

Customary law and the mediation of witchcraft accusations in Eastern Nicaragua

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Abstract: This article focuses on efforts to overcome the divide between state legality and local practices. It explores a pragmatic effort to deal with witchcraft accusations and occult-related violence in customary courts among the Miskitu people in Eastern Nicaragua, taking into account both indigenous notions of justice and cosmology, and the laws of the state. In this model, a community court (elected by the community inhabitants and supported by a council of elders), watchmen known as ‘voluntary police’ and a ‘judicial facilitator’ play intermediary roles. Witchcraft is understood and addressed in relation to Miskitu cultural perceptions and notions of illness afflictions, and disputes are settled through negotiations involving divination, healing, signing a legally binding ‘peace’ contract, a fine, and giving protection to alleged witches. This decreases tensions and the risk of vigilante justice is reduced. The focus is on settling disputes, conciliation and recreating harmony instead of retribution.

Keywords: customary law, healing, indigenous justice, Miskitu, Nicaragua, witchcraft violence



In the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua, a practical model based on customary law, which takes into account indigenous cosmology, religious ideas and perceptions, and Euro-modern legal values, is today being implemented and used in Miskitu communities.¹ I explore the functioning of this model when dealing with witchcraft² accusations in Miskitu customary courts to show how harmony is recreated and vigilante violence is handled. In particular, I look into how proof of innocence or guilt is established, how disputes are settled and how this form of customary justice is perceived and understood in Miskitu communities and by governmental judicial authorities. In this article, I discuss witchcraft in the Miskitu world-view in relation to customary law and state law and show how



illness is frequently said to have been caused by a witch who has worked with one or several spirits, using prayers, animals, objects and substances. I show how this is taken seriously and dealt with during the judicial process. I further show how an elected community court, supported by a council of elders; watchmen known as 'voluntary police', who may work together with the local police; and a 'judicial facilitator', who is employed by the local Supreme Court of Justice, as well as being the president of all community courts, all play an intermediary role in witchcraft cases.

Disputes are settled through negotiations involving divination with a mirror or crystal ball, healing and by signing an official, legally binding 'peace' contract known as a 'mediation act'. The focus is on conciliation and recreating harmony between individuals and within the community. This also implies the communitarians understand the rights and obligations of customary law and respect the community court. With this approach, the risk of retribution, violence and vigilante justice is reduced. By using customary law and being sensitive to people's cultural perceptions and ideas in witchcraft cases, the state can play a more marginal and peripheral role while still having a certain influence in the process. Overall, this article seeks to contribute to an understanding of the administration of customary justice in relation to witchcraft accusations and violence (Handy 2004; Rio 2010), as well as to the general judicial decision-making process when combining state law and customary law, and bridging the gap between state legality and local norms and practices (Bardhoshi 2013).

The Miskitu

There are about 145,000 Miskitu people in Nicaragua, who mainly live in the RACCN. About 35,000 also live in Honduras (Herlihy 2012). Most Miskitu people in Nicaragua live in hamlets and small towns along the Rio Coco on the border to Honduras and at the Atlantic coast, in an area commonly known as the Mosquito Coast. Historically, during the colonial period, the indigenous population in the area established trade relations with English buccaneers. Over the centuries, escaped African and freed slaves, as well as immigrants from the Caribbean, have settled on the coast and intermarried with Miskitu-speaking groups (Dennis 2004; Jamieson 2001; Offen 2002). Relations between the Miskitu and the Anglophone Caribbean have persisted and continue to inform the Miskitu world-view and Miskitu spiritual ideas

and practices. An example of this, as I have related elsewhere, was a female Miskitu healer who travelled to Belize to learn to divine with a crystal ball. She said she used it ‘for “strong things,” like when someone is lost at sea, or to see if someone was killed. It gives like a vision. No children can be present and I have to be alone. I learned it in Belize’ (Wedel 2010: 376).

Religious practice and healing

The Moravian Church, a Protestant denomination, arrived at the Miskitu coast in 1849 (Helms 1971) and is still the most important church in the area. Popular forms of Catholicism are also prominent. Nowadays, Miskitu cosmology is a mixture of indigenous, Afro-Caribbean and Christian beliefs. Among the Miskitu, it is common to use herbs for many mundane problems, as well as for presumed spiritually caused afflictions (Dennis 1988, 2004; Wedel 2017). Indigenous forms of medicine and healing are generally highly respected and sometimes seen as more effective than Western medicine, especially when it comes to afflictions said to be spiritual in origin. These ailments are frequently associated with strong smells and related to witchcraft (*brujería*), to curses and a lack of balance and to disturbed relations between this world and the other world of spiritual beings. Generally, healing implies a deep sense of spirituality, spiritual equilibrium and a dialogical, humble and respectful relationship with the natural surrounding and its infinite secrets (Wedel 2009b, 2017). Illness, in the Miskitu language, is expressed as *saura takan*, which means ‘to be in disequilibrium with nature’ (Fagoth et al. 1998: 21).

In the case of presumed spiritually caused afflictions, people commonly turn to healers, who may rely on dreams, spiritual helpers, various divinatory techniques, herbs and liquids (Dennis 2004; Wedel 2010).³ Most common are *curanderos/curanderas*, or herbal healers. They have vast knowledge of how to heal with plants and are consulted for mundane health problems, as well as for spiritual afflictions. They may use divinatory techniques such as Spanish cards, Tarot cards, palm reading, mirrors, crystal balls and spiritually prepared plants to determine the origin of the affliction and its treatment. Those who work with spirits may also receive therapeutic advice from a spiritual helper. A *curandero* related how he works with presumed witchcraft cases: ‘When someone becomes ill [because of witchcraft], they cannot be diagnosed at the hospital. All results will be negative. To undo the works of witchcraft, I have to talk to a plant and give a herbal mixture [to the affected

person]. Then the person will throw up everything that's inside: hair, needles, lobsters, jellyfish.'

Another form of healers is the *sukia*, or shaman. Historically, the Moravian Church has oppressed them, as they are said to work with both good and bad spirits. To become a *sukia*, one must be 'called' by the spirits, whereupon one usually becomes very sick. When recovering, the afflicted is isolated and may experience visions. They must follow certain rules while being instructed in dreams by a spiritual helper on how to heal with plants. A *sukia* related how she works with spirits using an altar table: 'I offer the bad spirits to come to the table and drink, and I give them coins to set the patient free. It's like becoming a friend with the spirits. When I treat a patient, it's like the spirits are acting like doctors' (Wedel 2010: 374). In a similar vein, *profetas*, or prophets, are closely associated with the spirit world and the forces of nature. *Profetas* are often said to have gained their extraordinary spiritual power by being hit by lightning. As with *sukias*, they are instructed by spiritual helpers on how to heal, and they communicate with the spirit world through dreams, visions and divination. *Profetas* are particularly sought after in difficult cases when a *brujo/bruja* (witch) is said to have performed witchcraft using several spirits. A prophet explained: 'People here study magical prayers with demonic books. They work with spirits in the great forests, with the spirits of the dead, with the water spirit, and with the spirit of space, to [magically] introduce things into the stomach and into the blood of people' (373). Generally speaking, witchcraft is considered a real threat and a common topic of discussion and gossip among the Miskitu. Also, people frequently turn to healers in the event of illness, bad luck or other misfortune.

Miskitu spirits and witchcraft

In the Miskitu world-view, spirits may interact with humans but are also feared because they may take away the *lilka*, the soul or life force. When this takes place, the soul is 'connected' to the spirit, causing illness and even death. A healer must therefore 'disconnect' the human soul from the spirit. Moreover, the healer must know what kind of spirit is involved to be able to heal the victim. A well-known spirit is *sirena* or *liwa mairin*, a mermaid related to the human reproductive system who protects life in the water. The spirit may cause drowning or afflict divers who have been catching too much lobster with decompression sickness. According to Laura Herlihy (2012: 150), divers believe they can make a deal with the mermaid and exchange the life of a child for a large catch

of lobster. When a small child dies suddenly and their skin is marked by a rash or is discoloured, and a diver who is a rival to the deceased child's father has a large kill of lobster, it may be considered enough proof that the diver has sold the child's soul to the mermaid. This will often result in a cycle of revenge involving poison and hexes.

The spirit known as *duende* is a kind of gnome that protects animals living in forests and mountains. The spirit cures deer that have been wounded and often appears as a short person with a large hat with four fingers. The spirit may also appear in visions as a frightening figure covered in blood and carrying knives who is said to abduct humans into another dimension. Another figure in the Miskitu cosmology is the spirit of wind and space, *prahaku*, which may strike with strong winds and heavy rain, causing mental problems, high fever, vomiting, respiratory problems, throat infections and even death. Similarly, the spirit *aubia* or *unta dukia* is related to forests, mountains and hills. Those who meet *aubia* will get a fever and convulsions. The spirit *cadejo* is an ugly dangerous creature, particularly dangerous for children who may get diarrhoea, vomiting and high fever caused by its strong smell. Furthermore, spirits of *los muertos* (deceased persons) may cause both physical and mental illness.

The aforementioned spirits are frequently related to witchcraft accusations, as a witch is said to have done a malicious 'work'. Hence, the victim is struck by a mental or physical problem that is untreatable using Western medicine. Moreover, someone could pay a witch to hurt someone else, such as a neighbour with whom one is quarrelling and dislikes. Witches are also said to send objects such as insects, stones, metal nails, needles, broken glass, candles, coins and bullets into the body of an unknowing victim by using black magic spells, invoking a spirit. In addition, an evildoer may bury objects that 'belong' to the victim, such as semen, sweat, underwear, a footprint, name, birthdate and photo, together with needles, scissors and knives, to cause illness, pain and death. For example, the witch may bury someone's sweaty clothes at the cemetery while invoking and making a 'pact' with the dead. According to a healer: 'This will make life impossible [for the owner of the clothes]. The person will be tortured and maltreated and will die if nothing is done.' For the same reason, objects may be buried in someone's patio or under a house.

In one such case discussed elsewhere (Wedel 2010: 377), a woman who lived with her husband and four children in a poor neighbourhood in the regional capital Bilwi (Puerto Cabezas) had been having strong pains in her stomach for some time. Her husband, a *curandero*, gave

her some herbs to get better. She related: 'I felt a strong pain as if I was going to give birth. My husband then took out galvanized nails and stones [vaginally]. I fainted of the pain. Then I vomited balls of hair in the form of a cross. In total, my husband took out eighteen stones during two months'. Her husband gave this version of the event:

I took out stones which were from the graveyard . . . It was made by a sorcerer because of envy. We never found out who it was. Sorcery is made with the victim's name and through prayers. In the prayer, the sorcerer mentions, for example, a frog or a [galvanized] nail and this will then take form. It is sent through the air to a specific person and materializes.

Certain animals may also be used to cause harm and death. The eyes of a bat could be cut out to make someone blind, for example. In a neighbourhood in Bilwi, there were rumours that a *brujo* was used to put a person's photo in the mouth of a frog and sew its lips together. When the frog died after a few days, the person in the photo was supposed to also die. A healer who was an expert in healing people from acts of witchcraft also argued 'the witches can decide the time when the witchcraft shall have effect. Even if the victim is sleeping, he will be affected.'

Some witches are also said to be able to transform themselves into animals such as monkeys and snakes. To protect oneself from this kind of spiritual animal, one may throw salt on it. Thereby, the witch is 'burned'. In one of these cases, someone had reputedly thrown salt in the face of a monkey that had entered a village. As the monkey was actually a disguised witch, it was said his face became 'full of cicatrises'. People who are suspected of these kinds of occult acts are generally feared and they are said to use their occult knowledge to empowering themselves in different ways. A healer described the importance of spiritual power: 'There is rivalry between healers, but also between healers and witches. The witch does not want the healer to cure and the healer has a certain fear of the witch. The more fear a witch can infuse, the more power and control he can have.'

Deaths are often explained as caused by witchcraft, and it is not uncommon for a dying person to accuse someone of witchcraft. A man related: 'Let's say I only have one son, who is dying. If he mentions the name of a certain *brujo* while dying, then what should I think?' A person may also be accused of witchcraft when 'caught' performing witchcraft, such as when being seen digging in the cemetery, putting objects in the ground or when keeping witchcraft-related objects, magic spells, underwear, written names and photos of supposed witchcraft victims. While this is considered evidence of occult workings, the healer also

has certain techniques available if the accused person is indeed guilty. This is imperative when healing, as the witch must be forced to stop their witchcraft work before a witchcraft victim can be healed.

Some healers are also said to be able to see, neutralize and ‘knock’ the witch while dreaming. In one such case, a thirteen-year-old girl who lived with her mother and sister in a poor neighbourhood in Bilwi was said to have been exposed to a kind of spirit possession known as *grisi siknis*, or ‘crazy sickness’. She suddenly became very sick with severe convulsions. Her mother recalled:

She first fainted and then [in her vision] saw *duendecitos* (small gnomes), and dead people coming to attack her. I also heard strange sounds from the patio, like crying birds, dogs and cats. Then she went totally crazy and wanted to hurt and bite herself and suck her own blood. Her stomach swelled up as if she was pregnant. We had to tie her hands and feet to the bed. The attacks went on the whole day until midnight. She did not eat and said that the juice I gave her was blood. She spoke with another [person’s] voice and said, ‘Don’t come close, I hate you’. She said it was seven dead [spirits] who possessed her. She screamed desperately. A *curandero* treated her, but he couldn’t do much. He just wanted our money. I didn’t sleep at all for a month and had to give up my job. Then we found a good healer who cured her with herbs, thank God.

According to the healer who finally cured her, a boy in school had tried to date the girl but was rejected. In revenge, he had carried out very powerful and malicious witchcraft. The healer related:

This guy practiced three different classes of magic; black, red and blue. He had [spiritually] prepared a soft drink he gave to the girl who got affected. He had done witchcraft at the cemetery and made a pact with the spirits of seven very bad dead people. She screamed loudly. It was horrible. I had to block his magic by using a combination of herbs, mineral water, perfume, cologne water, candles and prayers. I sprinkled the mixture on the girl and bathed her in it every day and [spiritually] cleansed her house and patio. At night in my dream, I saw the guy. He was rather strong, short and had straight hair. During twelve nights, I fought with him and hit him [while dreaming]. Every day he became weaker, and finally the girl got well.

Healers may also use a divinatory technique known as *wihtara dinkan* (Cox Molina 1998: 43) or *wihta dingkaia* (Fagoth et al. 1998: 32), where a spiritually prepared plant is placed on the forehead or neck of an unconscious person (see also Wedel 2017). Through the spirit that resides in the plant, the person will answer the healer’s question about the identity of the witch and advise the healer about which plants to use to heal the victim and, as a healer said, ‘to find out which steps the witch (*brujo*) is taking’. This divinatory technique may, however, put

the healer in a delicate position, as the supposed evildoer risks being exposed to violence if their name is revealed. Relatives of those afflicted are often eager to find out who is behind the illness and/or death of their loved ones. Hearing a specific name being mentioned may then be sufficient evidence to act violently against the alleged witch. Therefore, some healers refrain from using this technique.

To deal with evil acts, challenge an alleged witch and heal a victim from a witchcraft attack, the healer must be highly skilled and spiritually stronger than the witch. The witch may otherwise strike back and hurt the healer and/or their relatives. Therefore, some healers are reluctant to take on witchcraft cases. A *sukia* explained: 'If it's [witchcraft] because of a "criminal hand" . . . I immediately transfer the person to someone else. To deal with these situations means to have many strong enemies' (Wedel 2010: 374). The healers' occult skills also make them suspicious in the eyes of some people. As the healers need to know how to perform witchcraft in order to counter it, neutralise the evildoers and 'send back' an illness or other misfortune, they may themselves be accused of witchcraft and of being unscrupulous liars. During fieldwork, I often heard people say some healers perform witchcraft acts for money. They may also be accused of taking advantage of people's desperate situation when ill, lure the relatives of an ill person to pay large amounts of money and then disappear instead of healing the victim (see also Wedel 2010). A *curandero* claimed many healers 'work double' as both witches and healers:

They first do something bad to you. Then they cure you to make money. They can bewitch you with a prayer and your photo, name and date of birth. They don't have to touch you or make you drink anything. They do it by using the *duende*, the *sirena* or a dead person. With the wind, *prahaku*, it is very dangerous. You almost don't have time to apply a [herbal] remedy.

The two categories 'healer' and 'witch' may also be confused with one another, as witches are considered capable of healing and may be asked, or forcefully told, to heal the person they supposedly have bewitched and made sick. When 'caught', alleged witches will often admit they work with spiritual forces but also claim they use their powers only for well-being and healing. In addition, successful healers who deal with difficult cases may fear other healers because of envy. A *curandero* explained: 'The good healers are afraid because charlatan healers may unite against them. Seven of them may unite to do harm to the [good] healer. They say, "He thinks he is very powerful, that he is Superman. Let's go together and throw something [witchcraft] on him to see if he resists."'

There are many stories of the dangers of becoming involved in witchcraft. A schoolteacher who worked in one of the mayor schools in Bilwi retold a story of a sixteenth years old boy in her class who had been a witchcraft apprentice:

He said a friend had invited him to the cemetery – first in the afternoon and then later, until midnight. He was told he could overcome his problems, have a lot of money and would not have to suffer anymore. His friend had drawn a lot of symbols for him. He [the witchcraft apprentice] said: ‘When I was told to go to the cemetery at midnight, I got scared and did not go. I had to give the name of my mother or someone I love. That person had to die. It was a pact. Since that time, when I did not go [to the cemetery], I have been sick. I have a headache and I am not myself. My head is not mine, I feel horrible.’ Now this boy is crazy, *amarrado* [spiritually tied up].

Witchcraft accusations are also related to recent sociocultural and socio-economic developments and civil unrest in the RACCN. A breakdown of traditional institutions related to subsistence farming and fishing is giving rise to new forms of inequalities among the Miskitu, and a competitive economic system based on market exchange is replacing traditional forms of reciprocity and solidarity. This has resulted in tense social relations, increased alienation, envy, suspicion and witchcraft allegations (Dennis 2004; Jamieson 2008; Wedel 2010, 2012). Young men in geographically poor and deprived communities are commonly pointed out as being behind witchcraft acts, and it is a common opinion that many male youths are ‘drawn to the occult’. In and around Bilwi, witchcraft accusations mainly take place in the poorest neighbourhoods and communities, such as El Cocal. A middle-aged man who lived in a poor community close to Bilwi explained: ‘The situation is regrettable because there are many who know how to practice these things [witchcraft]. There are many disciples, many followers. If one is eliminated, others will follow.’ In this ‘dangerous, hostile world’ (Dennis 2004: 222), especially for those living in poor settings, witchcraft provides meaningful explanations for ill health and misfortune, and the multifaceted and ambiguous nature of witchcraft-related accusations, counter-accusations and violence are intertwined with both healing and inducing illness. Other forms of violence, insecurity and lawlessness have also increased in the region because of illegal mestizo settler incursions in Miskitu communities, electoral fraud in regional elections and the Sandinista government’s killings and imprisonments of hundreds of people all over Nicaragua after the civic revolution in April 2018 (Herlihy 2018; Salinas 2018).

Mediating and dealing with witchcraft cases through customary law

In Nicaragua, witchcraft is not considered a crime, although several laws have been implemented that intend to strengthen indigenous justice. Miskitu customary law and customary rights (*derecho consuetudinario*) were made stronger in 2003 when a national law concerning communal property was implemented in an effort to give indigenous populations in the Caribbean Coast Autonomous Regions their own right to administer their traditional land and its resources.⁴ The 2007 Nicaraguan Penal Code also strengthened customary law.⁵ Today, Miskitu customary courts may handle minor crimes in the community as long as the national constitution is followed. Each community has its own court, consisting of five judges elected by the inhabitants of the community. The judges deal with all kinds of minor crimes and may cooperate with the Supreme Court of Justice in the regional capital, Bilwi, when necessary. They also mediate in conflicts related to witchcraft accusations. A community court member explained: 'The judges function as intermediaries. They are in the middle. They try to find a solution, a way out, without hurting the two parties too much.' In a similar vein, a law officer of Miskitu origin who had dealt with a witchcraft case a few years earlier and was working at the Supreme Court of Justice emphasised the role of the customary courts when dealing with witchcraft cases: 'Confronting a witchcraft process is part of the capacity and formation of indigenous knowledge. That should not be dealt with by the courts of the state. The communitarians are not so interested in punishing the witch. They are desperate and first of all want him to heal the victims.'

The judges, who are members of the community, take advice from the community's council of elders and are supported and protected by a few men known as 'voluntary police' or 'community police'. Being well known and respected in the community, they cooperate with the local, state police but do not have any formal police education and do not receive any salary. A local community court member explained the role of the court: 'It always works together with the community. If a decision is made and applied, it's something indisputable. It's not something individual, it's collective. The court, together with the community, makes the final decision.'

Furthermore, all indigenous community courts form the Association of Judges for Neighbourhoods and Indigenous Communities in the North Caribbean Coast Autonomous Region of Nicaragua (Asociación

de Jueces de Barrios y Comunidades Indígenas de la Región Autónoma de la Costa Caribe Norte de Nicaragua), led by a president. This person, entitled ‘judicial facilitator’, assists the community judges and acts as a link to the police and the Supreme Court of Justice, where he also has his office. The facilitator must have some formal education in law and profound knowledge of Miskitu’s religious notions and world-view. The current judicial facilitator explained his work when dealing with witchcraft cases:

Witchcraft is not recognised as a crime in the Nicaraguan legal system . . . On the other hand, we now have several laws that strengthen customary rights, and each community has a court that is elected by the people . . . This also helps administer what is considered witchcraft. I work as a judicial facilitator in these cases to make sure no one is hurt or killed . . . I am working hard so that nobody should die. People have had their houses burnt down. Houses have been invaded and people have been killed. My work slows it down a little so that more people won’t die.

When a community court cannot resolve a case, such as when witchcraft accusations may lead to violent retribution, they contact the judicial facilitator. He arrives at the community, accompanied by two police officers and begins to negotiate between the parties involved. The negotiation may proceed differently, depending on the scale of the problem and the number of people involved. Next, I will take a closer look at how some of these cases are handled and resolved.

Minor and individual cases of witchcraft accusations

In minor witchcraft cases when few people are involved, such as when a single person is said to have been affected and only one person is accused, the judicial facilitator formally invites the two parties for a negotiation (see Figure 1). To establish if the accused person is guilty of witchcraft, a healer with highly renowned divinatory skills is also invited. Frequently, this person is a Miskitu healer from Honduras, where the best and most powerful and skilled Miskitu healers/diviners, as well as witches, are said to reside (cf. Dennis 2004: 221).⁶ Being highly respected for their divinatory skills, these healers may also be feared, as they are said to be able to strike from a distance and cause illness and accidents when revenging an injustice. Hence, the distinction between the ‘healer’ and ‘witch’ is blurred in the minds of many people and may not be as evident as healers often suggest when distinguishing themselves from witches.

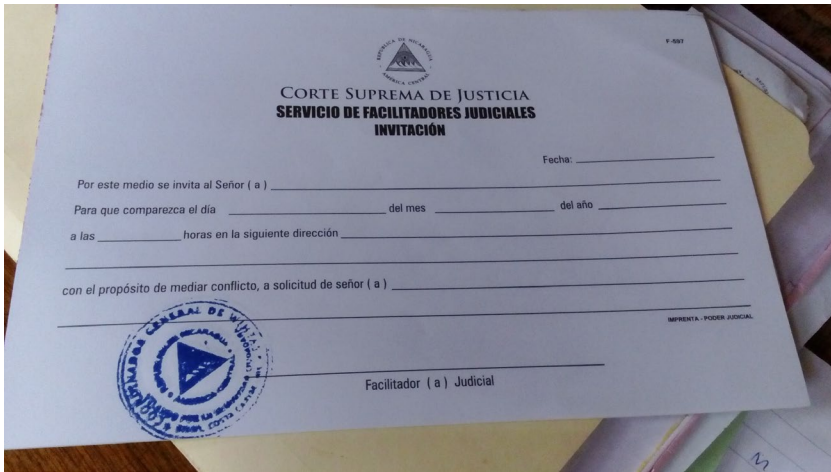


Figure 1. Invitation for a divination session (photograph by Johan Wedel).

The mediation proceeds with a divination as the invited healer/diviner looks into a mirror or a crystal ball. These forms of divination are well known among the Miskitu, and most people have great confidence in their outcome if a well-known and trustworthy diviner performs them. In the darkness of the night, the lights are turned off and the diviner looks into the mirror/crystal ball and its moving shadows. It is said the face of the evildoer will appear and that it will be possible to see past events ‘like a movie’. Thereafter, it is established if the accused person is guilty. According to the judicial facilitator, this procedure makes those involved calm down temporarily. In the case when someone is innocent, the accusing party will have to pay a heavy fine for wrongly accusing and smearing the accused person’s name. Both parties will also sign an official document called an *Acta de Mediación* (Mediation Act), issued by the regional Supreme Court of Justice. In the act, it is said the accusing party promises not to accuse or threaten the person again and that both parties will live in harmony. The document, which is non-appealable, is signed by the judicial facilitator and archived at the Supreme Court of Justice. The judicial facilitator explained: ‘If nothing comes up in the divination, people sign and leave satisfied. They promise there will be no quarrel – no gossip – and that they will live in harmony’.

Divination to establish innocence or guilt

In a small community near Bilwi where this kind of divinatory mediation process took place, a sixteen-year-old girl was sick and suffered from a presumed witchcraft attack. An elderly male neighbour who had been present explained: 'She vomited balls of hair. The skin on one of her breasts opened up and out fell a bullet. Then, the skin closed again.' The sick girl's family blamed a certain boy who had been hurt with a machete by the girl's brother. To stop further violence, the community court called the judicial facilitator, who arranged for a meeting/divination with the two families. Two police officers were also present. As the diviner looked into the mirror, it became clear the accused boy was not the guilty one. The families signed the Mediation Act, and the sick girl's family paid a hefty fine, while her brother was arrested for assault. She was later treated by a healer and said to have become well.

When divination instead shows an accused person is guilty, two more divinations are performed with other highly renowned diviners. If all three indicate the person is guilty, then the accused is told to heal the afflicted. The accused commonly agrees, as they fear being turned over to the victim's family or other vengeful community members if not complying. However, if the healing fails and the presumed victim dies, then the situation may become violent and the accused person must be protected by the police and taken away from the community. The judicial facilitator related one of these cases:

In a community, an older, sick woman had accused a younger woman of witchcraft. They had been fighting and arguing for a year. The first [diviner] who looked into the mirror saw the younger woman had engaged a man to bury parts of the older woman's hair in a graveyard. The second [diviner] saw the same, and the third one. Then, the relatives of the sick [elderly] woman came with machetes, clubs and knives to kill her [the younger, accused woman]. I will not let anyone be killed, and I had to put her in the police van and remove her. After three days, the [elderly] sick woman died. The other [younger, accused] woman then called me and said, 'They will blame me, what shall I do?' I told her to disappear or else they would kill her. She disappeared. I don't know where she went.

Large-scale cases of witchcraft accusations

Grisi siknis

Customary law is also applied in cases of *grisi siknis*, or 'crazy sickness', a form of mass spirit possession among the Miskitu, manifested as severe pain, convulsions, frightening visions, dizziness, anxiety and lost con-



sciousness. Those afflicted will go into a state of possession trance and experience scary visions. They may gain great physical force and can hurt themselves and others while running around with machetes and knives. Individual cases, as well as large-scale outbreaks, have been reported since the nineteenth century.⁷ The affliction often occurs in poor, remote hamlets and at boarding schools both in and around Bilwi, as well as in smaller, rural communities. According to the judicial facilitator, 'there are young men in all colleges who practice witchcraft and provoke *grisi siknis* – even in the churches and when there are church conferences'. Personal motives behind these acts are often said to be because of a love proposal that was turned down, or because of jealousy and envy. A schoolteacher in a boarding school related a conversation with one of her students who was very poor. He had some occult notebooks in his backpack and was 'caught' causing a *grisi siknis* outbreak:

[The student] said he didn't have any family. His mother, father and sister were all killed at the *Cayos* [*Miskitos*] during the hurricane [Felix in 2007]. He said he didn't have anyone and that's why he did this [performing witchcraft]. He said: 'I see this one [fellow student] who has a mother and lives well, I see that one who has a father and lives well. I see other children who are brought to class by their parents. I don't have that.' He said he was part of a [witchcraft] network of boys working in various schools. I understood they [the witches] do this because of envy.

Outbreaks of *grisi siknis* do not have a single explanation and should be understood in relation to a combination of socio-economic, environmental, cultural and personal factors (Wedel 2012). A *brujo* or *bruja* is often said to have worked with several spirits to cause the affliction, and the behaviours of the afflicted indicate which spirit has possessed the person. If the afflicted runs towards the sea, for example, it indicates they are possessed by the mermaid, *liwa mairin*. Running towards the cemetery indicates work has been performed with the spirits of the dead, *los muertos*. The very complex healing/cleansing process, which involves expelling the bad spirits while using herbs and Christian prayers, takes about a week. During this time, the afflicted drinks herbal liquids, is massaged with liquids and herbs and is exposed to spiritually prepared herbal smoke that makes them invisible for the illness-causing spirits (Dennis 2004; Wedel 2009a, 2009b, 2010, 2012). The judicial facilitator related one of these cases:

Recently, eighteen people in the same family got *grisi siknis* . . . The relatives and neighbours accused a man. They were going to burn him and his house. I brought the police, and he ran away with his family to another

community. As the afflicted were very poor, I had to ask the governor for 8,000 cordoba [about \$265] to heal the victims. I finally received the money and brought a healer from Honduras who cured them.

In this case, relatives of those afflicted were suspecting a neighbour and had asked a healer/diviner to confirm his guilt. The healer placed a spiritually activated plant on the forehead of one of the unconscious victims, using the divinatory technique *wihtara dinkan*. As the plant spirit 'spoke' through the unconscious person, the accused man was confirmed guilty. This caused great upset, and people threatened to kill the evildoer, although he managed to escape and no further divination took place. Instead, the judicial facilitator calmed the situation down by promising he would bring in a highly skilled healer. He then persuaded the regional government to pay for the healer's services and heal the victims. This form of financing of the healers' activities was an exceptional measure that very seldom occurs nowadays (see also Wedel 2009a).

A community steeped in witchcraft

Another case, which caught the attention of a large number of people, began with some 'rare events' in a community close to Bilwi. For some time, people had been hearing sounds at night as if animals were suffering and there was an 'ugly, shivering birdsong'. One elderly man also had a frightening experience. He related: 'When entering my house late one night, I saw a man without a head. I fainted and fell down. I think it was a witch turned into a devil who was going to possess and kill someone.' Simultaneously, several people in the neighbourhood became ill with headache and vomiting, and some felt like they were having a ball circulating in their stomach. Members from various Evangelical churches then arrived and prayed for the community.

There were also rumours that three young male strangers performed witchcraft in the community, and people concluded the strange events were related to their activities. A member of the local community court and a voluntary police came across one of the designated youngsters and asked him to show the contents of his backpack. There, they found some black magic spells and drawings. A week later, they met him and checked his backpack once again. This time, it also contained women's underwear, needles, scissors and knives. A notebook with a list of names was also found in the backpack. The community court member and the voluntary police then established that many people whose names were on the list had in fact become severely ill

recently. The young man was brought to the nearby communal house. Rumours of the capture of a *brujo* spread rapidly, and there was an atmosphere of lynching in the community as the items in the backpack were exposed to the public. One of the community court members related:

We brought [the accused young man] to our communal house. He confessed he worked with two other youths. He first said his function was to heal, not to cause illness or hurt someone. Many people arrived [at the communal house], and he was under a lot of pressure. He then confessed he had made a pact with the devil and had hurt a number of people. He promised to cure them and dig up the things he had buried. He had buried things in the four corners of the neighbourhood. We walked with him around the community, and he dug up the objects. He took us to a house where a woman was very ill with a lot of headache. There, below a coconut tree, he dug up some objects.

Among those afflicted, a schoolteacher was severely ill and had become very weak, and the accused young man was brought to his house to cure him. The community court member continued:

[The schoolteacher] had something circulating in his stomach, like a ball. He could not eat anything. When he ate, he vomited. He was losing weight and had no defence. The [accused] young man said one of his two friends had bewitched the teacher and that therefore he could not cure him completely and that the family rapidly had to look for a more powerful or more famous *brujo* or *curandero*. [The young man] gave some herbal remedies, and [the schoolteacher] became a little better. His family never went to look for another healer, and regrettably, one evening he became worse, could not resist and died.

Many people in the community were upset about the schoolteacher's death. Several young men and some of the relatives of those who were, or had been, sick wanted to kill the accused young man. The judicial facilitator and two police officers then arrived. After a lengthy, wrought-up discussion involving the judicial facilitator, the community court and the council of elders, as well as other community members, it was decided the accused young man should be able to leave and be removed from the community. Another community court member related: '[The accused man] was guilty, but he had been clear about how to heal the teacher. Some people wanted to eliminate him, while others said that he was still young and deserved to live. Finally, together with the community, we decided to let him go. He went to Rio Coco [on the border to Honduras] and disappeared.' The judicial facilitator gave his view of the event and its resolution:

[The community members] were going to kill him, as a witch. He came from Honduras. I had to mediate and said it was better to give him to the police than to the people. Life is unique, and even though [the witches] do not respect life, we respect it. The community court agreed. Now, according to our new Penal Code and Law 445 [on rights to communal property and to administer traditional land], indigenous rights are strengthened, but it also means everyone must respect the decisions of the community leaders.

Conclusion

This article has discussed a pragmatic approach to overcome the contradiction between state law and local practices and perceptions related to witchcraft accusations among the Miskitu people in Eastern Nicaragua. In this setting, violence caused by witchcraft and the occult is a real threat and is equated with any other form of physical violence. Witches are referred to as criminals, and witchcraft is considered a criminal act. Commonly, witchcraft is said to be performed in poor settings. For many Miskitu people who live in deprived communities, witchcraft accusations are an intrinsic part of life and 'interwoven with emotional drivers such as revenge, avarice, envy, and fear' (Millbank and Vogl 2018: 383). As such, these magical aggressions reflect a situation of material scarcity, existential insecurity and socio-economic inequalities.

Witchcraft accusations and occult-related violence pose a challenge for the Nicaraguan legal system. The Nicaraguan state does not publicly view witchcraft as real, while many Miskitu people do. Thus, they demand witches should be condemned for their crimes. However, as national laws have been implemented that strengthen indigenous rights and self-determination, customary law is now used in Miskitu community courts and frequently so in cases of witchcraft accusations. As the community courts acquire their authority from both Miskitu tradition and the power of the state, they can play an important and intermediary role in witchcraft cases. The judges are elected by the community members and supported by the council of elders, as well as the 'voluntary police', who, in turn, may work together with the national, state police when someone runs the risk of being physically hurt or killed. The community courts are also supported by the so-called judicial facilitator who has the mediating role of being both the elected president of all customary courts in the region and a functionary at the regional supreme court of justice in Bilwi.



Witchcraft cases are resolved differently, depending on the scale of the problem. Minor disputes are commonly settled through divination, by paying a fine and signing a legally binding 'peace' contract, or, as a last instance, by helping the accused person to leave the threatening situation. In major cases involving several people, a healer may be paid to heal the victims of the supposed witchcraft, or the alleged witch may be demanded to do so. When a supposed witchcraft victim dies, the mediatory process becomes highly intrinsic and may lead to an atmosphere of lynching and to physical violence. In these cases, the accused may have to be protected and removed by the police. On such occasions, the judge and the judicial facilitator rely on the community residents' understanding of the rights and obligations of customary law, as well as the role of the community court as the final decision-maker.

Generally speaking, a functioning customary law should both reflect people's cultural values and ideas and be sensitive to modern realities (Diala 2017). With this practical approach to witchcraft accusations and violence, people's perceptions, values and ideas concerning witchcraft are taken seriously instead of being suppressed. Both the accuser and the accused have somewhere to turn to have their case tried, and decisions are made in consensus. Instead of retribution and punishment, the focus is on settling disputes, conciliation, writing legally binding agreements, healing the victims and recreating harmony in the community. Concerns about witchcraft and the occult are addressed in relation to Miskitu understandings of illness afflictions, healing and justice and are based on communal decisions. This does not eradicate the possibility that people may turn to violence, but it decreases tension. Thereby, the risk of vigilante justice is reduced. Moreover, through customary law, the state can play a more peripheral role in witchcraft cases. The state ascertains a certain influence in the process but does not have to become directly involved.

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Notes

1. This article is based on more than a year of anthropological fieldwork from 2005 to 2018 in the town of Bilwi (Puerto Cabezas) and neighbouring Miskitu communities. Fieldwork included participating in, and observing, healing rituals, consultations and divinations. Several dozen interviews with ordinary people of different sex and age, healers, healthcare professionals, village leaders, judicial experts and indigenous judges were performed. One key participant was a university professor at the local university in Bilwi, and two were *curanderos*. They also connected me with other healers, patients, supposed victims of witchcraft, judicial officers and ordinary people. The ethical codes advocated by the American Anthropological Association (2009) and the Swedish Research Council (Vetenskapsrådet 2017) were followed. The places where the fieldwork was carried out did not have ethic research committees. However, the study was approved by the Supreme Court of Justice and the Association of Indigenous Judges, both in Bilwi. No participants were mentioned by their real names. Confidentiality and informed consent were ensured. Participants were informed about the purpose of the study and granted full freedom to withdraw from participation at any time. No conflicts of interest occurred.

2. In recent anthropological studies, the concept witchcraft is more frequently used than sorcery. In this article, I use the term witchcraft. Generally speaking, witchcraft is driven by a search for underlying explanations embedded in social relations and an urge to give metaphysical and morally satisfying answers to the 'why me' question, as shown by Evans-Pritchard (1937) in his seminal work on Zande witchcraft.

3. There is considerable variation in the divination and healing techniques, objects and substances used among the Miskitu. The ones discussed here should be seen as common examples, keeping in mind that they may vary from healer to healer and from community to community.

4. Ley del Régimen de Propiedad Comunal de los Pueblos Indígenas y Comunidades Étnicas de las Regiones Autónomas de la Costa Atlántica de Nicaragua y de los Ríos Bocay, Coco, Indio y Maiz, Ley No. 445 [Law of the Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and the Bocay, Coco, Indio and Maiz Rivers, Law No. 445].

5. Código Penal, Ley No. 641 [Penal Code, Law No. 641].

6. In Miskitu districts other than Bilwi and its surroundings, the most powerful healers are believed to be found in other remote areas. The logic here seems to be that powerful magic always comes from a different, faraway place.

7. From 1881 to 1883, during what was called the 'Great Awakening' by the missionaries, hundreds of Miskitu people suffered convulsions, lost consciousness, speechlessness and optical illusions. The symptoms and the way the affliction was transmitted were similar to what later was described as *grisi siknis*. This coincided with a severe economic crisis in the area when the price of rubber sharply dropped in 1879. Many Miskito who were employed in the rubber industry lost their income, and the whole economy of the Miskito coast was paralysed (Cox Molina 2003: 78–81; Wedel 2012: 306).

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