Witchcraft and accusations of witchcraft in South Africa: ontological denial and the suppression of African justice*

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Witchcraft accusations, mob violence and the breakdown of African justice

In recent years there has been an intensification of witchcraft accusations, killings and violence in South Africa. Evidence indicates that there is a positive correlation between the criminalisation of customary court involvement in witchcraft accusation cases and the advent of witch-killings. Niehaus claims that, amongst Tsonga and Sotho-speaking groups of the Transvaal Lowveld few killings occurred when chiefs acted as mediators in witchcraft accusation cases. Both accused and accusers were given their day in court. He writes that after the implementation of legislation aimed at outlawing tribal participation in these cases 'a perception emerged that chiefs sided with witches'. Chiefs and sangomas (priest-diviners) refused to get involved in such cases. South African state courts do not recognise the existence of witchcraft so people could not seek redress there either. As a result mobs took the law into their own hands. Mob 'justice' and witchcraft-related violence has soared. Minnaar writes that the South African Suppression of Witchcraft Act 3 of 1957 (to be discussed in the last section of this paper) 'was instrumental in the replacement of expulsion with the execution of those suspected of being...

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1 According to figures recently released by the Institute for Multi-Party Democracy (1999 Giyani Witchcraft Summit Discussion Document) since 1990 at least 3000 witchcraft-related cases have been reported to the police in the Northern Province alone. Since 1990, 587 people accused of being witches have been killed in the province. Of this number 287 have been killed since 1995.

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witches'.

Magagulu shows that before the implementation of the Act systems of social control involving sangomas and chiefs were in place in Sekhukhuneland which dampened and controlled witchcraft accusations. Amongst the closely settled and inter-marrying Lovedu, prior to the 1957 Act, the Kriges tell us that public accusations of witchcraft were rare. When disputes did arise they were settled in customary courts. Once participation of tribal authorities in witchcraft cases had been outlawed, people began taking the law into their own hands.

We now have a scourge which, in 1996, led the Minister of Safety and Security of the Northern Province, Seth Nthai, to declare that witchcraft killings (and related violence) are the number one social problem in the Northern Province. Statistical data provided by Minnaar support this claim. I am not aware of any serious evidence which suggests that before the implementation of the Suppression of Witchcraft 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. According to Magagulu, accused persons were frequently acquitted and those laying false charges were rebuked and fined. In serious cases sangomas were consulted. They used their intuitive powers and abilities to make discerning judgements (frequently based on searching questioning and cross-questioning) to settle cases. Prior to the implementation of the Act bewitchment was a worry but like all worries it had remedies. By criminalising these judicial remedies on the ground that they were repugnant to the 'civilizing mission' of the white, eurocentric apartheid government the seeds of chaos were sown. In the wake of this confusion unfounded witchcraft

1A Minnaar 'Witchpurgiing in the Northern Province of South Africa' paper read at the 9th International World Symposium on Victimology, Amsterdam, 25-29 August 1997. This Act is discussed in the last section of this paper.


4Note 3 at 26-32.

5Hammond-Tooke thinks differently. See his Rituals and medicines (1989) chapter 5. With the exception of a few cases reported by Monica Hunter (Wilson) in her Reaction to conquest: effects of contact with Europeans on the Pondo of South Africa (1936) 306ff, I have not been able to locate, nor has anyone been able to refer me to, any systematic historical evidence which would indicate that there was a serious problem of witch killings in South Africa before the implementation of the 1957 Witchcraft Suppression Act. In the House of Assembly Debates that preceded the Act there is no mention of the problem of witch killings at all (see the last section of this paper).

6There were other seeds of chaos too. Unpopular tribal authorities were propped up by the apartheid government as part of the bantustan system of 'separate development'. The misuse of tribal authorities brought tribal institutions into disrepute and contributed to the destruction of African justice. See J Hund & JW van der Merwe Legal ideology and politics in South Africa (1986) chapter 2 and references cited therein, especially the papers authored by John Comaroff.
accusations have proliferated and are frequently used as pretexts for personal animosity, vendettas, inter-generational and domestic rivalry, agendas for political action, and so on. These trends and cases have been well-documented by social anthropologists and lawyers. The escalation of witchcraft accusations has generated new forms of popular 'justice' in South Africa and whole communities of outcasts accused of being witches (along with their families) have been placed in hopeless situations under the protection of the police. What can be done?

South African state courts are not equipped to convict people of an offence whose material element cannot be presented as hard evidence in a court of law. Anyone brought before the courts for practising witchcraft is set free for lack of concrete evidence. State prosecutors will not touch these cases. In cases of murder, assault and arson the courts recognise belief in witchcraft as a mitigating factor. One result of this has been the exploitation of this factor by some people accused of violence or murder. They have pretended a belief that they were bewitched in order to secure a more lenient sentence. Courts do allow people accused of witchcraft the right to pursue an action of defamation against the accuser. But the defendant may not introduce evidence that the accused really has bewitched him in order to defeat a defamation action, because the courts do not recognise the existence of witchcraft. Witchcraft accusations are also treated as a criminal offence. This has not had the intended effect of discouraging accusations of witchcraft. It has only shown the impotence of South African state courts as they are presently constituted to deal with the problem of witchcraft accusations. In the meantime witchcraft-related violence spirals out of sight. This is not just a local problem: according to news reports murders of elderly people accused of witchcraft in Tanzania are threatening to disrupt that country's social stability.

In Cameroon post-colonial legislators were faced with a similar problem and tried to tailor Western colonial court practices and rules of evidence to accommodate African metaphysical beliefs. These legislators sought to control witchcraft by outlawing it, an approach that explicitly acknowledges the existence of witchcraft. The Cameroonian post-colonial elite themselves believed in witchcraft and provided for its criminalisation in section 251 of the Cameroonian Penal Code. How did the courts establish proof-based convictions in witchcraft cases? As recounted by Fisy these courts were easily able to establish guilt by confession. The issue of coerced confessions was hardly ever raised as a defence in these cases. In reading through the

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10Minnaar n 3 above at 5.

11N Odihamba 'Witch-hunts on the increase in Tanzania' Mail and Guardian June 11–17 1999.

court records he notes that alleged witches were often treated as if they had no civil rights at all. Magistrates, who themselves believe in witchcraft and regard it as a crime, accept that manifestations of witchcraft are not empirically provable. Hence the ultimate guide is the judge's conscience. As a result whether an alleged witch is convicted depends very much on the individual judge. Fisiy writes that in the Francophone part of the country, especially the East Province which is stereotyped as being 'full of witches', judges would often 'stretch the limits of the rules of admissibility of evidence to new dimensions in order to secure a conviction'. This part of the country pursues an inquisitorial system of criminal justice which opens the door to all sorts of circumstantial evidence in the search for justice. More interesting, however, is that these courts are empowered to convict witches when accusations are initiated and supported by the village, and 'especially when the evidence of a witch-doctor is tendered in support of the allegations'.

This system allows *sangomas* ('witchdoctors' in English vernacular) to appear in courts as expert witnesses.

The Cameroonian model represents a departure from the long established pattern of state courts in Africa to set alleged witches free for lack of concrete evidence and to prosecute and convict *sangomas* for identifying them. Should we follow the Cameroonian model in South Africa? The Ralushai Commission Report, which I shall discuss later, recommends a return to traditional courts in which legitimate *sangomas* will have a role to play in witchcraft trials. The South African Commission on Gender Equality's National Conference on Witchcraft Violence (6-10 September 1998) has made similar recommendations which I will discuss later. In the final section of this paper I will sketch a third model somewhere between the Cameroonian model and the one proposed by the Ralushai Commission Report which has also been advanced.

**Sangomas and witches — preliminary anthropological reflections**

A problem that seriously bedevils all attempts to discuss and find solutions to the problem of witchcraft-related violence is the overwhelming confusion of terminology in this area. Academic writers are unfortunately some of the worst perpetrators of confusion. A recent working paper by Geschiere is a good example of what I mean by this.

In drawing parallels between what he calls 'witch-doctors' in African politics

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13 Ibid.
14 Ibid.
15 Ibid.
and publicity experts in American politics Geschiere uses the word *nganga*\(^\text{18}\) to subsume the concepts of 'witch' and 'witch-doctor'. He lists what he thinks are characteristic features of the *nganga*. He or she must 'in the very first stage of initiation into the realm of witchcraft' learn to 'see'.\(^\text{19}\) The *nganga* learns to 'see' witches and is at the same time, by this power, made 'visible' to witches 'as one who sees'. Secondly, in healing a person, the *nganga* must 'reconstitute' the latter by extracting a 'confession' which 'deconstructs' the client's personality in order to take away misfortune. Thirdly, the *nganga* will require a sacrifice from the client which, he thinks, in today's Africa will usually consist of money since the occult has become so commodified and commercialised. As part of the *nganga*’s own initiation a sacrifice will have to be made by taking a life. Thus, he thinks, the *nganga* is a kind of 'super-witch'. 'A *nganga* is a witch' who can only heal 'because he or she has killed'.\(^\text{20}\) Geschiere sees this as a basic circularity in the discourse about witchcraft — 'protection against witchcraft is to be found in the *nganga* who is, however, a super-witch, and draws his clients inexorably into the spirals of witchcraft'.\(^\text{21}\)

I am not concerned with Geschiere’s account in itself but only as an example of overwhelming misunderstanding. There is one sense, however, in which I think his erroneous conflation of witches and witch-doctors can be made to serve as a clue to the real nature of witches. One of my arguments will be that there is a close relationship, but never an identity, between witches and witch-doctors.

In Zulu culture there are different classes of traditional healer which are loosely characterised by the sometimes pejorative label 'witch-doctor'. A *nyanga* may inherit the profession from family. Such a person may be either a simple herbalist or a diviner. A *sangoma*\(^\text{22}\) is a clairvoyant who must receive a 'call' from the ancestral spirits. A *sanusi* is higher than both of them. Such a person is a clairvoyant and lore-master.\(^\text{23}\) Mutwa believes the Zulu word *sanusi* is related through the Indo-European language matrix to the sanscrit *sannyasin*, a holy wandering mendicant who, like a yogi, is a conduit for higher spiritual forces. Such a person, he claims, 'is a person who strives ceaselessly to be ethical in everything he does, for the fate of the tribe or nation may depend on his discernment'.\(^\text{24}\) A *sanusi* is a high *sangoma*. Such a person, according to Motshekga, is the highest priest-diviner, the most venerated and revered person in African society. 'He is called “the Wise One, the Learned One, the Healer”, respected and revered by the people of his

\(^{18}\) *Nganga* is a central African dialectical variation of the more familiar *nyanga* (Zulu) in South Africa (to be discussed below).

\(^{19}\) *Nganga* is a central African dialectical variation of the more familiar *nyanga* (Zulu) in South Africa (to be discussed below).

\(^{20}\) Id at 9.

\(^{21}\) Id at 11.

\(^{22}\) This is the widely used, Anglicised version of *izangoma* (Zulu) in South Africa, which I shall use throughout this essay.

\(^{23}\) C Mutwa *Song of the stars: the lore of a Zulu Shaman* (1996) xv.

\(^{24}\) *Ibid.*
tribe and far beyond the boundaries of his nation'.

The apprentice *sangoma* is one who has been touched by an illness, called *tbwasa*, which cannot be diagnosed by Western medicine. During the training period he or she is called a *twasa*. The *twasa* must learn how to prepare herbal medicines, interpret dreams, communicate with spirits and diagnose illnesses. In addition the *twasa* must learn tribal history, mythology and sacred ceremonies. Because some of their time is spent countering *tbakatbl* or curses put on people by witches, the *sangoma* is sometimes called a ‘witch-doctor’, a term that many of them accept because it does describe one of their functions. Mutwa thinks that the *sangoma* must harness the ‘same occult forces’ as does the witch if he or she is to be effective in discerning witches, acts of witchcraft, and curing those who may be afflicted with witchcraft related problems.

Hammond-Tooke thinks *sangomas* should be defined as diviners, shamans and healers. These terms need unpacking. One of my aims in this paper is to take steps in that direction, especially with the aim of showing that *sangomas* must under no circumstances be confused with witches.

This learned social anthropologist distinguishes *sangomas* from herbalists but concedes that among some groups the roles of diviners and herbalists are not clearly differentiated by name or by function. Both are called for example among Venda and Tsonga, by the name *nyanga*. All *sangomas* are herbalists and diviners, but not all herbalists and diviners (*nyangas*) are *sangomas*. Only the chosen are *sangomas*, and no *sangomas* are witches. To think of a witch as a healer of any sort is a confusion of the most fundamental kind. What then is a witch? This is intended as an ontological question and a substantive research directive which, as I will argue, cannot be dismissed with a wave of the hand.

A distinction that has gained currency in anthropological circles is that between witches and sorcerers. Evans-Pritchard found that amongst the Azande a folk distinction was made between people who have some undefined mystical power inherent in their personalities, and people who use magic. He called the former witches and the latter magicians or sorcerers. I find this unsatisfactory as an analytical distinction because of the vagueness inherent in the idea of magic itself. Magic is an essentially contested concept. For one person it is supernaturalism, for another nonsense, and for yet another it is the latest technology. Furthermore, this distinction cannot really help us understand what is supposed to be inherent in the witch’s personality, that is,
what it is that makes a witch a witch. I think a better clue is found in Parsons's28 discussion of American Pueblo Indian 'medicine-men'. She argues that there is a 'conceptual closeness between witches and medicine-men'.29 In this paper I shall argue that witches and sangomas though conceptually related, are opposites. By thinking about sangomas or witch-doctors, we are given a clue to the nature of witches, because there is something, after all, which I shall argue they do have in common, but we must be clear that what they do have in common is used in profoundly different ways and for different purposes. To understand the witch concept therefore I want to begin by thinking a little more deeply about what a sangoma might be. Aside from the few general remarks that have already been made, what exactly is a sangoma?

In developing this idea beyond what has already been said, I shall trace out a few clues given by Hammond-Tooke, but before getting to that it is necessary first to briefly sketch two divergent approaches anthropologists have followed in attempting to understand the witch idea. When it comes to explaining beliefs about witchcraft, anthropologists tend to be divided into schools which are primarily psychological and those which are essentially sociological or functional. Social anthropologists have attempted to explain, or explain away, the witch idea by focusing on causes and patterns of witchcraft accusations and beliefs in terms of such things as social strain, rapid modernisation, domestic and generational conflict, social dislocations, ways of coping with misfortune, pursuits of vendettas and political agendas, myths which mediate contradictions in society, and so on. These explanations have proved unsatisfactory. They leave unearthed the basic, fundamental question of why the idiom of witchcraft (moloyi) is used in the first place. It seems that witchcraft must be related to something real in human experience, because it has recurred again and again in all parts of the world. What could it possibly be? Notwithstanding the surfeit of ideas and explanatory constructs that functionalist anthropologists have invented and developed, the results are inconclusive. No one has yet been able to explain why people believe in witches and witchcraft, and not something else.

A more promising anthropological approach uses an essentially psychological idiom to explain witchcraft beliefs in terms of 'spirit worlds' which are thought to originate in the unconscious mind and are expressed through dreams and meditation, and trance-specific altered states of consciousness. An anthropologist attempting to understand the origin of the witch idea from a psychological perspective will be drawn into thinking about supernatural phenomena and will ultimately have to ask 'are these real?' The inner, lived dimension of the numinous will have to be taken seriously.

From my own point of view, there is no escaping this inner dimension. Hammond-Tooke is one South African anthropologist who has reached for, but not quite grasped, an adequate psychological approach which takes lived,

29Id at 206.
human experience seriously. This has led him to come up with some very suggestive ideas which he has never yet developed but which might serve as pointers to a fresh look at the witch concept. In discussing sangomas (as diviners) he thinks that divination is somehow related to certain ‘well developed psychic gifts’ which are derived from ‘deep seated personality factors’. The best diviners, he says, ‘were psychics’. He had previously written that, amongst the Kgaga group of the South African Lowveld, diviners sometimes gazed into pools and did other things to ‘stimulate their undoubted psychic talents of clairvoyance and telepathy’. While thinking about this claim (that diviners are psychics), I came across several passages from anthropologists who had made the same claim about witches. Evans-Pritchard claims that ‘an act of witchcraft is a psychic act’. Closer to South Africa, Crawford in his work on witchcraft in Rhodesia (as it then was) claims that ‘witchcraft is essentially a psychic act’ while adding that such acts are ‘objectively impossible’. Even more interesting (from my point of view) is the Zulu shaman Credo Mutwa’s claim that if the sangoma is to be effective in curing people from t'bakalbt or witchcraft-related misfortune, he or she ‘must understand and to some extent control the same occult forces as does the witch’. Could the clue to understanding the witchcraft idea be that, like sangomas, witches are psychics? And what might this mean?

The sangoma’s journey of the soul — maps of consciousness

If witches and sangomas are psychics, drawing on the same supernatural sources of power or influence but using them for entirely different purposes, what might we learn about them by exploring this idea? And what might these supernatural powers turn out to be? The Concise Oxford Dictionary is not of much help in understanding these ideas, but it does give us a few pointers. ‘Psychical’ is defined as being ‘of the soul or the mind’, psychical phenomena are said to be ‘outside of the domain of physical law’. The word ‘medium’ is also mentioned in the definition, and ‘psychical research’ is referred to.

Pioneers in Western philosophy who have thought seriously about the ontological implications of psychical research have included, to name a few, WT Stace, Henry Sidgewick, William James, Henri Bergson and HH Price. Price was a distinguished Oxford philosopher who specialised in epistemology. He refused to treat ordinary sense perception in the waking state of consciousness as ‘normal’. Price cited Leibniz as one whose ideas are most suggestive for psychical research. In his metaphysics, Price wrote, ‘paranormal cognition

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31Note 26 above at 14.
32I'd at 12.
34Note 27 above at 21.
35JR Crawford Witchcraft and sorcery in Rhodesia (1967) 40.
36Note 23 at xxiv.
37(5ed 1964).
is no longer paranormal, it is something normal'.\(^{38}\) Leibniz thought that material objects have only a phenomenal existence, and that what appears to us as physical reality is really the projection of a community of spirits. Leibniz's idealism is a precursor to Jung's theory of consciousness, which I shall discuss later. These Western theories can, I believe, help us understand the ontology and origins of African animism and beliefs about witchcraft.

Price went on to note that 'Leibniz was the first modern philosopher to think that there are mental processes below or beyond the threshold of consciousness'.\(^ {39} \) He puts Leibniz's doctrine like this: 'it is the idea that each of us, below the level of consciousness, is all the time in touch with a very much wider range of facts and happenings than he is consciously aware of'.\(^ {40} \) What puzzled Price is why paranormal cognitions 'emerge into consciousness so seldom'.\(^ {41} \) One answer given by Andrews\(^ {42} \) is that extra-sensory perception and para-normal cognition is something Westerners seem to have lost touch with. Extra-sensory capacities have atrophied in modern man. Price thought that 'in the ordinary 'non-psychic' person there is some kind of block or censorship which tends to prevent paranormal cognitions from getting into consciousness'.\(^ {43} \) This is especially true, he thought, with the educated or over-educated person. Price thought that psychic cognition was much more widely experienced in the early stages of society, where the cultivation and use of psychic abilities were primarily, but not exclusively, in the hands of shamans or priests. This is the link. What we need to understand is how paranormal capacities somehow concern the unconscious mind, and what that unconscious mind might be.

Most para-psychologists seem to agree that good psychics develop their clairvoyance in 'altered states of consciousness'. They learn to become good telepathic senders and receivers in such states. Altered states are thought to transcend normal conditions of immediate sensory awareness and cognition. They include, among other things, states induced by hypnosis, meditation, trance, lucid dreaming and religious and mystical experiences. As the systematic investigation of states of consciousness comes to fruition in the West, differences in their descriptions of altered states of consciousness may prove to be due more to individual and cultural idiosyncrasies than to the essential nature of these experiences themselves. Belief systems in terms of which the experiences of altered states of consciousness are interpreted must be seen as accounting for some of the variance in descriptions. Saint Paul, for example, identified his moment of realisation on the road to Damascus, when he returned to his normal waking state, in terms of Christ and the Christians because he was at that time preoccupied with the thought of them. The

\(^{39}\) Id at 442.
\(^{40}\) Id at 443.
\(^{41}\) Ibid.
\(^{42}\) G Andrews Drugs and magic (1997) 19.
\(^{43}\) Note 38 above at 447-448.
dreams, visions and paranormal experiences of *sangomas* are interpreted in terms of African religions, with their worlds of spirits and ancestors. Standard psychologies of the West, based on fundamental assumptions about the will to power, psychopathology and sexual dynamics are less than adequate tools for understanding these realms of the mind. In order to understand the *sangoma*’s journey of the soul we need a more expanded ontology of consciousness than is currently available in standard Western psychology, philosophy and anthropology of mind.

Harvard psychologist Daniel Goleman thinks that the most thorough recorded maps of consciousness that exist today are found in the teachings of the religious systems of the East. The Tibetan *bardo* or the *loca* of the Vedas and Buddhism are in their esoteric sense metaphors for states of consciousness not yet widely acknowledged in the West. Beyond the more familiar states of consciousness known to Western psychology, the Eastern systems describe realms of mind that Western philosophers know little about. What has, for ages, constituted a fundamental transcendental religious experience, and so been characterised in the terminology of religious belief systems, is according to Goleman on the verge of being translated into the framework of transpersonal psychology as ‘altered’ or ‘higher states of consciousness’. ‘We have reached a point in history’, he says, ‘at which the exploration of “internal states” has become not only a legitimate but also a high-priority business of science’.44

One of the first lessons that modern students of consciousness have absorbed is how rudimentary our Western conceptions of consciousness really are. Western psychology has as its major technical vocabulary for describing inner states a highly specialised taxonomy of psychopathology, while Asian cultures such as India have equally intricate vocabularies for altered states of consciousness, stages of self-realisation and self-mastery. It is clear that (unwritten) taxonomies of altered states and stages of conscious also exist in African cultures. There is an urgent need to recover this knowledge before it is lost.

Goleman explains how in the East there are highly specialised and recorded vocabularies for describing and delimiting distinct degrees, levels and types of meditation- and trance-specific altered states which English can only vaguely approximate.45 Tart46 claims that in Sanscrit there are eighteen terms used to differentiate different states of consciousness. In English we are accustomed to make a single distinction between the conscious and the unconscious.

The call for more adequate maps of consciousness is a relatively new one in the West. Excommunicated Harvard psychologist Timothy Leary, better known as both a proponent and a victim of the psychedelic revolution than as a theorist of consciousness, presented some very suggestive, if speculative, maps

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44D Goleman ‘The Buddha on meditation and states of consciousness’ (1972) 4 Journal of Transpersonal Psychology 1–44.
45Id at 5.
46C Tart States of consciousness (1975).
of consciousness based on his reading of the *Tibetan Book of the Dead*, and Stanislav Grof has been furthering the development of transpersonal psychology with detailed maps of consciousness based on his interpretations of the teachings of Eastern sages. It is probably this transpersonal dimension of understanding that can do most to bridge the gap between African and Western conceptions of reality, as I shall indicate below.

Grof distinguishes the following states of consciousness (this is a simplified sketch). First there is the ordinary waking state of consciousness that we are so familiar with. The so-called 'normal state' is, in terms of the Western work ethic, the most functional and is associated with the EEG Beta brain-wave state. This is the state of mind we want to be in while operating machinery and functioning in the normal world. Secondly, there is the preconscious or pre-reflective state. The term preconscious is found in Freudian theory where it refers to contents of the mind which momentarily lie outside of the field of awareness, but which could become conscious at any time. A metaphor Freud uses is that of a light beam (representing awareness) which, probing the darkness of the preconscious, can illuminate something that is temporarily out of sight. Thirdly, there is the unconscious. This is the region of the mind which has become linked to explorations of orthodox psychoanalysis led by Freud's own pioneering investigations. The vastness of this region has been amply demonstrated in the West by psychoanalytic inquiry and we now take for granted that this region is the source of important, emotionally charged and often repressed memories, impulses and wishes.

Fourthly, there is what Grof calls the 'ontogenetic' consciousness. When we reach this region of consciousness we begin to encounter phenomena that cannot be handled within the Freudian framework. Experiences in this region of the unconscious confront existential crises of death and dying, biological birth, disease and decrepitude — all problems which most Westerners shun as morbid and unmentionable. According to Grof, one of the reasons why these experiences are so overpowering is that they are based on 'psychic residues' of the intrauterine state and the birth process. In some experiential accounts I have read of *twasa*, reference is made to the budding *sangoma*'s need to 'die to this world'. This is the need to experience, pass through, and master Grof's 'ontogenetic' level of consciousness, which is the gateway to higher regions. Grof believes that psychedelic agents and regression hypnotherapy (often used as part of the *twasa's* training) can enable a person to re-experience these events, access to which is usually thought to be beyond our power. Because these experiences are so discontinuous with normal functioning and because the emotions associated with them are so primitive and raw, the person in whom they are aroused is likely to be completely overwhelmed by them. This is why they must be experienced by *twasas* under the supervision of an accomplished *sangoma*. By all accounts people who have experienced these non-ordinary states regard them as absolutely

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48 J Hall *Sangoma* (1994) 77.
authentic and not just hypothetical or imaginal fantasies.

Last of all in Grof's system there are the deep unconscious levels of 'trans-individual' and 'phylogenetic' states. This is the field in which we encounter phenomena which transcend individual ego boundaries and from which, if they exist at all, spirit worlds and beings are thought to come. Jung had already applied the 'field principle' to consciousness when he claimed that each person's deep unconscious is continuous with a universal or 'collective unconscious'. Awareness at this level is, as Price thought, normally blocked out during the waking state. The 'deep pools' and 'whirlpools' that diviners sometimes describe experiencing can, without much stretch of the imagination, be seen as a metaphor for the deeper levels of experience. It is most profoundly in the deep unconscious, according to Jung, that ancestral and other 'archetypes' are encountered.49

These archetypes are experienced as personifications who bring messages and with whom we can communicate when we are in dream, hypnotic and trance states of consciousness. Jung writes that 'in so far as the archetypes act on me they are real and actual to me, even though I do not know what their real nature is'.50 The most he is able to venture safely is that 'behind this veil' there is some incomprehensible thing-in-itself which 'affects and influences us'. The archetypes are a 'real force' charged with a 'specific energy'.51 We can ask archetypical personifications questions, receive messages and interact with them. If this is done in the right spirit it is thought to produce great wisdom. Idoniboye writes that 'when Africans talk of spirits ... they are not speaking metaphorically nor are they propounding a myth, spirits are as real as tables and chairs, people and places'.52 At this deep level we encounter spirit beings, guides, and ancestors, and are able to experience out-of-body experiences, flying, astral travel, extra-sensory perception and spirit communication. All of these experiences are described in the literature of Western psychology and anthropology, but they are usually dismissed as symptoms of madness or superstition. In what follows I will argue that this Western literature is too limited to capture the richness of African animistic beliefs.

Shamanic and waking state modes of consciousness — separate realities

Another clue to the nature of the sangoma given by Hammond-Tooke, is that sangomas are shamans. But what exactly does this mean? Many words have been devoted to this question. The following remarks are not intended as a record of this debate nor as a string of flawless insights. They are meant only to give the reader a general orientation and to provoke thought about the

49The publication of the first complete collected edition, in English, of the work of Jung has been published by Routledge publishers and consists of over 20 volumes. Even a modest attempt to review Jung's theory of consciousness would break the frame of this article. Nevertheless it is worth having in the background, and in this and the next section I will sketch aspects of his theory that bear on my problem.
51Ibid.
52DE Odoniboye 'The concept of spirit in African metaphysics' (1973) 1 Second Order 80-95 (emphasis in original).
ontology of the African shamanic mode of consciousness.

Stephen Larson, a recognised authority on shamanism and the editor of Credo Mutwa's *The Song of the Stars: the Lore of a Zulu Shaman*, writes\(^\text{33}\) that he had sent his book *The Shaman's Doorway* to Mutwa in 1989, asking him if he had found anything from the worldwide pattern of the shamanic experience in his own experience as a *sangoma*. Mutwa replied in due course that he was sure it was the same thing. Within the last few decades shamanism has been undergoing a resurgence of interest in the West. This revival of interest owes much to the efforts of Carlos Castaneda who in his writings has recounted the personal struggle undergone in shedding his waking state view of reality and his professional anthropologist's assumptions in order to finally accept the mystical teachings of his Yaqui shaman informant. A similar openness on our part may be a requirement for understanding the *sangoma's* 'journey of the soul'.

Shamanism is a visionary tradition and a world-wide practice occurring not only in Africa but in most parts of the world. It is an ancient practice of using altered states of consciousness to contact the gods and spirits of other dimensions. When we think of the shaman in Africa, the image of the diviner or the *sangoma* comes to mind — someone who, through entering a condition of trance, is able to undertake a vision quest of the soul, journey to sacred places, harness spirits as allies, and communicate with the ancestors and gods to obtain wisdom in pursuit of health and wholesome living.

Tylor believed that the origins of the view that we live in a world of spirits lay in the experience of dreams, which seem to show that a person can exist independently of the physical body and can travel to other places and make contact with other beings in the out-of-body state. Drury\(^\text{34}\) suggests that shamanism is really 'applied animism' or 'animism in practice'. Because nature is alive and filled with conscious spirits, and because all aspects of the cosmos are perceived as being interconnected (the idea being that the universe is a network of living energies) the shaman is needed as an intermediary between different dimensions of reality and is a vital link in the great chain of Being.

*Sangomas* seek initiation from one already established in this role, although Bourdillon claims that in Shona society 'it is rare for a traditional healer to admit to having been taught by another healer'.\(^\text{35}\) He claims that Shona traditional healers attribute their knowledge of indigenous medicines to their ancestral spirits. In any case, it always seems that the spirits of ancestors have chosen the *sangoma* rather than the other way around. The budding *sangoma* often wanders off and spends long periods alone. He or she is frequently seized by mysterious illnesses that cannot be diagnosed by Western medicine.\(^\text{36}\) Mutwa gives a penetrating insight into this process in the first

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\(^{33}\) Note 23 above at xxiv 'Editor's introduction'.

\(^{34}\) N Drury *The elements of Shamanism* (1989) 14.

\(^{35}\) MFC Bourdillon *Medicines and symbols* (1989) 16 *Zambezia* 16–44.

chapter of his *Song of the Stars* in sections titled 'The illness,' 'Beginning the cure' and 'The sangoma's apprentice.' Eliade says that 'the medicine man or shaman is not only a sick man: he is, above all, a sick man who has been cured, or has succeeded in curing himself.' Often when the shaman's vocation is revealed through an illness, the initiation of the candidate is the same as a cure. Eliade writes that 'the shamans and mystics of primitive societies are considered — and rightly — to be superior beings; their powers ... also find expression in an extension of their mental capacities.' By perfecting techniques that alter states of consciousness, the shaman is 'a technician of the sacred.' These altered states are brought about in different ways. Sometimes by the use of sacred plants, at other times following periods of fasting, austerities, sensory deprivation, meditative focusing, chanting, through the beating of drums or playing of flutes, or through a particular openness and response to a dream (usually a lucid dream) or a vision.

Shamanic consciousness, to use an expression coined by Harner, is often an experience of flow during the course of which we are open to a much wider field of consciousness than in the waking state. This experience is by no means restricted to practicing shamans only. It seems to be a universal experience available to all human beings who through good luck or misfortune, depending on one's readiness for it, may be visited by it. One ethnometethodologist experimenting with *koan*-like coding practices recorded in his diary entries what this experience is like: 'I am in a flow ... feeling that the world does not stand still, that there is no world but a swarm ... a temporally unfolding and evanescent creation.' Wood goes on to recount how this flow engulfs him, how he experiences vertigo and tries to save his reality by walking the streets. Later on, stronger experiences pass through and 'destroy' him before he can escape.

Tibetan Buddhists have a name for people like Wood. They are called *satapannas* or 'stream enterers.' This stream metaphor for flow is highly significant. Wood experienced this state (called *satori* by *rinzai* masters of *Zen*) spontaneously and without any prior warning. His intense, deep probing of the constitution of his linguistically constructed world, cracked the shell of his ordinary reality and threw him headlong into a flux. 'Entering the stream' is a profoundly momentous event which shakes the foundations of one's view of reality. It is probably the most shocking event that could ever happen to a person. The duplication of this experience under controlled psychological conditions is probably essential to every mystical teaching and training. Evans-

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57 Note 23 above at 1-17.
58 M Eliade *Birth and rebirth* (1964) 77.
60 Drury n 54 above at 8.
61 Described in H Mehan & H Wood *The reality of ethnomethodology* (1975) 232 et seq.
63 Goleman n 44 above at 25.
Wentz explains how Tibetan Lamas have perfected yogic techniques which allow for a more gradual and less sudden entry into this state. He thinks that yoga is the tap-root of all transcendental mystical experience and cites Marett in support of the role it plays in African animistic and magical religions. According to this distinguished anthropologist 'all forms of ritual which aim at enabling human beings to attain mystic communion are in varying degrees more or less of the nature of yoga.' In visionary traditions yogic practices are commonplace, but this is not to say that they are well-known. In Africa they are 'ear-whispered' and unwritten and today they are in danger of being lost.

When we are in the waking state of consciousness we think of things as being separate and distinct from ourselves and from one another, of time as being composed of sequential moments which come 'before' and 'after' one another, and of space as being something 'out there'. Since language consists of distinct words with well defined conceptual outlines, there is a natural tendency to project this conceptualised world out onto our notions of reality. The intellect has surgically parsed the flowing unity of the primordial, ever-receding, 'now' into sharply defined and often lucid structures. Thinking is characterised by grasping and using concepts, following rules of inference and, on a higher level, 'synthesizing' linguistic structures and institutions (including the institutions of science) and the material culture they make possible (including technology). Much practical advantage flows from conceptual thinking, yet paradoxically it draws a heavy curtain over reality as it is in itself. Through busyness and mundaneity we have perfected blocking mechanisms which shut out the awesome reality that conditions and sustains our artificially constructed worlds.

The ontological tyranny of the waking state
The ontological assumption that 'reality' is encountered only in the waking state has been a basic premise of Western common sense thinking and the rise of scientific rationalism. In order to make my own predilections and the basis of my argument in this paper transparent, I want to openly state that I am one of those people who is of the opinion that the enthronement of this premise is an unmitigated intellectual disaster. Apart from what has already been said, everything revealed to us by quantum physics and relativity theory has shown that behind our moment-to-moment experience of the everyday world of waking consciousness the world teems with realities that common sense is unaware of. That every physical object and all physical substances are vortices of sub-atomic particles in random motion at speeds approaching that of light, that all of this is transmutable into energy of the most explosive force, and that every physical object is a space filled with fields of force is not at all the way

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\(^{64}\) W Y Evans-Wentz *Tibetan Yoga and secret doctrines* (1958) 35 et seq.

\(^{65}\) R R Marett *Faith, hope and charity in primitive religions* (1932) 5-20.

\(^{66}\) Evans-Wentz n 64 above at 35.
that common sense looks at things.\textsuperscript{67} That our own bodies are swirling masses of invisible energy should be more than enough to cause us to doubt the deliverances of common sense.

As far as scientific rationalism goes, there are more than a few thoughtful and intelligent Westerners who have grown impatient with the metaphysics and ontology of those who think that there is no reality outside of the one presented in the sensorium of waking experience. Some such view has been one of the characteristic outlooks of the Western world since the Enlightenment. It is this prevailing philosophical outlook amongst formally educated people that lacks all sense of wonder and mystery that surrounds us and presses so hard on our lives. Such an outlook lacks any real understanding that the limitations of the waking state are drastic and inevitably set very narrow bounds to all that can ever be experienced. It takes what can be experienced in the waking state as all that can ever be real. Altogether it seems to me a hopelessly inadequate ontology and world view, yet it is the one that tends to identify itself with rationality, and to congratulate itself on its own superiority and sophistication. I have found that most of its adherents take it for granted that anyone who adopts a different view from theirs does so from a viewpoint of inadequate, or inadequately rational, reflection or experience, blinkered possibly by convention, religion, superstition, wishful thinking or irrationalist beliefs of some modern or primitive kind. My own view is that most of these people are hopelessly fixated in the waking state of consciousness.

Because of fear that altered states of consciousness will subvert social structures, induce insanity, or undermine the work ethic of capitalism they have often been repressed or treated with contempt in the West. Visionary traditions have, on the other hand, either explicitly or implicitly socialised some or all of their members into 'experiencing' states of consciousness that are discontinuous with the waking state. They have also developed yogic 'technologies' which allow for this. Consider, for example, the San of the Kalahari who are trained to enter visionary trances through 'trance dancing',\textsuperscript{68} or Yaqui Indian warriors who retrain their perceptual habits in order to experience non-ordinary states that are thought to produce great wisdom.\textsuperscript{69} In understanding African cultures I have found it illuminating to think of them as visionary traditions. Through training and socialisation, often through initiation schools, many African people have been sensitised to psychic influences. They 'know' these influences are real. When Nietzsche's madman rampaged the marketplace proclaiming 'God is dead' he was, it seems clear, announcing the death of a visionary tradition in the West. Max Weber's 'iron cage of rationality' and 'disenchantment of the world' also herald the end of a visionary and the beginning of a new soul-less era (more on this below). To the surprise of many Westerners, Africa has steadfastly resisted this

\textsuperscript{67}See in general F Capra The Tao of physics: an exploration of the parallels between modern physics and Eastern mysticism (1976).
\textsuperscript{68}R Katz Boiling energy: community healing among the Kalahari Kung (1982).
\textsuperscript{69}C Castaneda Journey to Ixtlan (1973) 87–94, 196–214.
transition. I do not mean to imply by this that I think that Africa has it right and that the West is all wrong. Western science does not need spirit worlds and spirit worlds do not need science, but human beings need both. Shamanic or yogic experience is a condition of realizing the deepest nature of reality, and science is essential for modern life. What we really need is a dynamic synthesis of higher states of consciousness and scientific analysis.

Ever since Freud, scientific rationality has put a negative valuation on the unconscious. If it is not nothing at all, it is a dark, chaotic mass where monsters lurk. The unconscious has been discredited and the waking state has been elevated to the status of all that is. The fact is, however, that since the Enlightenment humanity has not become much wiser, in spite of a prodigious increase in scientific rationality. Before the 17\textsuperscript{th} century the aim of science was Wisdom with a capital 'W'. In the seventeenth century this attitude changed and the almost exclusive goal of science became the manipulation and control of nature. Today the very real threat of nuclear devastation and the ultimate destruction of our natural environment is only too apparent. Scientific rationality is a good servant but a bad master. From the waking state perspective, the only kind of knowledge worth having is scientific knowledge, and the only reality worth acknowledging is the one encountered in the waking state. The soul is no longer the coin of the realm. It has become almost extinct.

Based on his own life-long quest for truth in the self-examined life, Jung came to believe that consciousness is a manifestation of the soul. Without the soul there would be no consciousness. The soul according to this distinguished psychiatrist is not a ‘nothing but’. It is the condition of all metaphysical reality and it is that reality.\textsuperscript{70} For Jung the possibility of another, profounder reality ‘behind the phenomenal self’\textsuperscript{71} is an inescapable problem. We must face the fact that behind this world there is ‘another order’.\textsuperscript{72} He writes that the unconscious, in all of its richness, ‘is the real one and our conscious world is a kind of illusion’ which ‘resembles very closely the Oriental conception of maya’.\textsuperscript{73} The unconscious is like a projector which is ‘the generator of the empirical’.\textsuperscript{74} Modern man, he thinks, has cut himself off from the soul and as a result human consciousness has become impoverished. Over valued reason has this in common with political absolutism: ‘under its dominion the individual is pauperised’.\textsuperscript{75} The mindless technology and consumerism of contemporary Western consciousness, like the totalitarian state, has become an end in itself.

The essence of the religious message of the East is that human beings are

\textsuperscript{70}CG Jung ‘Psychological commentary on the Tibetan Book of the Dead’ in WY Evans-Wentz (ed) \textit{The Tibetan Book of the Dead} (1960), xxxvii.
\textsuperscript{71}Jung n 50 above at 356.
\textsuperscript{72}Ibid.
\textsuperscript{73}Ibid.
\textsuperscript{74}Ibid at 333.
\textsuperscript{75}Ibid at 333.
capable of higher and lower types of consciousness and knowledge. The fundamental aim of all yoga and meditation systems is to pass beyond a world built up of intellectual distinctions and to cut through the veil of illusion they create. When Eastern mystics talk about ‘seeing’ they refer to a mode of comprehension which may include sensory perception and cognition but which always goes beyond them. In most people the barrier between the conscious and the unconscious is relatively difficult to breach. The essence of all yogic training is to teach human beings the way of penetrating this normally tight seal at will. Guided meditation propels the student into deeper levels of the unconscious at gradual rates which are suited to each one’s individual state of readiness and preparation. Carlos Castaneda’s horrific experiences of spirit encounters suggest that he was probably moving into contact with realms of consciousness at a rate faster than his ability to cope with them. Since time immemorial sages have taught that there are dangers for psychic explorers who attempt to go it alone. The persistent explorer, like the budding sangoma, can bring himself to the attention of malevolent spirit beings. The latter may swoop once he has emerged out of his protective cocoon, with its in-built barriers, and move into his or her personal space with the intention of invading it. Sangomas refer to this as spirit possession. These spirits, according to Jung’s own view, are autonomous psychic complexes that do have intentions and they are ‘real’. They cannot be reduced to cultural fantasies or imaginal projections of the empirical ego. These spirits, though disembodied, cannot exist without a substratum. That substratum is the self-conscious matrix which is generated by and is identical with the one cosmic unity of all conscious beings. We sometimes refer to this matrix as ‘God’. For most African people it is a reality that, once experienced, can never be forgotten or denied.

The supervised spiritual training of sangomas is not intended to ‘keep monsters at bay’. Its main aim in the earlier stages is to assist the student with his or her efforts to deal with these demons, which are in a very real sense his or her own demons, and to eventually pass beyond them and the lower realms of consciousness to higher regions where compassionate and enlightened beings are encountered. These benevolent deities (as they may be called) can pass on to us keys to the even higher realms. Eventually, if we are lucky, we ourselves may become Enlightened. Typical metaphors to describe this experience are ‘lifting the veil’, ‘cutting through delusion’, ‘polishing the mirror of the mind’, and ‘unexcelled complete awakening’. Mystical consciousness goes beyond the waking state, and results in knowledge of a different kind. To put it differently, it is Knowledge with a capital ‘K’. The knowledge that we are essentially spirit beings, that we have souls, and that we are part of a cosmic unity of souls which constantly influences us and which we can influence is probably the most important kind of knowledge that we can ever have. We need science, but we also need this higher, spiritual kind of knowledge.

26 Capra n 67 above at 369.
Most African people do have this knowledge. This knowledge, according to Jung, cannot be reduced to individual or collective beliefs. Exactly the opposite, these beliefs are themselves manifestations or indices of this deeper knowledge of the soul.

For over a dozen years now, I have been collecting surveys of beliefs about spirits amongst students I have taught at universities in Southern Africa. These universities have included the Universities of Bophuthatswana (as it then was), the Witwatersrand, Namibia and the North. Most of these students have been African students, but a small minority have been of European extraction. They have included entering and final-year students in the fields of law, philosophy, sociology and anthropology. Although these polls are by no means methodologically exacting or sophisticated, I have found that, amongst the African students, belief in the reality of witches and spirit ancestors almost always hovers at around the 80 per cent mark irrespective of imbalances in variables such as sex, age, ethnicity (which seems surprising), and level of formal education (even more surprising). Elliot obtained results very close to mine in polls he conducted in the early 1980’s amongst African medical students at the Medical University of South Africa. What does this prove? It would be foolish to think it proves anything about the existence of witches, spirits and deceased ancestors, but it does indicate just how deep-seated these beliefs are amongst Africans, and casts grave doubts on the view that Western education will eventually demonstrate the irrationality of and eliminate them. The durability of these belief systems means that they should, in my opinion, be taken seriously (but not uncritically) and respected by anthropologists, even if they cannot bring themselves to accept the possibility that these systems of belief may represent an actual reality inaccessible in the waking state, but no less real for that. If anthropologists want to understand the psyche and thus, according to Jung, the source of all religious experience and ideas, they should listen to the words of the wise sage Meher Baba who said that ‘he who speculates from the shore about the ocean shall know on only its surface, but he who would know its depths must be willing to plunge into it.’ It is to the credit of experiential anthropologists that this ancient wisdom is taken seriously.

The recovery of African justice
The idea that witches (like sangomas) can exercise ‘psychical’ powers is rejected by most social anthropologists on the ground that it is empirically or physically impossible. Mayer, in an influential article which may be taken as representative of the views of most social anthropologists in South Africa, writes that ‘even if some individuals do try to be witches, the witchcraft power itself is surely imaginary’. He claims that the witch does not exist in his or her own right or in virtue of any mystical powers he or she may claim to have or be thought to possess. Instead of this, ‘it is the judgement of society that creates him; society creates the image of the witch, and pins this image down

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78 Mayer ‘Witches’ in M Marwick n 28 above at 49.
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onto particular individuals'.79 Instead of attempting to look at witchcraft beliefs 'from the inside', Mayer adopts an outsider's perspective and uses labelling theory to explain away witches. He thinks that witchcraft is manufactured, not discovered. For him, the existence of witches is assured only by virtue of a community's orientation to them. There is no witchcraft apart from the community's response. Witchcraft is the gloss for the process through which it is realised as such. Labelling a person as a witch is constitutive of being a witch. The problem with this approach is that it is inherently relativistic and does not get at the real problem. I have criticised labelling theory elsewhere,80 and my critique applies across the board to Mayer's analysis of witchcraft. There is no need to repeat here what I have already written elsewhere, other than to say that we need to think about the African experience of witchcraft (and spirit worlds) from the inside and not just from the outside as phenomena 'heard about' in the waking state. From the inside of African life, witchcraft is an 'objective' feature of the world which invites an appropriate response from the community. Notice that I say an 'appropriate' response. Mob justice is not an appropriate response. An appropriate response, in my opinion is an institutional response in accordance with accepted African understandings of reality under the auspices of sangomas. This brings us back to the question posed at the end of the first section of this paper.

Should we follow the Cameroonian model in South Africa? One thing is certain: the present situation is untenable and out of hand. Things seem, however, to be coming to a head. Two major commissions of inquiry have tabled reports.81 The Commission for Gender Equality has held national conferences on witchcraft-related violence in 1998 and 1999. The Department of Justice is under serious pressure to draft a white paper repealing the Suppression of Witchcraft Act 3 of 1957 and to put new legislation in its place. But what sort of legislation might that be? The influential Ralushai Commission Report82 recommends the repeal of the Act and the replacement of it with a new Act that will 'control' witchcraft rather than attempting to suppress beliefs in witchcraft (see Appendix H). The Report explicitly repudiates most of the assumptions on which the 1957 Act is based. It represents an 'African approach' to what is seen as a problem in Africa. The Report accepts that witchcraft is a real force and that witches are real. It breaks free of a Western ontology and presses for a new approach to witchcraft in which Africans will be judged according to African understandings of reality. According to the Report, beliefs in witchcraft can no longer be stigmatised as unreasonable. Belief in witchcraft is not unreasonable. Some individual accusations may be unreasonable or ill-founded, but that is for chiefs working with legitimate sangomas in customary courts to decide. The Report acknowledges that the

79Hund 'Insiders and outsiders models of deviance and Jurisprudence' (1985) 15 Philosophy of the Social Sciences 35-44.
80Id at 54.
82Ralushai n 16 above.
Suppression of Witchcraft Act may have prevented some innocent people from being accused of witchcraft, but this has not solved the problem of witchcraft because it has also prevented guilty parties who actually do bewitch others from being justly accused and brought to trial. One of the Report’s recommendations is that courses be established at African universities and research programmes undertaken in order to separate the myth and confusion from the reality of witchcraft. Another is that traditional healers (including sangomas) be bureaucratised and brought under state control. In short, the Ralushai Commission Report advocates a return to African justice that will do justice to African reality.

In cultures oriented toward the recognition and cultivation of psychic abilities control mechanisms must be in place to prevent the misuse of these abilities. The sangoma or so-called witch-doctor was traditionally perceived as a doctor meant to alleviate harm caused by witches. Sangomas regard witches as tortured and twisted souls who use their psychic powers for personal gain. From this perspective witches and sangomas are poles apart in theory, even if not always in practice. Fraud and charlatanism are not intrinsic to the practices of sangomas but are the result of the state’s failure to regulate them subsequent to the breakdown of the African priesthood of sangomas.

In understanding the dynamics of witchcraft affliction in African culture, the role or meaning of ancestral spirits is pivotal. Bühhmann thinks that spirit ancestors are personifications of Jungian archetypes which arise from the deepest layers of the human psyche. The aetiology of bewitchment, according to this experienced psychiatrist, is best explained, not in terms of Western psychosis, but ‘from the relationship of the afflicted individual to his ancestors’. She says that ‘in their positive aspect the ancestors are benevolent, helpful and protective. In their negative aspect they can become angry and hostile and withdraw their protection, thus exposing the individual to the evil effects of witchcraft’. In terms of Western psychopathology ‘the treatment of bewitchment is still obscure’. In order to cure people ‘it is necessary to enter the world of the ancestors’. Sangomas enter this world through divining sessions in a family and community setting. Western rationality is often a bar to understanding the intuitive processes involved in such sessions however, and Westerners tend to treat them as lunacy.

Motshekga recounts a case of spirit possession in which the accused was charged with two counts of murder. He writes that the accused, according to African thought, was not insane but possessed by an ancestral spirit which could have been allowed to settle and serve as a guardian spirit. According
to Motshekga, the detention of spirit-possessed people in Western mental institutions is incomprehensible, because they cannot cure a spirit-possessed person. It is for the sangoma to cure such a person. Through their psychic training and experience of ancestral spirits, and through their own purification, they have learned to 'see' and not just observe. 'Seeing' implies moving beyond ordinary sense perception and understandings that the self has acquired through habituation and socialisation in the waking state. Sangomas see themselves as engaged in a battle of good against evil forces in nature. In healing illness, they help people by means of various psychical practices when necessary. But they also teach that they themselves as healers cannot by themselves cure people of their afflictions. People are taught to take responsibility for their own suffering and to participate in their own cures by acts of propitiation to ancestors and by performing other purifying acts. The sangoma looks at the whole person's psyche, or soul, and its relationship to ancestral archetypes in the deep unconscious as well as to the family and community setting. The model of the sangoma just described requires the occupant of the role to give him or herself over completely through surrender to higher forces, and to undergo awakening in the training period through the activation of psychic energies. Purification is achieved through meditative practices and results in an extended commitment to and endurance of life's trials and suffering. Ultimately the sangoma's art is concerned with the whole of consciousness.

Bourguignon distinguishes between 'possession' and 'visionary' trances and writes that only advanced shamans are able to master the latter. She thinks that the spiritually most developed shamans are ultimately concerned with the psychic unity and harmony of the whole of mankind. Witches, on the other hand, are seen as wayward or rogue (or sometimes just confused) psychics. Mutwa writes that 'the moment a witch doctor harms a person, he is no longer a witch doctor, he becomes a ... doer of evil deeds'. There is a name for such practitioners amongst the Kgaga of the South African Lowveld. They are called ngaka ya moloyi, a 'doctor or witchcraft'. These people, Mutwa says, 'use their powers and their talents to destroy other people'. As long as these practitioners are outside of courts and law people will always fear the worst. Mob violence will be their response. Does this mean that we should return to the way African justice was done in the first half of the 20th century?

It seems unlikely that traditional courts can ever be revivified to function as witchcraft courts. Traditional structures have all but collapsed. Customary courts no longer have the clout they would need to enforce their decisions. In general customary courts are no longer held in high esteem by most African

90E Bourguignon 'Multiple personality, possession trance and the psychic unity of mankind' (1989) 17 Ethos 371-384.
91Mutwa n 23 above at 29.
92Hammond-Tooke n 33 above at 103.
93Mutwa n 23 above at 28.
people. One alternative which has been discussed by the Institute for Multi-
Party Democracy\textsuperscript{94} would be to create special witchcraft courts as append-
ages to the formal court system. Decisions given through these courts would 
have the weight of the state behind them and could be appealed through the 
state court hierarchy. Such courts could give people falsely accused of 
witchcraft a chance to clear their names. Fines of varying degrees of harshness 
could be imposed on people making reckless or self-serving witchcraft 
accusations and on those found guilty of actually practising witchcraft. Some 
things we would need to understand, if such courts were to work, are how 
African metaphysics are related to African conceptions of forensics and ‘fair 
trial’ and how African conceptions of justice are shaped by African concep-
tions of reality. My own view is that people who actually practise moloyi 
must be brought under the jurisdiction of courts and law. Sangomas working under 
authority of the Department of Health should be given a pivotal role in this 
process in my view. Special witchcraft courts are a possibility, but only if the 
Departments of Justice and Health can find ways of working together with 
traditional authorities. We should remember that most African people have 
deeply held convictions about the reality of witchcraft. There is also reason to 
believe, as I have argued, that African witchcraft is something real and not just 
imaginary. State enforcement of a Western world view which denies the reality 
of African witchcraft has not worked, and is not the answer.

The 1957 South African Suppression of Witchcraft Act is widely regarded by 
African people as ‘white man’s law’ and so it is. The House of Assembly 
legislative debates that preceded the Act show how culturally ignorant and 
eurocentric these lawmakers were. Like Geschiere whose conflation of witches 
and ‘witch doctors’ I have already criticised, these legislators made no 
meaningful distinction between witches and sangomas. Some people, even 
today, argue that the Act was designed to put a stop to witch killings, but the 
evidence does not support this view. The problem of witch killings and related 
violence is not even mentioned by these law makers. Although there are large 
gaps in the anthropological evidence, what we do know seems to indicate that 
witch killings were not regarded as a serious problem anywhere in South 
Africa before the passage of the Act. Why then was the Act passed? The answer 
I am about to give will undoubtedly infuriate the few remaining South African 
post-colonialist legislators who still have seats in parliament.

According to the record of the debate the 1957 Act was instigated at the 
request of judges who wanted to see previous colonial anti-witchcraft laws in 
the various territories consolidated and unified.\textsuperscript{95} There is some truth in this 
but I think the deeper motive behind the Act was cultural (and ontological) 
imperialism. One lawmaker for example complained that African culture 
threatened to swamp white consciousness. Mr DC Barlow complained that 
‘witchcraft is getting stronger ... You have witchdoctors everywhere and white

\textsuperscript{94}1999 Giyani Witchcraft Summit Discussion Document. 
\textsuperscript{95}Previous anti-witchcraft laws repealed by the 1957 Act existed in the Cape of Good 
Hope (1886, 1895), Zululand (1887) and the Transvaal (1904).
people are going to them'. Rather than being worried about witchcraft killings one gets the impression from these debates that there was no such problem. The worry of these legislators was 'the problem' of African justice. In retrospect it seems very clear that the 1957 Act was white legislation designed to stamp out African culture. DL Smit stated during the legislative debate that 'we are, in fact, here dealing with pagan superstitions. These superstitions and deep-seated beliefs in ancestral spirits ... will disappear with the advance of Christianity and civilization'. He then goes on to say that 'these punitive measures are necessary to suppress the evil practices of witch doctors'. If this law maker had known anything about African culture he would have known that these 'evil witch doctors' were respected and revered priest-diviners who held African society together. Cultural confusion and ontological (and religious) imperialism and nothing more, it seems, was behind the 1957 Act. Ever since its implementation the problem of witchcraft related violence has been on the increase. This Act must be repealed and new legislation put in its place without delay.

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96 House of Assembly Debates 28 January 1957 column 252.
97 Id at column 246.
98 Id at column 246.
99 The South African Commission on Gender Equality's National Conference on Witchcraft Violence (6-10 September 1998) recommended 'that the Act be repealed, and be replaced by a new Act that acknowledges people's belief in witchcraft but condemns witchcraft-related violence, and recognises the role of traditional healers in resolving witchcraft-related cases' (Conference Report xiv). These are also the recommendations of the Ralushai Commission Report n 16 above. Pressure is building on the Department of Justice. The South African Law Commission is also under pressure to draft new legislation to replace the 1957 Act. The government has been slow to respond to these pressures and urgencies due to the highly controversial nature of the issues involved. If South Africa adopts anti-witchcraft legislation this will be sensationalised by the international media to the embarrassment of the government, which would like to project itself as 'modern' to the global community. On the other hand, many people fear that if new legislation is not adopted soon the problem of witchcraft-related violence will spiral out of control.