their traditional duties like herding the cattle due to the fact that grazing land

was no longer available, generational tensions became strife in the area. During this generational struggle witchcraft accusations became aimed at the elderly.³

From the social-strain-perspective, some of the typically accusing relationships in Tshilwavhusiku society may be explained. The fact that for instance neighbours suddenly became targets of witchcraft accusations was clearly linked to the relocation politics of the apartheid government: as great numbers of people with different ethnic background were forced to live together in small plots in nuclear villages where it was impossible to carry out the traditional lifestyle of subsistence agriculture, great tension arose, which was taken out on those who lived closest, i.e. neighbours. From the perspective of the social strain gauge, it would thus be argued that the sudden occurrence or increase of particular victims of accusations of witchcraft – in this case neighbours – is indicative of a specifically weak point of society.

Witchcraft and politics

From the theoretical perspective of the social-strain-gauge, a second typically strenuous element of Tshilwavhusiku society can be pointed out. As incessant quarrelling between members of the royal family of Kutama has been an element of daily Tshilwavhusiku life for as long as people can remember, accusations of witchcraft have always been associated with the domain of political rivalry. The following example recounted by chief Kutama can illustrate this point:

‘The problems we are currently experiencing started in 1989. It is the result of continuing fighting within the family.

In my father’s family there were 4 boys: my father and 3 brothers. My father, who was the chief, passed away in 1959. When he passed away my father had 9, maybe 10 wives. His first wife, who was also from the royal family – her father was the younger brother to my grandfather – couldn’t have any children, so my father married her sister, Masindi, who was my mother. This way Masindi became the most important wife. All the others were just ordinary wives.

I was the eldest from our house, so I was supposed to become chief, but at the time that my father passed away I was only 4 years old so an uncle took over the chieftaincy as a regent. He acted on my behalf from 1959 to 1973. In 1973 he passed

³ The example provided by Niehaus also points out that the social-stain-gauge may not only indicate for instance typically stressful relationships within a community, but possibly also a more general collapse of society. The sudden increase of accusations of witchcraft in the area of Green Valley thus most probably indicated the rapid erosion of community sentiments: as the traditional way of live was disturbed, society as whole became disintegrated.

away and once again I wasn't ready to become chief, so another one of my father's brothers took over. He acted from 1973.

During the time that the second uncle was acting regent I was doing my college education and I was working as a clerk for the Venda government. I then got into trouble with this government, because I was supporting the revolution. I was fired. I then decided it was time to take up my rightful position as a chief of Kutama. As I was not in good terms with the Venda government this proved to be very complicated. They tried to stop me from taking over from my uncle. The government supported my uncle, because he did exactly what he was told to do. He was easy to influence. He was a puppet of the government. But in the end I tricked the Venda government and I became chief of Ravele.

But then the problems really started. On the 26th of May 1990, during the first night after the announcement of the takeover, we couldn't sleep at home. Stones were just flying in through the windows and going out again. Stones were just coming down, but the ceiling was still intact. While we were sitting the stones were falling all around us. There were stones packed systematically in the sideboard. Stones were everywhere. After a few hours it stopped and we thought it was just a one off experience.

On the 2nd of June however, the day that I was installed it started again and this time it continued until February of the next year. It got so bad that we had to move out of our house. Then we realised that this thing was connected to my sister, Sarina. We noticed that everywhere she went the stones were following her. Where she was attending school it was terrible. The teachers asked us if we could please keep her at home, because it was affecting other children. This thing was following her.

Although it was following my sister we all knew it had to do with me. Of course we knew that it was witchcraft and it is our belief that witchcraft will always attack somebody that is close to you, but weaker. Sarina and I are from the same father, but we are not equal. My younger brothers and sisters are not protected in the same way as I am. They might have failed to attack me, so they attack my sister. By attacking her, they are hurting me.

Then in 1990 the fires also started. Suddenly my sister was not only followed by stones, but also by fire. All her clothes burned. Even the wardrobe burned. And this has been going on for more than 10 years. It will come and then it will be quiet for some months or years.

Until last year December Sarina was fine, she was able to cope with this thing. But from then she was always fighting with her mother. We decided that it might be good to send her back to school. She went back to school in January but in February the principal sent her home again, because he couldn't deal with the fire and the stones. She stayed home for about a month.

Then one day when I was in Thohoyandou I received a phone call that the situation had gone from bad to worse. They told me that there were stones coming out of her vagina. They told me that the whole night they had been busy removing stones from her private parts. I didn't believe them. But I went to see. And she told me that while she was experiencing those things somebody wanted to sleep with her now. Somebody was forcing her to sleep with him. She could resist this person and had to sleep with him. This was in the daylight, but we were not able to see anybody.

This is when the newspapers started the story. We decided to expose this thing because enough was enough. We had to tell the world. Maybe somebody could help us. We even spoke with the government, but they told us that we should no longer talk to the media, because traditional things are not supposed to be talked about.

During all this time that we have been experiencing these problems we have contacted a lot of healers and *nyangas*. I have gone as far as Zimbabwe, Harare, Mutare to find somebody that can help us. They did try their best. They were able to tell me the whole background of the situation, about the fighting over the chieftainship and that those people responsible for it wanted to bewitch me and not the girl.

One of them told me that a relative of mine died of an accident. It was because of these people who are doing these things to your sister. When they killed him they used a white cloth. He was travelling in the car and then he saw something white and he died.

Another *nyanga* told me who exactly is responsible for these things. It is my uncle, the one that was acting regent on my behalf. I was told he was involved with some church, a big church on the mountain. This church is for the people from Soweto. Through my uncle they applied for a church site here. I don't know why they came here. They built a church here. Then he told those people about the problems he was having. This was when he was still regent. And they told him that they would protect him.

Another *nyanga* from Malawi was also involved in this conspiracy. The wife to this *nyanga* told the community here in a gathering that my uncle and her husband and talk about me. She also told the people that her husband and my uncle were responsible for killing that relative of mine that died in the car accident. She knew these things because she used to help these people to crush *muti* which they used for bewitching people. She revealed all this because she was fighting with her husband and the husband was no longer staying with her, but was in Louis Trichardt. Because they were fighting she revealed that they killed my uncle.

This same woman also said that the Kutama family must thank the ancestors, in particular those from the maternal side, for protecting them. We should not pay attention to the paternal side because they are weak, but only to the maternal side because they are the strong ones. If the ancestors had not been there to protect us we would all have been dead.'

From this story it may be concluded that the competition between two important members of the royal family resulted in accusations of witchcraft. The association between accusations of witchcraft and political rivalry is by no means particular to the area of Tshilwavhusiku: it is not a local phenomenon, not is it an exceptional theoretical theme. There is considerable literature, by anthropologists and historians, on the role of witch-hunting campaigns in a variety of political struggles. It has, for instance, been pointed out that anti-witchcraft cults may be a trick played by a ruling class to mystify the poor. Harris (1974), for example, has argued that the European witch-craze of the sixteenth and seventeenth centuries was an attempt by the nobility and the

clergy to persuade the poor that their troubles were caused by imaginary witches, rather than by real powerful and wealthy people. The principal result of the witch-hunt system was that the poor came to believe they were victimised by devils instead of princes and popes, and consequently the poor did not confront the ecclesiastical and secular establishment with demands for the redistribution of wealth and levelling of rank (Harris, quoted in Niehaus 2001: 131).

Additionally, it has been argued that the belief in witchcraft may be functional in the intimidation or elimination of political opponents and can be regarded as a form of protest and resistance of the weak. Steadman, for instance, has pointed out that among the Hewa of Papua New Guinea, the aim of witch-hunts is to generate fear. The public punishment of witches communicates the accusers' willingness to use violence to dispose of any competitors who threaten their interests (*ibid.*).

Marwick has additionally pointed out that witch-hunts often accompany competition for chieftaincy. This point is clearly illustrated by the above-described example from Tshilwavhusiku. Chief Kutama's direct family started experiencing problems at the time he expressed his wish to take up his official position as chief of the area of Kutama. As his uncle refused to give up the chieftaincy, accusations of witchcraft started occurring. Although he was at this point unable to prove anything, chief Kutama had severe suspicions: he was convinced his uncle was using witchcraft to prevent him from taking over the chieftaincy. As a result of his suspicions, Kutama incited some of the youth in his area to attack the church that Kutama's uncle was supposedly involved with: a mob of youngsters charged the church and burned it down.⁴ As the problems chief Kutama and his family were experiencing stopped after this attack, the notion that the uncle was indeed bewitching chief Kutama was reinforced. After chief Kutama took up his position as chief however, his problems became worse than ever. In addition to the stones, chief Kutama began experiencing problems with fire as well. His home was completely destroyed and his sister Sarina became severely disturbed.

Since chief Kutama took up the chieftaincy in 1990, he has approached several *dzinyanga* to find out the exact nature of his problems and to find a solution to them. Up until today however, the problems continue to bother him and his direct family. Generally, the problems lay dormant for some time and then they suddenly flare up again. As he is convinced his problems are caused by his uncle, and as he has been told by different *dzinyanga* that there is nothing he can do about them, he has now resigned himself to the notion that his

⁴ As chief Kutama's role as instigator of the attack was clear, he was allegedly court-ordered to pay a great amount for damages.

problem won't go away until his uncle either accepts the fact that he has lost his once extensive political power, or until his uncle passes away.⁵

The concept of the belief in witchcraft being closely associated to political rivalry is quite common in the social sciences, both historically and more recently. It has been pointed out that in societies where political competition is strife, accusations of witchcraft may be used to rid society of political opponents. Mair (1969), for instance, has argued that the association between accusations of witchcraft and political rivalry usually only occurs in relatively complex societies, where the concept of political rivalry can be an issue. She has thus pointed out the obvious fact that predominantly small-scale, egalitarian societies do not have witchcraft accusations related to politics, because they do not have any political rivalry. To Mair, it is thus unsurprising that significant anthropological witchcraft studies, such as that conducted by Evans-Pritchard among the Zande, do not indicate any witchcraft accusations related to the domain of politics. She has indicated that:

‘in a village of Zande commoners, where there can be no political competition because they are all subjects of a single royal family, one would expect the quarrels that lead to accusation of witchcraft to be matters simply of actions held to run counter to the norms of kinship and neighbourliness, and not to divide villages into fractions.’ (Mair 1969: 208)

More recently, Geschiere (1997) has pointed out that among the Maka of South Eastern Cameroon, the issues of politics and witchcraft are clearly interlinked. It is thus obvious to the Maka that the ascension of the new elites – nearly exclusively civil servants and politicians – is linked, in one way or another, to the occult force of the *jambe*⁶ (Geschiere 1997: 5). Geschiere has additionally argued, that the association of politics with witchcraft has become increasingly reinforced by the political climate created after independence in 1960 by President Ahidjo: as most political decisions have been taken by a centralised party system behind closed doors, rumours about national politics have become more difficult to distinguish from familiar stories about nightly escapades and confrontations between witches (*ibid.*).

Finally, Niehaus has pointed out that in Green Valley, South Africa, the issues of the belief in witchcraft and politics became increasingly interlinked during the mid 1980s as comrades started using the eradication of witchcraft as a vehicle for political mobilisation. Niehaus has argued that from 1986, the

⁵ It should therefore not surprise the people of Tshilwavhusiku if one day chief Kutama's uncle (or a close relative) suddenly disappears or if a tragic accident happens to him.

⁶ A term that the Maka translate as witchcraft.

comrades exploited public perceptions that the South African government protected witches. By means of witchcraft accusations, comrades got rid of political opponents. They accused their opponents of using witchcraft, and convinced the local villagers that these alleged witches should be persecuted. The belief in witchcraft thus provided powerless individuals the necessary public support to accuse neighbours and kin as witches: it was used to perform a valuable social service. In making accusations, youths sought the public cooperation of village adults, and followed the consensual identification of individuals as witches. Niehaus concludes, that it is notable that members of Sofasonke, a local Green Valley civic union, were killed not as witches, but as political opponents (Niehaus 2001: 154).



Photo 5 The Tshilwavhusiku police station

South African policing: Approaches past and present

Policing in South Africa: A historical analysis

Policing in South Africa has its own, very unique history. It can be regarded as a product of several historical and political developments, such as colonialism, apartheid, revolution and reform. A key problem in the analysis of South African policing is that it is set entirely within a western framework. It is often forgotten – by error or choice – that prior to colonialism, many indigenous South African societies did indeed have an effective, well-organised system of dealing with issues regarding crime and deviant behaviour. But as general African history as a whole is not well recorded, the task of studying a particular issue such as African policing is beset with political pitfalls and contradictions (Fox, Van Wijk and Fourie 1998: 160). Because literature on African policing is virtually non-existent, it is usually interpreted from a western point of view. According to Kuper, social scientists – even anthropologists – have hardly ever been in a position to study ‘tribal’ politics for what they were. Instead those politics were examined as

‘modes of local government within colonial or settler states, or, more recently, independent states. And yet, not least when dealing with politics, many anthropologists have accepted the role of antiquary and devoted their skills to the reconstruction of ‘traditional tribal systems’; or, if they were historically-minded, to the

evaluation of the ways in which 'western civilisation' has impinged on these 'traditional systems'.' (Kuper, quoted in Fox, Van Wijk and Fourie 1998: 160)

Indigenous South African policing has therefore always been studied as a mode of white, colonial politics, rather than as a subject in its own right.

Despite this lack of scientific foundation, more recently it has become acknowledged that African legislation had indeed been highly developed prior to western interference. One of its most basic elements, which coincidentally seems to be the most conflicting with the western juridical system, can be found in its foundation: where western legislation focussed on punishment and judgement based on an impartial legal authority (Fox, Van Wijk and Fourie 1998: 160), African legislation emphasised settlement by reconciliation. Mokamole, a Sotho public prosecutor for the Tshilwavhusiku magistrate's court, comments:

'The whole African world used to be focussed on social balance and peace, and because of that the African justice system was of a reconciliatory nature. A chief would always try to reconcile two fighting parties. One of the ways of doing this was to ensure that the victim of a crime was compensated for the experienced harm. The chief would listen to all those involved, would take advice from a commission of elders and then for instance order the perpetrator to pay the victim one head of cattle. This way the wronged party was compensated.

The western justice system on the other hand is a punitive one. Though it says in books that the western system is redistributive, restorative, compensatory, even reconciliatory, the truth is that it is not happening in practice. It is only punitive. With the [western legal] system here in South Africa, we only punish people. If you are found guilty of a crime, you will be convicted and sentenced. There is no compensation to the complainant. You will be sentenced to pay maybe two thousand rand or to go to jail for six months. If you can, you may pay the two thousand rand, but that money is not taken back to the complainant. The complainant and the accused will never be called together (...) for reconciliation. The perpetrator is punished and the victim is not compensated.'

The present South African police force developed according to this western, punitive perspective. From the first moment that white colonial forces set permanent foot on the Cape in 1652, a police official was appointed in order to deal with the growing crime rate, and to curb contraband trading with the indigenous South African population. The number of police officers grew, and at the end of the seventeenth century, a fiscal was appointed who directly reported to the Dutch government. A century later, a system of *burgher watch* was introduced and policing became less centralised. In rural areas *field cornets*, *field watch masters* and *burgher cornets* were responsible for policing (*ibid.* 165).

The situation remained largely the same until the middle of the nineteenth century, when South African policing underwent some major changes. Due to emanating fears from the presence of an overwhelming number of 'natives', settlers were motivated to use military force from time to time (*ibid.* 166). It was the discovery of gold in the Transvaal and the growth of the gold fields however, that eventually led to the establishment of the ZARP, the 'Zuid Afrikaansche Republiek Politie'. Police organisation that until then had taken place on a local or provincial level, became centrally controlled, and a united police service came into effect. The responsibilities stated in section 7 of the 1958 Police Act, such as the preservation of internal security, were a clear indication of the path that the South African police was to follow.

For 80 years, the best part of the twentieth century, the South Africa Police played a central role in the upholding of the political regime of segregation, and later apartheid. The police became a symbol of oppression for the greater part of the community. The SAP became highly politicised and racist, both in composition and application. Black police officials were in the minority, unarmed until 1970, and did not enjoy the same privileges as their white counterparts. Police strategy was characterised by a strong emphasis on a military style of policing and was almost entirely aimed at black members of society. The police was repeatedly used for political ends, like suppressing rebellion and civil strife, with episodes like the 1960 Sharpeville incident, where 69 black civilians were killed by members of the South African Police, and the 1976 Soweto uprising, which led to mass arrests, disappearances, deaths in detention and the banning of certain organisations, as undeniable lows.

During the years of the state of emergency (1985 – 1991), the South African Police obtained almost absolute power regarding detention and interrogation of suspects, who by then were almost exclusively political opponents of the apartheid government (*ibid.* 167). The police security branch, national intelligence and military intelligence were at the heyday of their existence: violence and police brutality were strife and the South Africa Police was at the climax of its military regime.

The introduction of general political reforms during the first half of the 1990s, caused the South Africa Police to undergo major changes: as political organisation were un-banned, the SAP lost its most significant enemy, and police intelligence was systematically decreased. There was great overall pressure to withdraw police involvement from the political arena and to demilitarise police activity. A first symbolic step of these reforms was to change the name of the SAP into SAPS: putting the emphasis on the last S, the police was no longer to be a racist, militaristic symbol of oppression, but become a Service to the community.

Generally, the overall political climate within the SAP was changed: internal reorganisation took place at the top of the structure, in order to replace officials who resisted reform with more enlightened managers. Certain senior SAP officials who had operated under the previous regime too long to be able to adjust to the extent that was regarded necessary, were removed (Shaw 1994: 207). Additionally, the new police service became decentralised once again, with every police station having accountability on a local, regional and provincial level. The Service put more emphasis on professionalism: from then on, there was to be accountability to society in general and more particularly to the local community, whom it was to serve through its democratically elected institutions (*ibid.* 214).

Although most changes were welcomed with open arms, it has been suggested that this overall purging of the South Africa police may have been designed to create the impression of change, and that in reality, no fundamental changes were ever made. Surprisingly, the role of the SAP was never a hotly contested bargaining issue during the years of reform. Despite its history, policing was a far less politicised issue than it might have been. One of the reasons for this was that the overtly political nature of South African policing in the apartheid order ironically led to a failure by the 'liberation' movements to develop a well considered and detailed police policy; it was assumed that because the problem of policing was essentially 'political', it would naturally disappear when political power changed hands (*ibid.* 205).

An additional problem was that, while the ANC had a military wing that could merge with the existing South African army, it had no alternative police force that would be able to merge with the SAP. The existing SAP being the only available force, meant that it would therefore unavoidably stay put. Moreover, SAP management never really developed a reform strategy itself. Instead, it put itself in a position of subservience to the political process by leaving its future in the hands of the politicians. The SAP wished to signal that it would accept and respond to political decisions (*ibid.* 205). This resulted in a the South African police playing the waiting game, hanging on for government to tell them what to do, rather than undertaking action itself.

Community policing

In the most recent phase of South African policing – that of reform – the emphasis has been put on the consensus between community and police. In line with the political changes of the early 1990s, it was believed that the new South African Police would only be able to execute its job in close relation with society, by means of listening to the local community, and by responding to its

needs and wishes. Hence so-called ‘community policing’ became the new SAPS guideline. In the 1997 police manual, entitled ‘Policy Framework and Guidelines’, the definition of community policing was, *inter alia*, described as ‘a philosophy that guides police management styles and operational strategies and emphasises the establishment of police community partnerships and a problem-solving approach responsive to the needs of the community’ (Fox, Van Wijk and Fourie 1998: 184).

The backbone of community policing became the establishment of Community Policing Forums (CPFes). In line with the 1995 South Africa Police Service Act, CPFes, organised and coordinated on a local level, became responsible for liaising between the SAPS and local communities, with a view to:

- establishing and maintaining a partnership between the community and the Service;
- promoting communication between the service and the community;
- promoting cooperation between the Service and the community in fulfilling the needs of the community regarding policing;
- improving the rendering of police services to the community at national, provincial, area and local level;
- improving transparency in the Service and accountability of the Service to the community; and
- promoting joint problem identification and problem-solving by the Service and the community (*ibid.* 182).

Generally, CPFes consists of a police representative and several local community representatives. The Louis Trichardt CPF for instance consists of one member of the SAPS, a chairman and 6 community representatives, one for every village that falls under the Louis Trichardt police station.¹ The representatives of the different villages in turn are the chairpersons of their own local sub-CPFes. All the sub-forums hold regular meetings in which members of the community may step forward and address problems their particular village is confronted with. The chairperson of those individual sub-forums will then report to the main CPF so that all issues are dealt with on a grass-root level and are registered at the central police station. Mashavhatakga, chairman of the Louis Trichardt CPF, comments:

¹ During the period of my research, the Tshilwavhusiku CPF was undergoing some reorganisation: the police representative had just been replaced, and the new one was therefore unable to inform me about the exact ins and outs of the CPF’s workings. It is for this reason that I used the Louis Trichardt CPF as an example here. Additionally, the Louis Trichardt serves as a good example because it was voted one of the best of the Northern Province, and was awarded a prize for its initiatives and outstanding achievements.

‘The CPF aims at bringing together two structures, namely the community and the police. It promotes a healthy relationship between the community and the police and it encourages communication. Together with the police the CPF tries to identify problem areas within the community and to solve those problems.

The reason why CPFs were introduced, was the past. During the apartheid regime, the South African police worked on one side and the community on the other side. The relationship between the two was not healthy. The community considered the police to be enemies because of their attitude. (...) The present government is trying to change this situation so that the two will work hand in hand in combating crime. It realised that the police needs the community in order to combat crime. CPFs are simply the mediators between the police and the community.

CPFs also help in upgrading the delivery of service by the police to the community. (...) In fact, the CPF is keeping a big eye open on what the police is doing. They are seeing to it that the police is serving the community well, because it is believed that if the police serves the community well, the community will be satisfied. And once the community is satisfied, the police will enjoy its work and problems can easily be solved.’

Generally, the problems all the different CPFs are confronted with on a nation wide basis are very similar, or they can at least be attributed to the same causes. As pointed out by Mashavhatakga, the chief source of the problems the present South African Police Service is faced with is its apartheid past: due to the militaristic, racist regime, there is great lack of communication and interaction between the police and local communities. There is mutual mistrust and great animosity.

The apartheid system can additionally be regarded as the reason for some far-fetching internal difficulties. During the years of apartheid, individual members of the South Africa police were selected for their physical characteristics, rather than for their educational or mental abilities. The SAP needed strong, robust men that were able to intimidate civilians easily, and thus policemen’s training focused entirely on physical fitness. As a result, levels of education within the SAP were appallingly low when the new South African government introduced the general reforms during the first half of the 1990s: particularly in rural areas, many policemen did not even have basic primary education; many of them couldn’t even read or write. Although as part of the reforms a minimum of standard 10 or grade 12 has been introduced,² fundamental change is taking place very slowly and a continuing overall lack of education within the SAPS is still present.

One of the most far-fetching consequences of this situation is that the courts withdraw a large percentage of the criminal cases that are opened by the public, because public prosecutors are unable to understand the dockets. Statements

² Standard 10 or grade 12 is the level of basic secondary education.

that are usually taken down in the locally spoken language, in this case TshiVenda, are translated into English by the police officer that is responsible for opening the case. Because of the overall inadequate level of education however, statements are often incomprehensible, and cases that may have had a good chance of getting a conviction on the basis of sufficient evidence, are withdrawn by the public prosecutor.

Moreover, the SASP has to deal with a general lack of professionalism. Many members of the police, for instance, do not know how to conduct themselves in regard to victims of crime. In one case, an alleged rape victim was turned away at the Louis Trichardt police station and told to settle her differences with her boyfriend at home and not to bother the police with it. In another, a woman farmer became the victim of theft when the police came to her farm to take a statement regarding another issue and policemen started picking guavas from the trees and eating them without permission. These examples are not highly exceptional. In general, members of the community feel that they are not treated with due respect, and that they often feel intimidated when filing a complaint. Mashavhatakgwa comments:

‘People feel that they are not taken seriously by the police. Some time ago, for instance, I spoke to a man who told me that he had gone to the police to report case. As he had not heard anything about it for some time, he asked me if I could make some enquiries. So I went to look for the docket that he had opened, but could not find it anywhere. After searching for a while, I finally found it and I was surprised, because it said it had been closed. I read the investigating officer’s remarks and it said ‘I visited the complainant, gave him information on what was happening with his case and the complainant was satisfied’. So I went back to the complainant and told him what had been written in the docket. But the complainant he told me that no policeman had ever come to see him.

(...) This incident made the CPF wonder if this type of behaviour was common in the police. So we did our own little investigation and we found out that many dockets had been closed this way. It clearly proved that some police officers were not doing their job. Many cases were never investigated and closed without anybody knowing about it. In the local community, this set off a very negative attitude towards the police. So during one of our meetings, we confronted police management about this issue. From then on, the heads of the detective section started to attend to this problem and made sure that the detectives do their job properly. They even appointed somebody specialised in checking the dockets. The policemen that were not doing their jobs were caught and questioned about what they were writing in the dockets.’

The interactional problems between police and local communities are not entirely caused by a lack of education and professionalism on the side of the SAP however. Friction is enforced by a lack of knowledge on the side of the

community. Members of the local communities need to be educated in the working of the legal system. Due to the racist apartheid regime, people are unaware of the fact that they have certain unalienable rights, and that the police has to respect these. They are, for instance, unaware of the procedure that is involved in criminal cases: they do not know that once they have opened a case, they have to be provided with a case number, with which they can then make enquiries about the progress of their case. They are also ignorant of the importance of cooperating with the police during investigations,³ and showing up at a court hearing. Some CPFs have therefore taken it upon themselves to address these types of problems by educating local communities through mass meetings.

A new SAPS with old values

In general however, the present SAPS suffers most from the fact that it doesn't seem to be able to shake off the old SAP mentality. What appears to bother members of the SAPS most is that on paper many changes have been made, but in reality most things have stayed the same. Many issues frustrate well-educated, committed, young policemen and -women, but because these issues are neither raised nor addressed, they leave the Service and seek employment elsewhere.

The number one frustration is caused by the fission between the old and the new guard. The present SAPS structure is established on the remnants of the previous regime. Although many high-ranking officers were done away with, many also remained. And although most of those that stayed were open to political change, they were very much stuck in their ways and they held on to many old patterns. The system of promotion for instance is a clear residue of the old structure. Because of the historical emphasis on physical, rather than mental and educational, development, promotion is still largely based on years of experience, as opposed to level of education. Detective Inspector Matlaba of the Pietersburg SAPS comments:

³ The issue of cooperation is particularly problematic in TshiVenda communities: the VhaVenda are highly secretive and will avoid any sort of involvement, questioning or investigation at any cost. It is not uncommon to be told upon arrival at somebody's house that that person doesn't live there any longer when all the while he or she is standing right there. Additionally, members of the community often withhold important information from the police. This type of behaviour is a source of great frustration among investigating officers.

‘I have been in the police for 6 years. I joined after the big changes of the 1990s, because I wanted to contribute to the development of my country. Before I joined the police I had finished my secondary education and I had a college degree in policing. And since I have been working at the police I have obtained a Master’s degree.

Those in higher ranks do not care about education though. They are still thinking in the lines of years of experience. You only get promoted when you have been in the police a long time. It doesn’t matter if you do a good or a bad job: after a certain number of years you get promoted. They don’t look at your level of education at all. They are actually scared of people that educate themselves, because we bring new ideas. You know what they tell us if we make suggestions? They tell us to keep quiet, because they have been in the police for much longer and they know how the job should be done!’

This particular grievance is confirmed by many other members of the SAPS. Detective Inspector Nemavhidi from the Tshilwavhusiku SAPS, for instance, comments:

‘The general perception of people like us, people with an education, is bad. Those at the top don’t see the importance of it. You will see that the majority at the top have got no education. All they have is experience. But it is experience of the old regime, experience of bullying civilians into obeying orders. That type of experience only hinders progress. No, education is not stimulated in the SAPS. They only talk in terms of experience. All that counts is the amount of years you have served the service.

And what makes it worse is seeing those who do get promoted: it is those that never speak up, that do what they are told, that don’t have an education or an opinion. The ones that get promoted are puppets of the higher-ranking officers. They have been instructed in the ways of the old system and they are encouraged because they adjust so well to it. This way the old system is just carried on into the future.’

Additionally, nepotism and corruption, another two elements that were strife in the old South Africa police system, are cause of great frustration within the present SAPS. Nemavhidi continues:

‘It bothers me that I have to take orders from somebody just because he was in Umkhonto We Sizwe.⁴ Don’t misunderstand me: I really respect those that fought in the struggle and that were prepared to give their life for the struggle, for a free South Africa. But just because somebody was in Umkhonto, doesn’t mean that he is a good policeman. On the contrary... Most of these Umkhonto policemen were given their job in the police, because of their contribution during the struggle, because their friends became ministers in the national parliament and they had the power to put them there. But they don’t know anything about policing, they don’t even know the

⁴ The military wing of the ANC during the struggle.

basics. And it frustrates me that some of these men have to ask people like us how to do their jobs. But I still have to take orders from them.'

Derrick, Detective Inspector with the Pietersburg SAPS, confirms this notion with a practical example:

'About six months ago, I heard that there was a job opening for a junior position: the police were looking for a young person to fill that position. I told my brother about it, because he had just finished his college education and he wants to become a policeman like me. I arranged for him to get all the right application forms. After about two months he had still not heard anything, so I asked one of my colleagues what had happened to that position. He told me that it had been filled a long time ago. I wasn't really worried about it, but then I found out from another police officer that they took somebody with Standard 10. My brother has a college education and a national policing diploma! But we will never know why they took that other person. I'm sure that in the future we will find out that this appointed officer is a relative of some big boss.'

The greatest overall annoyance of the frustrated SAPS members is that they feel that nothing can be done to change the situation. Workshops are organised on a regular basis in an effort to educate and instruct those that need it, but fundamental changes generally fail to materialise. Rather than addressing problems from a holistic approach, in an effort to change people's mentality, they are dealt with on a one-to-one basis. The underlying reason for the overall wanting standard is ignored. Nemavhidi summarises:

'If you bring something new and you put it in the hands of those old people, that new thing will automatically turn into an old thing. They have tried to change people through workshops and so. Bring them to the workshops. They will still be useless. You can do all those things, but if they continue to use the same principals, the same standing orders, rules and regulations, then nothing will change. You cannot teach an old dog new tricks.'

SAPS management seems to be unable to deal with these serious problems. Instead, it seems to prefer to stick its head in the sand. Matlaba observes:

'Some time ago they created those anonymous suggestion boxes. People could write their complaints or ideas down and put them in the box. But they stopped that, because management was doing nothing about them. They would open the boxes, look at the complaints or ideas and then throw them out. Nobody hears about them. You know, the whites used to have this saying 'ek kan nie kla nie. Wie gaan luister?'⁵ That's the idea we are living with: we cannot complain, because there is nobody there to listen.'

⁵ 'I cannot complain. Who is going to listen?'

The new SAPS is thus still faced with many problems. Although in theory many reforms have taken place since the abolishment of apartheid, it seems that the general mentality of the old regime is nevertheless still predominant. Many members of the old guard seem to hold on to deep-rooted values and as a result new members either adjust to those or they leave the SAPS entirely.

SAPS and the problem of witchcraft

Comrades and witch attacks

During the late 1980s and early 1990s, South Africa underwent some turbulent political changes: violent protest from the oppressed part of society became increasingly well organised and, as part of the revolutionary strategy, the country as a whole became ungovernable. Although most protest had originated in urban settings, it quickly expanded to rural areas through the media, the phenomenon of migrant labour and the organisation of the Congress of South African Students (Cosas).

One typical characteristic of the aggressive nature of the struggle for freedom was the involvement of many young activists, the so-called comrades. During the 1980s, these comrades became a major force in schools and universities, and pretty soon the original core of intellectuals and activists was joined by a mass following consisting of school pupils and, increasingly, unemployed youth (Delius 1996: 184). The Turfloop campus of the University of the North in particular started to provide organisational impetus throughout the region. The main student grouping, the Azanian Students Organisation (Azaso) thrust aside its Black Consciousness origins and adopted the principle of the ANC's Freedom Charter. The students' organisational talent proved limitless, and resources soon ranged from cash to cars. Before long, the university's campus became known as 'Lusaka', after the headquarters of the ANC (*ibid.* 181).

From this context, a wide variety of local leaders emerged (*ibid.* 184). In the area of Tshilwavhusiku, the influence of youth revolt was also seeping through. Marcus, a 30-year-old professional MuVenda from Madombidzha, comments:

‘During the late 1980s and the early 1990s, I was a youth leader in this area. Although we had been quite active before, it was not until the release of Mandela that we decided to clean up almost everything. For us cleaning up meant getting rid of everything that we didn’t like: apartheid and everybody that supported it; everybody that oppressed others; and those that were generally considered to be unwanted elements of the community. We used to call big meetings to discuss these problems and usually we ended with naming people or families that we didn’t like. Then we would go around and eliminate those unwanted elements.’

Before long, youth protest became heavily associated with violent action and crime, and as a result the South African Police became heavily involved in the fight against the comrades. Heavy-handed police action fanned the flames of revolt however, and set in motion a corrosive cycle of death and defiance. Shootings and arrests gave rise to heightened anger and action against the youth, which in turn led to renewed confrontation with the police and more deaths. The youths took up the United Democratic Front campaign to ‘isolate the police’: individuals who were believed to be police informers were assaulted; girls with lovers in the police force were ‘severely disciplined’; and shebeen owners and shopkeepers were ordered to stop serving members of the security services (*ibid.* 185). Hence, the police increasingly became the target of violent attacks, and the schism between local communities and the South African Police – the latter being the most in-your-face testimony of the apartheid regime – grew bigger.

During these years of revolt, the Northern Province police was confronted with one particularly surprising element of violent youth uprising. More and more seemingly innocent people were accused of practicing witchcraft and they were attacked in increasingly violent ways. As they were held responsible for the erosion of society, many alleged witches lost their property, their families, their livelihood and even their life. Marcus continues:

‘During those years, the young people in Kutama and Sinthumule went on a real rampage. As a youth leader, I was quite involved in any sort of youth movement at the time. I have to admit that we went around all the different villages attacking and killing witches.

I remember one incident that started in Madombidzha in 1990. First we called a big meeting in the village hall. We told all the people of the village to be there. Everybody sat down and then we started reading a list of people we had identified as witches. We did not just accuse individuals without practical examples. We came up with a lot of stories (...) and most of those stories were very convincing. After the

meeting, we went around the village attacking those people that we had identified at the meeting. I remember that a lot of people were attacked in Madombidzha. I cannot recall if anyone actually got killed there.

From Madombidzha, we went on to Tshiozwi. Because the residents had been complaining about a certain man for a long time, we decided to put an end to it and we finished the man. A big mob of people went to the man's house and killed him. He was stoned, chopped and burned to death. But he was struggling. It was a mob of more than 400 people and he was alone. But it still took us a few hours to kill him. For us, this proved that he was a real witch.

From Tshiozwi, we proceeded to the area of Muraleni. In Muraleni, I did not take an active role in the execution of people, because one of the accused ones was a relative of mine. I did not know the lady, but she was still family. Anyway, the victims were dragged from the queue in front of the pension pay-point and they were burned to death.

From Muraleni, the rampage went down to Kutama. There we burned three people. This went on like this for some time. A mob of young people just went around the different villages attacking and killing witches.'

To the Tshilwavirusiku comrades, the reason for attacking alleged witches did not seem strange or irrational. It fitted perfectly into their 'cleaning-up' policy: just like those that didn't directly oppose the apartheid regime and those that were regarded as selfish or unsociable (entrepreneurs like shop-owners and taxi drivers, those that kept to themselves), alleged witches needed to be eliminated. With the rest of the troublemakers, they were regarded as the source of all evil and social disturbance, and they therefore needed to be categorically removed.

One highly visible consequence of these witch-attacks was the large number of displaced people the practice brought about. In many areas in the Northern Province, complete 'communities of witches' arose during the 1990s due to individuals and entire families being chased away from their villages. The Ralushai commission identified Helena Farm, northwest of Pietersburg, Phola Park in Acornhoek, Savulani in Giyani as three such villages (Ralushai 1996: 15). The witch-village of Helena, a so-called Trust Farm, received much media attention both during and after the years of revolt. All residents of Helena lived there as a result of forced removals from their places of origin. The Mail and Guardian published the following:

'Makoeng Makoeya, a middle-aged and maternal woman, carries hidden scars from her past. She and her family appear to be the only people in Helena for whom life continues: they are plastering one of their huts. Makoeya cautiously reveals trickles of information, not certain about how to tell her tale. She was among the first to settle in Helena. After her mother was accused of witchcraft, the whole family had to leave her home village of Moletje in 1990.

During a brief return trip to fetch the family's possessions from Moletje, they learnt that they were no longer welcome – the trip cost the lives of four relatives.

Mokoeya's father and aunts were stoned to death; her mother and sister were doused with petrol and burnt alive. The rest of the family, including herself, were brutally assaulted.' (Mail and Guardian 03-11-1995: 12)

A serious problem regarding these so-called 'witch-villages' was that they arose in areas that were mostly arid and isolated. It was – and for those that are still there, still is – impossible for the displaced in these areas to meet their basic needs and rights like access to clean water, medical aid and education for their children. Life in witch-villages was extremely harsh and no one seemed to take the matter to heart: no structural help was ever offered to those displaced due to violent witch attacks.

Although the concept of these witch villages was not unknown to the former republic of Venda – the Ralushai commission pointed out that the late president Patrick Mphahlele banished some alleged witches to a village called Tshitwi (Ralushai 1996: 15) – none developed in the area of Tshilwavhusiku.¹ The existence of present-day witch-villages in the Northern Province seems to be subjected to local variation and not something that is commonly associated with the VhaVenda. In Tshilwavhusiku, the practice of being expelled was not unknown, but the expelled were not banned to one particular place. Instead, they were scattered all over the area. Khudini, an elderly man with a large extended family, of Ravele village recalls:

'One day, I went to visit some people in the area of Kutama. When I returned to Ravele, my wife told me that some boys had made up a list of witches. They had put the surnames of different families on a piece of paper. Then they had called a *musanda* meeting and had told all the people that were on the list that they were witches and that they had one day to leave the village. This is when I learned that our name was also on the list.

I went to see the *musanda* and we spoke about what had happened. He told me that he had known my family for a long time and that he had always respected my father. He said that he did not believe the boys and that we should stay. This did not make me feel better. I was so afraid that those boys would come to my house at night and set fire to it and kill my whole family! So we decided to leave. Luckily, I had a car and we quickly loaded all our possession into the car. The only things we couldn't take with were the refrigerator and the coal stove, because they were too big. Then all of us – myself, my mother, my wife and my four children – got in the car and we left.

We drove for a long time. We drove until we ran out of petrol. This was at some village. We did not have a choice, so we decided to stay there. We asked the local

¹ It is rumoured that the village of Muraleni was traditionally a witch village. It is said that 'a long time ago' this village was created in order to banish alleged witches to. Today however nobody believes that the residents of Muraleni are witches and no witch-villages emerged during the late 1980s or early 1990s.

chief for permission, and I showed him the letter from the Ravele *musanda* stating that we are good people. We build a small tin house and thought it would all be all right. But then after only one week, a whole mob of people came to our house. They said that we were witches and that we should leave. Somehow they had heard that we had been chased away from Ravele and now they didn't want us here either. We pleaded with the chief, but he only allowed us to stay there for one more night, until I had found some petrol somewhere to get the car going again.

The following day, we packed the car again and, because we had nowhere else to go, we went back to Ravele. I went to see the *musanda* and he said we were welcome back, as he never believed we were witches in the first place. We were lucky: the people never bothered us after we came back. But we lost everything. While we were away a mob of people had completely destroyed our house. They smashed the windows and broke the walls. They even took the corrugated iron for the roof. So we stayed with the neighbours for six months, because we had no money to rebuild the house. Then after six months, we had saved enough money and we moved back here.'

Others were not as 'lucky' as Khudini however. Some families were chased away from the village and never returned. Nobody ever heard from these families again and it is not known whether they found a safe place to rebuild their lives or whether they are even still alive. Nobody seems to care.

A worse fate by far befell those that were not given a chance to escape: many people that were identified as witches during the late 1980s and early 1990s were killed on the spot. It seems that there was no agreed arrangement on who should be 'merely' expelled and who should be killed. As emotions were running very high during witch-attacks, some people were just unlucky and got killed. Others were maybe quick to assess their precarious situation and had a chance to escape. David, another active comrade in the area of Tshilwavhusiku during the early 1990s, comments:

'There used to be a man in Tshiozwi. This man was a real witch. Long time ago, he had planted a tree in his yard. During summertime, the leaves of this tree used to become green; in wintertime they dried out. After a few years, the people in the village noticed that whenever the leaves of his tree started falling off, one of his relatives passed away. So every year when the leaves were falling somebody in his family died. Whenever they used to go out to consult a *nyanga* to find out the story behind their problems, they were told that it was this man with the tree that was responsible. But the people were too afraid to confront the man.

Some time in 1990, I remember that the people had had enough of this man. It was that time of year again that one of his relatives had to die. As one of his nephews had been stabbed by another boy, we realised it must be his time to die next. But the nephew didn't die. Fortunately, he was taken to the hospital and he recovered. When he came back home, the old man decided to approach that young man to finish the job. He went to his nephew holding an iron rod, trying to kill him. Fortunately, there were other relatives at the house of the nephew and they saved him. The old man

started coming up with stories that the young man was doing this and this, that he wanted to discipline him, but the relatives didn't believe him and they knew he was trying to kill his nephew.

Then suddenly the nephew's father died, instead of him. After the death of the father, the old man proposed marriage to his nephew's mother, because the father was no more and the old man was the father's brother. The young man's mother consented to the proposed marriage, because she was afraid of the man. She knew that if she refused his proposal, she would have to die. This is why she accepted. But one of the woman's daughters disapproved of this relationship. Now something started happening to this young lady. Every time she was walking in the street and the old man crossed his legs, putting one leg on top of the other, the girl would stop immediately. She wouldn't move. She couldn't go further, she couldn't go backwards. She would just stand in the street. Every time the old man would see the daughter, he would cross his legs and she would stop moving, she would not go anywhere, just stand in the street. The old man had power over her.

So in 1990, we agreed that the man should be killed. A whole mob of people went to the man's house and they killed the man. First the people started throwing stones at the man. When he was on the ground, they started stabbing him with knives and those axes that the women use in the fields, and finally somebody poured petrol over him and burned him to death.'

Witch attacks and the SAPS

Particularly because of the seemingly arbitrary attacks on innocent people, and because of the high level of violence involved in many of these witchcraft accusations, the SAPS was one government organisation that was faced with the problems brought about by the belief in witchcraft. Increasingly, the police were called out to crime scenes where individuals or even whole families had been brutally attacked and killed.

Additionally, the South Africa police was faced with a growing number of people that felt threatened and requested police protections. The only way to really ensure proper protection to these people was to let them stay in or around the actual police station and as a result, some police stations in the Northern Province were confronted with a large numbers of alleged witches that sought refuge. The Ralushai Commission identified, for instance, Matlala and Bolobedu as two police stations that were particularly confronted with large numbers of displaced people (Ralushai 1996: 17). As increasingly more people felt that they needed police protection from violent witch-attacks, entire witch-communities emerged at these police stations. Detective Inspector Mabula of the Tshilwavhusiku SAPS recalls:

‘I remember that at some point, we had a lot of people staying here at the police station. (...) I suppose it was about 30 people, maybe 30 to 40. They were all people from the villages around here, and they were all people that had been accused of being witches. They were mostly old, defenceless people, like old-age pensioners. (...) They came to the police station, because they felt that if they would stay in their houses in their villages they would get attacked and maybe killed. They came here to protect themselves from the rest of the community. They knew that the people would not come to the police station to attack them here.’

Due to practical circumstances – only very few of present-day Tshilwavhusiku SAPS members were actually working at the Tshilwavhusiku police station during the late 1980s or early 1990s – not much is known about the witch refugees that stayed at the Tshilwavhusiku police station. No official records were ever kept of who was staying at what police station during which period. Inspector Mabula continues:

‘I don’t really know how long these people stayed here for. I think that some of these – I suppose you could call them – refugees stayed here for only one or two days. They left because maybe they had family to go to or some other safe place. But most of them stayed for about two to three weeks, and I believe there were even some that stayed for a several months.’

Despite of this very direct confrontation with the increase of witchcraft related problems, it was not actually recognised for a long time that the Northern Province of South Africa was faced with a serious dilemma regarding these witch-attacks. And as neither national government nor local authorities felt responsible for the fate of the alleged witches, and thus no form of constructive help was ever offered, keeping track of what was happening was never really required in any case. It was therefore not until the mid 1990s that national government officially acknowledged that accusations of witchcraft were becoming a serious social issue in the Northern Province and that they should be addressed.

As a result, the SAPS Crime Information Analysis Centre (CIAC) in Pietersburg started collecting statistical data regarding the crime involved in witch attacks. CIAC estimates that during the period 1990 – 1993 a total of 206 witchcraft related cases were reported to the SAPS in the Northern Province, an average of just over 51 cases per year. In 1994 and 1995, an estimated total of 230 cases were reported, which adds up to about 115 cases a year. In 1996, the number of cases increased tremendously to 1093 a year and in 1997, it even went up to 1387. In 1998 there was a temporary decrease to 755 reported cases, but from that time the numbers were once again on the increase: they went from 1108 in 1999 to 1308 in 2000. And during the period January to September

2001 – during which my research took place – 1293 witchcraft related cases were already reported throughout the Northern Province.

More recently, CIAC started subjecting its witchcraft related crime statistics to a few particular variables. As a result, it has concluded that witchcraft related crime is subjected to two main variations, namely regional and seasonal differentiation. The regional variation in witchcraft related crime statistics is mainly caused by settlement patterns and social development. CIAC regarded the Northern Province's four main areas – the Bushveld, the Lowveld, Central and the Far North – on an individual basis. The Lowveld, the most eastern part of the Northern Province, is the area where, according to CIAC statistics, witchcraft related crimes are reported most. In 2000, 669 out of the total 1308 cases were reported here. Next, was the Far North area, with 398 cases. In the Bushveld and the Central area 87 and 154 witchcraft related offences were reported respectively.

The fact that witchcraft related crime has fewer reports in both the Bushveld and the Central area, is most probably related to low population density. The Bushveld in particular is a large area with very few inhabitants. It mostly consists of large white-owned farms with very few residents. Some areas of the Lowveld and the Far North on the other hand are very closely populated. Both areas have a few large towns (e.g. Thohoyandou, Tzaneen) and even their rural areas much more densely populated. Crime statistics in general are much higher in these areas and therefore the suggested regional subdivision in witchcraft related crime in the Northern Province is most probably mainly caused by the factor of population density.

Additionally, it has been pointed out that witchcraft related crime is mostly associated with rural areas. The belief in witchcraft and the related crime is associated with rural area, or as one SAPS informant put it: 'witchcraft is something of backward villages'. This claim was however not entirely confirmed CIAC statistics. Over the last few years, CIAC compiled a list of so-called flashpoints, policing areas with the highest witchcraft related crime figures. Most of these flashpoints are indeed rural areas. Amongst them however, are also, for instance, named Thohoyandou, the capital of the former Venda homeland, and Seshego, the former township to Pietersburg. It is not exactly clear why some particularly urban areas have high witchcraft related statistics. One of the reasons may be that these areas have particularly high general crime rates and that the high witchcraft related rates are simply a reflection thereof. An additional explanation may be that some typically urban areas also have many villages under their jurisdiction. The Thohoyandou SAPS for instance not merely covers the town, but also some of the surrounding villages, which in turn may provide most of the witchcraft related crime statistics. CIAC data does not go into such details however.

On the whole however, witchcraft related crime is mostly found in rural, rather than in urban, areas. This is most probably caused by a difference in social structure. Magareth, a thirty-something urban MuVenda, explains:

‘In the towns and cities people don’t know each other like they do in the villages. Although things are not the way they used to be, in many ways the villages are more traditional. When looking at [the social problems caused by the belief in] witchcraft, jealousy provokes it. People are jealous of people that they know. You cannot be jealous of your neighbour, if you don’t know who he is. In the villages, people still know each other very well. I think this is why they are jealous and they accuse each other of practising witchcraft.’

Finally, it was pointed out that people flock to the towns as a result of employment in the rural areas. Because most people in town have got jobs, they are kept busy. It is therefore believed that some witchcraft accusations may be the result of boredom. Because people in the rural areas have nothing constructive to keep them busy or to occupy their minds, they resort to gossiping. Although I found no evidence to back this theory up, it was an often-expressed feeling among the VhaVenda.

Secondly, CIAC subjected its witchcraft related crime data to some seasonal variation. Based on limited statistical data collected from January to August 1999 in Bolobedu in the Lowveld, it was concluded that witchcraft related crime is not in any way related to seasonal change and is hence completely unpredictable.² This is in stark contrast to what other reports have pointed out. The general opinion regarding witchcraft related problems is that they are closely related to the rainy season. Minnaar (1997: 6) has thus pointed out that numbers of witchcraft accusations definitely increase during the time of the rainy season. This may be explained by the fact that in the Northern Province rain is usually accompanied by lightning, a phenomenon closely associated with witchcraft. As lightning causes social disturbance – many people are hit by lightning and usually this is put down to the practice of witchcraft – it is a logical consequence that numbers of witchcraft related crime increase during the rainy season.

Additionally, it has been pointed out that the Northern Province rainy season is a socially troublesome time because of all the bugs that suddenly appear: creepy-crawly creatures that stay more or less hidden during the rest of the year come out after the first rains. Snakes, bats, spiders and many other types of animals that are generally associated with witchcraft come into the people’s

² Conclusions of this research are based on figures collected in Bolobedu from January till August 1999. As this period omits the last four months of the year – in particular four months of the rainy season – these figures should not have been used to draw general conclusions regarding seasonal variation of witchcraft related crime.

houses. Some of these creatures may be regarded as witch familiars and as a result people may be accused of sending them to harm others.

The rainy season may also trigger accusations of witchcraft because it is regarded as a typical period of jealousy: as it is the most important period of the agricultural year – the time when people return to their fields to plough, sow and reap – many people are prone to jealousy. As in any given situation, some may prosper in their trials and others may not; some people may simply work harder than others and as a result fields will produce more. Therefore, feelings of jealousy may be expressed through means of witchcraft accusations.³

Additionally, it has been pointed out by a number of SAPS members that seasonal witchcraft related crime is also brought about by public holidays. Public holidays are times when many migrant workers return home to their villages and when families are reunited. As this usually goes hand in hand with much celebrating, socialising and drinking, emotions often run high and old feuds may be brought up. As accusations of witchcraft usually occur between individuals that are either related or are each other's neighbours, this makes sense.

When regarding these Crime Information Analysis Centre conclusions, two things should be kept in mind however. Firstly, it should be realised that the above-mentioned statistics only concern cases that have actually been reported. It is widely accepted that especially during the late 1980s and early 1990s, many witchcraft related criminal cases were never reported to the SAP. Even today, it is believed that some of these incidents go unreported, because they often occur in isolated rural areas where the SAPS still has little control. This implies that the number of witchcraft related criminal cases is in fact much larger than CIAC statistics indicate. The CIAC statistics concerning witchcraft related crime may therefore by no means be taken at face value: they can only serve as an indication of the extent of the problem.

Secondly, some general external factors have almost certainly had some influence on these witchcraft related statistics. Most of these factors are directly related to the earlier described changes the SAPS underwent during the early 1990s. Before the transition from SAP to SAPS, the homeland police in particular was in a chaotic state of administration and accurate statistics were not the norm. Nor was there an integrated computer database in existence (Minnaar 1997: 25). This implies that general crime statistics concerning any period before 1994 are considered, at best, incomplete. For this reason, the

³ It should be noted that this particular theory of seasonal variation is indicative of how different theories may contradict each other. As it claims that jealousy flares up during the 'agricultural busy season', it contradicts the earlier mentioned 'boredom theory' which claims that if people are kept busy they won't have time to gossip and accuse each other.

SAPS has had a moratorium on statistical data, which meant that until mid 2001 it was prohibited to use any statistical SAPS data for general publication. The consequence of this general deficiency in crime statistics is that it is believed that the above mentioned witchcraft related data for the first half of the 1990s is once again underestimated and should in fact be much higher.

Moreover, the transition from SAP to SAPS brought with it the establishment of a national Crime Information Management Centre (CIMC, now CIAC). From 1995, this government organisation has focussed entirely collecting general crime statistics. When considering the above mentioned witchcraft related figures, this new emphasis on collecting general statistical data may partly explain the sudden increase of about 150 witchcraft related cases in 1994 to 1093 cases in 1996. Although it is generally accepted that witchcraft related crime underwent an immense increase, it is believed that this increase did not take place during the mid 1990s, but rather during the late 1980s. This slight temporal shift is important in trying to understand the underlying reason for the sudden explosion of witchcraft related crime.

Finally, it has been pointed out that the witchcraft related statistics may have been influenced by the government campaign during the second half of the 1990s. During this time, the then Minister for Safety and Security, Seth Nthai, was going around the Northern Province addressing the social problems caused by the belief in witchcraft at various rallies and meetings with the community. Roland, public prosecutor for the Louis Trichardt magistrate's court, comments on the effect of such campaigns, by means of the example of women's rights:

'During the last year or so, the government has been trying to combat violence against women, especially rape. They have set up nation wide campaigns, they are organising workshops. They are generally trying to raise awareness when it comes to this terrible type of crime. Now statistically, campaigns like this have very serious impact. I don't know any official numbers, but judging from the amount of rape cases we get here, I would say they have doubled. As soon as people become aware of their rights, they start using them. They also start abusing those rights. By this I mean that a lot of these rape cases are withdrawn by the state, because they really are not genuine rape cases, but women trying to get back at their boyfriends. I would think that the same effect applied to the increase in witchcraft related cases.'

Interestingly enough, CIAC claim that Seth Nthai's rallies were in fact instrumental in the decrease of witchcraft statistics between 1996 and 2000 (CIAC document 2001). They argue that by going around explaining to the communities the extend of their witch purging practices, he managed to put a halt to them. CIAC does however not have any statistical evidence to back this statement up.

On the whole, it must thus be concluded that CIAC statistics regarding witchcraft related crime are by no means accurate. When studying different CIAC files, especially the more dated figures vary substantially. But even more recent data is not always consistent and should be assessed and analysed critically. In all however, CIAC statistics are useful as an illustration of the general increase of witchcraft related crime during the last decade. It is clear that since the mid 1980s the Northern Province witchcraft belief has brought about a serious dilemma: many seemingly innocent people have been brutally attacked and the SAPS has been increasingly confronted with witchcraft related crime.

Witchcraft and legislation

The Witchcraft Suppression Act

The above-described problems brought about by the belief in witchcraft during the late 1980s and the 1990s have mostly been encountered on a provincial level. Legislation concerning the belief in witchcraft on the other hand has always been implemented on a much more intangible, national level.¹ The South African government presented the first legislation regarding witchcraft in 1957. The so-called Witchcraft Suppression Act (No 3 of 1957, amended by Act No 50 of 1970) was introduced during the white apartheid government, and was consequently based on euro-centric ideas. The underlying – but unexpressed – premise of the Act was that witchcraft did not exist, i.e. there was no acknowledgement that beliefs in witchcraft or the supernatural in any way existed, and moreover that these practices were merely superstitious African nonsense (Minnaar 1997: 3).

The Witchcraft Suppression Act addresses several different aspects of the belief in witchcraft. Although the underlying premise is that witchcraft does not exist, it does not criminalise the actual belief. It does however condemn acting

¹ A serious general complaint of all those involved in law maintenance and implementation - public prosecutor, lawyers, members of the SAPS - is that national government does not know what takes place on a local level. An often heard grievance is that politicians sit in Pretoria and make up laws, while those that actually know what the situation is like at a grass-root level are never consulted.

upon the belief. The following actions have been stipulated as a crime by any person who:

- (a) Imputes to any other person the causing, by supernatural means, of any diseases in or injury or damage to any person or thing, or who names or indicates any person as a wizard;
- (b) Professes or pretends to use any supernatural power, witchcraft, sorcery, enchantment or conjuration, imputes the cause of death or injury or grief to, disease in, damage to, or disappearance of any person or thing to any other person;
- (c) Employs or solicits any witchdoctor, witch-finder or any other person to name or indicate any other person as a wizard;
- (d) Professes a knowledge of witchcraft, or the use of charms, and advises any person how to bewitch, injure or damage any person or thing, or supplies any person with any pretended means of witchcraft;
- (e) On the advice of any witchdoctor, witch-finder or other person or on the ground of any pretended knowledge of witchcraft, uses or causes to be put in operation any means or process which, in accordance with such advice or his own belief, is calculated to injure or damage any person or thing;
- (f) For gain pretends to exercise or use any supernatural power, witchcraft, sorcery, enchantment or conjuration, or undertakes to tell fortunes, or pretends from his skill in or knowledge of any occult science to discover where and in what manner anything supposed to have been stolen or lost may be found,

Basically, the Act identifies six different categories of persons who might be guilty of offence or crime under the Act, namely:

- Any person who names or indicates another person as a witch
- Any person that uses witchcraft
- Any person that approaches a witchdoctor to point out a witch
- Any person that knows witchcraft and advises others on its use
- Any person that attempts to practice witchcraft
- Individuals that claim to have divination skills (Minnaar 2001: 5)

The driving force behind the implementation of the Witchcraft Suppression Act was to protect those who were perceived as innocent victims of brutal witch attacks. Mokamole, public prosecutor for the Tshilwavhusiku magistrate's court and expert in witchcraft legislation, explains that:

'the reason behind the implementation of the Witchcraft Suppression Act was to *suppress* expressions of the belief in witchcraft. Although a lot of people seem to think so, the Act does not directly say that witchcraft does not exist. It only says that people shouldn't act upon it. (...) The debates leading up to the implementation of the Act are very illustrative of the ruling white perception of witchcraft. Those that

came up with the Witchcraft Suppression Act agreed that witchcraft exists. They however saw that people were misbehaving and causing a lot of problems, killing one another. They believed that the only way to control those killings was to outlaw witchcraft. They wanted to make it a point that anyone who even talked of witchcraft had to be punished. They believed that if they didn't come up with some form of legislation people would continue to kill each other.'

From this point of view, the implementation of the Witchcraft Suppression Act can thus be regarded as a desperate undertaking in the fight against witchcraft related violence. Black South Africans however generally considered the Witchcraft Suppression Act as illegitimate, because they believed that the white apartheid government introduced it as yet another form of racial oppression. They argued that whites did not understand their culture and had no respect for their religious beliefs. Consequently the Act was considered as an unwanted interference in traditional culture and legislation. It was thus generally ignored, and witchcraft related issues continued to be addressed in the same manner as they had been for many decades.

Although perceived by the white government as ineffective – and most probably irrational and illogical – black Southern African communities did have way and means of dealing with problems brought about by the belief in witchcraft prior to this external interference. These processes were in fact very sound and efficient. The following description offered by Mokamole illustrates that in traditional TshiVenda society the belief in witchcraft never used to be quite as problematic as presently and that the VhaVenda indeed had a structured manner in which to deal with accusations:

'The general procedure [for dealing with witchcraft accusations] in this area used to be as follows: if I, for example, had suspicions that my aunt was a witch, I would have to consult a *sangoma*.² If he or she indeed told me that it is my aunt who is bewitching my new-born son, making him weak and sick, then I would have to go to the chief and inform him about my problem. I would explain that I went to consult a *sangoma* and that the *sangoma* told me that my aunt is bewitching my little boy. The chief would then ask me whether I have any proof for this allegation and I would tell him that this is not the case, that it was only the *sangoma* who told me. The chief would then ask me whether I would want him to deal with this matter, whether he should call my aunt to explain her side of the story. If I agreed on this, the procedure would have to be as follows: I would have to bring the chief two beasts as a deposit. If the allegations that I was making against my aunt would prove false, I would then have to forfeit the two beasts. If they turned out to be correct, I would get my beasts back and my aunt would have to compensate me for what she has done. This compensation would also be something in the line of one or two beasts.'

² More general African term for *mungoma*, diviner.

The procedure of actually finding out whether an alleged *muloi* was guilty was quite extensive. The main method it relied on was that of the throwing of the *dolos*, the bones:

‘Then the procedure is as follows: I will present my two beasts to the chief and the chief will call my aunt and inform her about the allegations. He will then appoint one or two members – usually people from his committee of village elders – as a council to accompany my aunt and me to a neutral sangoma. There will be three *sangomas* during the whole procedure. The first one will be appointed by me. We – my aunt, the council and myself – will go to this first *sangoma* and he will throw the bones. Let’s say that he indeed points my aunt as a witch. We then proceed to the second *sangoma*, the one that has been chosen by my aunt. My aunt has the same rights as I do in these cases: she can appoint the second *sangoma*. This *sangoma* will go through the same procedure and come up with his verdict. If he points her as the witch, there is no reason for moving to the third *sangoma*. But if he doesn’t point her as the witch, we will move on to the third independent *sangoma*. This third *sangoma* will be chosen by the chief’s representatives. This person is neutral. He will go through the rituals, the throwing of the bones. The verdict that comes out of this consultation will be deciding. If, for the sake of the argument, this sangoma *points* my aunt as a witch, then that means I have two against one and I have won my case. We will then return to our village: when we come back home (...) my aunt’s hair will have been cut in an unusual manner or even shaved. When she comes back everyone in the whole village will be called to be witnesses. The chief will stand up and say ‘I sent these people – my representatives, the complainant and the suspect – to the *sangomas* and here is the verdict. Let’s hear the verdict’ and then the chief’s representative will stand up and talk about the verdict. He will tell the people what happened at the *sangomas*. Then the chief will ask the community what must be done. Now my aunt has been regarded as a witch, because two *sangomas* have pointed her out as a witch, independent sangomas that is. If it is her first time to have committed such an offence, she will be warned and she will have to compensate the complainant. The chief will step forward and say ‘you have been found guilty of the offence, you are ordered to pay two beasts to the complainant’. If it is her first offence, she will be reprimanded. But if it is for the second or third time she will be expelled from the village. She will be given a so-called *trekpas*, a document that says that she has been expelled from the village and the reasons why the village council felt she had to be expelled. If she wants to go live somewhere else, she must show the chief of that village this *trekpas*. Then it is up to this chief to decide whether he will accept the lady in his village.’

This strict and efficient, traditional legal procedure was most probably the reason that witchcraft related issues hardly ever used to be problematic in the first place. It has in fact been generally accepted that the implementation of the Witchcraft Suppression Act was instrumental in the escalation of witchcraft related problems. Evidence indicates that there is a positive correlation between the criminalisation of customary court involvement in witchcraft accusations,

and the advent of witch killings (Hund 2001: 22). Niehaus writes that among the Tsonga and the Sotho-speaking groups of the Transvaal Lowveld (the present Northern Province), few killing occurred when chiefs acted as mediators in witchcraft accusation cases (*ibid.*). Hund actually goes as far as to say that:

‘I am not aware of any serious evidence which suggests that before the implementation of the Suppression Act witch-hunts and killings were regarded as a serious problem anywhere in South Africa. In those few recorded cases where witchcraft accusations did lead to mob justice the exception seems to prove the rule. Prior to the Act people seldom took the law into their own hands. This was regarded as a major offence under traditional law. People were expected to approach tribal authorities with their claims so they could be tested in court (*ibid.*: 23).’

As with many other colonial interferences, it is thus suggested that the implementation of the Witchcraft Suppression Act in 1957 actually triggered witchcraft related problems, rather than diminished them. Although the aim of the Act was to decrease witchcraft related crime, it in actual fact resulted in the opposite. Because of the criminalisation of witchcraft accusations, and the consequent absence of a legal procedure of dealing with witchcraft related problems, accusations were no longer given any official expression. They were instead driven underground and people started taking the law into their own hands. Detective Inspector Mapela comments:

‘Long time ago, before I was born, witchcraft was practiced. The difference with the present situation is that witches were caught, brought to trial in the traditional courts and, if found guilty, sentenced. As time went by, with the introduction of this western law, they stopped the traditional courts from bringing witches to trial. Because of this, people became dissatisfied. They felt that the law was protecting the witches. Witches were not tried by the traditional courts or by the western law. So the people felt that witches became free people, that they could do whatever they wanted (...). That is why people started taking the law into their own hands. Because witches are not allowed to be tried in the traditional court and the western court cannot handle this type of trials, people just take the law into their own hands. They know the law is not going to help them. If for instance you take a witch to an *induna*, he will tell you that he is not supposed to try this person. If you go to the police station and report that the person is bewitching you, they tell you they need proof. What are you supposed to do? If you know that somebody is bewitching you, the only way to solve the problem is by attacking that person.’

There is thus great dissatisfaction about the current Witchcraft Suppression Act from the side of those at whom it is actually aimed. Black communities feel that the Act is protecting those that form a direct threat to society. Although the Witchcraft Suppression Act does state that it is a criminal offence to ‘use any supernatural power, witchcraft, sorcery, enchantment or conjuration’, to

‘profess a knowledge of witchcraft’ or to ‘advise any person how to bewitch, injure or damage any person or thing’, in reality, these types of crimes are not tried in court, simply because they cannot be proven. Because the South African courts rely on Roman-Dutch legislation, the juridical system is carried by the process of providing physical evidence. The practice of witchcraft is however something that is practiced by means of supernatural powers and therefore it can never be proven.³

The superimposition of the Witchcraft Suppression Act on traditional African society further indicates a more fundamental difference between traditional African cosmology and the western juridical system. Mokamole, the before-mentioned public prosecutor specialised in witchcraft legislation, explains:

‘When you look at the way chiefs used to deal with witchcraft related problems traditionally, you will see that their aim was to restore the peace in the community. The traditional justice system was more reconciliatory than the western justice system, which is a punitive one. Though it is in books that the western system is redistributive, restorative, compensatory, even reconciliatory, the truth is that it is not happening in practice. It is only punitive. We only punish here in South Africa. If you are found guilty of, for example, pointing another person out as a witch, you will be convicted and sentenced. There is no compensation to the complainant. You will be sentenced to pay maybe two thousand rand or to go to jail for six months. If you can, you may pay the two thousand rand, but that money is not taken back to the complainant. The complainant and the accused will never be called together in my office for reconciliation. Then there is hatred. The African justice system on the other hand was of reconciliatory nature. That’s the difference. The whole African world is more focussed on social balance and peace.’

One aspect that has been surprisingly absent in the discussions regarding the past and future of the Witchcraft Suppression Act is the issue of human rights. The Witchcraft Suppression Act is generally considered by black South Africans as an invasion of their constitutional rights. In 1994, South Africa was presented with a new constitution, arguable the best one in the world. Within the constitution, provision has been made for, inter alia, religious freedom, which the belief in witchcraft clearly falls under. Mapela argues:

³ More practically, the two main stipulations of the Witchcraft Suppression Act form a contradiction in terms, because the Act states that it is both a crime to practice witchcraft and to point another person out as a witch. Compare this to, for instance, the crime of ‘breaking and entering’, and it becomes clear that the act is in fact contradicting itself: it states that it is a crime to break into somebody’s house, but at the same time it is a crime to point out somebody that breaks into other people houses.

‘The Witchcraft Suppression Act has criminalised our belief in witchcraft. This is contradictory to the section in the constitution about equal rights to culture and belief. It is my religion to believe in witchcraft, in African traditions, in African culture. If I have a child and it is three days old, I have to take it to a *nyanga* who will prepare the rituals to protect my son until he becomes a man like myself. Will you then come to arrest me, telling me that I have broken the law? I definitely contravened the Witchcraft Suppression Act, because I took my son to a *nyanga* who performed magical rituals. According to the Act that is wrong. But it is my culture. It is not right that I am not allowed to act upon my belief. [The belief in] witchcraft falls under that part of the constitution that ensures everybody religious freedom. It is part of our belief, part of our religion.’⁴

All things considered, the Witchcraft Suppression Act can be seen as a relic from the past. Even the terminology used in the Act indicates a lack of understanding of the African culture in general. Confusion is created, for instance, by not making a clear distinction between a ‘witch’ and a ‘witchdoctor’.⁵ This indicates that the law does not acknowledge the important role traditional healers generally play in African communities, but in fact classifies them in the same evil category as ‘witches’. Furthermore, the mere use of this deeply moralising terminology does not do justice to the concepts they refer to in an African context.

Legal alternatives

Given the Witchcraft Suppression Act’s various shortcomings, it is understandable that other Southern African countries have opted for quite a different approach in the legislative battle that has surrounded the belief in witchcraft. In the East Province of Cameroon, it has thus been common practice since the late 1970s to convict alleged witches in the State Courts (Fisiy and Geschiere 1990: 135). With the assistance of traditional healers as expert witnesses, alleged witches are tried and often convicted of practicing witchcraft. The ‘expertise’ offered by the traditional healers is taken very seriously by the judges. In many cases, the accused are mainly convicted on the basis of the witch doctor’s testimonies (*ibid.*).

⁴ Additionally, it has been pointed out that the large discrepancy between national legislation and local beliefs does not exactly encourage confidence in this new constitution. As long as people’s personal sense of justice and their state-imposed law differ, it cannot be expected that they gain confidence in the institutions of a democratic state (Harnischfeger 2001:85).

⁵ The mere use of this terminology indicates a clear lack of understanding African culture.

Instead of persecuting those that accuse others of practising witchcraft, the state of Cameroon thus prosecutes those that are pointed out as witches. By doing so, the state is, in a way, keeping in line with traditional beliefs. It has been suggested that this practice of using traditional healers in court cases is an indication of the concern of state officials with witchcraft. Compared to the South African Witchcraft Suppression Act this does seem to be more in agreement with traditional beliefs. Fisiy and Geschiere have however also called this practice the Trojan Horse: very much like colonial times, the state is using traditional local leaders (then chiefs, now 'witchdoctors') to exert control over local communities. It is a political technique of establishing hegemony over the occult domain.

Although concerned about the current situation, the South African government has not succumbed to such drastic measurements. One suggestion it has considered is the recommendation made by the Ralushai commission. Because of the Witchcraft Suppression Act's various shortcomings, one of the commission's recommendations has been that the current witchcraft legislation should be amended. In its research report, it included a proposal for the so-called Witchcraft Control Act. Although very lavishly articulated, this proposed Act does not differ much from the current Witchcraft Suppression Act. The only substantial amendment it suggests is the addition of the clause 'without any reasonable or justifiable cause' to the original paragraph (a), which prohibits the imputing to any other person the causing, by supernatural means, of any diseases in or injury or damage to any person or thing, or who names or indicates any person as a wizard (Ralushai 1996: 54). This implies that it will still remain a criminal offence to indicate another person as a witch, unless an individual has good reason to do so. How this individual is supposed to provide a good reason for accusing another person as a witch in a Roman-Dutch court-of-law is a question that is not addressed in the Ralushai report. Furthermore, the issue of whether, and how, to prosecute those that are actually accused of practicing witchcraft, remains un-addressed.

Moreover, it seems that, although the proposed Witchcraft Control Act does make slightly more allowance for traditional views, it would not bring about much genuine change to those that have been accused of indicating another person. The proposed 'reasonable or justifiable cause' has in reality already been accepted in the South African courts as a mitigating factor. Although the Witchcraft Suppression Act still very much dominates the current procedures regarding witchcraft related crime, it has been open to some more open-minded interpretation for the last decade. An important breakthrough was made in 1990 when the Venda Supreme Court judge in Thohoyandou ruled that the belief in witchcraft should be allowed as a mitigating factor in witchcraft related cases. In this particular case, the accused was found guilty of culpable homicide and

was sentenced to ten years' imprisonment. After the appeal however, the sentence was reduced to four years' imprisonment. In the judgement the following was taken into account:

'Mitigating factors: belief in witchcraft. Although the reasonable man does not believe in witchcraft, a subjective belief herein may be a factor which may, depending on the circumstances, have material bearing on the accused's blameworthiness. It may thus be a mitigating factor to be taken into account and held to be a relevant factor in mitigation of sentence for culpable homicide where the belief in witchcraft offered the only explanation for the accused's killing of the deceased.' (*South African Criminal Law Reports 1990: 331*, quoted in: Minnaar 2001: 7)⁶

The belief in witchcraft has thus been allowed in the South African court of law as an extenuating circumstance. A precise description of the mitigating factors does not exist however. Although it has been pointed out that 'no factor too remote or too faintly or indirectly related to the commission of the crime (...) can be ruled out from consideration' (*ibid.*), the general approach seems to be pragmatic and inconsistent. The current South African procedure of dealing with witchcraft related crime thus continues to be exclusively led by the hopelessly superseded Witchcraft Suppression Act, but with a slight allowance for traditional values.

Considering all of the above, it is clear that the issue of witchcraft legislation is complicated. On the one hand, moral and cultural objections to the current Witchcraft Suppression Act have been acknowledged, as it is clear that the current legislation is superseded and generally considered by many as unacceptable. On the other hand, the alternatives do not provide the answer either: within the South African constitution it is completely unthinkable to introduce the legal practice currently in effect in Cameroon and the acceptance of the belief in witchcraft as a mitigating factor has not solved the problem either.

Maybe the question that should provide the framework of this tricky legal dilemma is not a legal or ethical, but a more philosophical one. In an article regarding this issue of the belief in witchcraft and the law, Howman (1994) asks himself whether 'Justice' or 'The Law' should be the foundation of judgement. Lead by a case in which a 'native' magistrate has to try a woman accused of indicating another woman as a witch (the one is held responsible for the other one's illness), Howman argues that there are no straightforward answers in witchcraft related criminal offences. By describing the complex meaning of the

⁶ This quote has been taken for the making of the movie 'A Reasonable Man' (2000) in which an African boy is brought to trial for killing a baby that he genuinely believed to be a *tokolosi*.

‘native’ concept of witchcraft, he points out that the terminology used in the Witchcraft Suppression Act may or may not refer to this same concept. Implementing the law in this case most probably does not mean implementing justice. Should the magistrate therefore side with the accused? Or should he put his personal feelings aside and follow the rule of law? Considering South Africa’s turbulent history – a past in which an unreasonable legal system was implemented – it might not be a bad idea to follow the path of Justice.

SAPS and witchcraft related crime

Types of witchcraft related crime

As pointed out in chapter 8, witchcraft related crime is generally regarded as subjected to both regional and seasonal variation. In view of the stipulations of Witchcraft Suppression Act, and the increase in witchcraft related problems in the Northern Province, the SAPS Crime Information Analysis Centre subdivided its collected data regarding witchcraft related crime into a third category: that of different types of crime. Within this subdivision, four main types of crime can be pointed out.

The first one of these witchcraft related crimes – and the most obvious one in terms of the Witchcraft Suppression Act – is that of ‘Indicating another person as a witch’. As described in the previous chapter, this crime involves any form of indicating another human being as a practitioner of witchcraft. The following story may serve as an example:

On 27 December, Munyai went to visit her cousin Anna. They drank some tea together and then Munyai went home.

Several days later, a small child came to fetch Munyai. The child told Munyai that Anna’s grandfather had sent for her, so Munyai went back to Anna’s kraal to find out what the old man wanted. When she arrived however, Munyai did not find the grandfather at the kraal. The only ones there were Joyce and Julia, two girlfriends of Anna that Munyai also knew very well. Joyce and Anna told Munyai that Anna was

sick in hospital and that they were holding Munyai responsible: they were accusing her of bewitching her cousin Anna. Joyce and Julia claimed that Munyai had put some *muti* in the tea when she had visited Anna previously. They even showed Munyai a matchbox of *muti* that they had found in the kitchen and which they claimed Munyai had brought with her when visiting Anna.

Munyai went to the police to open a case of 'Indicating another person as a witch' against both Julia and Joyce. She informed the police that she was afraid of the rumours Julia and Joyce might spread about her and of what the community might consequently do to her.

Although this type of crime is pretty straight-forward in terms of the Witchcraft Suppression Act, it has been the cause of some confusion and varied interpretation. Taken at face value, the Witchcraft Suppression Act namely stipulates that every person that indicates another person as a witch is guilty of a criminal act. It does however not stipulate what exactly qualifies as an indication and does not make a distinction between a case in which, for instance, two neighbours that are arguing, the one calls the second one a whore and the second one retaliates by calling the first one a witch (something which during my research came to be referred to as the 'bickering housewives scenario'), and a case in which one individual is really accused of practicing witchcraft and feels threatened that he or she may be physically attacked because of this claim. Takonde, public prosecutor at the Tshilwavhusiku magistrate court, explains:

'For me as a public prosecutor, the mere naming of a person as a witch is enough to prosecute a suspect. If in a case the word 'witch' or 'wizard' is mentioned, I have, from a legal point of view, a good enough reason to prosecute. The law does not see the difference between the 'bickering housewives' and the case in which somebody feels really threatened because he or she has been called a witch. All I need is the utterance of the word 'witch'; I need one person to have called another one a witch.'

From a legal point of view, the mere uttering of either the word 'witch' or 'wizard' is thus enough to prosecute a person. From a more contextualised perspective however, the 'bickering housewives' case does not necessarily have to be regarded as a witchcraft related crime. Mokamole, public prosecutor at the same Tshilwavhusiku magistrate court, argues:

'Statutory offences are not objectively decidable. They are always open to interpretation. The Witchcraft Suppression Act says that as long as you have pointed another one as a witch, it is enough to prosecute. As a prosecutor, you have a *prima facie* case against a person that called another person a witch until the contrary is proved. But when it comes to the term 'witch', it's really a question of semantics. Lets say that you called me a bitch and then I called you a witch. That can put me in jail. The Witchcraft Suppression Act stipulates that I committed a crime by calling you a witch, but you did nothing wrong by calling me a bitch. In the heat of the argument I

might as well have called you a 'thitch'. (...) It is all down to semantics and personal interpretation.'

So although the Witchcraft Suppression Act literally stipulates that any person that indicates another person as a witch or wizard is guilty of a criminal offence, it is really up to the public prosecutor to decide whether or not to prosecute. Mokamole continues:

'I feel that you always have to look at the circumstances in which the word 'witch' or 'wizard' was used. If a person really feels that his life is in danger because somebody accused him of being a witch, then I think a suspect should be prosecuted. But if I feel that there is no real depth to it, I just withdraw the case: I personally refuse to prosecute somebody just for having an argument with his neighbour. People fight with each other, and it is not up to the state to get involved in these situations and to solve these types of arguments in court. It is not a crime to argue with your neighbour.'

Due to recent developments, the above expressed sentiment of subjective interpretation of the Witchcraft Suppression Act has increased over the last few years. As South African courts have been overflowed with criminal cases, and because magistrates and judges have been coming down very heavily on witchcraft related offence, it has become the general opinion that minor cases like the 'bickering housewives' should not be prosecuted under the Witchcraft Suppression Act. It is believed that people should be able to resolve personal matters themselves.

Additionally, it is felt that because of the increased social awareness regarding witchcraft legislation, many people are actually taking advantage of the Witchcraft Suppression Act with the intention of getting back at their adversaries. By opening a case of 'Indicating another person as a witch' against a rival or enemy, chances have been considerable that that person will be prosecuted and convicted, and that the complainant can get revenge in this manner. From within the legal system, it is believed that the already swamped South African courts should not become a place of personal vendettas.

The above-described dilemmas have thus brought about a number of cases which many feel do not fall under 'Indicating another person as a witch' or do not belong in the South African courts in general. The interpretation of Witchcraft Suppression Act has however also brought about a problem, which in particular many members of local communities feel should be treated as witchcraft related crime when the law does not acknowledge it as such. This problem is caused by a linguistic predicament. Due to the fact that the TshiVenda language in particular has many ways of expressing threats or of striking fear in a very non-direct manner, it has been very difficult to even open

a case against a suspect when it he or she clearly intended on indicating the complainant as a witch. The TshiVenda words 'I will show you!', for instance, are closely associated with the belief in witchcraft. When uttered in anger, they almost always refer to the practice of witchcraft and it is clear to every VhaVenda that when these words are used, they indicate a person as a witch. The Witchcraft Suppression Act, however, does not see it that way, because the words 'I will show you!' do not refer to the use of witchcraft in English. No case of 'Indicating another person as a witch' can therefore be opened, and people feel that the Witchcraft Suppression Act is not covering what it is supposed to.

The second category of witchcraft related crime involves those cases that are triggered by the belief in witchcraft, but of which the actual individual criminal actions have nothing to do with the belief. They constitute crimes such as *crimen injuria*, intimidation, assault, arson and malicious damage to property. If, for example, a woman is believed to be a witch and as a result her house is burned down or she is verbally or physically abused, the crime is triggered by the belief in witchcraft, but the actual criminal deed is not necessarily directly related to the belief. Two examples:

On 1 January, Nndanganeni went to visit her mother. Upon entering her mother's house, her sister Margareth started assaulting her: Margareth hit Nndanganeni with a fist on the mouth and punched her all over her body. All the while, Margareth was screaming at Nndanganeni, saying that she was practicing witchcraft with her mother, claiming that both of them are witches. Margareth accused Nndanganeni of bewitching her son Louis who is mentally retarded and of killing her brother who passed away a few months earlier.

Nndanganeni went to the police to open both a case of 'Indicating another person as a witch' and a case of assault against Margareth.

On the evening of 19 December, a group of people was drinking beer. Suddenly, Sarah Mukheli got up and started accusing Eunice Tshigomani of killing her child by means of witchcraft. She was screaming at Eunice and threatening to kill her. Then Sarah walked away, but came back unexpectedly a few minutes later carrying a screwdriver. She went up to Eunice and tried to stab her several times. As she was quiet drunk, she did not succeed. Eunice, however, became terrified and ran away. As she ran away, Sarah picked up a brick and threw it at Eunice, but she missed again. Other people then grabbed Sarah and restrained her. As Sarah was held down to the ground, however, her husband George Ntshengedzeni also grabbed a brick and threw it at Eunice. Eunice was already too far to be injured by the brick.

Eunice Tshigomani went to the police and opened both a case of 'Indicating another person as a witch' and a case of intimidation against Sarah Mukheli and George Ntshengedzeni.

Strictly speaking, this second category has nothing to do with the belief in witchcraft. When this type of case ends up in court, the issue of witchcraft is

often not even addressed, unless the suspect enters the belief in witchcraft as a mitigating factor. For the most part, the crimes in this second category are thus investigated and tried as the crimes they technically are, and the issue of witchcraft is ignored.

The third category of witchcraft related crime is more or less made up from the same crimes as the second category, but with more serious consequences. It therefore consists of crimes like murder and attempted murder. Once again, the crime is triggered by the belief in witchcraft, but the actual criminal deed is not inevitably related to it. An illustration:

On 24 January 2001, Paulina Monene was returning to her home in Rantlahane Village. She was walking through the fields, accompanied by her four children and an aunt, when suddenly it started raining. The rain turned into a wild thunderstorm, and before she could bring herself and her children into safety, she heard a loud noise. When she looked up to see what had happened, three of her children were lying on the ground; it appeared that they had been struck by lightning. Two of Paulina's children were dead.

In the late afternoon of 8 February 2001, the police of Tinmyne were called out to a disturbance in Rantlahane. Upon their arrival, they found that three old ladies had been brutally attacked; after an initial investigation, they found that an angry mob had dragged the three women from their houses into the road, had poured petrol over them and set them on fire. It appeared that the reason for this attack was that the three ladies had been suspected of killing Pauline Monene's children two weeks previously: the old ladies were believed to be witches and to have killed and bewitched dozens of children. During the brutal attack on 8 February, all three ladies were seriously injured: one passed away upon arrival at the local hospital.

The police opened one case of murder, two cases of attempted murder, three cases of kidnapping, three cases of 'Indicating another person as a witch' and one case of 'Malicious damage to property'.

It should be noted that the line between the second and the third category may sometimes be very fine: when a man, for instance, is accused of practicing witchcraft, and as a result his house is burned down, and he dies because of the fire, it depends on the intention with which the fire was lit, whether this was a case of arson or murder. Again, the crime was committed due to the fact that it was believed that the man was practicing witchcraft, but the actual criminal action had nothing to do with the belief itself.

Finally, the SAPS is confronted with a very particular type of witchcraft related crime, namely that of the so-called *muti* murder.¹ As described in chapter

¹ Minnaar (2001: 17) has argued that a *muti* murder should not be confused with a ritual murder. According to him ritual murder refers to a victim being sacrificed for the benefit of the whole community, whereas *muti* murder is predominantly a purely selfish act, committed with the intent to obtain body parts.

4, *muti* is a medicine that may be closely related to the practice of witchcraft. The most potent of all *muti* is believed to be made of human body-parts. This practice involves a gruesome ordeal for the victim: a person, male or female, is usually lured under false pretences to a secluded spot, where at least two people will hold him or her down and cut out parts of the body while the person is still alive. This last element is essential, because it is believed that the louder the victim screams, the more potent the eventual *muti* will be. Certain body parts are preferred over others: the most wanted ones are the head, the hands (preferably the right one), private parts and organs. An example from the Ralushai report:

Edward, a young man, was married to Edith. Both husband and wife were unemployed and struggling to make ends meet. In 1994, during a conversation with his aunt Tshavhungwe, a *nyanga* (traditional healer), Edward was told that in order to become rich he needed to possess bones of a human being. Tshavhungwe told Edward to find a living person from whom they could remove the much-needed parts. Edward decided that the young Nthatheni would do nicely as she used to roam around in the area and seemed to be neglected by her parents. He invited Nthatheni to accompany himself and Tshavhungwe to a traditional dance. Whilst walking in the dark, Edward asked Nthatheni to have sex with him, but she declined. Edward insisting that Nthatheni should have sex with him, using his wife's pregnancy as an excuse, and finally Nthatheni agreed. Edward took Nthatheni into the bush and when he was just about to have intercourse with her, Tshavhungwe appeared. The two held the girl to the ground and, while still alive, cut off her legs, then removed her breasts, her left hand and her private parts and finally her head. Before they left whatever was left from Nthatheni, Tshavhungwe told Edward to remove the girl's right hand, as this would make him very powerful. They then threw the girl's body in a nearby sewerage dam where it was later found (Ralushai 1996: 264-265).

The police opened a case of murder.

Muti murders are a distinctly different aspect of witchcraft related problems than witch purging actions, and should accordingly be combated and prosecuted in a different manner, particularly since the circumstances of the *muti* murder are not the same as witch attacks (Minnaar 2001: 15). But although they are clearly closely related to the belief in witchcraft, from a legal perspective, *muti* murders are simply regarded as a case of straightforward murder. The issue of the belief in witchcraft is again not taken into consideration, unless it is brought up as a mitigating factor by the defence.

'Indicating another person as a witch' is thus the only crime under South African law that directly deals with the issue of witchcraft. All other related crimes, whether minor or serious, are investigated and prosecuted for the crimes they constitute from a legal point of view: assault, arson, crimen injuria, intimidation, malicious damage to property, attempted murder and murder.

Prevalence of various witchcraft related crimes

As shown in chapter 8, SAPS Crime Information Analysis Centre statistics show a general incline of witchcraft related crime since the beginning of the 1990s. It has estimated that during the period 1990 – 1993, an average of about 51 cases per year took place. In 1994 and 1995, this average went up to about 115 cases a year. In 1996, the number of witchcraft related criminal cases increased to 1093 a year, and in 1997, it even went up to 1387. In 1998, there was a temporary decrease to 755 reported cases, but in 1999 and 2000, they went up again to 1108 and 1308 cases respectively.

When these CIAC statistics are applied to the different witchcraft related crime categories described in the previous section, an interesting tendency is uncovered. Of the 1308 reported witchcraft related crimes in 2000, 1272 were for ‘Indicating another person as a witch’, and the remaining 36 cases were related to minor crimes like assault, arson and *crimen injuria*. Those figures convert to 97% of the total witchcraft related cases for the year 2000 being related to ‘Indicating another person as a witch’ and 3% being related to minor crimes. Additionally, according to the CIAC statistics, no cases of murder, attempted murder or *muti* murder took place.

For the years 1996 to 1999, CIAC statistics regarding crime variation are very similar: ‘Indicating another person as a witch’ accounted for 94% of the total witchcraft related criminal cases in 1996, 89% in 1997, 94% in 1998, and 97% in 1999. Minor criminal witchcraft related crimes accounted for 4% in 1996, 10% in 1997, 6% in 1998, and 3% in 1999. Very serious crimes, like murder and attempted murder, related to the belief in witchcraft made up almost 2% in 1996, 3% in 1997 and were virtually non-existent from 1998 to 2000. Again, no *muti* murders took place during those years according to CIAC statistics.

However, the most interesting information provided by CIAC data – or rather the lack of CIAC data – regards the period leading up to the early 1990s. Due to the fact that CIAC does not dispose over any accurate statistical information regarding witchcraft related crime in this period,² it has been compelled to make an informed guess about the prevalence of witchcraft related crime during the late 1980s. With regard to this period, it is generally accepted that the number of witchcraft related crime was not very high, certainly not as high as it is presently. It is, however, believed that the relatively few cases that did occur were all very serious. Detective Inspector Mapela of the Pietersburg CIAC in charge of, *inter alia*, collection and analysis of witchcraft related statistics, comments:

² See chapter 8 for reasons.

‘When you look at witchcraft figures now, you see that there are a lot of cases and that most of those cases are related to minor criminal offences. If you look at the situation from before we started collecting statistics, you will not only see there were not many cases, but also that all the cases that were reported were very serious, like murder.’

The overall assumption is thus that, as the number of witchcraft related crime increased enormously during the late 1980s and the 1990s, the actual nature of the crime underwent a significant shift. Whereas since the mid 1990s, most cases of witchcraft have been related to ‘Indicating another person as a witch’ and minor criminal offences like assault, arson, intimidation and *crimen injuria*, most witchcraft related crime that took place during the late 1980s and the early 1990s, was related to murder and attempted murder. Mapela continues:

‘We can only make assumptions about the cause for this shift. It is probably not caused by one reason, but by a combination of reasons.

I think that before, let’s say, 1985, 1986, many cases of witchcraft were still handled by the local communities themselves. Even though the Witchcraft Suppression Act had long been implemented, the people continued to deal with witchcraft in their own ways. That’s probably why not many witchcraft related cases were reported to the police.

But then for some reason, problems with witchcraft started occurring more often. The magistrates in the local courts thought they should be stricter with these cases: they became more involved in them and the sentences they handed out in witchcraft related cases became more severe. It was like they were trying to send out a message to people.

And then with time, the [witchcraft related crime] numbers went up. I think this happened because people became aware of the law. They started realising that if someone points to you and says you are a witch, they can go to the [police] station and report that person.’

So prior to the mid 1980s, local communities were simply not much confronted with the Witchcraft Suppression Act and the western juridical system. Although it is believed that the belief in witchcraft was far less problematic prior to western type legislation,³ local communities were certainly confronted with the issue on a regular basis. However, all witchcraft related problems were dealt with by the traditional court and tried by *dzinyanga* and chiefs and were therefore merely issues of local concern.

During the late 1980s and early 1990s, the local communities underwent some kind of change that resulted in the issue of witchcraft becoming more problematic. The belief in witchcraft brought about an increasing number of social problems and it became closely associated with criminal activity. Many

³ See chapter 9.

people accused of practicing witchcraft were no longer tried in the traditional ways, but simply attacked and killed by individuals or vigilante crowds: witchcraft related crime was almost entirely confined to extremely violent crimes such as murder.

Then from the mid 1990s onwards, the number of witchcraft related crime increased visibly. As mentioned before, however, the nature of these witchcraft related criminal cases underwent a significant change: the emphasis shifted from very serious crimes to 'Indicating another person as a witch' and minor criminal acts. Mapela comments:

'Before 1994, maybe 1995, things like assault or *crimen injuria* were not reported to the police. People used to solve their own problems or used to go to the chief's court. The reason why the number of minor cases increased during those years had to do with the fact that people became more knowledgeable. Especially after the change of 1994, people learned about their rights, about democracy, about how the police is supposed to serve them.

People also became more knowledgeable about witchcraft and the law. One of the reasons this happened was because of Seth Nthai. When he was the minister of Safety and Security, he went all around the Northern Province to hold rallies to address the problem of witchcraft. He explained to the people that witchcraft does not exist and he told them that if someone points them as a witch, they must go to the police station and report them. Those were the tactics that were applied to discourage people from pointing each other.'

Witchcraft related crime in the Northern Province of South Africa thus underwent two significant changes during the 1980s and the 1990s. Firstly, the number of witchcraft related crime increased enormously, and secondly, the nature of the crime shifted from predominantly very serious cases to predominantly minor offences.

CIAC statistics seem to indicate that witchcraft related crime has undergone an almost complete shift from very serious offences to petty crime. In reality, however, the situation may not be all that clear-cut. A closer look at the manner in which CIAC collected these witchcraft related statistics regarding this criminal variation, may shed some light on this issue. From 1996 onward, all police stations in the Northern Province, between 90 and 100, were asked to send a monthly report of witchcraft related crime to the CIAC head-office in Pietersburg. In itself this request was not problematic. What was problematic, however, was that it was never exactly stated what was meant by 'witchcraft related crime'. From a legal perspective, the only actual witchcraft related offences were cases 'Indicating another person as a witch'. Some police stations therefore only reported the cases of 'Indicating', while others informed CIAC of every criminal case in which the belief in witchcraft may have played a role. As a result, the CIAC statistics may have been inaccurate.

This impression is supported by comparing data collected by CIAC from January to September 2001 with figures collected by myself during that same period.⁴ According to CIAC statistics, 1293 witchcraft related crimes were committed during the period January-September 2001. Only two of these cases were related to serious crimes like murder, attempted murder or *muti* murder. According to various newspaper articles from that same period, however, at least one decapitated female body was found around Thohoyandou in January, which was a case of *muti* murder; one decapitated male body was found near Soekmekaar in March, also a *muti* murder; one woman was found dead with her breasts removed in the area of Louis Trichardt in April, another suspected case of *muti* murder; and two *muti* murders, one related witch-killing and one attempted witch-killing took place near Tzaneen in April. Additionally, members of the SAPS informed me about a case in which two attempted murders and one murder took place near Tinmyne in January – all three cases definitely related to the belief in witchcraft, and of one case of witchcraft related murder that took place in Maake in February. This indicates that the number of very serious witchcraft related crimes that took place in the period January – September 2001 in the Northern Province adds up to at least eleven.

Except for the last two cases, none of the above-mentioned very significant witchcraft related crimes showed up in CIAC statistics. This may indicate that either CIAC procedures for collecting witchcraft related crime statistics have not been very accurate throughout the 1990s, which has resulted in incomplete figures, or it may indicate that witchcraft related crime of a very serious nature is on the increase again. Not having enough data to support either of these two alternatives, it is impossible to say which one is most accurate. Overall, however, the data collected by myself does indicate that witchcraft related problems of a serious nature, such a murder, do still occur and should not be dismissed as exceptional.

Generally, it may thus be concluded that the SAPS in the Northern Province has been increasingly confronted with witchcraft related crime since the mid 1980s. Within this general increase of witchcraft related crime, one key change has been identified: although the number of crimes has gone up significantly, the nature of the crimes has shifted from predominantly very serious crimes to mostly crimes related to the Witchcraft Suppression Act and to minor crimes such as assault, arson and intimidation.

⁴ By means of interviewing members of the SAPS and employees of the local magistrate's courts on the subject, by continuing participant observation and by simply reading local newspaper.



Photo 6 Conducting an interview: Detective Inspector Makgoshing from CIAC

SAPS attitudes towards the belief in witchcraft

SAPS views on the belief in witchcraft

The final remaining issue to be examined, is the analysis of the in the previous chapters discussed topics – the belief in witchcraft, the problems brought about by this belief during the late 1980s and early 1990s, and the related witchcraft legislation – from the perspective of the South African Police Service. One fundamental element in this analysis is the general standpoint of individual SAPS members regarding the belief in witchcraft: do they believe in it?

Research conducted in 2001 in the Northern Province by Peltzer concluded that the answer to this question was a definite ‘yes’. Through means of questionnaires that, *inter alia*, contained four cases of witchcraft, randomly chosen members of the Northern Province SAPS were asked to give their opinion regarding some witchcraft related issues. It was concluded that three-quarters of Northern Province police officers unquestionably believe that witchcraft exists (Peltzer and Phaswana, 2001: 103).

Peltzer’s conclusion was reflected by my own findings. Although not all Northern Province SAPS members admit to believing in witchcraft, about eighty percent most certainly do. The most common reaction regarding the issue of the belief in witchcraft is motivated by ethnic undertones, such as the following:

‘Of course I believe in witchcraft! I’m an African. I grew up with an African background. Witchcraft is part of our culture.’

‘As an African man, I believe in witchcraft. Those African policemen that say that they don’t believe in witchcraft are lost. They have left their tradition behind. According to our tradition and customs, we know that witchcraft exist.’¹

The manner in which many members of the SAPS speak about their traditional upbringing and about their way of life, clearly reflects a deeply rooted belief in witchcraft. Many also recount instances of witchcraft that happened to them or to close relatives. Petrus, Detective Inspector at the Tshilwavhusiku police station, thus recounts:

‘When my first daughter was born, my wife told me that there was something wrong with the fontanel on her head: it was too big and it was throbbing all the time. We could tell that it was hurting the baby in a terrible way, because it was crying all the time. We took the baby to the local clinic several times and they gave her medication, but nothing would work. This went on for a very long time and all the time the baby was crying.

One evening when we were returning from another trip to the hospital, we saw two women standing on the side of the road. We stopped and they asked us for a lift. They got in the car and we took them to our house, because it was too late for the women to travel any further. We offered the women some food and a place to spend the night, and as they sat down to eat, the baby started to cry. The women asked what was wrong with her and we explained about the fontanel. The two women were shocked because the baby had been in pain for such a long time and said: ‘we must leave the food, get in the car and you must take your baby to the *nyanga* that stays in our village’. This is what we did.

When we arrived at the *nyanga*, it was very late, so she told us to wait until the morning. With the first break of light, the *nyanga* started her work: first she threw her bones and she talked to her forefathers. Then we spoke with her for a long time. She told us that somebody in my wife’s family was responsible for the child’s illness, that this person was jealous of us, because this was our third child. Then the *nyanga* made an incision in my wife’s arm and took some of her blood. She mixed this blood with some *muti* she had prepared earlier and with some Vaseline. She rubbed this mixture of blood, medicine and Vaseline all over the baby’s body. Then she told us to take the baby home. She instructed my wife not to wash the baby for three days. This is what they did and it worked: the baby never experienced any more pain from the fontanel and was cured.’

Other SAPS members related even more astonishing stories. Detective Inspector Lapalala of the Tshilwavhusiku police station recounts the following:

¹ Although the concept of reification of culture has been dismissed as unacceptable in the social sciences, it is interesting to note how people in the Northern Province regard the belief in witchcraft as an essential, steadfast element of African culture.

‘When I was about nine or ten years old, I had to be circumcised. It was a big happening and all the boys in my village were taken away to the bush. While I was out there, I had an experience. During my sleep at night, I would see a man, a stranger. I could not see the man’s face, but I could see he had a bad sore on his left leg. When I woke up, this man would be gone. Then one day, I saw this man when I was awake. I couldn’t do anything: my whole body just went numb.

After the circumcision ceremony, I went home again. Then strange things started happening to me. I felt that I had been turned into a zombie. I was divided into two: one part stayed at home with my mother and the other part used to go to work in the garden of this man. Every time this man blew on his whistle, I had to go and work for him. This made me very sick. My mother took me to see a healer and I stayed with him for a long time.

During the same time [that these things were happening to me], we had a lot of lightning in the village. The people went to see a *nyanga*, and he told them who was causing it. Then the people collected ten Rand from everybody to consult a stronger *nyanga* in Giyani. This *nyanga* told the people there were eight witches in my village. He wanted 10000 Rand for telling the people the names of these witches. The people collected this money and found out the names. When they had the names, they called the police. The police realised that if they didn’t do something, these eight people would be killed, so they loaded them and their families into trucks and took them away from the area of Dzanani. From the time the eight witches were removed from the village, the people enjoyed life again and my problems stopped and everything turned back to normal.’

Members of the SAPS do, however, not only recount witchcraft related stories from their past. The fact that most of them believe in witchcraft is often reflected by their daily discourse. The issue of witchcraft comes up continuously in the course of casual conversation.² One story that came up continuously at the Tshilwavhusiku police station during the course of my research was the precarious situation in which a well-known member of the community had found himself: policemen were often joking about how stupid he was for getting involved in a relationship with a Zimbabwean woman. They were all convinced that, being Zimbabwean, the woman would eventually bewitch him and make him lose his penis. Members of the Tshilwavhusiku police station additionally often gossiped about a grave that had been dug up in one of the villages in the area: the body had never been found, but everybody was convinced it had something to do with witchcraft.

² It should be kept in mind that all individual members of the SAPS were aware of the topic of my research, which may have influenced them; after an initial shyness about addressing the subject of witchcraft in my presence, some members found telling me the most outrageous stories a clever way of keeping my attention, making sure that I would not pass them by on my next visit.

Like the rest of the local community, members of the SAPS are particularly fascinated by the witchcraft stories that do their rounds in the area. Tshilwavhusiku police officers were thus very worried about the problems chief Kutama was experiencing.³ Everybody agreed that it was related to witchcraft. Being directly involved, they were also exceptionally interested in the affair of the woman who had been brought from the area of Nzhelele because her hut and all her belongings were destroyed by fire.⁴ Inspector Nemavhidi of the Tshilwavhusiku police station thus relates:

‘On the fourth of this month [October] at nine o’clock in morning, the Tshilwavhusiku police station received a phone call. We were told that there was a fire in Tshiozwi. We then proceeded to the scene of the crime in Tshiozwi to Moswobi’s kraal. Upon our arrival, we found sofas burning, clothes, blankets. People were trying to stop the fire. Then a lady of about 15 years told people that she was burning on her body. She was screaming that her body was burning, but we could not see flames. People poured cold water over her. We then took this girl in the police-van to the clinic, so that the nurses could have a look. We told the nurses we brought them a lady who was burned, but the nurses said there was nothing wrong with her, so we took her back to the Tshiozwi.

When we got back to the kraal in Tshiozwi, one of the relatives of the victims said that we should take the victims to the police station and accommodate them for a while. They said that they should stay at the police station and in the mean time, the relatives would arrange for a powerful *nyanga* to come from Zimbabwe. So we took the woman and her daughter back to the police station with us in the van. They waited here until they came to fetch her, about two days.’

Stories like this went around the Tshilwavhusiku police station, getting more spectacular with time. They even made some police officers that claimed not to believe in witchcraft admit that there was something strange about it. The follow-up of the story however convinced everybody at the police station that this was a clear case of *moloi*. Inspector Nemavhidi continues:

‘When this *nyanga* from Zimbabwe arrived, we took the woman and her daughter back to their kraal. We saw the *nyanga*: he was an old man. He told us that these things that were happening were done by people, by witches. We sat to talk to him for some time. Then he got up to go to the bathroom. He went to the shed in the back. After some minutes, we heard loud screaming. We ran to the back. Here, we found the old man shaking. [...] After he had calmed down, he told us that there had been a black cat in the toilet. The cat was carrying a cell-phone.⁵ This was a clear

³ See chapter 6.

⁴ See chapter 5.

⁵ Mobile phone.

sign that the cat was a witch. He tried to hit the cat, but it was too quick and it ran away. Later we heard that the people in the village killed the cat.’

On the whole, beliefs expressed by members of the SAPS are therefore very similar to those of the local community. They can in fact be regarded as a perfect representation of the local views: like the people in the villages most members of the SAPS believe in witchcraft and their belief is part of their daily discourse.

Being a member of the SAPS believing in witchcraft

A serious problem regarding the witchcraft belief expressed by members of the SAPS is its seeming contradiction with the South African witchcraft legislation. Many police officers say they feel restricted in their freedom to believe in witchcraft. They point out that, being a member of the Northern Province SAPS, and thus a representative of the government and the law, they feel uncomfortable with expressing their belief in witchcraft. Detective Inspector Sibasa of the Louis Trichardt police station thus points out that:

‘as a policeman, I am not allowed to believe in witchcraft. When I am off duty, I believe in it: I pray to my ancestors, I visit a *nyanga* when I am sick or when my children are sick, and I use *muti*. At home, I can do whatever I want. But when I am on duty, I am not allowed to believe in it. I have to keep it to myself. This is very confusing.’

During a group discussion with five Northern Province SAPS officers, this same dilemma was pointed out:

‘As Africans, we have a background of witchcraft belief. We have grown up with it and believe in it. The problem is that they expect us to shed our skin when we join the police. They expect us to lose our cultural background. We have to put our personal beliefs aside.’

Members of the SAPS thus feel insecure about their beliefs. As they believe that the Witchcraft Suppression Act stipulates that witchcraft does not exist,⁶ they feel that believing in witchcraft is actually a criminal act.

Many SAPS members with a traditional African background express great frustration regarding the fact that they are not allowed to communicate their true

⁶ Many members of the SAPS are not aware of the fact that the Witchcraft Suppression Act does not actually stipulate that witchcraft does not exist.

beliefs: although they believe in witchcraft and it is part of their everyday lives, they have to leave these beliefs at home. They are expected to be one person when they are at home, and another when on duty. During the group discussion with the five SAPS officers, the following sentiment was expressed:

‘We have to act according to the law. The law says that witchcraft doesn’t exist. As representatives of this law, this means that we have to put our personal beliefs aside. As policemen, we must just do our duty. We have to implement the law, and the law says that witchcraft doesn’t exist. So we have no choice.’

Many members of the Northern Province SAPS thus mostly have negative feelings towards present South African witchcraft legislation. One of the most basic objections is that the Witchcraft Suppression Act is not a representation of the people’s beliefs, that, in fact, it goes against their beliefs. Some police officers express the opinion that, as South Africa is a democracy, it should take the people’s wishes more into consideration. The five police officers that took part in the group discussion therefore concluded that:

‘the law should be more in tune with the people’s wishes and beliefs. It is clear that the people around here still believe in witchcraft, so this should be reflected in the law.’

Detective Inspector Maibani of the Louis Trichardt police station adds:

‘The new constitution acknowledges indigenous law. For instance: it takes into regard that the traditional people of South Africa have this thing of polygamy. Within the constitution, the provision has been made to accept this. The constitution clearly says that we shouldn’t lose sight of indigenous law. I think our religious beliefs should also be considered under this provision. If, for instance, I find a naked person in my house early in the morning, I think the law should accept that this is very serious. This is clearly a case of witchcraft. Our culture says that it is witchcraft.

What the law should be looking at, is the legal conviction of society; how does the society take a case like this? If our society considers something as a very serious crime against our morals the suspect should be punished.’

A second – more theoretical – perspective is also often voiced. As pointed out before,⁷ the Witchcraft Suppression Act was introduced by a white euro-centric government during the apartheid regime. Many therefore feel that it is a relic from the past, and thus illegitimate in its existence. Detective Inspector Makuza from the Tshilwavhusiku police station comments:

⁷ See chapter 9.

‘Our government is fighting apartheid, but it is still using its laws. I know our government has already made a tremendous change in a lot of ways and we are happy about that. But it has done nothing about the issue of witchcraft. It has just left [the Witchcraft Suppression Act] where it has always been. It is old and the government must get rid of it.

The belief in witchcraft goes back to the core of the social system of the people in the country. This core is made up of people’s culture, their tradition and their customs. People need to know about their culture, about their language, their customs and traditions, because those make up their essence. Now what is this law saying about this essence, this core? It is dismissing it. It is telling people that they are criminals for believing in their core. This does not promote an attitude that can rebuild the country. It does not promote trust in government. Government has to accept the people’s core and with it the belief in witchcraft.’

Like people of the local community, many members of the SAPS thus feel that having a law that goes against the people’s values does not reinforce confidence in national government. Many feel, moreover, that it also restricts the development of mutual trust between the police and the local community, a process regarded as one of the most important focal point of present-day South African policing. Detective Inspector Timbavati of the Tshilwavhusiku police station comments:

‘The police doesn’t investigate witchcraft itself. It focuses on accusations. It only gets involved in cases when people start making accusations, and it only focuses on the person that is making the accusations. So the police only get involved when a witch has been named. This makes the police very susceptible to attacks from the community. The community accuse the police of protecting witches.’

Inspector Mopane of the Louis Trichardt police station adds:

‘During those years,⁸ people used to say that a policeman is a sell-out, that he must be neck-laced or burned. They were saying this, because they were against the boers, against the whites, and black policemen were working for the whites. I was personally told that I was a sell-out and I was attacked several times.

Now we have a new police. People must learn that they can trust this police. But how can they trust us when we have to do these things, when we have to keep up this witchcraft law? People know that we don’t believe in this law. They know that we also believe in witchcraft. How does that make us look? It still makes us look like sell-outs!’

⁸ The years of apartheid.

The lack of confidence in the SAPS may, in turn, lead to increased vigilantism, a dilemma South Africa as a whole has been increasingly confronted with since 1994. Sergeant Mabula of the Tshilwavhusiku police station comments:

‘Let’s say that a man claims he has been bewitched. He knows he can’t go to the police, because they cannot open a docket against the suspected witch, because the government doesn’t believe in witchcraft. Also, he risks being arrested himself for pointing somebody out as a witch. But if he cannot go to the police with his problem, what can he do? The only option he has is to finish the witch himself. So instead of letting the police handle this case in a civilised matter, the man will go and settle his problem by attacking the suspect. The law says that witches are free to do whatever they want. That is why you will find people taking the law into their own hands’

Most importantly, however, most members of the SAPS feel that the implementation of the Witchcraft Suppression Act presents the already overloaded police with a large number of ‘nonsense’ cases. Detective Inspector Timbavati of the Tshilwavhusiku police station comments:

‘I think the law is too strict on matters concerning witchcraft. You see, in our culture calling another person a witch is like calling somebody an asshole in America. Most of the time, it is just a vulgar word. If I have an argument with my brother, I can call him a wizard, but this does not mean that he actually practices witchcraft. I am just swearing at him, because I am angry. Now my brother can go to the police and open a case against me and if I am unlucky, the judge might send me to jail. Only for calling my brother a witch when I was angry.’

Detective Inspector Madabani of the Louis Trichardt police station agrees:

‘People are using this Witchcraft Suppression Act to take revenge on their neighbours. They get in a fight and go to the police station. They convince the police officers with a story, saying that their neighbour pointed them out as a witch. In actual fact, this was not the case. And then we, as policemen, have to waste our time to go around the villages, finding witnesses and taking statements while we know that the case is going to be withdrawn by the PP⁹ anyway. (...) These people are wasting our time. The South African police has better things to do.’

As most SAPS members do not agree with the implementation of the current South Africa witchcraft legislation, many are in favour of changing the law. Some would like to see the law take more notice of the circumstances in which witchcraft related cases take place, especially those cases related to ‘Indicating

⁹ Public Prosecutor.

another person as a witch'. Detective Inspector Mapela of the Pietersburg CIAC thus for instance suggest that:

'government has to make some amendment. The statistics from 2000 show that most cases of pointing¹⁰ get thrown out of court, so I think they should cancel it, or at least introduce some sort of scale: how serious is this case of pointing? If, for instance, we are sitting together and I say you are a witch, then I feel there is no case. There is no danger that I will expose you to the community: I won't go around telling people to go and attack you. Those are the type of cases that they should look into. By people merely arguing, shouting at each other, saying 'go away you witch', people are not really breaking the law, are they? So why should they go to court?'

Others take it a step further, and would like to see the introduction of a legal system similar to that of Cameroon, where alleged witches are tried in court with the supports of expert witnesses in the form of traditional healers.¹¹ Detective Inspector Tshakhuma of the Tshilwavirusiku police station thus comments:

'I feel there are things related to witchcraft that should be implemented, but they are overlooked. I think that we should look more at the witches, at what they do wrong. I think witches should be punished for doing what they do to people. They are evil and they have to be brought to justice. Maybe we can start arresting witches and give them a trial in court. We can use traditional healers to give a testimony so that we can prove that a witch is guilty.'

Although many SAPS members agree with this suggestion, some have clearly given it some more thought and see the difficulties the implementation of such a law would bring about. Inspector Moloko of the Louis Trichardt police station thus point out that:

'on a practical level it wouldn't work, because *nyangas* give different stories every time. If you would ask ten *nyangas* to judge a case of witchcraft in court, you would end up with ten different outcomes. A lawyer would see right through that, and will always be able to point out reasonable doubt when it comes to these expert witnesses. Even if you have a doctor in court nowadays, it is not hard for a lawyer to create doubt whether this expert is right, let alone with an expert that cannot explain how he came to his findings.'

Like many people in the local community, some members of the SAPS feel so strongly about the issue of witchcraft, and particularly about alleged witches, that they don't see why all these legal implementations are really necessary in

¹⁰ Indicating another person as a witch.

¹¹ See chapter 9.

the first place. Sergeant Tshandau of the Louis Trichardt police station, for instance, suggests a much more effective manner to deal with alleged witches:

‘Do you know how these people should be treated? With a cattle rod! With one of those long sticks that they use in the zoo to give elephants and the lions electrical shocks. If we could use one of those rods on witches, they would confess their deeds. That rod is very painful and if we could use it on people, they would tell us how they bewitch people. They must scrap the present law and implement a new one. They have to use that electricity rod on witches and they will explain everything to you.’

Other SAPS members, however, point out a different line of thinking. They suggest that the issue of witchcraft should be handed back to traditional leaders. Inspector Timbavati of the Tshilwavhusiku police station thus points out that:

‘an important aspect of controlling this thing of witchcraft can be found with the chiefs. Although they do not have the same powers as they used to have, chiefs are still the ones that have a lot of influence within their own community. They also understand this belief in witchcraft, because they grew up with it and believe in it. So I think they are perfect for handling this thing.’

Public Prosecutor Makadu of the Tshilwavhusiku magistrate’s court agrees:

‘My view is that criminal cases related to witchcraft should be dealt with by traditional leaders, by chiefs, provided that they are given clear and conscientious rules and procedures to do this. For example, the South Africa law commission has been talking about the fact that chiefs also should be trained as quasi-judicial officials and that they should go to workshops so that they can learn about the procedures, about the fair trial system, about giving everybody fair rights to accuse another person. If such kind of training, such workshops, is conducted for the tribal authorities, for the chief, it will solve a lot of problems. Then I think chiefs would be very capable of dealing with the problem of witchcraft.’

Although most members of the SAPS are thus very unsympathetic towards the present South African witchcraft legislation, it should be noted that some police officers do agree with the existence of the Witchcraft Suppression Act. Detective Inspector Malamulele of the Louis Trichardt police station thus comments:

‘I am an African man and I believe in witchcraft. But I also believe that the Witchcraft Suppression Act is right. It protects the people from getting accused of being witches. It is there to prevent people from getting hurt. I think we have to keep in mind that people do a lot of horrible things to each other in the name of witchcraft. When they came up with this law, the white people saw that the blacks were misbehaving. They saw that they were causing a lot of problems, killing one another. I

think they believed that the only way to control those killings was to make witchcraft outlawed, to make it a point that anyone that talks of witchcraft should be punished. I understand that a lot of people have a problem with this Witchcraft Act, but I think they don't understand that the law is only trying to protect innocent victims.'

A small number of SAPS members is thus actually in favour of keeping the present Witchcraft Suppression Act. Most of the police officers that are of this opinion base it on the above expressed premise that the Witchcraft Suppression Act protects innocent victims of brutal attacks.

The over-all view of members of the SAPS on current witchcraft legislation is, however, not very positive. Just like in the local community, the Witchcraft Suppression Act is generally perceived as out of tune with the people's beliefs, as supersede and as instrumental in the failure of building a trusting relationship between the local community and the SAPS.

The implementation of the Witchcraft Suppression Act

Seeing that most members of the SAPS heavily criticise current South African witchcraft legislation, it should be noted that this may have brought about some serious consequences for the implementation of the Witchcraft Suppression Act. It has been rumoured that, as a result of the general discontent with the act, many SAPS members have not been completely impartial with regards to the implementation of the Witchcraft Suppression Act. Inspector Tshakhuma of the Tshilwavhusiku police station thus points out that:

'policemen always have to use their own discretion. If someone comes to the charge office to report a crime, a police officer has the right to advise this person. If it is, for instance, a minor case, he can tell the person to go and try to solve the matter at home. In any crime it is like that. If the officer at the charge office is convinced the case is nonsense, then he can just tell the person to go away.

When it comes to witchcraft, it is very easy to send a person home. If somebody comes to tell the police that they have been called a witch, there usually no evidence. It is mostly one person's word against another's. So it is easy for the police officer to just laugh and say 'everybody knows that you and your neighbour are always fighting! Sort it out yourself' or he can say 'everybody knows you are a witch! Go away'. This way, the officer in charge can use his own judgement and just turn people away'

It has been suggested that this attitude may be indicative of a general unprofessional attitude within the SAPS. Many SAPS members have thus pointed out

their own lack of interest in their job. Detective Inspector Mapela of the Pietersburg CIAC, for instance, points out that:

‘many policemen don’t like their job. I understand this. I mean, what’s the point of doing their jobs? Nobody is going to care anyway. (...) Policemen have started taking the law into their own hands. For example: If I am walking around town and I see some young boy snatching someone’s bag, I have to decide whether I should arrest him or not. Do I pretend I am a police officer or not? Nowadays, people are pretending not to be police officers, especially when they are not in uniform. If I see someone stealing, it is not my business. And then I am not a police officer, I’m not doing what I’m supposed to do. That is why South African law enforcers are not active, why they are not doing their job. They don’t know when to take action or when to leave it.’

This attitude is mostly caused by the general frustration many police officers express. They feel unappreciated and don’t want to stick out from the crowd. As they feel that initiative is not rewarded, they try to be as low-key as possible.

Other members of the SAPS have argued, however, that their unprofessional attitude is not general, but directly related to the Witchcraft Suppression Act. As a result of this attitude, they have plainly refused to get involved in witchcraft related criminal cases. The five police officers that took part in the group discussion thus shared the following:

‘A lot of us don’t like getting involved in these [witchcraft] cases. Sometimes this is really easy to do. Some time ago, there was, for instance, a rumour that some police stations were using delaying tactics: when they received a telephone call reporting some people in danger because they were being accused of being witches, they would say ‘we are coming now!’, but they wouldn’t go. Then if they were questioned about their absence later, they would simply say that their car broke down, or that they didn’t have enough petrol. In the rural areas, it is really easy to avoid getting involved and letting the people solve their problems by themselves.’

In the same manner, it is said that some police station in the Northern Province have tried to discourage people from reporting witchcraft related criminal cases by ordering them to pay a fee – something in the line of ten Rand – for actually opening the case. Additionally, it is rumoured that some police stations have adopted a policy of closing a case automatically if the complainant doesn’t follow up on the case him- or herself within a week. Although these rumours were very persistent throughout the research – many police officers pointed them out to me – no individual SAPS member ever admitting to being guilty of

this type of conduct.¹² Makadu, public prosecutor at the Tshilwavhusiku magistrate's court, comments:

'Everybody knows that the police do these things: they influence cases. I must admit that without realising it at the time it has happened to me too. I have had policemen come here with cases that they say are not really any good, and then I have withdrawn them because I believed the police officers and because I was so busy I didn't have time to read the docket. Only afterwards, did I then realise that they were influencing the case.

The policemen that do these things just show up here at the court and they tell me such a convincing story that I believe them. All the while, they know that what they are telling me is nonsense: the only reason they don't want a case to go to court is because they know that the complainant – who complaint about being pointed out as a witch – is actually a witch. The feel that the suspect – who pointed the complainant out as a witch – did something good and they don't want him or her to be punished for that.'

Although not publicly accepted, this practice is not exactly gravely condemned either. Makadu continues:

'It is an issue of conscience. A lot of policemen that work here,¹³ live in these villages. They know the villages well. If I, for instance, I am a resident of this village of Ravele and I am a policeman there too, I know that Vho-Masidi, for instance, is a witch. If there is a case and the suspect has pointed Vho-Masidi as a witch, do you think I will be happy to proceed in that case, to investigate it? No, I am not going to do that, because I know that Vho-Masidi is a witch, because she once bewitched so-and-so. The belief and the background influence one's decisions. So it comes down to one's conscience: am I a person or am I a policeman? Will I investigate this case or will I just leave it?'

Those SAPS members that object to the Witchcraft Suppression Act have ample opportunity to avoid from getting involved in witchcraft related criminal cases: they can turn the complainant away right from the beginning, which is possible, because a lot of people do still not know their rights; they can refuse to investigate by coming up with some practical excuse, such as not having a car available or not being able to locate the suspect or any witnesses; or they can try to influence the local public prosecutor, which often works because local magistrate's courts are generally overloaded and prosecutors are only too happy to have one case less to deal with.

¹² As the VhaVenda can be very indirect in their manner of speaking, it did occur to me that some of these rumours may have been pointed out to me as a form of wishful thinking or as disguised suggestions.

¹³ At the Tshilwavhusiku police station.

There are, on the other hand, also some SAPS members that do not see the combination of believing in witchcraft and being a police officer as problematic. Inspector Moloko of the Louis Trichardt police station thus points out that:

‘the discrepancy between having to implement the law and our personal beliefs shouldn’t be a problem. All policemen are bound by SAPS regulations and the code of conduct. We all knew about these when we joined the SAPS. We know that we should be impartial and that there is no culture in the SAPS. The SAPS is neutral. You cannot let yourself be moved by your witchcraft beliefs. You must know your stance. It is very simple: you just have to follow the law. It is not difficult to follow the law, because you are obliged to do so. You know that once you are in the SAPS, that in certain circumstances, you don’t have an option. You have to comply with your instructions.’

Other SAPS members agree with this sentiment, although for less idealistic reasons. Inspector Mopane of the Louis Trichardt police station thus argues that:

‘We are implementing a law that we are not happy with. Obviously this does not make our job very easy. But what everybody has to realise that as members of the SAPS, we don’t just implement a law. We implement the law and at the same time we are working. For us, implementing the law is a job. For me personally, it is more important to focus on the ‘working’ part of it then at the ‘implementing’ part of it. I mean: I am working for my own survival, for my family’s survival. If I don’t do what they tell me to do then I am not doing my job, I am not working. It’s not all about implementing the law. It’s just a job. At the end of the day, it is easier to just do what you are told to do, because at least then you still have a job. If I start making things difficult for myself, then I might loose my job.’

Sergeant Mabula of the Tshilwavhusiku police station agrees:

‘I believe in witchcraft. I also believe that I must not let this influence my work. The only reason that I am in this office right now is because I need to work, because I am in need of money, my family needs the money. If I cannot put certain things aside, I will never get any money.’

So although most members of the SAPS do object heavily to current South African witchcraft legislation, this has not lead to all policemen reacting to their objections in the same manner. Some have chosen to obey their orders and to implement the Witchcraft Suppression Act: they have chosen to do so because they either feel that that is what the job entails, or because they don’t wish to cause trouble and put their job on the line.

On the other hand, there are also those SAPS members that have refused to get involved in witchcraft related criminal cases. In doing so, they have chosen

to ignore their orders, either because of personal beliefs – they feel they know that certain complainants are actually guilty of practicing witchcraft – or because of ethical objections – they don't wish to implement a law that they don't support, they feel the Witchcraft Suppression Act is a supersede relic of the apartheid past, or they feel that implementing the Witchcraft Suppression Act doesn't reinforce a trusting relationship between the police and the local community. Either way, they have decided that taking a stand against implementing the Witchcraft Suppression Act is more important than performing their duty.

Conclusion

The belief in witchcraft as a social and theoretical dilemma

In the last two decades, the Northern Province of South Africa has been increasingly confronted with so-called witch-attacks: violent assaults that have been launched on individuals and groups of people, because they are believed to be practicing witchcraft. Media reports, academic research and police statistics all show that the number of witchcraft related problems in the Northern Province has been on the increase since the mid 1980s.

As a result of these witch-attacks, many seemingly innocent people have been expelled from their villages and have become displaced. This has resulted in whole so-called witch-villages to arise. The lives of the displaced people in these villages have been severely disrupted: they have lost their position in the intricate social network that most African societies are based on; they have no access to basic human needs and rights, like clean water, medical aid and schooling; and they have no means of supporting themselves or their families since they have become total social outcasts.

Additionally, many people in the Northern Province have been severely assaulted and brutally murdered as a result of the belief in witchcraft.

In addition to these social problems, the belief in witchcraft has also brought about some serious legal dilemmas. As current South African witchcraft legislation is still based on a law that was first introduced in 1957, it is mostly perceived as superseded, euro-centric and thus illegitimate by those whom it actually concerns. Moreover, current witchcraft legislation is the cause of much

confusion, because it is not entirely clear on what actually constitutes as a criminal offence.

Looking at the social and legislative problems surrounding the Northern Province witchcraft belief, it comes as no surprise that the South African Police Service has been the key government organisation that has been forced to deal with these issues. Since the late 1980s, the SAPS has been increasingly confronted with witchcraft related crime.

This study has looked at the increasingly problematic phenomenon of witchcraft related issues in the Northern Province. More specifically, it has attempted to address these problems from the perspective of the SAPS. Based on research conducted in the area of Tshilwavhusiku in the former homeland of Venda in the Northern Province of South Africa, this report has tried to answer the following main question: what issues has the SAPS in the Northern Province been faced with when trying to deal with witchcraft related problems? The framework for these questions was formed by the dynamics between three interrelated perspectives: views and beliefs of the local community with its witchcraft discourse; stipulations of the national witchcraft legislation; and the position of the SAPS with regard to the local views and the national legislation.

Traditionally, the above-described witch-purging practices could be regarded as part of an intricate system of maintaining social balance. The Tshilwavhusiku VhaVenda have a traditional world-view in which nature, culture, the living and the dead are perceived as one entity. Within this cosmology, social order is regarded as the highest virtue. Stability and social balance are believed to be all-important. Consequently, all beliefs and related behaviour are traditionally intent on either maintaining social stability or on restoring it. Sin and evil are concepts that are used to refer to actions that disturb social equilibrium.

As alleged witches are believed to be the embodiment of evil, they are also believed to form a direct threat to social stability. It is thought that the only way to deal with this threat is to eliminate it.

From a theoretical perspective, general witchcraft beliefs have been predominantly regarded as functional in the maintaining of the social stability. For most of the twentieth century, witchcraft beliefs were perceived as functional in preventing undue accumulation of wealth, power and abundant sexual relations, hence the focus of studies of witchcraft beliefs on the economical, sexual and political aspects of society. The functional aspect of the belief in witchcraft was regarded as safeguarding moral order (Krige 1970: 237) and tempering too rapid social change. In its norms and values, the belief in witchcraft was perceived as a technique of social control and stability.

During the second part of the twentieth century however, the generally accepted theoretical foundation of witchcraft studies underwent a significant change. As many so-called traditional societies in Africa underwent big social

transformations, the theoretical approach of structural functionalism became heavily criticised. It was pointed out that this approach of cultures in general had been too limited. Instead of being regarded as closed-off and static units, societies now became considered as dynamic systems that are continuously subjected to change.

As a result of this general shift in perspective, witchcraft studies also underwent some far-fetching changes. Although the concept of witchcraft beliefs as socially functional remained, the levelling aspect became marginalised. Like the concept of culture in general, the belief in witchcraft was attributed a dynamic element. As a result, accusations of witchcraft became regarded as indices of social tension. It was argued that, as in different societies, different types of persons accuse each other of witchcraft, these particular accusing relationships may indicate typically stressful relationships or situations and can thus point out weak points of a society. From the more dynamic perspective, accusations of witchcraft became therefore regarded as a social strain gauge.

Throughout this shift in theoretical perspective, two basic features of the study of witchcraft beliefs remained fundamentally unchanged and are still widely accepted today. The first one is that the rationalisation that is employed in witchcraft beliefs is predominantly focussed on making sense of the non-sensible, on explaining the inexplicable. Through his pioneering study of the Azande in the first half of the twentieth century, Evans-Pritchard was the first social scientist to point out that the belief in witchcraft offers an explanation for situations that cannot be explained in any other rational way. He thus argued that in events where normal reactions could not provide satisfactory answers – sudden death, inexplicable illness, political unrest or extreme drought – the belief in witchcraft could provide victims with a rational cause. Witchcraft beliefs are used to make sense of situations that may seem unfair or unjust, and they can thus explain unfortunate events like natural disasters, injuries, diseases and illness and general misfortune.

The second basic notion that has remained unchanged in the study in witchcraft beliefs is that alleged witches are believed to share an intimate relationship with their victims. Alleged witches are thus thought to only be able to harm those whom they share an intimate and enduring relationship with. From a traditional African perspective, this entails that close kin, for instance, are extremely prone to accusations of bewitchment. From a traditional perspective, the relationship between, for instance, co-wives and in-laws are thus regarded as typically accusing. From a more contemporary perspective, relationships like those between neighbours or colleagues have also become typically prone to accusations of witchcraft.

Within these typically accusing relationships, the concept of jealousy can be regarded as the key trigger that sets the dynamics of witchcraft accusations in

motion. From the perspective of witchcraft beliefs as functional in the maintaining of the social stability, jealousy can thus be regarded as the factor that starts the process of the reinforcement of social stability. Jealousy provides people the justification to make accusations of witchcraft, and thus brings alleged witches back to an acceptable, equal level. As accusations of witchcraft usually occur between people who know each other well, it may, in turn, be argued that the reason why these relationships are typically prone to accusations of witchcraft is because they are susceptible to jealousy. Jealousy typically arises within these relationships because the people involved in them are competing with each other over scarce goods, like for instance a shared husband.

The SAPS and the belief in witchcraft

The Northern Province SAPS became increasingly confronted with problems brought about by witchcraft beliefs at a time that South Africa as a whole was undergoing a violent revolution. One typical characteristic of the aggressive nature of the struggle for freedom was the involvement of many young activists, the so-called comrades. As the struggle intensified, youth protest became heavily associated with violent action and crime. One particularly surprising element of the violent youth uprising was that an increasing amount of seemingly innocent people was accused of practicing witchcraft: they were indicated as witches and attacked in ever more violent ways.

The rationale behind these witch attacks was that alleged witches were held responsible for the erosion of society. In the area of Tshilwavhusiku, comrades thus argued that alleged witches were simply part of a wider group of 'unwanted elements': like those that weren't active participants in the struggle, those that didn't directly oppose the apartheid regime and those that were regarded as selfish or unsociable (entrepreneurs like shop-owners and taxi drivers, those that kept to themselves), alleged witches needed to be eliminated. With the rest of the troublemakers, they were regarded as the source of all evil and social disturbance, and they therefore needed to be categorically removed.

As a result of these witch attacks, the Northern Province SAPS became confronted with many displaced people that requested police protection, and with an enormous increase in violent attacks and murders. SAPS statistics thus indicate an increase of witchcraft related crime of an average of just over 51 cases per year in the early 1990s to over 1300 cases in the year 2000.

The exact nature of 'witchcraft related crime' has however never been entirely clear. The South Africa government presented the first legislation regarding witchcraft in 1957. The so-called Witchcraft Suppression Act was

introduced during the white apartheid regime and was consequently based on euro-centric ideas. The underlying – but unexpressed – premise of the Act was that witchcraft did not exist, i.e. there was no acknowledgement that beliefs in witchcraft or the supernatural in any way existed, and moreover that these practices were merely superstitious African nonsense (Minnaar 1997: 3). Contrary to this premise, the Witchcraft Suppression Act did however not criminalise the actual belief. It did on the other hand condemn acting upon the belief and stipulates that any person that indicates another person of being a witch is guilty of a criminal act.

At the time the Witchcraft Suppression Act was introduced, most black South Africans generally regarded it as illegitimate, because they believed that the white apartheid government introduced it as yet another form of racial oppression. They argued that whites did not understand their culture and had no respect for their religious beliefs. Consequently, the Act was considered as an unwanted interference in traditional culture and legislation. It was generally ignored and witchcraft related issues continued to be addressed in the same manner as they had been for many decades.

More recently, a different kind of criticism with regard to the Witchcraft Suppression Act has been voiced. It has been argued that the belief in witchcraft never really used to be problematic prior to white interference, and that the implementation of the Witchcraft Suppression Act was in fact instrumental in the escalation of witchcraft related problems. Additionally, it has been contended that, as the Witchcraft Suppression Act was introduced during the apartheid era, the continuation of the implementation of the act does not reinforce trust in the new democratic government.

Despite this criticism, the SAPS has had no alternative but to implement the Witchcraft Suppression Act. From a policing perspective, witchcraft related crime has been constituted of four categories. The first one – and the most obvious one in terms of the Witchcraft Suppression Act – is that of ‘Indicating another person as a witch’. This category involves any form of indicating another human being as a practitioner of witchcraft. The second category involves those cases that are triggered by the belief in witchcraft, but of which the actual individual criminal actions have nothing to do with the belief. They constitute of crimes such as *crimen injuria*, intimidation, assault, arson and malicious damage to property. The third one is more or less made up from the same crimes as the second category, but with more serious consequences. It therefore consists of crimes like murder and attempted murder. And the fourth category constitutes of so-called *muti* murder, in which a person is murdered for the obtaining of body parts that are turned into *muti*.

General statistics show that the number of witchcraft related crime increased enormously during the late 1980s and the 1990s. It is, however, believed that

the actual nature of witchcraft related crime underwent a significant shift. Whereas witchcraft related crime that took place during the late 1980s and the early 1990s was mostly related to serious crime like murder and attempted murder, most cases since the mid 1990s have been related to 'Indicating another person as a witch' and minor criminal offences like assault, arson, intimidation and *crimen injuria*.

It has been suggested that the shift in witchcraft related crime may have had several stimuli. Firstly, it is argued that, as the belief in witchcraft was closely related to criminal activity due to the association between the belief and the political revolt of the late 1980s and the early 1990s, most witchcraft related crime was almost entirely confined to extremely violent crimes such as murder. Then, as the revolution came to a halt, magistrate's courts started clamping down heavily on witchcraft related crime, and people became more knowledgeable with regard to their rights and responsibilities, the emphasis shifted from very serious crimes to 'Indicating another person as a witch' and minor criminal acts.

One key problem in the fight against witchcraft related crime in the Northern Province of South Africa has been the attitude of individual SAPS members towards the belief in witchcraft. Several issues play a key role in this attitude.

Firstly, it is very clear that most black South African members of the SAPS in the Northern Province do believe in witchcraft. Their witchcraft belief can be regarded as a discourse, as a manner of speech that pervades all spheres of their daily lives. This is indicated both by the manner in which individual members relate witchcraft related stories from their past, and by the way the issue of witchcraft continuously arises during the course of casual conversation between SAPS members. Gossip on what happened to whom and on whether or not witchcraft was a cause of this is a constant factor of conversation at the Tshilwavhusiku police station. The belief in witchcraft is thus clearly present within the Northern Province SAPS. It can in fact be regarded as a perfect representation of the beliefs that are expressed in the local communities.

The combination of having a belief in witchcraft and being a member of the SAPS puts many individual police officers in an awkward position. Many SAPS members are of the opinion that the Witchcraft Suppression Act actually stipulates that the mere belief in witchcraft constitutes of a criminal act. They thus experience a restriction in the expression of their personal beliefs. They point out that, being a member of the Northern Province SAPS and thus a representative of the government and the law, they feel uncomfortable with expressing their belief in witchcraft. They experience great frustration regarding the fact that they are not allowed to communicate their true beliefs: although they believe in witchcraft and it is part of their everyday lives, they have to

leave these beliefs at home. They are expected to be one person when they are at home and another when on duty.

Additionally, many SAPS members also express great discontent with the Witchcraft Suppression Act because they believe it is not representative of the people's beliefs. Some police officers are of the opinion that, as South Africa is a democracy, it should be more in tune with people's wishes and that, as the constitution makes allowance for indigenous law, this should be taken into consideration.

Moreover, some SAPS members also express the often-heard complaint from the community that, as the Witchcraft Suppression Act was introduced by a white euro-centric government during the apartheid regime, current South African witchcraft legislation is a relic from the past, and thus illegitimate in its existence. Although this is often expressed as an emotional objection to the Witchcraft Suppression Act, some police officers have indicated that this also has some practical consequences. They argue that having a law that goes against the people's values does not reinforce confidence in national government. They additionally claim it restricts the development of mutual trust between the SAPS and the local community, a process regarded as one of the most significant focal points of present-day South African policing.

Finally, most individual SAPS members express great frustration with regard to the large number of 'nonsense' cases brought about by the Witchcraft Suppression Act. They feel that, as people have become more knowledgeable with regard to the stipulations of this act, they have started taking advantage of it. As the Witchcraft Suppression Act does not actually stipulate what constitutes an indication of witchcraft, it is extremely straightforward for members of the community to open a case of 'Indicating another person as a witch' against a rival or enemy. Consequently, it has become commonplace for 'bickering housewives' to settle their personal disputes in court. Both SAPS members and employees of magistrate's courts thus feel that they are being used by members of the local community for personal gain and that their time and money is being wasted by having to investigate these types of 'bickering housewives' cases.

This general discontent with current South African witchcraft legislation has resulted in several different attitudes with regard to the fight against witchcraft related crime. Firstly, it is continuously rumoured that many individual SAPS members have adopted a completely unprofessional attitude towards the implementation of the Witchcraft Suppression Act. According to some police officers, this is part of a more general unprofessional attitude within the SAPS. Many SAPS members, for instance, point out their own lack of interest in their job and assert that their attitude is mostly caused by the general frustration many police officers are faced with. According to other SAPS members

however, their unprofessional attitude is a clear indication of the overall discontent with the current South African witchcraft legislation.

The unprofessional attitude towards the fight against witchcraft related crime is expressed by a plain refusal to get involved in it. It is thus said that some police stations have adopted delaying tactics in getting out to possible crime scenes, that they have tried to discourage people from reporting witchcraft related criminal cases by ordering them to pay a fee for actually opening the case, or that they have adopted a policy of closing a case automatically if the complainant doesn't follow up on the case him- or herself within a week. Although these claims always remained mere rumours throughout the course of the research, many SAPS members and employees of magistrate's courts were very much aware of them, and were convinced there was a great deal of truth to them.

As an exception to this generally negative sentiment towards the implementation of the Witchcraft Suppression Act, and towards the involvement of the police in witchcraft related issues, there are several members of the Northern Province SAPS who do not actually regard their belief in witchcraft and the nature of their job as inherently conflicting. They claim, for either idealistic or economic reason, that the execution of their job is more important than their personal beliefs. They reason, for instance, that they were always aware that joining the SAPS would involve making some sacrifices and that their personal beliefs should never influence their work.

Two final remarks

With regard to these conclusions, two important final points need to be made. The first one concerns the situation within the SAPS, the second one the prevalence of witchcraft related issues.

First of all, it should be pointed out that the overall situation within the SAPS does not seem to do either South Africa as a whole or the fight against witchcraft related crime much favour. Throughout the research, it became sufficiently clear that many members of the SAPS are highly unsatisfied about the manner in which things are run within the SAPS, and that they experience great frustration with regard to the fact that there is nothing they can do about it. Although the problems that exist between the SAPS and the communities are receiving great attention, the problems that exist within the SAPS seem to be ignored.

The dissatisfaction and frustration that many SAPS members express seem to stem from the fact that the new SAPS doesn't seem to be able to shake off the old SAP mentality. What appears to bother new SAPS members most is that on

paper many changes have been made, but in reality most things have remained the same. There is therefore great tension between the old and the new guard. As the present SAPS structure is established on the remnants of the previous regime, many high-ranking officers are very much stuck in their ways, and they hold on to many old patterns. Nepotism and corruption are, for instance, two matters that many new police officers claim are still very much present in the present SAPS.

Consequently, the SAPS seems to be stuck in a vicious circle. New SAPS members don't really get a chance to address this problem, and they have two options: they either adapt to the old system, or leave the SAPS. Those that leave are often the ones with the most vigour; those that stay, simply wish to keep their jobs. The overall frustration of those that stay expresses itself mostly in an overall adaptation of an unprofessional attitude. Many SAPS members are not proud of being part of the SAPS. They simply do their job, but put as little effort into the execution of their tasks as possible.

Although SAPS statistics seem to indicate that serious witchcraft related crime, such as murder, has not occurred in great numbers in the Northern Province over the last few years, this should by no means be taken as a motivation to disregard the issue of witchcraft related crime as a serious issue. Nor should it be accepted that witchcraft related problems in the Northern Province are a thing of the past. This report gave some indications as to how witchcraft related problems that arose in the Northern Province during the late 1980s and early 1990s were related to politics. Based on research conducted in the Lowveld area of the Northern Province, Niehaus (2001) has even suggested that most witchcraft related problems that occurred in the Northern Province during these years were brought about by political action and that attacks on alleged witches were exclusively motivated by political ambition.

From this perspective, it could easily be concluded that witchcraft related problems should automatically cease to exist. It may be argued that, since witchcraft related problems were brought about by a political situation (revolution) and this situation has since then expired, witchcraft related issue will also inevitably disappear.

Two major shortcomings can be pointed out in this line of reasoning. First of all, the political situation of the 1980s should not be regarded as no longer existent, but rather as evolved. Although the years of violent revolution against the apartheid government have officially come and gone, South Africa as a whole is still going through some intense transformations. The romantic hopes and dreams of many South Africans that after the abolishment of apartheid everything would be wonderful, could not have been farther from the truth. Reality has shown that the real struggle has only just begun and that a great deal more suffering will go hand-in-hand with that. As a result, the equation that

witchcraft related problems will disappear simply because the political climate has ceased to exist, is invalid.

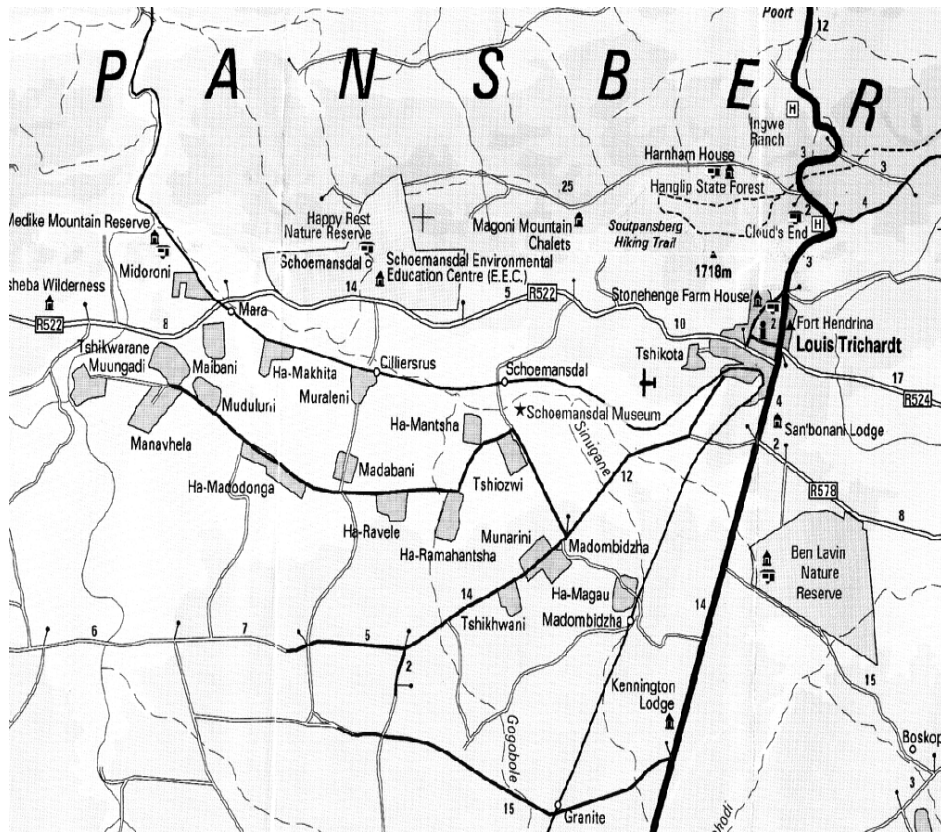
Secondly, it should be noted that witchcraft related problems are not merely brought about by political instability. The nature of witchcraft beliefs is such that any sort of social strain or imbalance can actually trigger violent attacks. Looking at the present-day South African situation, it has all the makings of violent attacks once again. Issues such as unemployment, HIV/AIDS, drug and alcohol abuse, poverty and corruption, all carry within them the seed that can make witchcraft related problems blossom. The fact that the belief in witchcraft in the Northern Province doesn't seem to be causing too much havoc at present should therefore not be taken as a sign that witchcraft related problems are over and done with. The disposition of the belief is such that problems can lay dormant and simmer over long periods of time and suddenly flare up for a wide variety of reasons.

Appendices

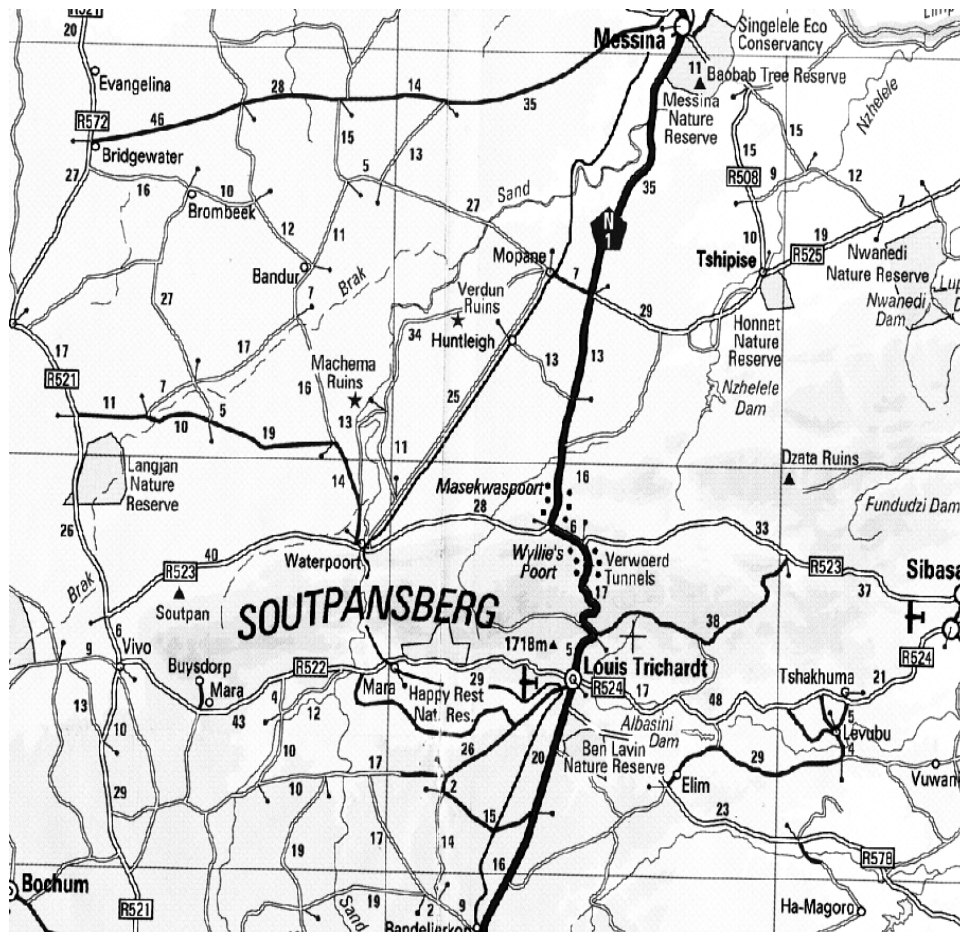
Appendix 1: Maps



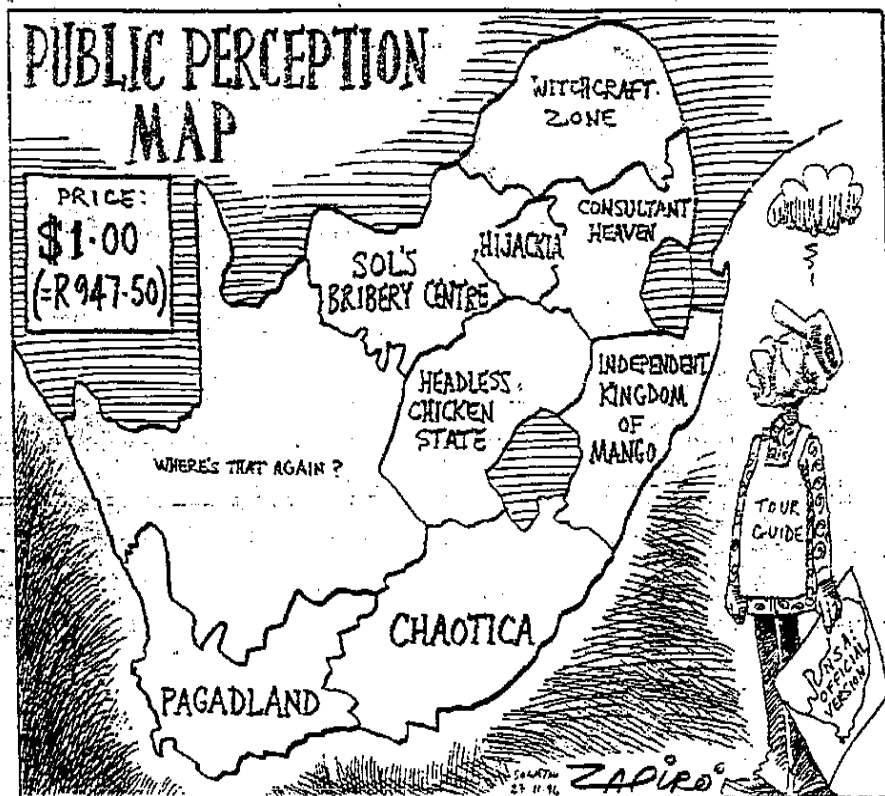
Map 1 South Africa



Map 3 Soutpansberg



Map 4 Tshilwavhusiku and Louis Trichardt



Map 5 Public perception map South Africa

Appendix 2: Witchcraft Suppression Act

WITCHCRAFT SUPPRESSION ACT 3 OF 1957
AS AMMENDED BY THE WITCHCRAFT SUPPRESSION
AMENDMENT ACT 50 OF 1970 AND ACT 33 OF 1997

TO PROVIDE FOR THE SUPPRESSION OF THE PRACTICE OF
WITCHCRAFT AND SIMILAR PRACTICES

1. Offences relating to the practice of witchcraft and similar practices

Any person who –

- (a) Imputes to any other person the causing, by supernatural means, of any diseases in or injury or damage to any person or thing, or who names or indicates any person as a wizard;
- (b) Professes or pretends to use any supernatural power, witchcraft, sorcery, enchantment or conjuration, imputes the cause of death or injury or grief to, disease in, damage to, or disappearance of any person or thing to any other person;
- (c) Employs or solicits any witchdoctor, witch-finder or any other person to name or indicate any other person as a wizard;
- (d) Professes a knowledge of witchcraft, or the use of charms, and advises any person how to bewitch, injure or damage any person or thing, or supplies any person with any pretended means of witchcraft;
- (e) On the advise of any witchdoctor, witch-finder or other person or on the ground of any pretended knowledge of witchcraft, uses or causes to be put in operation any means or process which, in accordance with such advise or his own belief, is calculated to injure or damage any person or thing;
- (f) For gain pretends to exercise or use any supernatural power, witchcraft, sorcery, enchantment or conjuration, or undertakes to tell fortunes, or pretends from his skill in or knowledge of any occult science to discover where and in what manner anything supposed to have been stolen or lost may be found,

Shall be found guilty of an offence and liable on conviction –

- (i) In the case of an offence referred to in paragraph (a) or (b) in consequences of which the person in respect of whom such offence was committed, has been killed or where the accused has been proved to be by habit or repute a witchdoctor or witch-finder, to imprisonment not exceeding twenty years;
- (ii) In the case of any other offence referred to in the said paragraphs, to a fine or imprisonment for a period not exceeding ten years;
- (iii) In the case of an offence referred to in paragraph (c), (d) or (e), to a fine not exceeding five hundred rand or to imprisonment for a period of not exceeding five years, or both such fine and imprisonment;

2. Presumption

Where any person in respect of whom an offence referred to in paragraph (a) or (b) of section 1 was committed was killed, it shall be presumed, until the contrary is proved, that such person was killed in consequence of the commission of such offence.

3. Repeal of laws

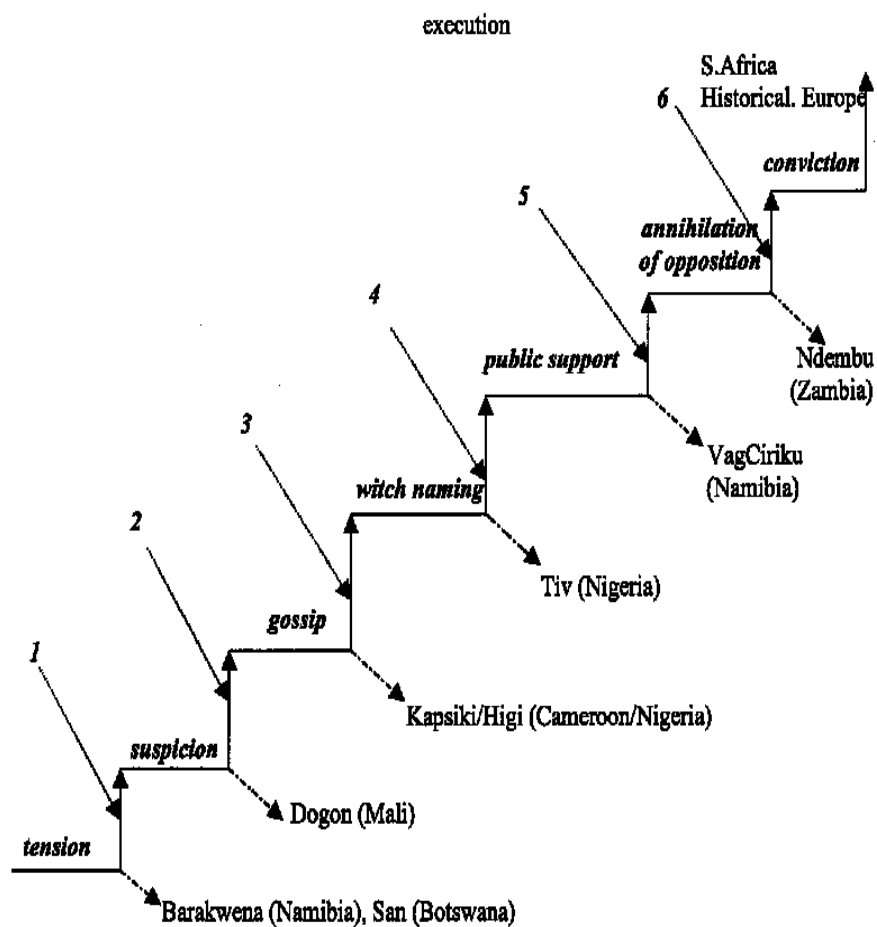
The laws mentioned in the Schedule to this Act are hereby repealed to the extent set out in the Fourth column of that Schedule.

4. Short title

This act shall be called the Witchcraft Suppression Act. 1957.

Appendix 3: Model of witchcraft escalation

Van Beek (2003) argues that the belief in witchcraft does not necessarily lead to the type of escalation found in the Northern Province of South Africa.



- 1) Some societies, such as the Barakwena and the San, have no notion of personal evil: witchcraft beliefs are thus of no importance.
- 2) Some societies, such as the Dogon, do have a witchcraft discourse, but a hidden one.
- 3) Some societies, such as the Kapsiki, have a witchcraft discourse, but only gossip about it.
- 4) Some societies, such as the Tiv, speak openly about witchcraft and name witches publicly.
- 5) Some societies, such as the VagCiriku, name witches and find public support for their claims.
- 6) Some societies, such as the Ndembu, name witches, find public support for their claims and attain consensus about the guilt of the culprit.
- 7) Some societies, such as the peoples of South Africa, name witches, attain consensus about the culprit's guilt and have means of convicting the culprit.

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