

# **Medicine Murder in Colonial Lesotho: The Anatomy of a Moral Crisis**

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# Introduction

## A defining moment

Two chiefs were hanged at dawn on Wednesday 3 August 1949 in the gaol in Maseru, the capital of the British colony of Basutoland. One was Bereng Griffith Lerotholi, Principal Chief of the Phamong ward in the Mohale's Hoek District in the south of the country. Ten years before, he had expected to succeed his father, Griffith Lerotholi, as the Paramount Chief of the Basotho, but the Sons of Moshoeshoe, the ruling family, had chosen his half-brother Seeiso instead. Then, when Seeiso had died a year later, he had expected to become the regent for Seeiso's infant son, but again he was thwarted. The Sons of Moshoeshoe suspected that if he was given power he would cut out Seeiso's young son and arrange for the succession to pass to his own children. So instead, though she was not the boy's mother, they chose 'Mantšebo, Seeiso's senior widow. But Bereng was still generally regarded as the second most important chief in the country, and whereas he had accepted Seeiso's paramountcy he could never come to terms with 'Mantšebo's regency.

The other chief hanged was Gabashane Masupha, Principal Chief of 'Mamathe's ward in the Berea District to the north-east of Maseru. Gabashane was often described as the fourth most senior chief. He had supported both Seeiso and 'Mantšebo against Bereng, and for a few years, after Seeiso's death, he had been one of 'Mantšebo's closest advisers. By the mid-1940s, however, he had fallen out with her and switched his allegiance to Bereng. It was a move that was to cost him his life.

The crime for which Bereng and Gabashane were hanged was murder, but it was not murder of the ordinary kind. At first it was known as ritual murder; later, more appropriately, as medicine or *liretlo* murder. Parts of the victim's body, *liretlo*, were cut away, usually while he or she was still alive, for the purpose of making medicines which, it was believed, would strengthen those who made use of them. In this case, according to the prosecution, the two chiefs had enlisted the help of at least a dozen of their subjects to kill a man called 'Meleke Ntai. If they had been acquitted they would have had to stand trial for an earlier murder, committed in 1946. The victim then was a man called Paramente, who was caught at night as he came out of his lover's hut. Over 60 people were involved.

The cases of Chiefs Bereng and Gabashane drew the attention of the world to Basutoland, not only because the murders were so gruesome, but because they involved two of the highest chiefs in the land and because they seemed to be part of a rising tide of murder that was threatening to engulf the whole country. There had been occasional reports of medicine murders since 1895, but until recently they had been too few to disturb the colonial authorities. From two in 1941, however, the number of reported murders had risen to 20 in 1948, the year in which Bereng and Gabashane allegedly carried out the second of their murders, and the numbers of instigators and accomplices involved amounted to several hundreds.

A climate of acute anxiety prevailed. Ordinary villagers were fearful of going about their daily business, and would rarely venture out at night. Chiefs who on one day spoke 'for

the nation' in the Basutoland National Council were arrested for medicine murder on the next. Many, such as the regent 'Mantšebo herself, claimed to be worried about being framed. Witnesses who gave evidence about medicine murders, whether independently or as accomplices, experienced acute conflicts of loyalty and conscience. They were obliged to tell the truth before the court. But they were subject to the shifting winds of pressure from many different quarters: from the police, anxious to obtain convictions; from instigators, often their own immediate political superiors to whom they owed a duty of loyalty and obedience and who might have threatened them to keep quiet; and from their own communities, often riven into factions by specific events and by the routine jostling of competing local interests.

The authorities at all three levels of colonial government - Forsyth-Thompson, the Resident Commissioner in Basutoland, Sir Evelyn Baring, the High Commissioner in South Africa, who was also the Governor of the three High Commission Territories of Basutoland, Bechuanaland and Swaziland, and Philip Noel-Baker, the Secretary of State for Commonwealth Relations in London - were confronted by a profound dilemma and were exasperated by the contradictions of diagnosis and policy that arose. They were determined to stamp out the virulent contagion of medicine murder, and this required vigorous investigation and prosecution of the crime in order to secure and sustain convictions. But these murders were largely instigated by the chiefs. In the face of pressing demands from the South African government for the transfer of responsibility for the three High Commission Territories - demands that became even more pressing after the National Party came to power in 1948 - and in the face of an incipient nationalist movement, headed by the Lekhotla la Bafo, the Council of Commoners, the colonial authorities were explicitly committed to bolstering the chieftainship in order to nurture the integrity of the Basotho nation, to sustain the operation of indirect rule and to buttress their own authority.

More than any other case, however, the prosecution, conviction and hanging of Bereng and Gabashane provoked a widespread belief amongst Basotho that the British were bent on destroying the chieftainship. In the first place, they were both very senior and respected chiefs. Few had imagined that the government would go so far as to hang them. Second, there were many allegations about the unlawful detention and ill-treatment of suspects in order to elicit confessions. Third, the first half of 1949, while the fate of Bereng and Gabashane hung in the balance, was characterised by particular confusion over the state of the law on accomplice evidence. The rejection of their appeal by the Privy Council in London was attributed by many Basotho to a plot on the part of the Basutoland administration. For all these reasons the concern felt by chiefs in Basutoland at the government's intense concentration on medicine murder turned to alarm and even terror. The lines of confrontation between chiefs and government were sharpened, and throughout the 1950s the alleged subversion of the chieftainship by the administration was pursued as a major theme in the articulation of nationalist politics.

### **Official and popular reaction**

In 1949 G.I. Jones, a lecturer in anthropology at Cambridge University, was sent out to conduct a one-man enquiry into the causes of the apparent increase in medicine murders and to make recommendations for bringing them to an end. His report was published in 1951 and immediately became the authoritative text. He ascribed what he called the

‘very startling increase’ to four causes: the disputes arising from the unchecked use of the ‘placing’ system whereby a new chief was ‘placed’ over others; the conflict over the paramountcy between Seeiso and Bereng; the conflict over the regency between Mantšebo and Bereng, a ‘battle of medicine horns’, as he called it; and the series of reforms, beginning in 1938, which had introduced indirect rule into Basutoland and which, he believed, had led to widespread insecurity among the lesser chiefs in particular.<sup>1</sup>

By the time his report was published, however, it seemed that the worst was past. The main political and judicial reforms were now in place, the abuses of the placing system were now in check, and with the hangings of Bereng and Gabashane the battle of the medicine horns was over. ‘The epidemic of *diretlo* killings appears to be coming to an end’, Jones wrote, ‘... and the country can now settle down in peace ....’<sup>2</sup> Baring was even more emphatic: ‘it is with sincere satisfaction’, he wrote, ‘that I can report the suppression of the outbreak and the comparative disappearance of murders of this nature’.<sup>3</sup> At first they seemed to be right. After the 20 reported cases in 1948 there were only five in 1949 and four in 1950. But then they rose again, reaching an average in the next decade, 1951-60, of just over ten each year - 101 cases in all. Again some of the most important chiefs were involved.

The British authorities struggled to find ways of putting an end to these murders. New laws were passed and old laws amended, more police posts were established, fresh methods of investigation were tried, conferences were convened and committees set up, propaganda campaigns conducted, days of national prayer observed. But all, it seemed, to no avail. Month after month the reports came in of mutilated bodies being found at the foot of precipitous cliffs or washed up on river-banks. Basutoland remained in the spotlight of the world. When John Gunther, an American journalist, wrote his weighty and widely read work, *Inside Africa*, he described these murders as the most repellent horror that he had found in the entire continent. Joy Packer, a South African writer, wrote in similar vein in her popular book, *Apes and Ivory*, and several novelists followed suit, drawn by the macabre and the bizarre.<sup>4</sup>

Arguments about medicine murder intensified a long-running and broader debate about Sesotho culture and identity. For the churches, whatever their denomination, medicine murder was heathenism’s mark of Cain. The tone had been set in 1896 by a missionary article in response to the first murder that came to the attention of the colonial authorities. This, it was said, was ‘where paganism can finish up’.<sup>5</sup> The Roman Catholics in particular exacerbated the debate by claiming that medicine murders were closely connected with boys’ initiation practices, since, or so they argued, the initiates were doctored with medicines compounded of human flesh and blood.

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<sup>1</sup> Jones (1951: 15-18, 64-5).

<sup>2</sup> Jones (1951: 2-3, 15, 40)

<sup>3</sup> PRO, DO 119/1380, Baring to Gordon Walker, 28 November 1950; *CAR 1949*, p. 55; *CAR 1950*, p. 61.

<sup>4</sup> Gunther (1957: 555-6); Packer (1953: 99-103, 108). See also Interlude.

<sup>5</sup> H. Dieterlen (1896: 263-6).



At first most Basotho were stunned and shocked by the murders and the apparent involvement of some of their most respected chiefs, and in the earliest debates in the Basutoland National Council the general reaction was one of shame and outrage. But over time a more defensive reaction set in. The belief gained ground that there was no such thing as medicine murder, or that, if there was, it was being committed by people of little importance and then exploited by the colonial authorities to undermine the power of the chiefs.

The response of the chiefs was not surprising, since they were the people most threatened by prosecution. But the Lekhotla la Bafo, the Council of Commoners, might have been expected to espouse the cause of the victims against the murderers. Instead it was driven more by its antagonism to colonial rule, and it spearheaded the argument that the prosecutions were a ploy by the British to destroy the natural leaders of the Basotho and so to make it easier to transfer the country to South Africa. Lekhotla la Bafo's nationalist successors, the Basutoland African Congress (later the Basutoland Congress Party), followed much the same line of argument. Accusations of medicine murder came to be regarded and experienced as attacks on the Basotho people, and chiefs and commoners closed ranks. Cases were heard in crowded and excited courtrooms, judgements were listened to in rapt silence, and verdicts of not guilty were sometimes greeted with cheers and ululations. Those who were acquitted left the court in triumph and resumed their positions as respected members of the community. Accomplice witnesses were reviled as self-confessed murderers and traitors to their chiefs.

Yet by the late 1950s, although as many as 41 cases were reported within three years, the sense of panic had largely subsided, and in the early 1960s, when the average fell to about five cases a year, no-one at senior government level was paying much attention to them. They were a matter only for the police and the judiciary. In 1962 there was a half-hearted debate on the subject in the Basutoland National Council, but chiefs, politicians and officials alike had more pressing issues to consider. The country was now belatedly caught up in the rapid political developments that were sweeping the British empire off the map of Africa.

Medicine murders continued after Basutoland became the independent state of Lesotho in 1966. In 1968 there were 20 reported cases, the highest number in any single year since the 'defining moment' of crisis twenty years earlier. After 1969, when there were nine more cases, the government of Lesotho did not keep any separate figures for medicine murders, subsuming and so losing them statistically under murders generally. Hardly any cases reached the courts. They continued to be committed, however, perhaps in substantial numbers, and mainly, it seems, not by the chiefs, but by traders anxious to improve their businesses. With about 500 ordinary murders a year in a population of approximately two million people in the mid-1990s, Lesotho had one of the highest murder-rates in the world. The police were overwhelmed.

### **Key questions**

In this book we look for answers to a series of key questions about medicine murder in late colonial Lesotho. We seek to understand the virulence of the phenomenon, and

the intensity of the moral crisis induced by it, by exploring the many different and often conflicting perspectives that have been brought to bear upon it, at different times, both from ‘inside’ and ‘outside’ Basotho society itself.

The first question is whether medicine murder took place at all. Was it, like witchcraft in early modern England – a comparison sometimes made by Congress politicians and others – a perception without any grounding in reality? Did the heart of darkness lie, not in the beliefs and actions of Basotho, but in the fevered recesses of the colonial imagination? Worse still, were false charges of medicine murder, as many Basotho still believe, an elaborate official conspiracy against the chiefs? We have to raise these questions explicitly, not only because the ‘counter-narrative’ that was driven by Congress politicians and others became so widely accepted in Basutoland in the late 1950s, but because enough casual scepticism has been expressed, mainly by foreign academics,<sup>6</sup> at least to sustain some doubt on the issue. This book is committed in part to laying such doubt to rest.

The second question relates to the incidence of medicine murder in Basutoland in the 1940s and the 1950s. Was there indeed, as Jones and others believed, a ‘very startling increase’ in medicine murder in the 1940s, or was there merely an increase in *reported* cases, attributable in part to improved policing methods and in part to an increased readiness on the part of commoners to give evidence against the chiefs? We believe that there was a significant increase, though not as ‘startling’ as was believed at the time.

The third question relates to the causes of that increase. Many different diagnoses were made at the time, and of course each case differed in its particulars: the historical background, the immediate political circumstances, the principals involved, the motives. The weight of our analysis lies in our effort to understand the internal conflicts in the upper hierarchy of the chieftainship and the consequences of those conflicts, and the changing relationship between the colonial administration and the chiefs on the one hand and between the chieftainship and the people on the other.

Fourthly, what do we mean by ‘moral crisis’? We use the phrase to refer to the convergence of a number of profound anxieties in the 1940s and early 1950s, within Basotho society and within the colonial administration. But there was no simple relationship between this sense of crisis and the incidence of medicine murder either in that period or afterwards. Medicine murder continued through the late 1950s and the 1960s and the period of independence. Yet it was no longer of any national political significance. The crisis went away. We need to understand why this was so.

A fifth question relates to the problems of reconstructing what happened from evidence given in court. Obviously, conflicting interpretations of events emerged from the adversarial character of the judicial process. The resolution of these conflicting interpretations turned very largely on the question of the acceptability or otherwise of accomplice evidence, i.e. evidence given by persons who confessed to having taken part in the crime and whose primary motive for becoming Crown witnesses was to achieve immunity from prosecution and to escape the hangman’s rope. For this reason, accomplice evidence was potentially tainted evidence, and

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<sup>6</sup> The views of some protagonists in this debate are explored in the Conclusion.

required strong safeguards in judicial practice before it could be taken into consideration by the court. At the same time accomplices had the advantage of first-hand involvement in the murder and therefore of intimate knowledge of the immediate circumstances. The question of the reliability of accomplice evidence was hugely sensitive and controversial. It recurs throughout our text, both in the detailed Case Studies in Part I and in our reconstruction in Part II of the process of medicine murder as a whole.

### **Investigating medicine murder**

We examined the records of all the cases of medicine murder which we were able to find. The strongest evidence relates to those in the colonial period, from the first recorded murder in 1895 to the last in 1966, just a month before independence. Tracking them down was not easy. When we began our investigation the High Court files were stored as part of the Lesotho National Archives (LNA) in a basement in the library of the National University of Lesotho at Roma. They were in very rough chronological order, but they were neither classified nor complete, and they were watched over, not by a helpful archivist, but by a kindly cleaning woman whose only duty, apart from cleaning, was to open and close the room. In the absence of any catalogues we sat among the shelves and the stacks, pulling down one file after another, blowing off the dust, prising open knots that had not been undone for half a century, and then in each case, if the papers were all there, making our way through the District Commissioner's notes on the preparatory examination, the transcript of the High Court proceedings (sometimes more than a thousand pages), and finally the judgement itself. In some cases these were supplemented by plans and photographs of the place of murder, photographs of the mutilated corpse, and black-edged documentation of hangings in the Maseru gaol.

In this way, through visits respectively by Sanders in November 1996 and Murray in April 1997, we went through about two-thirds of the potentially relevant case files stored on the shelving of the basement. When, however, Sanders returned in October 1997 to go through the final third, he was shocked to find that, in the week before his arrival, because the library needed more space, all the High Court files had been removed to a prison cell beneath the Magistrates' Court in Maseru. When Sanders gained access to the cell he found the High Court files randomly stacked from the floor to the ceiling. The floor of the cell was damp, which must have been bad for the prisoners who had been confined there but was even worse for the files, which were already beginning to rot away. It was impossible to unearth the papers which were at the bottom of the stacks against the walls, but in separate visits in October 1997 (Sanders) and January 1998 (Murray), by patiently dismantling the piles and building up new ones, we were able to find most, but not all, of the cases we were looking for. When Murray returned again in December 1998 he found that the High Court files had been moved to a basement in another building, the new High Court (the 'Palace of Justice'), where they were stacked on shelving in complete disarray. This time he found the records of two more cases on which we already had information from other sources. By November 2001, however, this shelving had collapsed and the files were strewn all over the floor.

Fortunately most cases of medicine murder were extensively reported in the press, most importantly in the *Basutoland News* (a paper mainly for the white community), *Leselinyana la Lesotho* (the French Protestant paper), *Moeletsi oa Basotho* (the Roman Catholic paper), and *Mochochonono* (mainly the mouthpiece of educated Basotho). The reports in *Moeletsi* were especially detailed, sometimes extending over many issues of the paper, with the verdict being made known to readers several months after it was actually delivered. Newspaper coverage was not fully comprehensive: because of the pressure of business the High Court was sometimes divided into two, and it was impossible for one correspondent to cover every case. So cases which appeared in the High Court records did not always appear in the press, and some cases which appeared in the press we were not able to find in the High Court records.

For the period up to 1949 we referred to the 'List of murders believed to be medicine murders' drawn up by G.I. Jones, who had the benefit of assistance from the British authorities and other informants.<sup>7</sup> Even Jones, however, did not lay claim to comprehensiveness, at least for the period before 1930, and we identified several cases to which he made no reference. In many cases we found further evidence in other written records and, for murders in the Mokhotlong District, a detailed analysis prepared by the anthropologist Hugh Ashton in 1949.

Using all these and other sources we have recorded 210 individual cases of suspected medicine murder during the colonial period. They are summarised in the Appendix. For the cases that came before the High Court under colonial rule we believe that the Appendix is either complete or nearly complete. There were many other cases, however, where preparatory examinations were held but the Attorney-General decided not to prosecute, or where mutilated bodies were found but no legal proceedings were brought, and for these the Appendix may be an incomplete record.<sup>8</sup>

The grimly detailed accounts of all these cases, whether in the High Court files or in the press, are a salutary corrective to many of the looser speculations about medicine murder, in particular to the views of those who have doubted whether such murders took place at all. In several respects, however, their explanatory power is limited. The lawyers were interested in only one question. Was there sufficient evidence to prove beyond reasonable doubt that the accused were guilty of murder? No attempt was made to consider more generally the changing nature of Basotho chieftainship, the impact of the indirect rule reforms, or the rivalries over the paramountcy. Nor was it the lawyers' job to explore in depth the more parochial political and social conflicts which might help to explain the commission of such crimes. Despite their voluminous extent in many cases, the judicial records often did not satisfy our need to know about particular motives and social circumstances.

Accordingly, we were aware from the beginning that primary fieldwork would be a potentially valuable additional source of oral evidence, at least on the cases we selected

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<sup>7</sup> Jones (1951, Appendix A: 79-103).

<sup>8</sup> We have also recorded numerous cases of suspected medicine murder in the period since independence, but very few of these were brought to court, as indicated above, and largely for this reason the evidence for the period since 1966 is much more sparse. Accordingly, we have not attempted to summarise these cases here or to analyse their incidence or significance.

for detailed analysis in this book. We carried out rapid fieldwork of this kind in the course of 1998, 1999 and 2000, amounting to about six weeks between us, on these cases and on certain others also. With the invaluable assistance of Khalaki Sello, a retired lawyer from Maseru, we were able to talk with elderly surviving participants in these local dramas, members of their families and independent observers. Somewhat to our surprise, we found them to be remarkably willing, on the whole, to reminisce about their experiences and perspectives, although their memories were often stretched to the limit. In many cases these events had scarred people's lives and moulded local antagonisms which have persisted for fifty years or more. Their recollections allowed us to make sense of, or to interpret more effectively than we had been able to from the bare details of the judicial record, some of the alleged motives, the particular circumstances, the social complexities and the aftermaths of particular cases.

As well as the evidence on individual cases, we read through the voluminous correspondence and debates about medicine murder in general. The files in the Public Record Office (PRO) in Kew (London), now the National Archives, are an absorbing record of the deliberations of the colonial authorities. They are drawn from two sources: the Commonwealth Relations Office in London and the British High Commission in South Africa. To the extent that they include material from Maseru it was possible to follow the policy considerations of the Resident Commissioner and his officials in Basutoland. At first, however, we were unable to consult the files of the Basutoland Government. Many of the surviving files were kept in the basement of the library of the National University, but, like the files of the High Court cases, they were removed when we were on the point of consulting them. Sanders had the galling experience of watching them being thrown along a human chain of prisoners from the basement shelves in the library to a waiting truck in which they were then transported to a locked government house in Maseru. There they have languished in total confusion, in conditions entirely unsuitable either for the preservation of a precious historical legacy or for public access to it.

We eventually discovered, however, that many sensitive files had been removed from Basutoland by the Government Secretary in 1965, shortly before internal self-government, in order to protect them from scrutiny by the incoming government of Lesotho. In 2002 we traced them to a repository of the Foreign and Commonwealth Office (FCO) at Hanslope Park, in Buckinghamshire, where we were able to examine them in the early months of 2003. We gleaned fascinating additional detail from them, but they did not lead us to change our interpretation of events.

There is ample evidence of the views of the missionaries and of their followers in their journals and newspapers. The views of the chiefs and politicians are most powerfully reflected in the lengthy debates of the Basutoland National Council and in *Mohlabani*, the organ of the Basutoland African Congress.

### **'Ritual murder': the potential for broader study**

We concentrate rigorously in this book on understanding the phenomenon of medicine murder in colonial Lesotho in the mid-twentieth century. But medicine murder, or 'ritual murder', as it is still widely referred to, is not confined to Lesotho,

and the crisis of the late 1940s and early 1950s does not stand alone. What frameworks of comparison might emerge through more general study of such phenomena?

One possible framework might be defined as that of ethnographically controlled intra-regional comparison. This would identify similar forms of belief in the power of human medicine, and evidence of the practice of medicine murder, in other parts of the region of southern Africa at different periods of time. Another possible framework might be defined as that of historically or chronologically controlled inter-regional comparison. This would identify practices of murder in other parts of Africa – in the form of single events or of statistical patterns - which carry striking resonance with our study of medicine murder in Basutoland in the 1940s and 1950s not on the grounds of ethnographic similarity but on the grounds of their occurrence and investigation within comparable contexts of late colonial rule in broadly the same period of time.

In the Addendum to this book we seek to suggest the potential for both frameworks of comparative study. We illustrate the first approach through a review of the Swazi crisis of the 1970s and the Venda crisis of the late 1980s. We illustrate the second approach through reference, in approximate chronological order, to the 'Kibi [Kyebi] murder' of 1944 in the southern Gold Coast; the Bridge House murder of 1945, on the Atlantic littoral of the Gold Coast; and the notorious 'man-leopard' murders in south-eastern Nigeria in the mid-1940s. Whichever framework of comparison is adopted, it is clear that medicine or 'ritual' murder or comparable phenomena cannot be understood merely as recurrent atavistic spasms. Rather, their meaning and significance should be reached for through detailed and sympathetic exploration of the history and the culture of the region concerned and of its contemporary socio-economic and political realities. Such intensive micro-level studies are the proper foundation for a broader comparative analysis.

## Conclusion

Medicine murder evoked a particular horror. The perpetrators inflicted appalling suffering on their victims, who were usually their neighbours and often their friends or relatives. They did not kill in the heat of the moment, but made their plans well in advance. They operated in gangs, and they were inspired by a belief in the power of human medicine that was grotesquely misplaced.

In the late 1940s and early 1950s there was a widespread conviction among both Basotho and whites that medicine murder had increased dramatically. This conviction was strengthened by the detailed and widespread publicity given to the trials in Maseru. It gave rise to fear and terror, in that people were afraid to go about at night; to revulsion and contempt, in that many whites were confirmed in their prejudices about African backwardness and barbarity; to grief and shame, in that many Basotho were painfully aware of the damage done to their good name; to endless and anguished deliberations as ways were sought and efforts were made to put an end to these hideous crimes; and finally to anger and defiance, as many Basotho came to deny that there was any such thing as medicine murder or accused the British of exaggerating and exploiting it in order to undermine their chiefs.

All this we have described as a moral crisis. In the following sections of this concluding chapter, we identify and reject varieties of conspiracy theory; we summarise our view on the incidence of medicine murder and argue that a significant increase in the 1940s is most plausibly attributed to a form of competitive contagion, deriving mainly from the battle of the medicine horns between 'Mantšebo and Bereng, in a context of political insecurity, deriving mainly from the Khubelu and Treasury reforms; we seek to explain the moral crisis through the involvement of the highest chiefs in the land and the vigour of the British colonial response; we question a connection often loosely asserted between witchcraft and medicine murder; and, finally, we identify a pervasive ambivalence on the part of the Basotho and of the British and emphasise, despite widespread belief in the power of human medicine, the historical contingency of that belief.

### Conspiracy theories

Basotho nationalists, from Josiel Lefela to Ntsu Mokhehle, protested that there was no moral crisis at all, but only a colonial conspiracy, a big lie that gained acceptance through constant repetition. This view is still widely held. Such conspiracy theories have also received sympathetic consideration from white scholars. Dan Bosko suggested, in effect, that what happened might have been closer to a moral panic than a moral crisis. Relying mainly on fieldwork carried out over 18 months in 1977-79, he argued that medicine murder was perhaps no more than a social construct, the outcome of either deception or self-delusion on the part of those who confessed to the crime and of a culturally conditioned credulity on the part of those to whom the confessions were made; and that it was then exploited by missionaries and others to discredit Sesotho culture.<sup>9</sup>

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<sup>9</sup> Bosko (1983), in particular Chapter IV, 'The Uses of the Concept of Ritual Murder'.

David Coplan, in the context of a discussion of *lebollo* (initiation) and other controversial aspects of Sesotho culture, including the alleged use of human medicine, disclaimed any outsider's capacity to form a reliable judgement. Invoking a post-colonial version of darkest Africa, impenetrable to European understanding, he concluded that no outsider was 'in any position to know. These things are *likoma*, secrets'.<sup>10</sup>

Marc Epprecht, while acknowledging the horror of medicine murder, believed that the British used the possibility of prosecution as a 'death threat' to check 'Mantšebo's 'growing arrogance' and at the same time staged a series of 'show trials' in order to get rid of 'anachronistic' chiefs. Whether they did this as 'a cynical, if not diabolical, plot' to destroy those chiefs who were opposed to their plans for 'modernization or incorporation in South Africa', he left open. But he condemned the 'insidious' use of accomplice witnesses, 'which effectively allowed anyone with a grievance to come forward with a story of how he had carried out a murder on the chief's command'. As for Jones, his report merely supported 'pre-existing assumptions' that the chiefs were responsible for medicine murders, and so, despite his 'worthy academic reputation ... it is hard not to [*sic*] escape the feeling that he was used by the colonial authorities to prove what they already suspected and hence to justify what they already wanted to do'.<sup>11</sup>

Many people, especially whites, were ready for their own reasons to see medicine murder under every stone. In some cases there were policemen who were over-zealous in pursuing their enquiries or accomplices who told lies to incriminate their enemies. But as explanations of the entire phenomenon of medicine murder, and as keys to understanding British policy at the time, both the nationalists' allegations and the academics' speculations are misdirected. They fail to account for the facts.

The first fact, of course, was the mutilated body. Because of the lapse of time it was sometimes impossible for the doctor conducting the post-mortem examination to be sure that the mutilations had been inflicted by human agency and had not been caused by natural predators. But in many cases the body was found very quickly and it was clear the mutilations could have been caused only by deliberate intent. Although the body was generally found in a river or at the foot of a cliff, the doctor was often able to establish that death had not been caused by drowning or by a fall, but by injuries inflicted by human hands. There were also many cases in which the wounds on the body were consistent with the accounts of the accomplice witnesses.

It was one of the weaknesses of the Basutoland African Congress position that, while it accepted the fact of the mutilated bodies, it could not provide an explanation of them. Its annual conference in 1956, while denying the existence of medicine murder, confessed that it simply did not know 'just what brings about the occurrence [*sic*] of dead mutilated bodies in Basutoland'.<sup>12</sup> Yet the evidence from the trials was overwhelming. The judges were reluctant to convict on accomplice evidence alone, and we have identified

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<sup>10</sup> Coplan (1994: 110).

<sup>11</sup> Epprecht (2000: 113, 118-19, 241 n. 100).

<sup>12</sup> PRO, DO 35/7332, Resolutions attached to Ntsu Mokhehle's Presidential Address at the 4<sup>th</sup> Annual Conference of the BAC, Maseru, 29-31 December 1956. For full discussion see Chapter 4.



only ten cases in which they did (and in three of these there was further evidence which they did not need to take into account). In most cases accomplice evidence was supported by independent evidence of varying kinds and varying strengths - by the post-mortem examination, by the exhibits produced before the court, and above all by independent witnesses - people, for example, who saw the victim being led away by the accused, or who heard the victim screaming. Bosko implies that their evidence can be discounted because, he claimed, none of them actually witnessed the murder itself. Even if his facts were right they would not support his conclusion. The evidence provided by independent witnesses was often powerfully corroborative of the accomplices' accounts. And in fact he is wrong: we know of ten cases in which an independent witness or witnesses actually saw the murder being carried out.<sup>13</sup> In view of the precautions the murderers took to avoid being observed it is not surprising that there were not more.

On the whole the judges were extremely rigorous in applying the criminal standard of proof: that is, they only convicted if they were satisfied beyond all reasonable doubt that the accused were guilty. There were many cases in which, on the balance of probabilities, the accused appeared to have been guilty but in which they were given the benefit of the doubt.

There was also overwhelming evidence that the purpose for which the murders were committed was to obtain medicine made from human parts. The BAC again found itself in a dilemma. Bennett Khaketla, its deputy leader, admitted that bodily parts, *liretlo*, were cut away, but while he denied that they were used for medicine he could not provide any other explanation. Yet there was, and is, a widespread belief in the power of human medicine among the Basotho and many other African peoples of southern Africa. In the particular cases that came before the courts there was evidence not only about intention, for example that of chiefs and headmen who were said by witnesses to have stated plainly that they wanted to replenish their medicine horns, but also about the subsequent use of human medicine in pegging and scarification.

Thus the theory of a colonial conspiracy is not credible, whether in its fully developed form, that medicine murder was an 'invention' of the British authorities, or in its modified form, that while medicine murder might have been practised by some unimportant headmen it was exploited by the British to destroy the senior chiefs. Either way those advancing this theory have to postulate the conscious involvement, not only of the colonial officials, including the Attorney-General, the police and the prosecuting advocates, but of the accomplice witnesses and the independent witnesses as well, and perhaps also of the judges and their assessors (though they might have been the dupes rather than the perpetrators of the plot). Yet it is inconceivable that the colonial authorities could have suborned so many people in so many cases, especially when giving evidence against a chief was such a hazardous undertaking. In the 'Mamakhabane case (1948/1, Case Study Two), for instance, it would have to be argued that they enlisted the co-operation, not just of four accomplices, but of a boy who saw the victim being captured and overheard him crying out and asking not to be killed, of a woman who also heard the victim cry out, of several people who observed the movements of the accused, and of two young boys who were woken by one of the accomplices and shown the victim's dead body. The judge said it was one of the

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<sup>13</sup> See Chapter 9.

strongest cases he had ever heard. And 'Mamakhabane's old adviser, Stimela Jingoos, had no doubt of her guilt.

The case against Bereng and Gabashane was not as strong as that against 'Mamakhabane, but it was strong enough to convince a respected South African judge and to survive an appeal to the Privy Council. Other senior chiefs, so far from being wrongly convicted as the result of a colonial conspiracy, were probably lucky to get away with murder, especially Matlere Lerotholi, who was acquitted twice, and to a lesser extent David Theko Makhaola. In the absence of strong enough evidence against them, others, notably 'Mantšebo herself, were not brought before the courts at all. Once a case was started, especially when it involved men such as Bereng and Gabashane, the prosecution worked hard to secure convictions, but that does not mean that the whole case was inspired from the beginning by a colonial plot.

Such a conspiracy theory rests on false assumptions. So far from wanting to hand the country over to South Africa, the British authorities, Evelyn Baring above all, were determined to keep Basutoland under British rule, especially after the triumph of the Nationalist Party in 1948. And so far from wanting to destroy the chieftainship, they had just made its development the lynch-pin of their administration by the belated introduction of indirect rule. They badly needed capable and co-operative men such as Bereng Griffith Lerotholi, Gabashane Masupha, Matlere Lerotholi and David Theko Makhaola. This conspiracy theory also fails to account both for the continuation of medicine murder as Basutoland began to move towards independence, when transfer to South Africa was no longer a live issue; and for its continuation after independence, when there was no longer a colonial presence.

Finally, if there had been such an extraordinary conspiracy we would surely have found at least some hint of it either in the public records or in officials' private papers and memoirs. Instead, what we find is bewilderment and anger that anyone could deny the fact of medicine murder and make such allegations, coupled with an earnest consideration of how such hideous crimes could be brought to an end. The adoption of the South African law on accomplice evidence was not, as Mokhehle argued it was, inspired by a determination to destroy the chiefs or to prepare the way for incorporation into South Africa, but by a resolve to secure convictions in cases where evidence was often hard to come by.

There was no reason for the British to invent medicine murder, and at first the Basotho saw no reason to deny it. The earliest debates in the National Council were marked by the councillors' unanimity that the crime was increasing and had to be stopped. But as more and more chiefs and their followers were convicted, and especially after the cases against Bereng and Gabashane, the chiefs themselves felt seriously threatened and many Basotho, especially the nationalists, came to believe that their people and their culture were being held up as objects of horror and contempt. The denial of medicine murder became a matter of national pride and defiance.

Elizabeth Eldredge proposed another conspiracy, in some ways the opposite of the first - that the British created the crisis, not by inventing medicine murder, nor by exploiting it to destroy the chiefs, but by condoning it and therefore encouraging its spread. This was done not by default but deliberately. The colonial authorities knew that 'Mantšebo was

at the heart of this ‘new wave of medicine murders’, but they took no action against her. Instead they ‘knowingly protected her’ and ‘kept her in place for twenty long and deadly years’. This was, first, because ’Mantšebo was their ‘client’ - they had appointed her, and not Bereng, because they had wanted a weak Paramount Chief - and, second, because, having centralised power in her hands, they were able to exploit the fear of her on the part of Basotho and in this way to consolidate their own authority. ‘So we know why medicine murder reached epidemic proportions ...’, Eldredge concluded: ‘the government allowed ’Mantšebo and other major chiefs to commit murder with impunity, and the copycat effect continued.’<sup>14</sup> We have already dealt with the claim that the British authorities appointed ’Mantšebo because they wanted a weak Paramount Chief. The contemporary records make it clear that ’Mantšebo was the firm choice of the Sons of Moshoeshoe and that senior officials simply respected that choice.<sup>15</sup> The description of her as Britain’s ‘client’ is tendentious and misleading.

The colonial authorities certainly believed that ’Mantšebo was guilty of medicine murder, but they could never bring a charge against her for the simple reason that they never had enough evidence. They did however take two of her closest supporters to court, Matlere Lerotholi (twice) and Mabina Lerotholi, but both men were able to escape conviction. The only case in which ’Mantšebo herself was directly implicated collapsed when the supposed victim, Borane, reappeared - a fiasco which was subsequently thrown up in officials’ faces time and time again.

Eldredge also believed that the British protected ’Mantšebo by ‘whitewashing’ the Jones report. As she rightly noted, Jones was convinced of ’Mantšebo’s guilt (though the ‘secret paper’ which she quotes to prove this was written by Ashton, not Jones). But ‘Jones was not allowed to include the evidence incriminating ’Mantšebo ..., and the report that was published was the product of a deliberate British colonial cover-up’.<sup>16</sup> In fact Jones’ report was critical of ’Mantšebo: it referred to the popular belief that there was a ‘battle of medicine horns between the Regent and Chief Bereng’ and that many murders by lesser chiefs or headmen had been carried out on the orders of their superiors. The only evidence incriminating ’Mantšebo that he omitted was a paragraph in which, as distinct from reporting popular belief, he stated his own view that certain Mokhotlong murders could not have taken place without Matlere Lerotholi’s knowledge, and that until the mystery surrounding these murders was cleared up people would continue to believe that Matlere and, through him, ’Mantšebo were involved in them. Forsyth-Thompson and Baring had suggested that he should amend this paragraph since it might expose him to a libel action by Matlere, and Baring was also worried that, unless the paragraph was amended, ‘we could hardly continue with the present Regent in her office. Yet it might in present circumstances be unwise to depose her’. At a meeting held in London, at which both Jones and Baring were present, it was agreed that the paragraph should be deleted.<sup>17</sup> In short, the report was critical of ’Mantšebo, and but for the intervention of Baring and Forsyth-Thompson it would have been even more critical.

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<sup>14</sup> Eldredge (1997: 22-3).

<sup>15</sup> See Chapter 1.

<sup>16</sup> Eldredge (1997: 25).

<sup>17</sup> See Chapter 4.

Their main concern, however, was to avoid provoking a libel action and possibly a wider confrontation which would have damaging political consequences. To describe these senior officials' influence on revision of the Jones report as a 'deliberate cover-up' is therefore, again, tendentious and misleading.

The colonial authorities had good reasons for not deposing 'Mantšebo. No paramount had ever been deposed before. 'Mantšebo had been chosen as regent by a large majority of the Sons of Moshoeshe. There had never been any firm proof of her involvement in medicine murder: she had never been brought to court, let alone convicted. Though many Basotho were critical of the regent, the Basotho as a whole were fiercely protective of their chieftainship. When Gunther assailed 'Mantšebo in *Inside Africa* the National Council was unanimous in denouncing him.<sup>18</sup> The authorities were well aware that if they deposed 'Mantšebo they would run into a storm of opposition: it would have been seen as an attack, not just on 'Mantšebo personally, but on the paramount chieftainship itself and so on the dignity and pride of the entire Basotho nation. There were even fears that it might provoke another outbreak of medicine murder, especially as throughout this period the heir, Constantine Bereng Seeiso, was a child or a student being educated in England and there was no obvious successor to 'Mantšebo as regent.<sup>19</sup> Jones was in favour of getting rid of 'Mantšebo, but he recognised that this could only be done if the Basotho took action themselves.<sup>20</sup>

It is possible, though it seems unlikely, that Baring and his colleagues made an error of judgement, and that they could have got away with deposing 'Mantšebo without provoking a major crisis. But, whether they were right or wrong, they certainly did not keep her in position because they wanted to exploit the fear she inspired.

In his study of soil conservation in Mokhotlong Thackwray Driver went further and speculated that 'the Basutoland authorities were willing to be less harsh on Matlere [Lerotholi] and the Regent 'Mantšebo vis-a-vis their obvious involvement in medicine murders because they both embraced the concept of grazing control'. He acknowledged that he had 'no direct evidence' of this, but pointed to the importance that Baring attached to the role of the chiefs in soil conservation and to the praise heaped on Matlere by Baring and others for his work on grazing control. Such speculation, however, is outweighed by the fact that Matlere was twice indicted for medicine murder.<sup>21</sup>

## **Insecurity and contagion**

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<sup>18</sup> *Proc. (52) BNC*, 1956, Vol. II, pp. 40-1.

<sup>19</sup> PRO, DO 119/1383, Arrowsmith to Deputy HC, 4 March 1954; DO 35/4361, Minute by P. Liesching, 24 May 1955; Gunther (1955: 562).

<sup>20</sup> PRO, DO 35/4154, 'Secretary of State's visit to Southern Africa. Basutoland: Ritual Murders', November 1950.

<sup>21</sup> Driver (1996: 11-12). In this context, see RHL, MSS Brit. Emp. S511/3, Arrowsmith Papers, Arrowsmith to Armstrong, 2 May 1953: 'I expect you heard all about Matlere getting off on a charge of medicine murder [case 1952/12], much to the disgust of the Police, but greatly to the relief of the Agricultural Department'.

Medicine murders were indeed the result of repeated conspiracy. The conspirators were, however, those who conceived and carried out the murder plots, not the colonial authorities. We have no doubt, then, as to the answer to the first key question identified in the Introduction to this book. Medicine murder was (and is) a hideous reality.

As regards the second key question, relating to the incidence of medicine murder, our information is incomplete and inconclusive. The common perception was that the number of murders increased dramatically in the 1940s, reaching a climax in 1948, but there are reasons for believing that this increase might have been less than was generally supposed. Our evidence leads us to conclude that there was a significant increase, though not as 'startling' as was commonly believed at the time. At the end of Chapter 4 we argued that the case for a significant increase would be strengthened if it could be shown that murders in the 1940s were motivated by certain factors that were specific to that period, namely the anxieties and uncertainties arising out of the Khubelu and Treasury reforms and the rivalries over the paramountcy.

Both factors are clearly relevant to an answer to the third key question, relating to the causes of the increase. Our analysis of declared or alleged motives in Chapter 6 revealed only three cases connected explicitly with the reforms. Nevertheless the lesser chiefs and headmen were suffering increasing pressure and insecurity, in part as a result of these reforms. Furthermore, because of the excesses of the placing system, there was an increasing number of minor chiefs and headmen who ruled no more than a few hundred people and who were little or no better off than their followers. They found it difficult to command the respect to which they felt entitled, and this anxiety and discontent might well have stirred their determination *ho tiisa borena*, 'to strengthen their chieftainship'.

The dispute over the regency, however, seems to us more important, not merely in explaining the murders to which it probably gave rise directly but also in creating a climate in which such murders came to be seen as an effective and even acceptable way of strengthening oneself at times of stress. 'Mantšebo's role was central. Like Ashton and Jones, we believe that she turned to medicine murder when she felt threatened by Bereng, and that she was heavily involved right up to the end of her regency. The incidence and timing of murders in the Mokhotlong District that we discussed in Case Study Four, although by no means conclusive, remain highly suggestive of this involvement. Whether or not we are right, what is important is that she was widely believed to be involved, that this involvement was widely believed to be successful, and that this became, in Ashton's words, a 'positive encouragement' to others to commit medicine murders.<sup>22</sup>

Bereng and Gabashane were among the first to follow her example, and others were no doubt influenced as well. It must have made a great impression on many chiefs and headmen that the most senior and respected chiefs in the land were now putting their trust in *liretlo*. It was only in 1960, when she was ousted against her will, that 'Mantšebo's run of success came to an end. She died in 1964, and it was no coincidence that, after her political demise, none of the senior chiefs, as far as we know,

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<sup>22</sup> 'Analysis', p. 9. See also 'Mokhotlong District', p. 33.

was caught up in medicine murders again.<sup>23</sup> The new paramount, Constantine Bereng Seeiso, seems to have been free from suspicion.

The marked increase in medicine murder in the 1940s occurred, we believe, partly because of the general insecurity at that time - to which the Khubelu and Treasury reforms contributed - but mainly because of the involvement of the senior chiefs and the influence they had throughout the country. The increase, then, was largely attributable to a form of competitive contagion in a particular context of insecurity.

### **Explaining moral crisis**

The increase in the number of murders does not, however, simply or directly explain the intensity of the moral crisis we have identified. In seeking to answer our fourth key question, then - why the crisis arose and why it disappeared – we concentrate on the climate of acute political anxiety of the late 1940s and the early 1950s, to which the British colonial administration not only responded but also actively contributed, in many ways unwittingly; and on the later dissipation of that anxiety under changed political circumstances.

There were probably as many murders, overall, in the late 1950s and 1960s, but after about 1956 they attracted much less attention and after about 1960 they were generally, but inaccurately, regarded as a thing of the past. A more important factor than the increase in numbers was the involvement, for the first time, of some of the most senior chiefs in the country and the horrified publicity which this attracted. The conviction and hanging of Bereng and Gabashane in particular were like a political thunderclap that stunned the whole country. The deaths of these two chiefs may have deterred other would-be murderers and in this way helped to keep the crisis within bounds.

In another sense, however, the crisis was heightened by the British response. Baring in particular was shocked by medicine murder and was determined to eliminate it. He saw the chiefs as the mainstay of British rule, and he was afraid that the chieftainship was going rotten. He shook the Basotho when he took the unusual step of coming personally in 1948 to address the opening of the National Council and to hold a special meeting with 'Mantšebo and her advisers, threatening the chiefs with deposition and the country with collective punishment. He wanted to reform and strengthen the chieftainship, but instead he was seen as threatening to end it. The administration's warnings, denunciations and exhortations were not simply a response to the crisis. They actively fuelled it. The attack on medicine murder was experienced as an attack on the chieftainship; and since the chieftainship was central to the strong sense of identity nurtured by most Basotho it was experienced as an attack on the Basotho nation. Hence the impassioned denial that the big chiefs were involved or even that there was any such thing as medicine murder.

The way in which the crisis disappeared tells us as much about its nature as the way in which it arose. It does not seem to have been due to any decline in the incidence of murders. The number reported in 1968, 20, was as high as the number reported in

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<sup>23</sup> In 1990 Ward Chief 'Mamathealira Api was accused with others of medicine murder, but was acquitted: the case was CRI/T/24/90.

1948. It did, however, have something to do with the decline in the involvement of the senior chiefs. The murder allegedly carried out by Matlere Lerotholi for 'Mantšebo in 1959 (1959/1) seems to have been the last carried out for the chiefs at the very top of the hierarchy.

Just as important was the change in the official response. After Baring no High Commissioner took a strong interest in medicine murder, and after Arrowsmith no Resident Commissioner. Le Rougetel, Baring's successor, made suitable speeches when required, but devoted little energy or thought to the problem. Chaplin, Arrowsmith's successor, went out of his way to play down the importance of medicine murder. He simply accepted it as a fact of life and death in southern Africa. His predecessors, he implied, had got matters out of proportion.<sup>24</sup> It was also becoming clear, at the national level at least, that the chiefs were losing their power. The new paramount, Constantine Bereng Seeiso, would play an important role, but the future lay with the politicians, especially, or so it seemed at first, with Ntsu Mokhehle and the BAC.

In view of the debates in the Basutoland National Council it might have been expected that, after independence, the new government of Chief Leabua Jonathan would have established a commission of enquiry into medicine murder in order to remove what was commonly regarded as a stain on the character and culture of the Basotho. Instead there was total silence. After 1969 the numbers of medicine murders disappeared completely from the official record, and in the virtual absence of any trials they achieved little publicity. In 1970, when Chief Leabua's party lost the first post-independence election, he declared the results null and void and proclaimed a state of emergency. Lesotho was thrown into political turmoil. In the midst of recurring tremors of conflict and confusion no-one in power paid any attention to medicine murder. It is possible that during the independence period medicine murders continued with similar frequency as in the 1940s, but there has been little evidence of involvement at high political levels, and the phenomenon is commonly regarded by officials as something that belongs to the past, above all to the colonial era. A recently retired police officer suggested that if we wanted to know more about medicine murder we would have to consult the archives.<sup>25</sup> Rumours of it and popular anxiety about it have persisted, however, in different parts of the country.

Perhaps there is a paradox here. The involvement of the most senior chiefs created the crisis in the 1940s, but it was heightened by the fierce response of Baring and Forsyth-Thompson. It is even possible, as was suggested at the time, that this colonial reaction confirmed many Basotho in their belief in the power of human medicine. For why otherwise should the British have reacted so strongly?<sup>26</sup>

Medicine murder did not significantly alter the path of Basutoland's political development. Many chiefs were incompetent and corrupt, and there was increasing

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<sup>24</sup> *Basutoland News*, 26 March 1957. See Chapter 5.

<sup>25</sup> David Ambrose interview, Major Refiloe Motaung, 5 October 1997.

<sup>26</sup> PRO, DO 119/1381, Arrowsmith to Turnbull, 15 August 1952; DO 119/1384, 'Report of the Committee appointed by the Round Table Conference on Medicine Murder', enclosed with Acting RC to Deputy HC, 22 October 1954, p. 10.

demand from the educated élite for more popular representation and a system of justice that was free from the chiefs' vagaries and oppressions. There was also more pressure for economic development. Change was inevitable, and it came in the form of the Khubelu and Treasury reforms. The chiefs felt threatened and uneasy, and the government's fierce response to medicine murder, especially the hanging of Bereng and Gabashane, convinced them that the colonial administration had turned against them. The distancing of the administration from the chieftainship was bound to come. The crisis over medicine murder made it quicker and more bitter.

At first it seemed that medicine murder had weakened the paramountcy. But as the colonial response to medicine murder intensified both chiefs and politicians closed ranks around the paramount, and in return many chiefs gave their support to Mokhehle's Basutoland African Congress. This alliance was merely temporary: the underlying conflict of interest between chiefs and politicians was much more important than their unanimity of reaction over medicine murder. But even as the BAC pulled away from the chiefs there was no general disaffection with 'Mantšebo, or indeed with the chiefs as a whole. It is significant that the Basutoland National Party, which narrowly won the pre-independence election and formed the first government of an independent Lesotho, was headed by several of 'Mantšebo's old advisers, notably Leabua Jonathan himself. This could not have happened if the old chieftainship had been completely discredited by *liretlo*.

### **Witchcraft and medicine murder**

Medicine murder was rooted in the beliefs held by many Basotho in the power of human medicine. This is largely shared amongst other African peoples in southern Africa. For this reason it seems unhelpful to argue whether the practice of *liretlo* murders was 'indigenous' to Basutoland or whether it was 'imported' from elsewhere in the region. Either way the moral responsibility for such crimes lies with those who committed them.

An analogy between medicine murder and witchcraft was drawn explicitly by the nationalist politician Ntsu Mokhehle.<sup>27</sup> Neither the belief in witchcraft nor the belief in the power of human medicine could be rationally justified, and just as the authorities in England wrongly killed suspected witches so the authorities in Basutoland wrongly killed suspected medicine murderers. At the level of belief, such an analogy may be justified. At the level of practice, however, the analogy is misplaced. Witchcraft and medicine murder must be clearly distinguished. The 'evidence' in witchcraft accusations consisted in imputing malice to named individuals who were alleged through occult means to have caused a particular misfortune such as illness or death. To the extent that they were found guilty, they were found to have exerted powers which, in the rationalist view, they could not possibly have possessed. Medicine murderers, on the other hand, were found guilty of killing their victims in ways which were entirely consistent with the natural laws of cause and effect. The judges in Maseru did not have to believe in the power of human medicine in order to convict the accused. They merely had to believe that they were guilty of murder.

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<sup>27</sup> For Mokhehle's views, see Chapter 4.



It is necessary, therefore, to question the connection (as opposed to the analogy) often asserted between witchcraft and medicine murder. Elsewhere in southern Africa, such a connection was taken for granted in the terms of reference of the Ralushai Commission, appointed in 1995 to investigate a wave of 'witchcraft violence and ritual murders' in the Northern Province of South Africa, and by other investigators both official and unofficial.<sup>28</sup> In an influential article published in 1999, John and Jean Comaroff of the University of Chicago analysed both witchcraft and ritual murder, together with a variety of other phenomena such as trading in body parts, the production of 'zombies' and pyramid scams, as symbols of a dramatic rise in 'occult economies', by which they meant 'the deployment, real or imagined, of magical means for material ends'.<sup>29</sup> They discerned the roots of these allegedly resurgent phenomena in postcolonial societies, with particular reference to South Africa in the 1990s, in the perception on the one hand of some people's mysterious rise to prosperity and in the experience on the other hand, on the part particularly of dispossessed youth, of permanent exclusion from the possibility of such prosperity. There is little justification, in our view, for the way in which they indiscriminately aggregated such disparate phenomena into 'occult economies', or indeed for the speculative flourishes with which they sought to explain them with reference to the contradiction between the consumerist propensities of 'late capitalism' and the realities of poverty, inequality and structural unemployment faced by the youth of modern South Africa.

The phrase 'witchcraft violence' itself needs to be carefully deconstructed. Insofar as it refers to the killing of suspected witches, it is a crime because it is murder. It took place because the self-appointed agents of 'community' vengeance, commonly the marginalized youth, sought to identify alleged witches and rid society of them by direct action. But medicine murder took place because a group of conspirators sought, without apparent malice against the individual victim, albeit with appalling cruelty in practice, to make use of bodily parts in medicines. Such conspiracies were usually initiated by men or women in positions of political authority. The challenge of explanation, in either case, lies in a thorough disentangling of the historical particulars of the circumstances in which these forms of murder, respectively, have flourished. Niehaus' book *Witchcraft, Power and Politics*, based on fieldwork in the 1990s, is an excellent example of such an effort, in relation to witchcraft in the eastern lowveld of South Africa.<sup>30</sup>

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<sup>28</sup> See the Addendum for an account of the crisis in Venda, the Ralushai Commission's view and various preceding analyses. See also Gulbrandsen (2002: 215-233).

<sup>29</sup> Comaroff and Comaroff (1999: 279-303).

<sup>30</sup> Niehaus, with Mohlala and Shokane (2001). Another example is the historian Peter Delius' sensitive analysis, in Chapter 6 of his book *A Lion Amongst the Cattle*, of the issue of witchcraft in relation to the politics of youth revolt in mid-1980s Sekhukhuneland, where 'the eradication of witches was seen as a fundamental part of the creation of a new community freed of the oppression, iniquity and misfortune which had dogged village life under apartheid' (1996: 198).

## Belief, ambivalence and change

In the case of mid-twentieth-century Basutoland, we have argued that an increase of medicine murders was attributable to a form of competitive contagion in a particular context of insecurity; and that the moral crisis that arose was partly stimulated by the British colonial response. Everywhere we turn, however, we find ambiguity and ambivalence of belief and of response. Most Basotho were repelled by the horrors of *liretlo*, and many were Christians who believed that God had given them a commandment not to kill. But they also believed in the efficacy of human medicine, the importance of the chief's horn, and their duty to obey the chief as the head of their community. Most chiefs pursued their interests and ambitions by other means than instigating a medicine murder. But a significant minority chose that route, and they seem to have experienced very little difficulty in recruiting men and women to help them. Some accomplices acted out of fear or compulsion, others out of loyalty and devotion, or perhaps hoping for some financial reward. Many were driven by a mixture of motives. One familiar device for disclaiming moral responsibility emerges from the judicial record in a number of cases. It was common, apparently, to dehumanise the victims who were selected: they were merely *liphofu*, elands, for example, there to be killed as game.

The ordinary people, as Jones reported, might have detested medicine murder, but they did not necessarily detest medicine murderers. Men and women who escaped conviction often returned to their communities as respected citizens, even if local people were still convinced of their guilt. Even some of those who were found guilty were still accorded respect. In Rivers Thompson's phrase, medicine murder was a crime without a stigma.<sup>31</sup> 'Mantšebo won general approval when she granted Bereng Griffith a funeral at Matsieng, which was attended by 5,000 people,<sup>32</sup> and two and a half years later thousands more attended the stone-laying ceremony at his grave when the Catholic Bishop of Basutoland declared that he had died in a state of grace.<sup>33</sup> Gladstone Phatela, who escaped the hangman's rope only because of a rogue judgement on appeal to the Privy Council, became a candidate for the Congress Party in the 1965 election and proudly included his appeal victory in his brief supporting *curriculum vitae*.<sup>34</sup> When Molapo Maama was released from prison for the day to attend his brother's funeral the joy which greeted his unexpected appearance threatened to distract the mourners from the ceremony.<sup>35</sup> At David Theko Makhaola's funeral he was praised for the excellence of his administration and was said to have loved the Roman Catholic Church with all his heart.<sup>36</sup> There were similar eulogies for 'Mantšebo in 1964.<sup>37</sup> But perhaps the most

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<sup>31</sup> Rivers Thompson, 'Reminiscences', p. 73.

<sup>32</sup> *Mochochonono*, 13 August 1949.

<sup>33</sup> *Mochochonono*, 5 April 1952.

<sup>34</sup> *Baemeli ba Mahatammoho* [Congress candidates] 1965, p. 55.

<sup>35</sup> See Chapter 6.

<sup>36</sup> *Moeletsi*, 21 September 1963.

<sup>37</sup> *Moeletsi*, 4, 11 and 25 April 1964.

telling statement was that which Jones recorded almost casually in a footnote to his report. In the Mafeteng District, he wrote, a man told him that when his chief was first placed he 'was very unpopular, people disliked him and intrigued against him, so that he had to have a killing to renew his *lenaka*. After that there was no further trouble and people liked and accepted him'.<sup>38</sup> A whole world of values is revealed in this laconic remark. In the more elevated field of Sesotho literature it is surely significant that the dominant representation of the medicine murderer, whether as instigator or accomplice, is that of the tragic hero.

Led at first by Josiel Lefela, and later by Ntsu Mokhehle, many Basotho went even further, reacting, not with shame and revulsion, but with a wounded pride which found expression in denying the guilt of many of those convicted, or even in denying the very fact of medicine murder; and then in rounding on the British, their police collaborators and those accomplices who gave evidence for the Crown. They buttressed their arguments on medicine murder by defending initiation ceremonies and Sesotho medicine in general.<sup>39</sup> In effect they closed ranks in defence of their chieftainship and their culture. So, in the later period at least, acquittals were sometimes greeted with cheers, and there was all the more reason for those who were acquitted to be welcomed back into the community.

The ambivalences of the Basotho were reflected in those of the British. Medicine murder was condemned and reviled as a throwback to the days of barbarism and savagery, but there was also a feeling that the murderers' guilt was to some extent mitigated because what they were doing was somehow explained and perhaps even sanctioned by Sesotho beliefs. This feeling was strengthened because several of the chiefs involved were men for whom the colonial administration had the highest regard. Gordon Hector, as Government Secretary, had to call in Matlere Lerotholi to tell him that he was about to be arrested for the murder of a young herdboy (1959/1).

I didn't like calling him in. I had a very high regard for Matlere. I thought he was about the best of the chiefs we had to deal with. He was one of the old school. ... We somehow had a rapport, Matlere and I. I liked the man. I told him: 'I'm sorry to have to tell you....' And he just nodded and said, 'Thank you, sir, for telling me'. I still remember that interview - his bearing, his dignity, the sheer courtesy of the man. He just nodded, and 'Thank you, sir', he said.<sup>40</sup>

There was similar respect for men such as Bereng and Gabashane, David Theko Makhaola and Molapo Maama. It was held to be typical of their nobility of character that Bereng and Gabashane refused to escape from gaol when their fellow prisoners organised a break-out.<sup>41</sup> At the end even 'Mantšebo was on friendly terms with the Resident Commissioner, Geoffrey Chaplin, and his wife. One mission worker in the

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<sup>38</sup> Jones (1951: 18).

<sup>39</sup> See for example the debate on the proposed Witchcraft Proclamation in *Proc. (Special 1957) BNC*, May 1957, Vol. II, pp. 240-6.

<sup>40</sup> PS telephone interview, Gordon Hector, 25 November 1996.

<sup>41</sup> Cordery (1993: 35).

Catholic Church used to relish shocking her colleagues by telling them that some of her best friends were medicine murderers.<sup>42</sup>

We have already set out our view that 'Mantšebo's involvement was crucial, but we believe that Eldredge goes too far in her judgement that, because the 'epidemic' of the 1940s could be explained by the particular circumstances of 'Mantšebo's response to the pressures she faced, medicine murder was merely a temporary and tragic aberration that had no basis in Sesotho culture. It fails to account for those murders committed before and after 'Mantšebo's regency and it is only a partial explanation of the crisis itself. It disregards the widespread belief in human medicine, the willing involvement of so many accomplices, and the widespread tolerance of medicine murderers. The instigators of these murders - the chiefs and headmen, and later the traders – believed that they stood to gain and they were prepared to kill their fellow human beings in order to achieve their ends. Many were the most powerful and the wealthiest individuals in the community, and it was no doubt because of this that they were able to persuade so many others to carry out murders on their behalf.<sup>43</sup> A precondition of this complicity, however, was a shared belief in the efficacy of such medicine.

Whether or not such belief will fall away, and if so over what period of time, it is impossible to predict. Writing in the early 1950s, Lord Hailey was confident that what was needed in the long term was 'the improvement of the economic and social standards of the people'.<sup>44</sup> In the late twentieth century, facing inter-related crises of structural unemployment, extreme inequality and escalating poverty, many Basotho experienced an acute decline in their 'economic and social standards', so that Hailey's distinctively modernist confidence cannot (yet) be vindicated. The belief in the power of human medicine certainly persists.<sup>45</sup> Nevertheless, we would argue, beliefs and practices that have been described as integral to Sesotho culture are not immutable. They are not a 'heart of darkness' that will resist all change. Like many other beliefs and practices, such as the belief in witchcraft and the killing of witches in England, they are subject both to the short-term vicissitudes and to the long march of historical change.

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<sup>42</sup> Arthur Jenkins (formerly of the Pius XII College, Roma), personal communication to PS, October 1998.

<sup>43</sup> Bosko (1983: 101) argues that they attracted suspicion because of their 'liminal status'. This was perhaps true in some cases, but the main reason for their attracting suspicion was their actual involvement.

<sup>44</sup> Hailey (1953, Part V: 132).

<sup>45</sup> In 1984 a Roman Catholic priest, Augustinus Lekhotla Pula, in the only relevant survey of which we are aware, found that, among people living near Catholic missions, 79 per cent still believed in the effectiveness of medicine murder. See Pula (1988: 74, 76).