

Legal Consciousness and Vigilantism: Seeking Justice for Witchcraft Harms in the Eastern Democratic Republic of Congo

Holly Dunn 

Theories of vigilantism frequently locate its cause in the ineffectiveness of the state legal system. The state legal system does not work for some, so they take the law into their own hands. Even in communities where vigilantism is prevalent, however, only certain harms are met with vigilantism. Why are some harms met with violence while others are not? To explore this question, I draw on nine months of fieldwork in the eastern Democratic Republic of Congo, a nation with a largely ineffective state legal system and the presence of vigilantism. Yet vigilante remedies are largely reserved for harms attributed to witchcraft, and typically only particularly serious witchcraft harms. In this article I draw on the concept of legal consciousness to understand why people might turn to vigilantism in response to witchcraft. I develop two themes of legal consciousness—a disconnect in harm naming and different logics of justice—that help explain dynamics vigilantism. My research thus contributes to the scholarship on both vigilantism and legal consciousness.

The government manages things like they don't know it exists, but in some ways, they know it. Here, we go to the traditional leaders, and they know if it is witchcraft or not. They can ask the witch to stop what they are doing. If the witch does it again, the youth can burn or kill the witch. With witchcraft, if someone in the family dies, they will find the witch and if they know that it is really a witch, they will kill in such a way that the government doesn't know who did it, like with stones.¹

The above excerpt, from an interview with a group of five church representatives in Kiliba², South Kivu, Democratic Republic of Congo (DRC), highlights some of the main themes that will be explored in this article. First, witchcraft and the threat of witchcraft are part of local worldviews, meaning they are integrated into people's social worlds and everyday lives. Second, the population understands the state to have no capacity to deal with the threat of witchcraft because it does not officially recognize its existence. There are

Holly Dunn is Assistant Professor of Political Science, School of Interdisciplinary Global Studies, University of South Florida, Tampa, FL, United States. Email: hmatthewdunn@usf.edu.

The author would like to thank the audiences at the New Directions in Law & Society workshop at University of Massachusetts-Amherst, especially David Medicoff and Janice Gallagher, and at the Southern Political Science Association annual meeting. I am grateful for the thoughtful feedback provided by the anonymous reviewers at *Law & Social Inquiry*.

This article draws on research supported by the Social Sciences and Humanities Research Council of Canada. It was further made possible by the financial support of the University of Minnesota's Political Science Department and the Humanities Institute at the University of South Florida. The author received IRB approval from the University of Minnesota in 2017 and REB approval from Carleton University in 2011.

1. Group interview, April 23, 2015.
2. Kiliba is a town in Uvira Territory.

specialized traditional leaders who can identify witchcraft, but as this article points out, they are not as organized and accessible as they once were. Third, vigilantism is one approach the population engages with to address the threat of witchcraft. As I will illustrate in this article, this stems from a complex array of factors that shape people's legal consciousness and understanding of the options available to them in cases of witchcraft harms.

The above points establish the scaffolding for a deeper exploration of the logic of vigilantism, or popular justice,³ in cases of witchcraft. Why do people tend to view popular justice as an acceptable response to witchcraft, while nonviolent⁴ approaches are often preferred to resolve other common harms and disputes? Research on vigilantism has located its causes in ineffective legal systems, order-making, normalization of violence, and even democratization and human rights developments. However, these studies do not elucidate why people respond to *particular* types of harm, and not others, with vigilantism. This article takes on that task by building on previous research and theorizing to illuminate a heretofore underexplored area of vigilantism.

In this article, vigilantism is understood as “the extralegal prevention, investigation, or punishment of offenses” (Bateson 2021, 926). Extralegal is notably different from illegal—any action that breaks the law—and suggests actions that tend in the same direction as the law but go beyond it in range and/or harshness (Bateson 2021). I focus specifically on the punishment dimension of vigilantism, although both prevention and investigation are also relevant in the eastern DRC, where I conducted nine months of immersive fieldwork. Prevention and investigation tend to be more general in scope and are often conducted by the *balala rondo*. These are night patrols that are locally established to monitor the neighborhood, providing immediate responses to unacceptable behaviors, suspicious occurrences, or obvious crimes. They are known to use corporal punishment in their apprehensions and ad hoc investigations. In these cases, beatings, which vary in severity, are used for investigative purposes, to get information. By contrast, in cases of witchcraft, vigilantism is used to punish, without the intent of gathering information but, as I will show below, to prevent future witchcraft harms.⁵

This study of popular justice in the territory of Uvira in the eastern DRC makes important contributions to the research on vigilantism and to our understanding of the relationship between witchcraft and the state, through the lens of the law. Years of violent conflict in the DRC has resulted in widespread insecurity and failures of the state legal system. Researchers have shown, however, that people in the country still find ways to seek remedies for everyday harms and disputes through various processes, both informal (Jean-Bouchard 2014; Dunn 2021) and state operated (Rubbers and Gallez 2012). Additionally, legal reforms backed by international support have made progressive developments in addressing cases of sexual and gender-based violence (Lake

3. Popular justice, *justice populaire*, is the expression used in Uvira for vigilantism.

4. Throughout this article, the term “nonviolent” denotes the absence of direct, physical violence. I am aware of the possibilities of structural, coercive, and other nondirect violence associated with carceral systems, as well as other practices within legal pluralism. However, my focus on vigilantism leads me to create this conceptual distinction in types of violence associated with institutionalized forms of law and justice.

5. My research suggests that vigilantism is also sometimes used to punish repeat offenders who have evaded the law or who continue to offend after their release. Due to space constraints and limited data, I do not delve into these examples. However, they do appear to function according to the similar elements of legal consciousness as explored in this article.

2018). Thus, while reports have been decisive in noting the shortcomings of rule of law in eastern DRC,⁶ the metrics used tend to reflect a limited and state-centric understanding of law and justice, neglecting the role and impact of a variety of other on-the-ground processes.

At the same time, my research suggests that people are more likely to turn to violence in witchcraft cases than in cases involving other harms or disputes. I argue that this stems from the distinctive fear for individual and community safety that cases of witchcraft produce in the population. Community members often believe that punishment is necessary to protect against future threats, yet they recognize that the state will not address the issue. This argument builds on Tiwa's (2022) findings regarding "informal incapacitation," meaning that people can be driven to participate in vigilantism to prevent the wrongdoer from victimizing anyone else. The population's conceptualization of harm and justice and how they make sense of their options reflect complex tensions in legal consciousness, or how people experience, understand, and act in relation to the state legal system (Chua and Engel 2019). In situations of legal pluralism, legal consciousness can be broadened to include popular understandings of the variety of legal-justice⁷ systems that exist and interact with each other (Dunn 2022).

Building on my previous work, I identify two elements of legal consciousness that motivate acts of popular justice in Uvira: *disconnect in harm naming* and *different logics of justice* (Dunn 2022). These tensions stem from a state that does not sufficiently recognize a harm, combined with a popular view that punishment is the appropriate response to the identified harm. Thus, it is not a generalized fear of crime and state inaction that leads to vigilantism, as some theories suggest; it is the popular interpretation (and naming) of a particular phenomenon as a harm, one that warrants punishment, *and* the popular wisdom that the state, and other hybrid legal-justice mechanisms, fall short in addressing this harm.

To elaborate my arguments, this article first provides a definition of witchcraft and its relationship to the state in the African context. I continue by outlining how legal consciousness contributes to the study of vigilantism. Next, I review the dominant theories and approaches to understanding vigilantism. I provide a brief overview of my methodology. I then turn to my fieldwork to explore the role of legal consciousness. First, I consider the *disconnect in harm naming* in witchcraft cases. Second, I consider the *different logic of justice* and the turn to popular justice. Finally, I provide some reflections and insights on the implications of my research for research on vigilantism.

WITCHCRAFT AND THE STATE IN AFRICA

Defining witchcraft is complex and context specific. In my research, I focus on *ulozi*⁸ or *sorcellerie*, the locally used Kiswahili and French terms, respectively. In the

6. For example, in 2021, the DRC ranked 137th out of 139 in the World Justice Project's rule of law measures, which include eight measures: constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice. <https://worldjusticeproject.org/sites/default/files/documents/WJP-INDEX-21.pdf>.

7. This term is used to capture both state law and quasi-legal institutions, mechanisms, and processes that attempt to provide justice by addressing harms and disputes within the population.

8. Sometimes pronounced *bulozi*.

popular vernacular, these typically refer to cases where someone has used magic or supernatural forces to harm another (see Verweijen 2015).⁹ People also referred to *féticheurs* as those who can determine if someone is a witch, usually using *fétiches*,¹⁰ or magic. Sometimes people would turn to *féticheurs* to have witchcraft suspicions confirmed or to get more precise information. However, *féticheurs* can be inaccessible because of cost or location.

The relationship between African states and witchcraft has been of long-standing interest to anthropologists and historians. Scholars have noted the importance of this relationship to the colonial project. For example, Fields (1982) argues that since colonial powers did not have the brute force or the legitimacy to rule, they had to use elements of existing African culture, including witchcraft and mystical beliefs. By contrast, some colonial authorities justified their rule in terms of African backwardness, including witchcraft beliefs, leading to attempts to eradicate these through prosecution and education (Rutherford 1999). In Belgian Congo, people resisted colonial efforts to suppress *Lukusu*, a powerful, secret charm to protect against witchcraft (Henriet 2018). Belgian colonial doctors tried, largely unsuccessfully, to show the population scientific proof of diseases to rid them of their witchcraft beliefs (Au 2017). Colonial authorities largely failed in their efforts, using law and other means, to reshape local worldviews related to witchcraft.

In the postcolonial era, the state has continued its attempt to regulate witchcraft. “Modern African states generally do not see witchcraft as legitimate, although they usually stop short of criminalizing popular beliefs in witchcraft. In contrast, legislative acts criminalizing the practice of witchcraft originate in the colonial era, and independent governments have not removed these statutes—and many continue to enforce them” (Diwan 2004, 352). Witchcraft has created various law-and-order concerns across the continent, with little empirical evidence of the effectiveness of regulatory approaches (Forsyth 2016).

Adinkrah (2004), for example, finds that due to the deeply entrenched nature of witchcraft beliefs in Ghana, legislative actions alone would be insufficient to end extralegal killings. Indeed, increased state interventions often have contradictory, unanticipated outcomes, such as reaffirming popular panic over witchcraft (Geschiere 2008) and using witch doctors (witches themselves) as expert witnesses (Ciekawy 1998). Unsurprisingly, in many contexts, witchcraft has been addressed by the population outside formal legal channels (Adinkrah 2004), including through violence. In the 2000s, international organizations responded to this violence with campaigns to end witch killings, simplifying a complex issue by not recognizing the threat of witchcraft (Ashforth 2015). Further, human rights responses generally tend to focus on violence done to accused witches, which obscures the need for justice for acts of witchcraft (Millbank and Vogl 2018). In DRC, specifically, the international attention and research focus have tended to be in two areas: the targeting of children accused of

9. I was strictly cautioned by my host family to avoid immersing myself in witchcraft knowledge and practices due to the personal risks I would assume (Dunn 2019). Thus, I have focused my research on popular responses to witchcraft and not an in-depth exploration of witchcraft itself.

10. Henriet (2018) documents the history in the Congo of the French term *fétiche*, which has come to refer to a type of invisible charm imbued with magic.

witchcraft (for example, Cimpric 2010) and the use of magic *dawa* (or medicine) by *maimai* rebels (Verweijen 2015; Hoffman and Verweijen 2019), rather than the reality of the threat of witchcraft, which, as the population in Uvira understands it, has the potential to affect everything from health to crops to death.

My research shifts the lens from the problem the state faces in trying to manage popular witchcraft beliefs to the problem the population faces in navigating around the state's enforcement system, which does not recognize their claims of victimhood. It also explores popular approaches to addressing the ongoing threat of witchcraft. Legal consciousness provides an important and novel framework for exploring the link between the state law, vigilantism, and witchcraft.

THE CONTRIBUTION OF LEGAL CONSCIOUSNESS TO THE STUDY OF VIGILANTISM

Scholars have yet to consider the role of legal consciousness in the study of vigilantism, yet they have repeatedly tied vigilantism to failures of the state legal system and, more specifically, the population's perceptions of those failures (for example, Asif and Weenik 2022), as I discuss in the next section. Scholarship on legal consciousness is directed at understanding people's relationship to the law through their interactions with legal actors and institutions (for example, Merry 1990), as well as through their everyday and "commonplace transactions and relationships [and how they] come to assume (or not assume) a legal character" (Ewick and Silbey 1998, 17). Scholars have applied the concept of legal consciousness to a breadth of issues, from the marginalization of LGBT people (Hull 2016), to family conflict in Taiwan (Wang 2019), to formal and informal workplace grievance resolution in the United States (Hoffman 2003), to understandings and engagements with Shari'a in Malaysia (Moustafa 2013) and the United States (Massoud and Moore 2020). As these last examples of research on Shari'a indicate, legal consciousness offers an important tool for analyzing legal pluralism. Thus, in my use of legal consciousness, I consider not only popular engagements with, and commonsense understandings of, the formal legal system, but with the variety of justice practices, mechanisms, and institutions available to the population.

The legitimacy and power of various justice practices is largely shaped through people's social interactions, which play a role in the production and reproduction of cultural schemas. As Barclay and Silbey (2008, 669) explain, "In concert with others, people implicitly construct or reconstruct every day in multiple arenas and in multiple, often contradictory, forms the meanings we attribute to law, rules, power, and authority." In contrast to "framing," which tends to focus on intentional mobilization of frameworks of interpretation (Leachman 2013; Chua 2015), cultural schemas reflect everyday or commonsense interactions and interpretations. At the same time, they are not reduced to individual thoughts and actions, but reflect a circulating synthesis of social and cultural understandings and engagements with legality (Silbey 2005). The population I study do not frame witchcraft as a legal issue to make legal claims. Rather, they construct meanings and understandings of the relationship between the law, justice, and witchcraft through everyday social interactions. More precisely, witchcraft

beliefs make up part of popular worldviews,¹¹ and through commonplace relations, exchanges, and experiences, people come to understand “the law” as unable and unwilling to address their justice needs for witchcraft harms. This plays a role in producing and maintaining the cultural schemas that inform interpretation and action around witchcraft harms. Popular legal consciousness thus illuminates how people come to understand the relationship between harms and justice options.

Building on this legal consciousness framework, I examine two interpretive tensions that emerge as cultural schemas in cases of witchcraft accusations in Uvira. The first is a *disconnect in harm naming*, whereby state law defines a harm in a way that contradicts local interpretations of the harm (Dunn 2022). The second is *different logics of justice*, whereby the population’s approach to justice for a dispute or harm differs from the state’s approach (Dunn 2022). More precisely, the harm of witchcraft, and the perceived ongoing threat of accused witches, arouses feelings of fear and often desires for incapacitation, which is popularly understood as the appropriate and necessary response for protection of self, family, and community. This builds on the findings of other research on vigilantism. Asif, Weenink, and Mascini (2023) find that people participate in lynchings in Pakistan out of feelings of fear and revenge, while Tiwa (2022) finds killing and beatings to be forms of incapacitation to prevent further victimization within the community. I argue that elements of fear and desires for incapacitation reflect popular worldviews that interact with knowledge that the legal system and state do not recognize or punish witchcraft. These tensions in legal consciousness, around defining both harm and justice, impel people to vigilantism, specifically in witchcraft cases. The next section explains how legal consciousness can address the limitations of dominant theories of vigilantism.

THEORIES OF VIGILANTISM

Based on a review of the scholarship on vigilantism, Asif and Weenink (2022, 174) conclude, “when people perceive legal institutions corrupt, ineffective and procedurally unjust, they are more likely to consider vigilante violence as a possible line of action.” Further, where the state legal system falls short, from policing, to investigating, to prosecuting, members of the community attempt to compensate by establishing the contours of appropriate and inappropriate behaviors and punishing the latter. These points sum up the dominant understanding of vigilantism; it results from an ineffective legal system, and, more broadly, “a weak government in the face of crime” (Phillips 2017, 1362).

The link between ineffective legal systems and vigilantism has been found to be particularly strong in contexts of mass social upheaval and their aftermath (Buur 2008). In places where the population has experienced violence and where violence has become normalized, morally outraged people may transform fear and anger into vigilantism (Asif and Weenink 2022). Further, in contexts of violent conflict, the breakdown of past norms or changes in social values can create a sense of alienation,

11. Chua and Engel (2019) define legal consciousness as encompassing three areas of subjectivity: worldview, perception, and decision.

confusion, and uncertainty (Lombard and Batianga-Kinzi 2015). Verweijen's (2015) research in the eastern DRC finds that, due to limited state effectiveness, the erosion of the authority of customary leaders, and the militarization of everyday life, acts of violence and killings become forms of "order-making."

However, I argue that attributing vigilantism to the ineffectiveness of the state legal system offers only part of the picture. For example, how do we make sense of a situation where state law is generally ineffective, because of inaccessibility, cost, or corruption, but where vigilantism primarily only happens in response to certain harms? Why can some harms and disputes be resolved through nonviolent channels, while others incite acts of violence? Injustice, or problems with the state legal system, certainly play a role in vigilantism in Uvira. However, this does not explain why people may respond to witchcraft cases with popular justice, but not turn to or accept violence as a response to other harms.

From a different angle, Rush Smith (2019) argues that in South Africa vigilantism is linked to the rise of individual rights and procedural justice associated with the transition to liberal democracy. He argues that the proliferation of legal rights associated with democratization is viewed by some as a social threat in the sense that people who are perceived as criminals are given too many rights and are not punished severely enough for crimes. Interestingly, scholars, international organizations, and foreign states often critique the eastern DRC for the failures of the legal system. However, some scholars have highlighted positive developments, such as bringing Congolese law in line with international legal standards around sexual and gender-based violence laws and prosecutions (Lake 2014). Indeed, like the situation in South Africa, when the legal system functions in line with certain liberal legal principles advanced by international actors, it can be perceived by the local population as problematic. The state legal system has historically (as a result of colonialism¹²) and recently (as a result of international interventions around rule of law-building¹³ and sexual violence law¹⁴) had a more or less Western, liberal logic,¹⁵ including an emphasis on individual guilt and victimhood, scientific rationality, rights, evidence, retributive justice, and formal legal training. In other words, the "proper" functioning of the state legal system, often in line with international legal standards and the rule of law, and the foundational liberal ideology may be locally perceived as problematic. I am not suggesting that the Congolese legal system does not experience major problems with its functioning, but when it does

12. In Africa generally, see Mamdani (1996). In DRC, specifically, see Dembour (2000) and Prinsloo (1993).

13 See Dunn (2022).

14. For example, 2006 legal reforms domesticated internationalized laws and norms on sexual violence, drawing on and modifying the definitions found in the Rome Statute of the International Criminal Court (Zongwe 2012). Loi n° 06/018 du 20 juillet 2006 modifiant et complétant le Décret du 30 janvier 1940 portant Code pénal congolais [Law No. 06/018 of July 20, 2006 amending and supplementing the Decree of January 30, 1940 on the Congolese Penal Code].

15. There are some exceptions to this. For example, in article 40 of the Constitution (2005), the family is named as "the basic unit of the human community." This might be contrasted with a liberal legal understanding of the *individual* as the most basic social unit. Another example relates to the Tribunal de Paix (Peace Court/Magistrate's Court): "the State Commissioner for Justice may appoint one or more notables or specialists in customary law who can be consulted whenever there is reason to apply a custom." Ordonnance-Loi 82-020 portant Code de l'organisation et de la compétence judiciaires [ORDER-LAW 82-020 on the Code of Judicial Organization and Jurisdiction].

function, aspects are perceived by the population as problematic. But, once again, this does not necessarily tell us which particular harms or disputes may incite popular justice and why. At the same time, a legal system may also be understood as ineffective if the laws and legal processes do not map onto lived experiences and the needs of the population. This understanding of ineffectiveness points to the tensions in legal consciousness, rooted in worldviews, that I outlined above. Legal consciousness theory deepens our understanding of popular justice in Uvira, helping to explain why certain harms, namely witchcraft, are dealt with through popular justice and others are not.

RESEARCH METHODOLOGY

This article is based on a total of nine months of fieldwork in 2011, 2015, 2017, and 2019 in Uvira territory, South Kivu, specifically in Uvira city, Kiliba, and Makobola. The territory of Uvira constitutes a rich setting of legal-justice practices. Uvira city is the seat of the three state courts for the province of South Kivu (excluding the provincial capital Bukavu, which is independently administered). Both the city and territory are host to a number of other justice systems including *arrangement à l'amiable*—settlements mediated by *chefs*,¹⁶ wise elders, and family members; NGO-run dispute resolution; and popular justice. In other words, the people of Uvira have a variety of justice mechanisms and processes available to them.

My broader research goals were to explore people's experiences of quotidian harms and disputes and how and why they engaged with different justice mechanisms and practices. Thus, this project aimed to better understand how people make sense of, and participate in the construction of, legality.¹⁷ This article is based on themes and analyses that emerged from my broader research project. In terms of selecting people to interview, I tried to map for exposure to different perspectives and understandings (see Schwartz-Shea and Yanow 2013), specifically between the general population, local civil society actors, and legal actors. Over the course of my fieldwork, I conducted ninety-four semiformal interviews with a variety of actors, including lawyers, disputants, mediators, *chefs*, and members of the population, many of whom sought mediation or legal remedy at some point. Table 1 in Appendix A provides an overview of the demographic information of the sixteen individual interviewees cited in this article.

I also led fourteen group interviews with different segments of the population, including *chefs*, elders, security sector officials, women's groups, and youth associations, which helped me to develop an understanding of everyday disputes, harms, and concerns and popular perspectives toward and experiences with the various mechanisms

16. The expression *chef* encompasses a variety of roles. This can include traditional leaders, hybrid actors with both traditional and administrative roles and duties, as well as actors within the state administration with no "traditional" role or position, as the population commonly understands them. For the last group, I use the English chief or refer to their administrative position, while for the first two groups, I use the local French vernacular, *chef*.

17. I employed an interpretive research design and methodology for this project (see Schwartz-Shea and Yanow 2013). See also Dunn (2020) for some of my critical reflections on doing research in the eastern Democratic Republic of Congo, as well as Dunn (2022, ch.3) for a fuller account of my research methodology, including research ethics and working with interpreters.

available for redress. Table 2 in Appendix A provides an overview of the nine group interviews cited in this article.

All interviews in Kiswahili and other local languages were conducted with the help of an interpreter, while I conducted the limited interviews that were in French. Interviews were transcribed to French by a separate research assistant. Most interviews were audio recorded but some were not, instead notes were taken throughout these interviews. Working across languages requires challenging, and sometimes problematic, interpretive decisions. In this paper, unless otherwise stated, I use quotes that appear to be further supported by data collected through participant observation and other interviews. Further, I have translated quotes as directly as possible while also reflecting on clarity and meaning.

THE DISCONNECT IN HARM NAMING IN CASES OF WITCHCRAFT

Witchcraft is so profoundly ingrained in local belief systems that Schatzberg (2009) has argued it could be labeled a form of causality, alongside scientific and religious causality. In my fieldwork I observed not only the population's deeply held beliefs in witchcraft but also the tensions between these beliefs and the state legal system, which does not recognize the harm of witchcraft.

I label the tension between popular beliefs in the harm of witchcraft and a state legal system that does not officially recognize this harm the *disconnect in harm naming*. This disconnect has three elements: (1) popular understanding of a particular harm; (2) the state's refusal to recognize this harm; and (3) popular awareness of the state's refusal.

Beliefs in witchcraft are widespread in Uvira, even if people have never directly experienced its negative effects. Alphonsine,¹⁸ a bright nineteen-year-old mother, said, "It [witchcraft] happens. It happens often. There was even a neighbor here it happened to. But, I only hear the whispers; I cannot say for sure because I have never seen it." Camille,¹⁹ a woman living with her four children and her older sister, said, "I often hear about it [witchcraft], but I have never experienced it. There are times it can happen while you sleep at night; there are dogs barking outside, some cats. And we say these are the stories of witchcraft. But I pray and go back to sleep." Mia,²⁰ a woman who separated from her husband and lives with her two kids, stated,

Here, there are lots of problems, notably, witchcraft . . . there are some signs that prove that it is witchcraft. Sometimes you can hear something on the roof, like someone is walking on it, or, during the night, you can hear a dog outside that is "screaming" like a person. From those signs, you can say witchcraft exists . . . All you can do is pray and maybe change locations, but I cannot because I do not pay for the house I live in, so I have to bear it.

18. Interview, February 16, 2017.

19. Interview, March 21, 2017.

20. Interview, April 10, 2017.

Additionally, witchcraft was a topic of conversation with close contacts and research assistants. In one discussion²¹ with two interlocutors, they told me about popular beliefs that cell phones and airplanes were both outcomes of witchcraft; they were ambiguous about their own beliefs, but explained that “[e]veryone believes in witchcraft.”

Beyond being widespread, the population understands witchcraft to be a source of harm or dispute that affects the individual *and* the community. In locally organized events where people come together to discuss local problems through improvised plays, witchcraft was one of the major concerns. When asked about problems in the community, many people in both group and individual interviews mentioned witchcraft. In a group interview, local *chefs*²² were explaining the source of local disputes, and someone said, “*ulozi*” (witchcraft). Everyone laughed in agreement, and someone added, “that’s the important one.” Michel,²³ a young entrepreneur, said,

Certainly, we are in Africa, witchcraft exists, but it’s abstract because you cannot touch it with your hands. People talk about it all the time You can’t do anything because often in Africa when someone dies the people believe that there is something behind that death, so they try to find out what.

Soleil,²⁴ a mother of six with some high school education, pointed out that witchcraft was an especially big problem in her neighborhood. She added:

Concerning the problem of witchcraft, when my child died because of a throat problem, he was excreting and vomiting blood. When we brought him to the hospital, his belly had inflated. In my neighborhood, they had said that I came here with children, but I will leave empty. Here, they cast spells on children.

These comments speak to the real fear of harm that people experience with witchcraft; for the population, the reality of witchcraft is undeniable.

Beyond the widespread beliefs in witchcraft, some feel powerless or with limited or no recourse in the face of witchcraft, and thus decide to make major personal life changes. Mia²⁵ hinted at this in explaining that maybe some people can move if they feel threatened, but she could not afford to. Naima,²⁶ a petite woman of fifty-nine years, explained that she moved to Uvira from Baraka many years earlier, after four of her children died from witchcraft. “There used to be an illness called measles. Here, there were two types, one that came from God and the other one from ‘mains noir’”—“dark hands,” which I understood to mean something loosely translated as black magic. “The one from God does not resist treatment, but the one from man never heals. And that is what killed my children.” I asked if she went to see a traditional doctor as well. Naima

21. Fieldnotes, April 20, 2015.

22. Group interview, April 25, 2015.

23. Interview, March 6, 2017.

24. Interview, April 12, 2017.

25. Interview, April 10, 2017.

26. Interview, March 7, 2017.

replied, “We went for the fourth child because the child went to fish on Lake Tanganyika in a pirogue that tipped, and he was eaten by a crocodile.” She shared the details of the deaths of all her children and how she sought medical care in each case.

She and her husband knew that something was not “normal” in these deaths, and, through the advice of friends and family, they sought out the wisdom of a *féticheur*. Naima recounted:

He asked us to pay 30USD. At the time, it was a lot of money. He told us, if we wanted the death of the one [who was responsible], we should give him [the *féticheur*] a cow [as payment], but we refused. We explained we did not want their death, just to know who the perpetrator was . . . he told us to leave our shoes outside and to enter with bare feet. He had a little pot, and he told us to hold out our hands. He put a little *fétiche* in both of our hands and spat on them before he started to talk . . . to tell us about what was going on . . . he started to describe the person who was doing all this.

Naima’s case provides a powerful example of the depth of belief in witchcraft, how it is used to explain death and illness, and the life-altering decisions people make to protect themselves against witches—in this case, uprooting the family and moving to another territory. Although she did not reference the state law in her account, its absence reveals a key element of legal consciousness in Uvira. People know the state will not protect them against witchcraft harms, so they look for protection outside of the legal system.

The law has little to say about witchcraft. It does not recognize it as a criminal offense or a civil wrong. Sabine²⁷ explained, “Witchcraft is very common here . . . the *balala rondo* can catch them . . . but, they let them go . . . Even if we bring them to *la justice*, the state does not recognize witchcraft.” People cited the lack of legal “proof” as an important reason that witchcraft is not criminalized or addressed in laws. For example, I asked Simon²⁸ if witchcraft was a common source of local conflicts. He replied, “Yes. It is a problem, but you cannot bring that kind of problem to *la justice*²⁹ because there is no proof.” The leaders of one local organization³⁰ explained:

We also do advocacy around popular justice. We [the state] have made it a “judicial infraction” to kill a witch. This is because there can never be proof of witchcraft in the law, although with custom there is. It is something like putting a *grigi*³¹ in hot water and then putting in the witch’s fingers and seeing if they burn. These are a few examples that illustrate people’s knowledge that witchcraft cases cannot be brought to the courts. While there is, according to tradition, the possibility of having “proof” of witchcraft, these techniques do not fit with Western logics of liberal legalism.

The absence of proof was commonly mentioned as the reason *why* the state does not recognize witchcraft, which I would argue is deeply rooted in colonial history and the internationalized dominance of liberal legalism. The lack of “proof” and the

27. Interview, April 1, 2017.

28. Vernacular expression for the state legal system.

29. Interview, April 12, 2017.

30. Interview, April 16, 2015.

31. I understood this term to refer to a kind of talisman, *fétiche*, or possibly amulet.

argument that witchcraft “does not exist” fit with liberal legalism, but clearly do not align with cultural beliefs and lived experiences. This scientific-legal rationality has not caused people to reinterpret their deeply held beliefs; rather, knowledge of the law is in tension with beliefs and experiences and shapes negative judgments of the legal system as a space that does not protect communities and may even punish victims if they take action. Thus, not only is there a disconnect in harm naming, but *different logics of justice* are at play, which I elaborate on below.

The lack of official response to witchcraft speaks to the ineffectiveness of the legal system in the sense of laws and legal processes not mapping onto lived experiences and the needs of the population. In an interview with the director³² of a local NGO that works on awareness-raising around popular justice, he shared a reason for vigilantism that aligns with this understanding of ineffectiveness. “[The] disfunction of the legal system. Congo doesn’t have sentences for witchcraft, but people believe in it. But, because the legal system does not take care of it, people go to the *féticheur*, and then they beat the person.” In other words, people perceive the legal system to ignore witchcraft harms, which it does, not as a failure but as a function of its own logic. This idea was supported by a local lawyer³³ who said, “going back to popular justice There is no law to prosecute a witch, even when there is proof. It is a weakness of the justice system.” Notably, they both highlight the misalignment of the law with popular beliefs, or a *disconnect in harm naming*, as part of the ineffectiveness of the legal system.

Beyond state nonrecognition of witchcraft harms, *accusing* someone of witchcraft holds the possibility of legal ramifications. While legal codes do not specifically outlaw witchcraft accusations, article 78 of the Penal Code³⁴ essentially states that it is a punishable offense to abuse the superstitious beliefs of another in a way that leads them to commit an act of violence. Two local teachers and a *chef*³⁵ explained their understandings of conflicts that arise around witchcraft:

One *maman* may use witchcraft to kill a kid. The *féticheur* will be able to determine who did it. Then, they [ambiguous] will find a way to burn or stone the witch. They [the two families] will continue in conflict. If you kill someone then you are brought to the state, but the state does not recognize witchcraft.

I understood this to mean that the people who target and kill an accused witch will be prosecuted (or at least investigated), but the accused witch will be free because the state does not acknowledge the harm of witchcraft. In an interview with a group of women,³⁶ they reflected on a similar case and highlighted that the state does not recognize witchcraft. I asked Ophélie,³⁷ who cultivates a small plot of land and takes care of her

32. Interview, February 6, 2017.

33. Interview, January 30, 2017.

34. “Quiconque abusant des croyances superstitieuses de la population, aura, sans fondement réel, imputé à une personne un acte ou un événement vrai ou imaginaire, sachant que cette imputation inciterait autrui à commettre une infraction, sera considéré comme complice de l’infraction ainsi provoquée.”

35. Group interview, April 15, 2015.

36. Group interview, April 17, 2015.

37. Interview, February 15, 2017.

five children, what could be done in cases of witchcraft. She said, “Nothing really. If you go attack the person, it is a mistake because they will imprison you They will tell you witchcraft does not exist.” I asked, “But, do you think the state should imprison the witches?” She replied, “I can think it, but it won’t happen.” Ophélie’s statement reflects the sentiment that there is little a person can do in the face of witchcraft because the law is not supporting victim’s needs and the welfare of the community. These are a few examples illustrating people’s legal consciousness in terms of popular knowledge of how witchcraft is situated in state law and the tension that holds with their worldviews.

Thus, I would argue that the formal legal context has been vernacularized (Merry 2009) into two main understandings among the population: (1) the state does not recognize witchcraft, and (2) a witchcraft *accusation* is a punishable offense. Witchcraft beliefs are thus perhaps surprisingly relevant to legal consciousness, from the role of worldviews to knowledge and wisdom of the law and legal system, with certain elements rooted in liberal legalism. The outlined *disconnect in harm naming* highlights the tension in legal consciousness that incorporates popular understanding of the absence of state protection and justice provision in cases of witchcraft. This reflects both knowledge and wisdom of the law. At the same time, popular worldviews shape how people experience and define witchcraft harms. By contrast, the state’s legalistic logic requires a type of “proof” that is not possible with supernatural phenomena. This tension means that people must find ways outside the state infrastructure to address witchcraft harms. That, in and of itself, does not create a turn to vigilantism, but the limitations of other legal-justice approaches do create space for popular justice to be understood as legitimate and potentially necessary for family and community protection.

DIFFERENT LOGICS OF JUSTICE AND POPULAR JUSTICE OUTCOMES IN WITCHCRAFT CASES

Different logics of justice form a part of people’s legal consciousness, playing a role in shaping popular understandings of appropriate justice for particular harms. I argue that the possibility of popular justice stems from both a *disconnect in harm naming*—where the population conceptualizes a harm that the state does not recognize—and *different logics of justice*—where the population seeks punishment for harm and the state is understood to not deliver. People understand witchcraft as not just an individual harm, but a threat to the community—and they often use this point to justify more extreme measures of justice. Instances of popular justice for witchcraft thus elucidate the tensions in legal consciousness.

Before developing my argument around why people turn to popular justice primarily in cases of witchcraft, it is important to understand what the practices are in Uvira. Bateson (2021) proposes that variations in vigilantism exist on a continuum in five areas: individual/collective, private/public, violent/nonviolent, spontaneous/institutionalized, and defensive/offensive. Here, I discuss the first two areas, which are particularly salient to my study. First, popular justice in Uvira has both individual and collective trends and these may correspond to the second element, private and

public variations. Several people informed me that the nature of popular justice is changing due to easy access to small arms. Hiring someone to kill another is increasingly common, and in some instances this is understood as an act of *justice populaire*. For example, a lawyer in Uvira³⁸ explained, “There has also been a change in the way of doing popular justice. Now they find the criminal/wrongdoer and hire someone with arms to kill the person, instead of a big group doing it.” The director³⁹ of an NGO that works on awareness-raising for cases of popular justice said that part of the cause of popular justice is “the proliferation of arms. The modus operandi has changed. There are fewer lynchings and burnings; now they pay someone to do the killing with guns. Some are very happy about this. The perpetrator is unknown and so there is no investigation.” Although individual acts of popular justice appear increasingly common, instances of group vigilantism persist. The individual variations tend to be more private, with collective popular justice sometimes having a public and performative element, reflecting variations on the public-private continuum.

The prominence of individual vigilantism in Uvira is noteworthy because much recent scholarship highlights the importance of group dynamics. For example, in their study of lynching rituals in Pakistan, Asif, Weenink, and Mascini (2023) find that agitators often worked to bring people together and engineer a shared mood of revenge. Vigilantism in Uvira is sometimes organized by important community leaders, such as religious leaders (Dunn 2022), but interviewees rarely mentioned the possibility of political manipulation or organization behind vigilante acts. Perhaps such organizational efforts are not required to ignite feelings of fear or revenge in Uvira because of the entrenched and widespread fear of witchcraft combined with popular legal consciousness that provides an interpretive schema for defining the harm and the limited justice options.

The reasons for vigilantism in Uvira often extend beyond individual revenge to a concern for the community’s safety and security. Killing can serve as a form of lethal incapacitation that a population believes necessary due to the threat the offender poses for society (Tiwa 2022). People in Uvira believe that witches are rarely, if ever, reformed. In other words, people who are seen as threats to the community more broadly tend to be the ones targeted for punishment, even if that punishment is executed by one sole person. In these cases, the line between popular justice and revenge killing can be blurry.

In Uvira, it is commonly understood that popular justice is a possible response to witchcraft. When I asked state agents what types of conflicts were frequent, one mentioned seeing cases where people killed an accused witch.⁴⁰ When I asked a similar question of civil society actors,⁴¹ they too identified witchcraft as a common source of conflict. They joked that people may even think I am a witch because I am doing research, adding, “someone can just say that someone else is a witch and kill them without evidence.” I asked a group of wise elders⁴² how they would know a witch. “First, someone accuses another. Then they [*féticheurs*] use special means to know if they are

38. Interview, January 29, 2017.

39. Interview, February 6, 2017.

40. FARDC and ANR, April 13, 2015.

41. Group interview, April 14, 2015.

42. Group interview, April 15, 2015.

the one who hurt the other person. Then, people organize so that no one knows precisely who killed the witch.” In an interview with local NGOs,⁴³ they explained that witchcraft was a

very repetitive problem. Three have been killed this month already and there were two other cases of popular justice against witches where they failed to kill them We need *sensibilization* for youths about popular justice Also, sometimes the attack can happen in the night, but we don’t know who does those ones.

Similarly, a group of *chefs*⁴⁴ also reported cases of popular justice. “The day before yesterday they came to the *chef* at 11:00 p.m. because the house of a witch had been burnt, and he disappeared.” Why was he suspected? I asked. They replied,

So many people around him died, and the same had happened in Sange. He was chased away from there for that reason. But this problem cannot be resolved by *la justice* because there is never any proof. There is just one customary place you can go around Burambi to find out if someone is really a witch. When people commit witchcraft, they have to leave and cannot return to the same place. There needs to be *sensibilization* [awareness-raising] to get people to abandon witchcraft.

Here, the *chefs* did not condemn the violence, but rather recognized two other points linked with my argument. First, they noted that *sensibilization* was needed to get people to abandon witchcraft, not popular justice, highlighting the threat of witchcraft. Second, they stated that if an accused witch is forced to leave, they should not come back. In other words, they are not welcomed in the communities where they have done harms. This reflects a type of punishment, or popular justice, that could be understood as banishment. These are a few examples of the generalized understanding that vigilantism—popular justice—occurs in response to witchcraft. Note, also, that the instance described above was an extreme case of witchcraft harm, where interviewees perceived multiple people to have died as a result. It also appears that, with shifts in social structure because of colonialism, war, and instability, “traditional” methods, such as specific tests conducted by seers appointed by the *mwami*, of identifying and dealing with witches are less available (see also Verweijen 2015), removing a possible step before escalation to violence. All these points are integrated into popular legal consciousness.

In addition to these group interviews, I met with a local NGO⁴⁵ dedicated to advocacy and awareness-raising to end popular justice. As my interpreter and I waited outside their office to meet with the director, a woman who works for the NGO told us of a case that had happened a few months earlier:

43. Group interview, April 24, 2015.

44. Group interview, April 25, 2015.

45. Fieldnotes, February 6, 2017.

In the quartier Kalungu, there was a case where they killed a woman who was presumed to be a witch. They had thought her husband was a witch and had killed him two months earlier. He went to work around 7:00 p.m. and was shot. All the neighbors said they were disturbed by his witchcraft activities in the community. When they killed his wife, two months later, they said that the two had been working together as witches. She was also shot. Access to arms has become easy, so hiring someone to kill for you becomes the easiest way of doing popular justice. The police arrived too late. There is no recognition of witchcraft at *la justice*; that's why there is popular justice.

Our discussion was interesting for a few reasons. First, it included an example of a witchcraft accusation made against a man. In many contexts, women tend to be the primary targets of witchcraft accusations (for example, Adinkrah 2004; Chaudhuri 2012; Eboiyehi 2017; Millbank and Vogl 2018). And, while that was also true in Uvira, I heard of multiple cases where men were accused, challenging a common gendered assumption about witchcraft. Second, the case highlights the tension between group and individual aspects of how popular justice has come to be executed. Third, this NGO worker describes how the combination of the community's belief in the threat of witchcraft and the ineffectiveness of the legal system to deal with this threat led to vigilantism. Thus, the tensions in legal consciousness shaped the community's turn to popular justice in these cases.

The police and the legal system often play a central role in cases of popular justice. Numerous people informed me that the police may arrive to intervene in cases of popular justice, but they often arrive too late. A police chief explained:

The masses attack. We, the state, always arrive too late. There were three cases last year that we arrived too late. In Rusabagi, we arrived while they were throwing rocks on her. We [police/FARDC] fired our guns to disperse the group. They saved the *maman* and she was escorted to Bukavu, where she has to live now so she won't be attacked again. People had said that she had killed her own child. The state doesn't recognize witchcraft. Popular justice usually happens during the night. The male youth may come and kill the witch in the night. Last year there was another case, where a woman's daughter couldn't get pregnant. The *maman* blamed the husband, but he said she was a witch and brought people to kill her. The state only got there in time to find the corpse.⁴⁶

Local actors also cited the difficulty of prosecuting those who engage in popular justice. One NGO director⁴⁷ said, "I can say it is a big problem because we cannot bring it to *la justice*. People just kill and there is no follow up. For other cases we can find the perpetrator." A local lawyer⁴⁸ said, "It's always hard to know who to prosecute because it is a group who did it. The *procureur* [prosecutor] cannot know who did it." Although state officials do not intervene to protect victims of witchcraft, they may try to protect the accused witch from acts of popular justice and punish those who engage in these

46. Fieldnotes, April 20, 2015.

47. Interview, February 6, 2017.

48. Interview, January 30, 2017.

acts. However, given the secrecy and spontaneity of popular justice, and the access to small arms in the community, police struggle to stop vigilantism. The unlikelihood of state sanction or punishment for acts of popular justice likely also play a role in popular legal consciousness.

ACCEPTANCE OF POPULAR JUSTICE AND INCAPACITATION IN EXTREME WITCHCRAFT CASES

To further make sense of why popular justice may happen in witchcraft cases, in this section I explore how people understand the possibilities of justice. Rooted in a worldview that understands witchcraft as a grave threat to individuals and communities, people accept punitive justice as the appropriate response to severe cases in which someone's death is attributed to witchcraft. In these situations, vigilantism serves as a form of incapacitation to prevent future harms (Tiwa 2022).

Michel⁴⁹ shared what someone would do after concluding that witchcraft had been used in the death of a family member: "After going to the *féticheur*, the *marabout*, or the traditional healer, if they discover the reality [is witchcraft], they must retaliate against the other family." When I asked Mireille⁵⁰ about security in her neighborhood, she responded, "In this neighborhood, we are fine during the day, but at night, *maman*, you would cry. There are bad people—witches, murderers—because we are in a place that is still so *reculées*."⁵¹ I continued the interview with further questions about witchcraft cases. Mireille replied:

At night, you can't sleep. You hear sounds as if stones are being thrown on the roofs. I once saw the old man from over there, and they came and threw a dead person in front of him. They said, "our person, who you killed . . . you must bring him back to life! And if you don't, we will kill you too."

I then asked whether she had ever heard that members of the neighborhood attacked a witch. She said, "When you are a witch and you have already gone so far as to kill people, the young people wait for you; when you are alone, they shoot you with bullets." After some more specific questions about the cases she was familiar with, I asked, "What do you think about that [the killing of witches]?"

Mireille: I don't know, but it is good to discourage witches because we are always afraid, and with our children who are always here and there; God only knows.

Holly: Do you think there is something else that should happen to witches other than killing them?

Mireille: Killing them is the only thing that is right.

49. Interview, March 6, 2017.

50. Interview, February 20, 2017.

51. Could be translated as remote, behind, or backward.

Mireille made it very clear that she believes that punishment is the correct and appropriate response, even if that entails turning to popular justice; at the same time, it's worth noting that she was thinking about extreme cases, stating "[w]hen you are a witch and you have already gone so far as to kill people." Mireille's comments also speak to the harm of witchcraft, and the need for justice and protection, being community oriented, not just focused on individual victims. She spoke of concerns for the safety of children, even if this meant killing the threats, witches.

Camille⁵² also spoke about the importance of protecting the community from the serious harms caused by witchcraft and the appropriateness of incapacitation in response to these harms:

Holly: You told us that there were also cases of witchcraft. What happens in relation to those?

Camille: I often hear about it, but I have never experienced it. There are times it can happen while you sleep at night; there are dogs barking outside, some cats. And we say these are the stories of witchcraft. But I pray and go back to sleep.

Holly: Have you ever heard of a case of witchcraft or thieves being caught and injured?

Camille: When you have the problem of witchcraft, when you catch someone who has bewitched or killed, they must be killed.

Notably, punitive violence of popular justice is not necessarily deemed appropriate in all cases. Both Mireille and Camille spoke to the idea that severe punishment was justified when witches were believed to have used their powers to cause death or illness.

This section provides examples of direct statements in support of popular justice, especially in extreme cases where the witchcraft has caused death, further reinforcing the *different logics of justice* tension in legal consciousness. Popular justice in these cases appears to be frequently linked with understandings of the harm of witchcraft having implications beyond individual victims to the community more broadly. There was little in my fieldwork to suggest that people believed witches could be rehabilitated or were likely to stop using witchcraft, thus the threat seems to be understood as persistent. Additionally, people understand the state to not get involved in justice for acts of witchcraft because there is a lack of proof that would fit with legal standards. Finally, the understanding that police rarely arrive in time to prevent or stop popular justice, and that there is limited investigation of prosecution of offenders, reflects the complexity and tensions in legal consciousness.

52. Interview, March 21, 2017.

NONVIOLENT APPROACHES TO WITCHCRAFT

While I have outlined the link between legal consciousness and the turn to popular justice, it is necessary to recall that acts of popular justice are nowhere near as common as witchcraft and witchcraft accusations, even severe cases (see, for example, Naima's experience quoted earlier). Responses to witchcraft occur on a spectrum. At one end, people simply try to ignore the threat, while at the other end, people participate in popular justice. Within that spectrum, people might make major life changes, such as moving, while others resolve witchcraft problems through mediation by family members, elders, *chefs*, and NGOs. Mediation, based on reconciliation and/or a restorative justice logic, may be more relevant when families, neighbors, or friends with an underlying level of trust and relationship seek to address a witchcraft situation. Mediation may also work if the witchcraft harm is limited, meaning it does not involve death or major illness.

For example, an official with a local NGO⁵³ that does mediation said, "We have shown that witchcraft is often linked with psychological problems, disturbances, or natural causes . . . Lots of things happen that people believe are witchcraft, but they are normal." In other words, they try to defuse the situation by highlighting other possible explanations for the issue at hand. In 2011, I observed the successful mediation of a dispute within a family involving infertility and witchcraft accusations. The mediators explained to the couple experiencing infertility that there was likely another reason for their difficulties conceiving. Notably, mediators do not try to convince disputants that witchcraft does not exist; instead, they try to persuade them that it was not the cause of harm in the case being mediated.

Similarly, a local administrator⁵⁴ recounted a case that had been brought to him for mediation:

[There were] two groups of young people from the same family, so the big brother's children and the little brother's children. There was a boy on one side and the girl on the other side. They confronted each other. On one side, they said the boy couldn't study anymore; he may have been bewitched and that's why he's failing at school. There were even dreams that happened to him. We brought them together and reconciled them. Additionally, we tell a lot of stories of how our forefathers lived. We showed them a lot of these things happened before, and our elders reconciled. As part of the reconciliation, we buy a case of soda, and we give a bottle to both parties in conflict so that it can be shared.

He explained that the whole idea that witchcraft was involved came from a dream of one of the children. Although the narrative was a little vague, I understood that the boy's family believed that the girl had bewitched him. Here, the two families were open to listening to the *chef* and accepting that the dream, in this case, was simply a

53. Interview, April 16, 2015.

54. Interview, April 1, 2017.

nightmare. The administrator mentioned resolving other similar cases involving witchcraft.

Mediation may not always be a viable alternative to popular justice, however. In cases where witchcraft is blamed for a grave harm, such as death, accusers may desire incapacitation. Such a punishment is not an option for mediators, many of whom have had human rights and/or alternative dispute resolution training. Mediation offices also have limited resources. In a group interview with workers at local NGOs,⁵⁵ one said, “NGOs don’t have much money, they are not permanent. They don’t even have money for paper/pens. Someone might go to seek mediation, but it is closed, then they turn to *la justice* or popular justice. We need reinforcement from both sides—state and mediation.” I inquired whether there were any conflicts that cannot be reconciled. “Witchcraft. We cannot even bring these people together.” Mediators may feel they lack the expertise to deal with witchcraft cases. For example, one *chef d’avenue*,⁵⁶ Valentine,⁵⁷ described a situation in which people had posted anonymous flyers saying that they were going to kill the witches in the area. They included names on the flyers and claimed that if they could not kill them with stones, they would do it with guns. The *chef* confessed she felt ill-equipped to deal with the situation. “When people come complain about witchcraft, we don’t know how to test for that . . . I send them directly to the *mwami* [the highest traditional leader within a tribe or ethnic group] because there they have certain practices to detect witchcraft.” Historically, the *mwami* would deal with witchcraft cases and, as he explained,⁵⁸ he would protect witches. However, as Verweijen (2015) has noted, the traditional mechanisms and processes have been disrupted and, through conversations with local interlocutors, it seems that he plays less of a role in order-making and justice in witchcraft than the *mwamis* of previous generations.

Another obstacle to establishing mediation as an alternative to popular justice in witchcraft cases is that sometimes mediators are afraid to get involved. Due to the widespread belief in witchcraft and its seriousness, many are loath to hear a dispute where witchcraft is involved. I asked the police chief,⁵⁹ “Are NGOs doing anything about witchcraft?” He replied, “Nothing . . . NGOs can be scared. Magical power is difficult to prove. It is mostly only known by its effects. Even police can know it’s witchcraft, but they can’t accept this because there is no proof.” While I did meet some local organizations working on awareness-raising around witchcraft and popular justice, the widespread fear of witchcraft may make some people hesitant to get involved in any way.

Thus, while some local actors, such as *chefs*, *administrators*, and NGOs, can hear some cases of witchcraft, there are numerous barriers to mediation being a reliable means of addressing these disputes. They are well situated to hear mild cases of witchcraft where the parties have an established relationship, but they can be underfunded, unequipped, afraid, and not reflect preferred justice logics, reducing their overall appeal. These limitations and opportunities are well integrated into people’s commonsense understandings of the justice options available to them.

55. Group interview, April 24, 2015.

56. A *chef* that is tasked with dealing with the affairs on his or her road or street.

57. Interview, April 1, 2017.

58. Interview, March 11, 2017.

59. Fieldnotes, March 18, 2017.

REFLECTIONS AND FUTURE RESEARCH

*There is a sort of disorder because the application of justice is so disappointing.
The population cannot accept this.*⁶⁰

These words of a local lawyer highlight the roots of vigilantism in the ineffectiveness of state justice and the disjuncture between popular conceptions of harm and justice and those of the state. The quotation also alludes to the sense of disorder resulting from violence, insecurity, and state weakness, and how this sense of disorder may be enhanced by the breakdown of the traditional structures and authorities that may have been able to address witchcraft and witchcraft harms in the past (see Verweijen 2015). This lawyer recognizes that people believe that both individual security and community safety demand a response to the threat of witchcraft, but that they often feel like they are left on their own to deal with this threat.

By exploring the gap between popular worldviews and the state legal system, I have shown how analyses of legal consciousness can enrich our understanding of the causes of vigilantism. All theories of vigilantism recognize that these acts are linked to people's perceptions, understandings, assumptions, and engagements with the formal legal system. Drawing on the concept of legal consciousness to better understand the cultural schema undergirding acts of vigilantism provides fresh insights into these linkages. More specifically, I identify two themes of legal consciousness—a disconnect in harm naming and different logics of justice—that help explain why people may be more likely to turn to vigilantism in some cases rather than others.

People in Uvira see popular justice as the appropriate response when confronted with serious cases of witchcraft, but they seek out mediation and restorative justice for a variety of everyday harms and disputes, including witchcraft when possible. Recognizing the population's legal consciousness highlights the complex social, individual, and relational dynamics that undergird acts of popular justice. Since they conceptualize the harms of witchcraft as threats to the community rather than isolated acts against individuals, many believe that harsh punishment is necessary to keep the community safe. My analysis thus supports other theories of vigilantism, with their emphasis on role of ineffective state legal systems, democratization, and rights-based liberal legal reform, but adds new insights on why an individual or group may use vigilantism to remedy certain harms and not others.

There is still work to be done to more fully theorize the conditions under which individuals or communities engage in popular justice against witches. One possible avenue for future research would be to focus on the relationship of the relevant parties. In situations of witchcraft harm, the turn to popular justice might be mitigated by the strength of the relationship between the harm doer and the victim. I witnessed cases involving witchcraft where stronger ties appeared to make mediation or restorative approaches more likely to succeed. Another possible avenue for additional research is the role of politics or religion. Witchcraft accusations sometimes target political or

60. Interview, January 30, 2017.

religious opponents, and in these cases the possibility of popular justice may depend on the accuser's perceived legitimacy and ability to mobilize followers. A third area that would benefit from further inquiry is the general reputation of the harm doers. Some scholars have theorized that punishment is directed toward undesirables (Campbell 2015; Carr 2016). Scholarship that recognizes that popular justice remedies may target individuals, both because of their marginalized status and because they are perceived as a threat to the community, would offer additional insights into the complex dynamics of vigilantism.

REFERENCES

- Adinkrah, Mensah. "Witchcraft Accusations and Female Homicide Victimization in Contemporary Ghana." *Violence against Women* 10, no. 4 (2004): 325–56.
- Ashforth, Adam. "Witchcraft, Justice, and Human Rights in Africa: Cases from Malawi." *African Studies Review* 58, no. 1 (2015): 5–38.
- Asif, Muhammad, and Don Weenink. "Vigilante Rituals Theory: A Cultural Explanation of Vigilante Violence." *European Journal of Criminology* 19, no. 2 (2022): 163–82.
- Asif, Muhammad, Don Weenink, and Peter Mascini. "Engineering Vengeful Effervescence: Lynching Rituals and Religious–Political Power in Pakistan." *The British Journal of Criminology* (2023): 1–19.
- Au, Sokhieng. "Cutting the Flesh: Surgery, Autopsy and Cannibalism in the Belgian Congo." *Medical History* 61, no. 2 (2017): 295–312.
- Barclay, Scott, and Susan Silbey. "Understanding Regime Change: Public Opinion, Legitimacy, and Legal Consciousness." In *The Oxford Handbook of Law and Politics*, edited by Gregory A. Caldeira, R. Daniel Kelemen, and Keith E. Whittington, 663–78. Oxford: Oxford University Press, 2008.
- Bateson, Regina. "The Politics of Vigilantism." *Comparative Political Studies* 54, no. 6 (2021): 923–55.
- Buur, Lars. "Democracy and Its Discontents: Vigilantism, Sovereignty & Human Rights in South Africa." *Review of African Political Economy* 35, no. 118 (2008): 571–84.
- Campbell, Christopher M. "Popular Punitivism: Finding a Balance between the Politics, Presentation, and Fear of Crime." *Sociology Compass* 9, no. 3 (2015): 180–95.
- Carr, Jesse. "The Lawlessness of Law: Lynching and Anti-Lynching in the Contemporary USA." *Settler Colonial Studies* 6, no. 2 (2016): 153–63.
- Chaudhuri, Soma. "Women as Easy Scapegoats: Witchcraft Accusations and Women as Targets in Tea Plantations of India." *Violence against Women* 18, no. 10 (2012): 1213–34.
- Chua, Lynette J. "The Vernacular Mobilization of Human Rights in Myanmar's Sexual Orientation and Gender Identity Movement." *Law & Society Review* 49, no. 2 (2015): 299–332.
- Chua, Lynette J., and David M. Engel. "Legal Consciousness Reconsidered." *Annual Review of Law and Social Science* 15 (2019): 335–53.
- Ciekawy, Diane. "Witchcraft in Statecraft: Five Technologies of Power in Colonial and Postcolonial Coastal Kenya." *African Studies Review* 41, no. 3 (1998): 119–41.
- Cimpric, Aleksandra. "Children Accused of Witchcraft." *An Anthropological Study of Contemporary Practices in Africa*. Dakar: UNICEF, 2010.
- Dembour, Marie-Bénédicte. *Recalling the Belgian Congo: Conversations and Introspection*. New York: Berghahn Books, 2000.
- Diwan, Mohammed A. "Conflict between State Legal Norms and Norms Underlying Popular Beliefs: Witchcraft in Africa as a Case Study." *Duke Journal of Comparative & International Law* 14, no. 2 (2004): 351–88.

- Dunn, Holly. *Insecurity, Immersion, and Chance: Fieldwork in Eastern Democratic Republic of Congo*. Thousand Oaks, CA: SAGE Publications Ltd., 2019.
- . “Research in the Land of Savages, Victims, and Saviors.” In *Women’s Perspectives on Human Security: Violence, Environment, and Sustainability*, edited by Richard Matthew, Patricia A. Weitsman, Gunhild Hoogensen Gjørsv, Nora Davis, and Tera Dornfeld, 154–82. Athens, OH: Ohio University Press, 2020.
- . “Emergent Hybrid Legality: A Study of Legal Encounters in the DRC.” *Journal of Intervention and Statebuilding* 15, no. 2 (2021): 201–20.
- . *Legal Consciousness and the Rule of Law in Post-Conflict Societies: Emergent Hybrid Legality in the Eastern Democratic Republic of Congo*. New York: Routledge, 2022.
- Eboiyehi, Friday A. “Convicted without Evidence: Elderly Women and Witchcraft Accusations in Contemporary Nigeria.” *Journal of International Women’s Studies* 18, no. 4 (2017): 247–65.
- Ewick, Patricia, and Susan Silbey. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press, 1998.
- Fields, Karen E. “Political Contingencies of Witchcraft in Colonial Central Africa: Culture and the State in Marxist Theory.” *Canadian Journal of African Studies/La Revue canadienne des études africaines* 16, no. 3 (1982): 567–93.
- Forsyth, Miranda. “The Regulation of Witchcraft and Sorcery Practices and Beliefs.” *Annual Review of Law and Social Science* 12 (2016): 331–51.
- Geschiere, Peter. “Witchcraft and the State: Cameroon and South Africa: Ambiguities of ‘Reality’ and ‘Superstition’.” *Past and Present* 199, no. 3 (2008): 313–35.
- Henriet, Benoît. “Facing the Talking Snake: Witchcraft, Anxiety, and Sense-Making in Interwar Belgian Congo.” *The International Journal of African Historical Studies* 51, no. 2 (2018): 219–41.
- Hoffmann, Elizabeth A. “Legal Consciousness and Dispute Resolution: Different Disputing Behavior at Two Similar Taxicab Companies.” *Law & Social Inquiry* 28, no. 3 (2003): 691–716.
- Hoffmann, Kasper, and Judith Verweijen. “Rebel Rule: A Governmentality Perspective.” *African Affairs* 118, no. 471 (2019): 352–74.
- Hull, Kathleen E. “Legal Consciousness in Marginalized Groups: The Case of LGBT People.” *Law & Social Inquiry* 41, no. 3 (2016): 551–72.
- Jean-Bouchard, Évelyne. “The (In)visible Subject: Women’s Normative Strategies in Eastern Congo.” *Journal of Legal Pluralism and Unofficial Law* 46, no. 3 (2014): 357–73.
- Lake, Milli. “Organizing Hypocrisy: Providing Legal Accountability for Human Rights Violations in Areas of Limited Statehood.” *International Studies Quarterly* 58, no. 3 (2014): 515–26.
- . *Strong NGOs and Weak States: Pursuing Gender Justice in the Democratic Republic of Congo and South Africa*. Cambridge, UK: Cambridge University Press, 2018.
- Leachman, Gwendolyn. “Legal Framing.” In *Studies in Law, Politics, and Society*, edited by Austin Sarat, 25–59. Bingley, UK: Emerald Group Publishing Limited, 2013.
- Lombard, Louisa, and Sylvain Batianga-Kinzi. “Violence, Popular Punishment, and War in the Central African Republic.” *African Affairs* 114, no. 454 (2015): 52–71.
- Mamdani, Mahmood. *Citizen and Subject*. Princeton, NJ: Princeton University Press, 1996.
- Massoud, Mark F., and Kathleen M. Moore. “Shari’a Consciousness: Law and Lived Religion among California Muslims.” *Law & Social Inquiry* 45, no. 3 (2020): 787–817.
- Merry, Sally E. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press, 1990.
- . “Human Rights and Gender Violence: Translating International Law into Local Justice.” Chicago: University of Chicago Press, 2009.
- Millbank, Jenni, and Anthea Vogl. “Adjudicating Fear of Witchcraft Claims in Refugee Law.” *Journal of Law and Society* 45, no. 3 (2018): 370–97.
- Moustafa, Tamir. “Islamic Law, Women’s Rights, and Popular Legal Consciousness in Malaysia.” *Law & Social Inquiry* 38, no. 1 (2013): 168–88.
- Phillips, Brian J. “Inequality and the Emergence of Vigilante Organizations: The Case of Mexican Autodefensas.” *Comparative Political Studies* 50, no. 10 (2017): 1358–89.
- Prinsloo, M. W. “Recognition and Application of Indigenous Law in Zaire, Rwanda, Burundi and Lusophone Africa.” *Journal of South African Law* (1993): 541–51.

- Rubbers, Benjamin, and Emilie Gallez. "Why Do Congolese People Go to Court? A Qualitative Study of Litigants' Experiences in Two Justice of the Peace Courts in Lubumbashi." *Journal of Legal Pluralism and Unofficial Law* 44, no. 66 (2012): 79–108.
- Rush Smith, Nicholas. *Contradictions of Democracy: Vigilantism and Rights in Post-Apartheid South Africa*. Oxford: Oxford University Press, 2019.
- Rutherford, Blair. "To Find an African Witch: Anthropology, Modernity, and Witch-Finding in North-West Zimbabwe." *Critique of Anthropology* 19, no. 1 (1999): 89–109.
- Schatzberg, Michael G. "Ethnography and Causality: Sorcery and Popular Culture in the Congo." In *Political Ethnography: What Immersion Contributes to the Study of Power*, edited by Edward Schatz, 183–200. Chicago: University of Chicago Press, 2009.
- Schwartz-Shea, Peregrine, and Dvora Yanow. *Interpretive Research Design: Concepts and Processes*. New York: Routledge, 2013.
- Silbey, Susan. "After Legal Consciousness." *Annual Review of Law and Social Science* 1 (2005): 323–68.
- Tiwa, Dany Franck A. "'Killing Is Just the Best Solution': Lynching as Informal Incapacitation." *The British Journal of Criminology* 62, no. 3 (2022): 699–715.
- Verweijen, Judith. "The Disconcerting Popularity of Popular In/justice in the Fizi/Uvira Region, Eastern Democratic Republic of the Congo." *International Journal on Minority and Group Rights* 22, no. 3 (2015): 335–59.
- Wang, Hsiao-Tan. "Justice, Emotion, and Belonging: Legal Consciousness in a Taiwanese Family Conflict." *Law & Society Review* 53, no. 3 (2019): 764–90.
- Zongwe, Dunia Prince. "The New Sexual Violence Legislation in the Congo: Dressing Indelible Scars on Human Dignity." *African Studies Review* 55, no. 2 (2012): 37–57.

APPENDIX A:

TABLE 1.
List of Interviewees

| Date | Pseudonym | Gender | Age | Marital Status | Kids | Location | Work |
|-------------------|------------|--------|------|-----------------------------------|-----------|---------------------------------|---|
| January 30, 2017 | Jerome | M | 30s* | NA | NA | Uvira city | Lawyer |
| February 6, 2017 | NA | M | NA | NA | NA | Uvira | NGO director-popular justice research and activism |
| February 11, 2017 | Claude | M | 29 | Single | Y | Sange | Subsistence farmer |
| February 11, 2017 | NA | M | NA | NA | NA | Uvira | Public prosecutor at the Tribunal de Paix |
| February 15, 2017 | Ophélie | F | 30* | Widow; remarried but separated | 5 | Kawizi | Subsistence farmer |
| February 16, 2017 | Alphonsine | F | 19 | N | 1 | Mulongwe | Student |
| February 20, 2017 | Mireille | F | 25 | Separated | 3 | Kavimvira | Hair stylist/small business at market |
| March 6, 2017 | Michel | M | 33 | Y | 3 | Uvira | Small business owner |
| March 7, 2017 | Naima | F | 59* | Widow | 7, 4 died | Kalaa (born in Baraka, Fizi) | Subsistence farmer |
| March 11, 2017 | NA | M | NA | Y | NA | Uvira | <i>Mwami</i> (local traditional leader) |
| March 21, 2017 | Camille | F | 27 | Divorced | 4 | Kiromoni | Raises pigs/subsistence farmer |
| April 1, 2017 | Simon | M | NA | NA | NA | Uvira | Deputy head of district in charge of administration |
| April 1, 2017 | Pascal | M | NA | NA | NA | Uvira | Works with the deputy head of district in charge of administration |
| April 10, 2017 | Mia | F | 32* | Separated | 6 | Kinanga | Small business/ subsistence farmer |
| April 12, 2017 | Sabine | F | 36* | Y | 5, 1 died | Kabindula | Subsistence farmer |
| April 12, 2017 | Soleil | F | 42 | Y | 6 | Kawizi | Subsistence farmer |

*Age is an approximation, either the interviewee's or my own. In some of these instances, interviewees' stated age seemed unlikely.

TABLE 2.
List of Group Interviews*

| Date | Group | Location |
|----------------|--|----------|
| April 13, 2015 | Security forces | Makobola |
| April 14, 2015 | Civil society actors | Makobola |
| April 15, 2015 | Wise elders | Makobola |
| April 15, 2015 | Local leaders (teachers and a <i>chef</i>) | Makobola |
| April 16, 2015 | Leaders of a local organization that provides mediation and other services | Uvira |
| April 17, 2015 | Local women | Makobola |
| April 23, 2015 | Church representatives | Kiliba |
| April 24, 2017 | Local NGO representatives | Kiliba |
| April 25, 2015 | Local <i>chefs</i> | Kiliba |

*Note that the number of people who participated in these group interviews varied from three to approximately eight people. Some of the group interviews I held in open settings in response to information an interlocutor shared with me that security personnel were possibly becoming suspicious of me and my research. While this reduced the perception that I was doing something nefarious, it also made it more difficult to control and monitor who joined and left the interview. This is a trade-off I accepted.