

The Logic of Sorcery and the Justice of Modernity

Just before daybreak on a moonlit night in July, Kam was attacked in his sleep by a sorcerer in the guise of a cassowary. Invisible slivers of knife-sharp bamboo penetrated his liver, and taros and sweet potatoes from the night's meal now blocked the flow of air to his lungs. In three days, Kam, a man in his mid-forties, embattled in a land dispute, disowned by and willing to disown the ancestor spirit of his paternal grandfather, lay dead. On his deathbed, or so it was said, Kam cried out that he was the victim of an ensorcelled packet of food; Kam's clansmen, drawing on the social logic of revenge and redress, implicated Tenga. An imposing force from a neighboring clan, Tenga was a senior clansman who had aligned himself with the junior generation and had become increasingly influential in the process. The medical diagnosis was pneumonia compounded by chronic malaria; the social diagnosis was sorcery and within the month a long and tortuous trial would begin. This trial, which so divided the community, was only the most notable of the seventeen sorcery trials that occurred during my fieldwork. Many Maring tell and take as self-evident that the gravity and frequency of sorcery and sorcery cases have accelerated since pacification, a not uncommon result throughout Oceania (Lederman 1981:20; Westermarck 1981:90–91; and Lattas 1993:55). As will become evident as the case study unfolds, modernity was simultaneously conducive to the advance of sorcery insofar as it created new forms of violence and inequality that people must deal with and explain, and also antithetical to its perpetuation insofar as modernity endorsed those forms of knowledge and power, such as positive science and Western religions, that have little tolerance or use for indigenous wizardry. Modernity engenders novel problems for explanation, unfathomable problems from the lights of traditional insight, even as it seeks to delimit the compass of common sense.

The advent of modern law and its technologies of power and justice represented the intersection, sometimes the collision, of the moral economy of local life, its vision of right and wrong, the amplified presence of Western agents and institutions who assumed that the social itself was a legal arrangement, and the emerging Papua New Guinea state. If law and

its forms of reasoning are ways of orchestrating the relationship between persons and/in the collectivity, if morality, justice, and the practice of law rest on a common set of assumptions about the foundations of social life—What is a person? What is sociality and relatedness? What is the connection between action and intention? What is truth and to what purposes should it be put socially?—then the construction of Melanesian modernity must consist of experiments, improvisations, and innovations, all intended to reconcile the distance between these assumptions. And like an endless series of portals and thresholds these foundational fictions of social reality (and also social science) lead to other questions. How does the creation and circulation of new forms of discourse inflect the knowledge, desires, and dispositions of those who dwell within it? How are new objects of understanding canonized or removed from the roster of approved cultural images? Are sorcerers on the endangered species list? How does the abstraction of law from context, the Western move, allow it to subsume all contexts, this in contradistinction to the Melanesian concept that neither decontextualizes law and justice nor assumes that they supersede or stand above social relations. What, ultimately, is the interrelationship between knowledge and power; how is it systematized, legitimated, and circulated in the context of the mediated relationship between the West, the state, and local agents?

The objective of this chapter is to draw out the concepts and conflicts behind the sorcery trial as a way to begin to answer these questions. Both the Maring court and Western anthropological theory will be put on trial, their testimony taken, so to speak, in an effort to understand the evolution of local notions of knowledge and truth and their relationship to the practice of justice. As sorcery trials lie at the intersection of power and knowledge, these trials were about the construction of cultural reality and, going further, about how Maring modernity was both a condition and consequence of a reality that was increasingly heterogeneous, contested, and uncertain. The interrelationship between knowledge and social transformation centers on three issues. The first issue is about sorcery as a form and use of knowledge and its relationship to power. How did this unfold within the framework of a sorcery trial, a practice that fuses an indigenous structure of action and experience to an imported process? To frame this question, the analysis begins with the ethnohistory of the notion of justice and the evolution of the rural court system. Of particular importance here will be the role of law in the construction of history itself, the imaginative divide between a past in which society made subjects according to the ways of war and a future in which the modern makes its agents according to the ways of business. Second, what counted as evidence? What was the moral/epistemological basis for its evaluation? On what grounds were accounts about an agent's previous actions and intentions judged to be

true? This is critical because sorcery is a crime that has material results—short-windedness, fever, and sometimes death—but leaves little direct physical evidence. So assessing the truth depends on how reports about a defendant's intentions and covert actions, as extrapolated from his public behavior, inform the way in which the court interprets the evidence. Speech is central here because sorcery trials were comprised of a series of linguistic representations of, and presuppositions about, cultural reality. Thus, the trial process and sorcery trials in particular were major venues for the progressive and strategic reinvention of local epistemology in light of the encompassment of the indigenous world. The final issue is the extent to which the contestation of social hierarchy (e.g., men versus women; senior versus junior clansmen) was carried out as a struggle over the character of cultural reality itself (Zelenietz 1981:6). The argument I have been making is that the Maring encounter with Europeans and the appropriation of Western practice has created the social and epistemological conditions for a cultural critique on a level, and with a force, unimaginable in the past. The evolving encounter compelled the doxic world, what was always on the hither side of contemplation, to confront itself in the reflection of a competing discourse, an empowered discourse that not only was imposed by the agents and institutions of encompassment but found its way into the mouth of their own children. So it was that these sorcery trials were part of a revolution in the trajectory of cultural life brought about by simultaneous and mutual transformations in epistemology, practice, and the character and distribution of power. Though there are seemingly infinite ways to approach these issues, such complexity itself a gift of modernity, the present analysis focuses on the epistemological foundations of these trials and their internal dynamics before turning to the ways in which trials served as an index, representation, and site of struggle over the form and implications of the modern.

The Context of Law

If encompassment has transformed the ambitions and ambit of collaboration, it has done even more for contestation. The public political sphere within which clan members exercise power now extends well beyond the clan and clan cluster; in some cases, like the struggle over where and who will construct the road from district headquarters at Tabibuga, it embraced every Jimi Valley Maring. The advent of a public sphere was the claim that for the first time in Maring history the universe of kinship would no longer be coterminous with the political universe. It opened up the possibility and also created the necessity for political affiliations and ad hoc groups that, though they more than superficially resembled indige-

nous ones in that they could not help but incorporate customary relations, could not have been more different in principle. Whereas indigenous groups have always presupposed a kinship that predates the group's formation and lives on after its demise, the voluntary associations of modern politics exist only so long as they satisfy the functions for which they were intended. Immediate interest, sometimes overt self-interest, defines participation to the extent that agents envision the group as a vehicle for the realization of their own interests rather than, as was customary, assume that a person is (and should undertake) the realization of the group's interests. So while it seemed that there was nothing unusual in the group of Maring leaders, senior men from a variety of clan clusters who traveled to administrative headquarters in Tabibuga to plead for a new road (upon which they could more easily export their coffee), the reality was that this group, whose reason for being lay outside of itself, was as emblematic of modernity as the tinned fish and rice that they ate that night. Moreover, standing before the district officer the coalition argued that provision of a new road was an issue of justice. They were entitled to the road as a matter of social welfare. And, if the provincial government did not allocate the money, the next step would be to take the matter to court. As one of the leaders so beautifully put it, they were no longer bush people who did not know how to make war in the courts. There is a *prima facie* case that modernity has created a new and expanding political landscape based on an innovative chemistry of custom and modernity.

But the story here is ahead of itself, a story that begins in 1955 when the Maring first encountered Western law in the person and personality of the Australian *kiap*. If *Pax Britannica* meant anything it was that the rule of law, albeit as interpreted in the rough and tumble style of the frontier, was to replace or at least supersede customary means of dispute settlement. The point of reference and power for law and order would heretofore lie beyond the walls of local sociality, beyond the reaches of the Jimi and Simbai Valleys, to a foreign haunt ruled by men the Maring had never seen. There was here a moral geography in which the state sought to remove the logic and sense of right and wrong, perpetrator and defendant, reward and punishment, from the hands of local agents. Peter Hasluck, the minister for territories from 1951 to 1963, viewed the British tradition of justice as "a gift we have brought to" the native, and thought it was imperative to instill in them "the idea that the Queen is the fount of justice and that the courts are the Queen's courts" (1976:189). More than an instrument and institution of dispute settlement, the law became a means of managing and controlling the relationship between people, the state, and the agents of encompassment. Indigenous dispute settlement, especially when it overflowed into combat, challenged the monopoly on violence that the modern state imagines is part of its birthright.

Especially from 1955 to national independence in 1975, the kiaps were the gods of law. They were feared and respected, despised and obeyed. Just as Jesus had displaced the ancestors and money had replaced pearlshells, so the time of law vanquished the tradition of violence. The pidgin term *tim belong lo* (time of law) became the metonym of modernity, a representation of the reality that foreign agents and institutions now governed the Maring. Not least, the kiaps tried to teach the Maring that the law is the property of the colonial state rather than an emergent relation of group interaction. From the colonial perspective, the disorder and paralyzing uncertainty of indigenous society was a direct and obvious fault of lawlessness (in both senses of the term), chief justice Mann advocating imposition of the Queen's law on the grounds that Melanesians "recognize in the law something that their society sadly lacked" (1966:84). Submission and resignation before the colonizer, yes; recognition and sadness, absolutely not. The wings of ethnocentrism spread easily and glide over the surface of lives, assuming that the world of Others is hollow and that all of its meanings can, as Octavio Paz once noted, be discarded into a shallow grave. What the Maring did recognize was that the trajectory of colonial law combined with the high culture of the kiaps preordained what would count as evidence and fact, when "history" began, what was equitable and just, and who in native society was worth listening to. One immediate effect of this legal system was to empower the junior generation of men who, knowing pidgin and having observed white culture during contract labor, served as translators and mediators between the senior clansmen and the kiaps.

The standing instructions encouraged kiaps to settle local disputes on the spot rather than refer them to district court. And they were perfectly positioned for this process, being magistrates, police, and wardens all encased in the same skin. There was in this a certain efficiency in that a patrol officer might apprehend, arrest, try, sentence, and punish an offender before his afternoon tea and vegmite. Due process had no more meaning for the kiap than it had for the Maring. There were no appeals as the kiap's decision was final and unquestionable. In their own ideology, the kiaps conceptualized the most important elements of dispensing justice as being decisive and strong, and never appealing or reversing one's judgment. The kiaps were, after all, self-declared men of action who, in their own eyes, nurtured on a marriage of rugged Australian individualism and European civility, embodied the legacy and power of civilization plus the will, the know-how, the moral authority, and the civic responsibility to implant the rule of law in the body politic of the Other—to set an example of how the Maring should maintain law and order. Given the local and explosive character of land disputes, the kiaps were especially anxious to resolve squabbles before they got out of hand. They accepted the principle

that the legal boundaries of local territories were those reported at the moment of colonial intervention in the region. Given the perpetually shifting nature of these boundaries, the kiaps' principle essentially froze the flow of history. What were once inherently fluctuating frontiers entered a colonial state of suspended animation. Nonetheless, the resolution of land disputes was done with an air of informality and superiority—much, one imagines, as the lord of the manor resolved such disputes among his serfs. Speaking about the Enga, though his account could just as well be about the Maring, Meggitt (1977) explains:

kiaps devised their own modes of rough and ready arbitration, in which they briefly visited the disputed tract, summarily heard out both groups, and then with a compass and chain marked out a boundary that seemed reasonable to him and gave something to each side. This . . . was technically an out of court settlement reached by the litigants themselves, a procedure that did not conform to the rules of the CNA [Court of Native Affairs] and hence was not entered in the court records. Instead, the kiap usually make an entry in an unofficial, ad hoc register, cursorily identifying the locality in question (not always accurately) and the groups concerned, and noting his decision (1977:158).

This rule of law varied from enlightened despotism to unenlightened tyranny, depending on the kiap in question. Their disempowerment aside, Maring of all generations still found considerable virtue in Western-style justice. Even if they did not always understand its epistemology, logic, and conventions, they could see real merit in its results. The kiap, whatever else his faults, produced the kind of visible, swift, and decisive resolutions that restored all-important balance (*kopla*) to a divided community. In a sense, the advent of the kiap solved a problem indigenous to Maring justice, engendering two immediate effects on the process of dispute settlement. First, it fully triangulated the mediation process. In the precontact era the main persons negotiating a resolution were those kinsmen who were related to both of the embattled parties. This process presented two drawbacks: the kinsmen-in-between often had an interest in the outcome of the intervention and thus their motives and manners were sometimes suspect, and by definition the most serious disputes occurred between parties who had no common relatives. The kiap expunged both drawbacks in one stroke in that his relation to indigenous agents was not defined by relative sociality, but rather the absence of relatedness altogether. Neither the sociality nor the intentionality of the kiap was at issue. Second, the kiap empowered the middle term. Where the local arbitrator could promote a resolution mostly by persuasion, the kiap was able to morally and militar-

ily enforce his decision. His uniform of white skin meant that behind his decisions lay the institutions of colonialism. Reflecting on the frontier justice offered by the kiap, several senior clansmen observed that because it focused on settling disputes it was closer to the local system and sense of justice than the formal judicial structure given its preoccupation with procedures and the application of otherworldly rules. From the start, rural justice was an odd yet rhythmic mixture of Western and Melanesian senses; the already deeply-inculcated concepts, desires, and dispositions of local agents impelled the kiaps to indigenize the Queen's law even as they compelled the locals to submit to it.

In the years after contact, a tripartite court structure emerged: incidents settled locally by locally selected or elected officials, those settled by the kiap either during a patrol inspection or at the district outstation, and those that were filtered through the Western court structure (principally district courts overseen by kiaps who had more advanced legal qualifications and then in later years increasingly by magistrates). Although the Australian administration chronically tinkered with the judicial framework, the changes were barely noticeable from the bottom up. Following independence in 1975, the structure of the legal system began to metamorphize. For a variety of reasons, the Papua New Guinean kiaps who replaced the Australians rarely made patrols. According to Maring sources, from the years just preceding independence to 1980 the kiaps made no tours of the Maring territory and thus adjudicated only those cases that were brought to district headquarters. A primary consequence was that even before independence local officials began to assume the judicial duties formerly handled by the kiaps. There was, in effect, a *de facto* process of decentralization and increasing hybridization of the judicial system. The government institutionalized this transformation with the introduction of village courts in the Jimi Valley in 1977–78. These courts were the first tier of the national judicial system and imbued local elected magistrates with official judicial powers. By 1980, these local courts were trying all but the most serious felonies, including cases involving theft, adultery, disputed land, the destruction of property, delinquent compensation payments, and, as the introduction of this chapter made clear, sorcery.

Law and the Imagination of the Modern

The Maring's conceptualized radical break between the time of custom and that of modernity was never more telling than in the field of law. Phrased in pidgin as *lo*, it was consciously understood as a touchstone of the objective and subjective difference between the past and the present. The past was represented as a time in which disputes were habitually set-

tled by violence, the disposition and desire to even the score through the use of violence entrenched in the manner of men. The less clan-related the disputants, the greater and more lasting the violence. One violent act precipitated another until cut off either by formal truce in the case of true warfare or by compensation payment in the case of conflict between relatives. But there was enlightenment. And though the qualities associated with warfare were central to producing cherished images of clan power and manhood, people also recognized that violence and warfare were disruptive, disruptive not by the lights of an abstract normative morality, but because it interfered with gardening, productive exchange relations, visiting affines and trade partners, conducting what was now called “bisnis.”

Implicit in the antinomy between the epoch of custom and that of law is a moral relativization of custom into those practices and perspectives that were good and thus should be carried into the future and those aspects of custom that were ill-suited for contemporary life. Maring say that prior to their contact with Europeans, they adhered unquestioningly to the customs of the ancestors because these customs were “all we knew.” It was not only that people’s sense of right and wrong were more enacted than thought, but that the difference between what was conscious and nonconscious was immaterial. Accordingly, the law was no more a topic of discussion than their conception of time or the intricacies of their pronominal system. As Gou once pointed out to me with startling clarity: people think about law because it applies to everyone. The metamorphosis from war to law was an index of a transition to a new concept of the past, a past that was no longer desirably reproduced in the present, but rather was conceptualized as separate from it. The break with the past, inscribed in the lessons of the mission school and in the history that the mission has constructed of its intervention in Maring society (namely the leap from pagan unawareness to Christian enlightenment), was for the Maring nothing less than an introduction to the notion of history as lineal, progressive, and externally animated. The field of law especially was an arena in which the Maring learned to separate themselves from their own past, periodize or delimit this past, and then render it up as an object of representation and judgments. But this objectification of the past contained a contradiction because the senior generation and their elders also experienced their history directly as personal and collective memory, a contradiction that, I suggest, sorcery trials, with their allegiance to local categories of belief and experience and yet clear demarcation between old practices and modern, help to accommodate and transcend.

Western-style justice also changed the relationship between the ideal of political balance (*kopla*) and conformity and their conceptualization. Before contact, there was nothing that even resembled the field of law. On numerous occasions, elders would preface their testimony with a state-

ment about how settling a dispute in court was far removed from anything that they knew as custom. Prior to the advance of the modern, there were simply two ideals: the ideal that the will of in(dividuals) should more or less conform to the general clan will and the ideal that the goal of dispute settlement (revenge and redress) was to restore intracommunity balance. These ideals were not objectified as abstract and formalized principles, but felt as dispositions to follow custom and maintain harmony within the clan cluster and with allies. As is often the case, the indigenous world only appeared as a system of classification and a chosen way of life just as it vanished over the horizon to be consigned to a past that it was instrumental in creating. The evolution of a local court system was part of, and instrumental in furthering, the emergence of a jural field, together with the objectification of ideals. The field of law removed an infraction to a new space that stood apart from the relationalities of the whole. Traditional images of justice did not fixate on either of the agents—the perpetrator or defendant—because their individuality was incidental to the event and immaterial to the outcome. What mattered most was that an action threw the relationalities of the collectivity out of balance. Untoward behavior disarticulated the relations so carefully constructed through the exchange and sharing of food, land, labor, and people. So the object of litigation was to restore the totality. On no account did the Maring conceive the reality of a transcendent social from which the acts of persons could be detached and removed to a field possessed by its own rules of inquiry, judgment, procedure, and punishment. This was a lesson of modernity that the Maring absorbed through a cultural membrane whose form and function transformed Western justice in surprising ways.

The Transcendence of Kinship

Like all peoples who live within the compass of kinship and community, Maring notions of right or wrong in a universal moralistic sense were less significant than the consequences of behavior for the clan as a whole. Maring leaders made the point that a person's behavior was constrained by fellow clan members. They would take umbrage at him if his untoward public behavior undermined intraclan unity, valued affinal relations, or trading partnerships, or caused the clan to become embroiled in an unwanted conflict, suffer ancestral retribution, or have to pay an onerous compensation payment. Archetypical crimes were physical violence, stealing food from another's garden, eloping (the word in Maring literally denotes to abduct) with a young woman without her clansmen's consent, and sorcery. Prior to pacification and contact with the West, Maring used the compensation payment as a major means of resolving disputes.

Though precontact negotiations of compensation bear a historical and logical resemblance to payments awarded during modern trials, they differ in several ways. The guilt or innocence of defendants with respect to specific crimes was never the critical issue. People's accounts of compensation payment (circa 1950–65) characteristically presuppose the defendant's guilt (at least when viewed from a Western jural perspective). The reason was that justice did not involve either individuals or the application of a general rule to a specific instance but the particular relation between groups. If a person's actions had a negative effect on others—if the food they served caused others to become ill for example—then that person was guilty of a crime regardless of their intentions because their actions destabilized community relations. The relationalities between agents were of a higher epistemological order than their individual intentions. Persons could be genuinely guilty of crimes that they did not commit as an individual. By the same logic, the assessment of a compensation payment was a perceived loss of balance or equality within the community, meaning that the actions of a member of one clan compromised the reproduction of another. As men, women, pigs, and gardens were the essence of reproduction, any action that harmed them demanded violence, compensation, or both. Punishing an offending individual was not the purpose of compensation or an end in itself; the object was to restore balance. Thus, a man convicted of homicide in 1978 was released two years later when his clansmen paid compensation. Most people viewed the jailing not as a punishment, least of all punishment aimed at reforming the offender, but as a means of forcing his clan to raise and render compensation.

For Maring, the practice of the trial itself was critical to, and an index of, how far they had traveled down the new road of modernity. Where customary compensation payments were always negotiated by representatives (i.e., senior clansmen) of the clans in dispute, the local court was supposed to be supervised by individuals who transcended their kinship relations. Because the indigenous system fused kinship and law, the same code dictated very different responses depending on the kinship connection. The “theft” of food by an affine animated a very different response than the same act by a member from an unrelated, or worse, enemy clan. Recall that the violent confrontation between the Yonbam and the Manga that led to Australian retaliation began partly over the theft of some pandanus fruit. When I first saw the working of the local court, I was puzzled that a dispute between a Baigai and a Kamjepakai would be heard by the local Councillor, a Kamjepakai, rather than by one of the other big men who often presided over trials and were connected to neither. My initial thought was that the choice of judge itself represented the use of power by the Kamjepakai litigant to predetermine the outcome. However, the

Baigai man won the case handily (over a pig ruining his garden) and was awarded what he saw as generous compensation, some fifty kina. As I would soon find out, the Baigai litigant had willingly agreed to let the Kamjepakai Councillor decide the case, noting in response to my question that this Councillor “was a man of the new road” and that he “had a reputation for fairness.” Indeed, it turned out that the kin and clan affiliation of the judge(s) was not a noteworthy issue. Big men who desired to be judges but who could not transcend their kin and clan relations were simply not accepted by litigants. The power and authority vested in judges was thus dependent on the transcendence of kinship—a modern inversion of the customary pattern of socio-political relations.¹ There was, in this, a critical epistemological turn in that it began to insinuate the Western distinction between the person and the position, here the kin-constructed agent and the office of adjudication. It also called for a restructuring of the terms of desire in that the desire of the kinsmen to help his own kind under any circumstances was being displaced by the desire to render a fair judgment, and by doing so reap the symbolic rewards awarded to those leaders who led the charge toward the modern.

This change is revolutionary in at least three ways. First, it was part of the increasing “externalization” of social life. The trial’s power and authority derived in large measure from a nation-state over which the Maring have little control. To accept the trial as a legitimate social practice was to accept the fact that the local community, to survive and prosper in the modern era, must adopt and adapt to imposed practices. Second, as a corollary and just as importantly, the advent of such a field of law began to introduce the kind of enduring and quasi-objective domination that characterizes the capitalist nation-state. Indigenous modes of domination were always interpersonal and fragile precisely because there were no permanent or impersonal means of controlling others. The influence exercised by the senior men over women and the junior generation was inseparable from their status as leaders of the clan and adepts in the exchange system. Under these conditions, dominance never appeared as something that stood over and against agents but was manifest in the speech, bearing, and other attributes of the big-man. It was precarious because seniors and especially big-men were dependent on others’ dependence for their power, a dependence, moreover, that was not mediated by labor or law but by the never-ending work of building and tuning interpersonal networks. Third, from an internal standpoint, the trial process gained a great measure of its power and legitimacy by representing and producing distance from the past. Little could be more indicative of this distance than the introduction of practices in which agents were expected to neutralize kinship and commitments tied to it. This displacement of kinship was a companion to the notion of friendship that also tempered the

power of kinship. Finally, modern trials were part of a general transformation away from a community based on kinship and exchange to a community based on political hierarchy and civil authority (e.g., police). The result was a “generation gap” insofar as the clan, kinship, and exchange structures that produced the practices and dispositions of the older generations now had to co-exist with, and partially give way to, a new set of structures that, especially in the younger generation, engendered new practices and dispositions that, inevitably, made those of the previous generation seem increasingly out of time and place. In this regard, the trial of Tenga for the sorcerization of Kam marked a change in that two men in their mid-twenties mission-trained and practicing Anglicans, argued (clearly for the first time in local history) that Tenga could not be culpable because there was no such thing as sorcery. To grasp what was at issue here it is necessary to reconstruct as greater depth local concepts of truth, knowledge, and agency.

Truth as Revelation

The local concept of truth held that truth had an inner and outer dimension and that this was inscribed in the act itself, a notion that has been explored in the context of “veiled speech” (Strathern 1975). The surface or appearance of an action, “its skin” to use the Maring’s own metaphor, characteristically manifested lies and dissembling. Its aim was to manipulate the beliefs, desires, and judgments that surround, for example, the reception of one’s gift. By contrast, the inner core of an action was its truth and power to pull or bend others. Language was thought to lie on the skin of an action; it was the primary (but not the only) means of disguising the “true” intentionality of an actor. In this respect, the importance of exchange lay in the virtue that gifts are indexical; they are a part of that which they express. Nonetheless, the social practice of gift-giving had an element of dissembling. When people assessed gifts, they expected a difference between the “skin” of the gift and its interior. The inside-outside schema was the Maring means of organizing the hierarchy of intentions that may be embodied in a given action. So, conceived practically, the presentation of a gift may include a verbally stated intention (e.g., the gift is because you are my affine), a presupposed though unstated intention (e.g., the gift helps discharge my outstanding bride-payment debt), and a disguised intention (e.g., the gift will be followed by a request for use of garden land). Conversely, agents could view every request for a gift as the maintenance of a social relation, repayment for a gift given previously, or as an extortion based on power, such as the power to employ sorcery. The intentionality of the gift was such that the beliefs, desires, and judgments

of the recipient concerning the gift were often read onto the donor. If the recipient felt subjugated by the gift, he might well interpret this subjugation as intrinsic to the gift-giving and thus part of the intentionality of the act. Maring located intention in the relationship between an act and its influence rather than in the mind of the donor, the gift in no respect a reflection of the internal state of the subject objectified through its qualities. There was no way in Maring to speak about someone's intentions or judgments apart from what they did and other people's experience of those actions. There was no way to say or interpret statements such as "I thought that the gift would help you and strengthen our relationship, though I now realize that it has placed you in a compromising position." Actions were never an "expression" of a subjective intention, but rather the ground of intention. There was no way to differentiate between the mental dimension of an act and the act itself; rather the action was understood to embody a hierarchy of intentions. In relationship to speech, intentionality was interior and invisible; the sounds of words, exterior and sensory. Determining the meaning of an action, or "digging out its root" to use one local metaphor, was a function of understanding and assessing its inner and outer layers.

The archetype of the outer dimension was speech, which Maring understood as a way of disguising the layers of intention inscribed in action. As Rappaport (1979: 227–29) has argued, language's reliance on symbols imbues it with a special capacity to deceive because what is said and what is referred to (be it a concept, desire, or object) need not be copresent. Maring understood speech as a way of disguising the layers of intention inscribed in any given action. Here is one informant's comment about the nature of language in social exchange. Note that his commentary contains metapragmatic rules² for interpreting what people say in this type of speech event. Characteristically the metaphor used is horticultural, its oppositions are above ground/below ground, inside/outside, and the generative scheme betrays an economy of logic that, grounded in the senses, dispenses with overt concepts and inner states that, from a Western perspective, it cannot fail to encode (i.e., deceit and a ubiquitous mistrust of the Other).

When people talk, we listen with only one ear, we look with only one eye. The other ear is to hear what they have said to others privately (e.g., gossip); the other eye is to see/know the root of the gift. Talk is like the flowers/leaves of a plant; it captures the eye and is pleasing but there is also much that lies below the ground. You know the truth of someone's gift when you have gotten past its outside. People are fooled/taken-in all the time by the words that surround gift-giving.

Few people consider this view of speech as anything more than common sense. Paradoxically, oratory and the aesthetics of speech are made all the more important by this view of language. People say a good orator has a “smooth and shiny skin” to his words; the enchantment of eloquent and powerful speech-making is that inside and outside become virtually indistinguishable. Caught up in the orator’s powerful persuasive speech, his audience “forgets” to delve beneath the surface and discover the underlying truth. There is no contrast here between language and action; rather, language is a type of action or mode of doing that possesses its own special properties and advantages. Like a person’s skin, to which it is equated metaphorically, language mediates between the interior of an action or person and others’ appreciation of that action or person (Strathern 1977:109; Goldman 1983:268; Frankel 1986:55–56). The words, intonations, and gestures of a good orator weave a cloak of enchantment over the hierarchy of intentions inscribed in an action.

Ironically, Westerners assumed that they immediately grasped this notion of speech and intentionality because it encapsulated what for them was “bad faith”—words whose basic and intrinsic purity has been corrupted by dishonest intent and desires. For the Anglican priest and the mission staff, government officials, and even for anthropologists (who should know better), speech was imagined as an analogue to commodity circulation. On this conduit model, a speaker invests and articulates his thoughts in words that, it is hoped, reflect those thoughts and then, through speech, convey them to an audience who unpacks or decodes them. As the priest explained to me, “because I put a lot into my sermons I expected my parishioners to get a lot out of them.” It was only through a lack of Christian values and civility that agents—like peddlers of snake oil at the state fair—would load their words with deceptive ideas whose decoding or deciphering, being neither fully possible nor expected, would engender a pervasive distrust of the other. In this Western image, words can reflect the universe they were invented to represent—there can be a unity of form and meaning—only if the hearts of the speakers are pure, their minds are clear and rational, and they have a well-founded faith in the honesty of others. Thus, if the Anglican Church was successful in its attempt to inculcate Christian values and the state imposed order on village life, the result would, among other things, lead to speech that faithfully encoded what people thought. There was, moreover, a leap from speech to language. The unarticulated Western notion was that the Maring language itself leaned, more than English or other Western languages, toward the darker side of human nature because it had never been exposed to positive influences. The Bible translator observed that to translate the word of the Almighty into Maring it was necessary to invent words for faith, hope, love, and charity, but not deceit, anger, or envy. The underly-

ing concept was that inasmuch as Maring had so long expressed the worst side of our human spirit, it was not surprising that it could all too easily accommodate and resemble sorcery. To put this another way, all languages have veiled speech. The difference is that the West professes an ideology that visualizes such veiling as a departure from the ideal (the plain-speaking man of common sense) caused by an upwelling of bad faith and conflicting motives. Melanesians like the Maring simply assumed that this was the “nature” of speech as a modality of action. There was neither a human nature to suppress nor an ideal to live up to. Simply language in its practical state.

The Cultural Logic of Sorcery

To foreground the trial and further contextualize the substance and sense of Maring lifeways, it is necessary to describe their conceptions of sorcery and sorcerers. Like societies across Melanesia, the Maring believed that at least some misfortune was caused by ancestor spirits disenchanted with a person’s behavior. Sorcerers too could turn on their own kinsmen. The actions of ancestors and sorcerers who turned on their own kin stood at opposite ends of the social spectrum. Ancestors attacked those who had abridged the norms of the community—persons who had failed to share pork or perhaps had committed acts of sorcery—whereas sorcerers attacked their own kind for self-aggrandizing and malevolent purposes. Sorcerers acted without regard to the fortunes of their community, and so people felt that they must seek protection from the ancestors/Jesus and root out intracommunity sorcery through whatever means available: murder, countersorcery, and litigation. Sorcery had been unambiguously permissible only against traditional enemies, though even this concept was not endorsed by mission-trained Maring. As in other Oceanic societies (Nachman 1981; Tonkinson 1981; Knauff 1985a), sorcery has variable, contested, and ambiguous legitimacy: variable because its legitimacy was situationally specific; contested because what counted as sorcery and its appropriateness in a particular context were open to debate; and ambiguous because often some agents were uncertain about its presence and/or legitimacy in a given situation.

The sorcerer was a form of personhood, a mode of subjectivity. As illustrated in the last chapter, there were two moments to the Maring conception of personhood and identity. The first was that a subject’s identity was a synthesis and objectification of his or her social relations. That is (the oddness of my language is an attempt to be faithful to the local phrasing), a person was the accumulation of the relations that he or she inhabited. The second moment was that each of these relations had the potential

to be aggressive or peaceful, reciprocal or nonreciprocal, mutually beneficial or predatory, sharing or greedy, physically nurturing or enervating, relation-making or destructive of personal networks. A moral person was someone who modulated and controlled these propensities in respect to social distance. Between subclansmen, for example, the aggressive dimension of the relationship should remain “veiled by a smooth social skin.” At the opposite end of the social spectrum, violence, negative reciprocity, and sorcery typified relations with enemy clansmen. All three represented forms of violence because they directly compromised the victim’s social reproduction. Accordingly, death and illness through physical violence and sorcery as well as the failure to “back” a marriage exchange were all equally actionable in local court. The ever-present threat was that individuals would violate the limits of kinship and the predatory, violent, greedy propensities of relations would surface close to home. While all forms of violence fracture genealogical space—historically, the commission of murder within a clan has led to the clan’s disintegration—sorcery is a special kind of threat because the sorcerer leads a secretive double life. Unlike violent persons who cannot control their behavior and explode publicly without regard to its consequences, the sorcerer uses his control over esoteric knowledge to destroy his own kin. Secrecy and premeditation define his actions. For this reason, sorcerers are the only persons who legitimately may be betrayed by their own clan members. Thus, on occasion, a sorcerer’s own clan members have delivered some of his exuviae—nail clippings, hair, and the like—to an enemy clan. A sorcerer may harm not only by using the exuviae of the intended victim but that of anyone connected by substance, principally the victim’s parents. Because the accumulation of esoteric knowledge is the basis of sorcery, a prominent shaman observed that since pacification the ability to do sorcery had increased. Sorcery techniques tend to be imported, and the opening up of public life had provided new opportunities. Stints on coastal labor plantations, the freedom to travel through traditional enemy territory to visit other groups like their Kalam neighbors, and the introduction of Christian rites have all provided novel sources of empowering knowledge.

Sorcerer attack the *min* of their victims. *Min*, the life force or shadow substance of a person, is like an immaterial spiritual double insofar as it replicates an individual’s speech, physical form, intentions, and behavior, but possesses no bodily substance. Speakers used the word *min* to denote a person’s shadow, reflected image in a mirror or pool of water, and the echo of one’s voice off the valley walls. These were the concrete manifestations of a person’s *min* in everyday life. For the most part, a person’s *min* resided within the body, though in certain states, such as dreaming, intoxication, and at death, it could act independently. Its movement was limited to the immediate environs, and it usually did the same types of tasks that

people normally do: gardening, hunting, lovemaking, etc. In one court case, an adulterer said that he had first slept with his younger brother's wife during a dream. The *min* of a "normal" person did not venture into the spiritual realm. Only the shaman, by quickly inhaling native tobacco and chanting monotonously, tried to release his *min* into the spiritual domain in order to communicate with the ancestor spirits. The critical concept was that a person's *min* was not inalienably housed in that person's body, but could be released, drawn out, retrieved by a number of (other)worldly forces (e.g., the magic of the sorcerer), forces that must themselves be controlled.

A sorcerer is someone who leads a secretive double life. In the everyday world, the sorcerer perpetrated nefarious acts such as offering poisoned food to clan members and affines while pretending to be upstanding. The duplicity lay in the fact that the surface of a sorcerer's actions only disguised the underlying intent and truth. While the sorcerer pretended to be inseparable from the social relations that should cause his actions, his *dividuality* only disguised an overweening individuality. Only by being the cause of his own actions could he go against his own kind. Like a clear and odorless acid, the sorcerer corroded the "whole" of social relations by alienating himself from the relations linking him to others. In the spiritual world, the *min* of the sorcerer could act apart from his/her physical body, taking on different forms such as inhabiting the body of animals and birds. The sorcerer's spirit double was invisible to others in his normal state, and thus he could conduct his nefarious activity unnoticed and unidentified by his victims. Nevertheless, the objects he used, such as food and axes, were visible. People could hear the sound made by a sorcerer moving through the underbrush, the splashing of water when fording a stream, or a gate creaking when entering a residential compound.

A sorcerer attacked the victim's *min* by feeding the victim ensorcelled food or by thrusting a knifelike object, archetypically a sliver of bamboo (traditionally used to dissect ritual pigs), into the liver. The bespelled food refused to dissolve, thereby blocking the passage of food and air through the victim's body. Sorcerers were reputedly cannibalistic (though not everyone believes this), first dismembering and then eating the "body parts" of the victim's *min* piece by piece. The victim experienced the diminishment of his life force as labored breathing, fever, pain, and eventually death. Sorcerers may pursue their deadly hobby either as a matter of conscious intent or non-consciously in a dream state. The Maring did not use this distinction between conscious and non-conscious states, their assumption being that conscious acts and dream images were different modes of a unified reality of thought and practice.

As was true across Melanesia, there was a logic to sorcery suspicion

and accusation that can never be reduced to its sociological function. It was a practical and implicational logic that cut across numerous domains for action. This logic was the basis for understanding the intentionality of the other and the comparative discourse about the behavior of such others. If a person had an unusual or unexpected accident or a family suffered the death of a marriageable woman, the first question asked was, Who could have caused the calamity? The next question was, With whom have we reneged on a social obligation or who has so indicated this to us by asking for a gift? In particular, have we refused a gift to someone or deprived someone of a reproductive good? As each transaction or exchange presupposed a previous one, a disruption of an exchange cycle opened several logical possibilities. One was that this request for a gift implied that the asker had already proffered a gift, and our denial was met by the use of sorcery. A second possibility was that our refusal to present a gift had motivated them to seek revenge because our failure to give shamed them by “denying and making waste” of the kin link. Another possibility was that others were jealous of our success because they feel that our increase must have come at their expense; thus they have used sorcery to damage us. The implicational logic linked accidents or deaths to revenge and redress by means of an exchange system that shaped and permeated almost all interactions.

Riebe (1987:220) offers an example of this logic among the Kalam who intermarry and share the Simbai valley with the Maring. The case involves a man named Maklek who asked his cousins to continue providing him with stone axe blades after their father had died. But the cousins denied any obligation to supply the axe blades, thereby denying any good reason for Maklek to continue asking. By Kalam logic his asking implied that there was some unfulfilled obligation. The cousins thus postulated another more secret reason: “He was claiming (by implication) to have killed someone for them with witchcraft and was demanding pay for this.” From here, it was a short step to: Maklek asked us to pay for his earlier killing on our behalf, we refused to render compensation, and thus he has taken revenge by killing our father. That Maklek was subsequently killed for his sorcery indicates the extent to which this implicational logic grounded indigenous concepts of intentionality and motive. A repeated request in the face of a refusal implied that the request was based on some past action that had not been taken into account when the refusal was made. It was in fact a fundamental principle of Maring exchange that the first request for a gift served to initiate an exchange whereas a repeated request was a performative; it presumed, presupposed, and thus brought into existence, a debtor/creditor relationship. Such relationships were of three kinds: my immediate subclan ancestors gave help/gifts to your ancestors; I have given help to your immediate kinsmen; or, I have given aid to

you of which you are unaware or forgetful. It goes without saying that the flow and request for gifts (often through an intermediary) could devolve into a tense, ambiguity-ridden calculus of give-and-take, of classification and probing of an undisclosed hierarchy of intentions. The possibilities for misunderstandings that fomented anger, symbolic and physical violence, and not least sorcery were ever present.

The Structure of the Court

The Maring court was a formalization that was also necessarily a transformation of indigenous dispute resolution. Despite the Maring's representation of their own past as one of unmitigated violence, there was a long-standing tradition, almost inevitable in kinship-based societies, of using common kin to mollify the aggrieved and negotiate a settlement. As of 1980, the objective of Maring litigation was not to identify who was in the wrong, or even to determine that a law had been broken, but to restore balance to the disrupted community. Thus defendants sometimes agreed, or were forced, to pay compensation even as they continued to deny having committed any crime. The mere fact of the court indicated that social relations were askew and need to be righted. The crucial concept that Maring have drawn upon from their tradition and adapted to the trial situation was that of social balance or *kopla*; it was generally believed that justice was based on a restoration of equivalence between clans and persons. Accordingly, most trials began with a pronouncement that its objective was to restore balance by "straightening" the matter. Still, trials, like pre-contact efforts at dispute resolution, may fail to restore balance, at least in the sense that some people aver they were worsted in a settlement they only grudgingly accepted. As is common in non-Western systems of justice (e.g., Knauff 1985a), the Maring still placed little value on discovering an offender's state of mind or why the crime was committed, though this was clearly not the case for all Highland societies (Goldman 1993). A claim of insanity (*pym*), for example, did not offer a legitimate defense, mitigate an offender's punishment, or change the amount of compensation.

In contrast to the logic of Western justice, local litigants (especially the senior and elder generations) made little attempt to reason by example. They treated each crime as a communally and historically specific rupture of sociality. There was no idea that there was a "society" whose integrity depended on a rule of law because persons were ontologically inseparable from the images and institutions that brought them together. The notion that the regimentation of law furthers the construction of the social presupposes as the ideal, the integration of ontologically primitive individuals into an equally irreducible society, what the Maring understood as the dis-

solution and dissembling of sociality. To put this another way, the most criminal aspect of sorcery is that the sorcerer posited himself in opposition to the collectivity. Given this view of sociality, the Maring also did not appeal to the concept of precedent, and there was no effort to transpose some proposition descriptive of one case into a general rule of law and then apply this rule to other cases. In a cultural sense, every case was unique because people assumed, without ever being aware of their assumption, that persons and circumstances were never identical. Because the objective was to ensure that a crime did not impair the ability of the victim's clan and kin to reproduce, no distinction existed between criminal and civil cases, that is, between the behavior of a defendant and the social and economic consequences of a crime. By the mid-1970s, many Maring courts had incorporated jail terms into the legal process, although it was generally acknowledged that jailing was a pointless form of punishment because it did little to restore harmony or compensate the victimized clan/person. It was hardly surprising, then, that even those who were convicted of serious crimes never had to do hard time.

All of the trials I witnessed or obtained information about had much the same pattern. A court convened on notice of the most senior clansmen who were themselves responding to the pressure and logic of community sentiments. On the day of the hearing, those interested in the case or had testimony to give convened at the dance ground, a neutral space. Depending on the gravity of the case, one or more magistrates would be chosen to preside. Invariably, they were senior clansmen of stature who had developed a reputation for adjudicating disputes. The local practice was to allow all those who appear at the trial to speak as often as they wish, for as long as they wish, on any subjects they wish.³ Often the testimony served as a character reference for the defendant or plaintiff or as a moral appeal to the clanspeople to cease their squabbling. The deeds and misdeeds of defendants and plaintiffs were also raised, no matter how far removed they may have seemed from the trial's basic issues. A person's generosity with his relatives, for instance, was seen as directly relevant to understanding whether he was a likely sorcerer, as was how hard he worked generally. A great deal of the trial practice was a test of wills played out through the intricate speech event that was the trial. The participants mobilized every linguistic resource from body postures and demonstrative posturing to verbal declarations and narratives of the past. A defendant typically sat very still, eyes cast downward, the face muscles motionless, thereby indicating that the testimony being given against him was untrue, shaming, or unacceptable. The same defendant might in the next instant launch into a violent tirade, others having to hold him back forcibly as he grasped for a club or spear, his screaming speech denouncing what he saw as the defilement of his name and that of his clan members.

Local courts received testimony in an informal though orderly sequence. As a speech event, one of the most distinctive aspects of the trial was an attempt to create a documentary narrative. In contrast to other forms of negotiation and conversation, the trial pioneered the grafting of a Western narrative of facts onto an indigenous explanatory logic. Most Maring understood this as the discursive nature of the imported practice. As is evident in the case cited earlier and the example to come is that the trial encouraged people to link a sequence of events via an implicational logic. Most trials began with an opening statement by the big-man chosen to oversee the case. His speech typically approached the issues before the court in an indirect or veiled fashion. A significant purpose of the speech was to motivate the litigants and community to resolve the problem at hand and restore harmony. Next, the plaintiff, members of his clan, and all others who wished to give testimony spoke. They related what they heard, saw, knew, or believed about the litigants and their actions. Then one or usually more of the senior clan members intervened. They attempted to sum up the testimony and through persuasive, cajoling speech tried to convince the court and community to adopt specific courses of resolution. In important cases, this portion of the trial continued for months, the court meeting again and again in an effort to reach a consensus. As testimony was heard over several hours, days, or months, the court and community eventually reached a consensus. This process of indeterminate length was less an attempt to explore all the facts of the case than to awaken publicly the incorporated state of the community so that it might collectively restore its collectivity.

A characteristic turning point in many cases was when a defendant admitted to the crime; almost all cases ended with an explicit confession by the defendant or the acceptance by the defendant of his/her guilt. Rarely did trials end inconclusively. Stalemates were unsatisfactory, provoking further accusations and recriminations and usually leading to violence. Of seventeen sorcery trials recorded over a fourteen-month period, eleven produced what the local court determined were confessions. These ranged from outright admissions of guilt in nine cases to tacit acceptance in the other two. Because of their notions of personhood, the Maring conceptualize guilt rather differently than Westerners do, focusing much more on the contextualized effects attributed to persons, such as the communal disruption "caused" by sorcerers, than on the intentionality or internal state of the defendant. Twelve of the cases involved serious illness in which the victim was saved through a combination of Western medicine and indigenous healing, three involved an apparently healthy pig struck down by illness, and two involved human deaths. In the cases involving illness, the court awarded the victim from one hundred kina in cash to five hundred kina plus three pigs depending on the damage resulting from the sorcery

assault. In four of the six trials in which a defendant did not confess, the judges ordered the clansmen of the sorcerer to pay compensation.

Case Study: The Trial of Tenga

The trial began in early August 1980. The first statement was by the principal judge in the trial. He was seated on an overturned twenty-gallon kerosene drum between two other judges; directly in front of him was the defendant, Tenga, and immediately to his left was Kam's half brother and father. Due to the seriousness and notoriety of the case nearly a hundred men and a handful of women attended, sitting on the ground in a semicircle. The principal judge got to his feet and, talking in a modulated cadence, began the familiar refrain about how the modern era was time of strong law. He then recounted some of the virtues and advantages of the new day, citing among other things the presence of an anthropologist (meaning me) who was going to record the trial the way it was done in Port Moresby. His talk then turned to the issue of sorcery without mentioning the current dispute.

The first to speak in the case was Pint, Kam's half brother. He related how Kam's wife had come to him to report that Kam was ill. At first, he thought it was only a mild sickness (many people suffer from chronic malaria), but the fever raged worse with each passing day and when Kam refused food and water (such a refusal was a customary reaction to illness) he realized that sorcery must be the cause. Kam's deathbed statement confirmed this suspicion. Although some elder clansmen had said that Kam had died at the hands of an angered paternal ancestor (presumably the one he had disavowed), Pint claimed that his death was clearly a case of sorcery. Both he and his brother were, on several occasions, awakened in the full of the night by the sound of snapping twigs in the underbrush behind the encircled compound they shared with Kam. Pint's wife said that she heard the thrashing of what she initially took to be a cassowary, but now knew was a sorcerer. It was this transfigured sorcerer, pointing a finger at Tenga, who had poisoned Kam's food. In addition, they cited two further signs of Tenga's involvement. On the path leading from his house there were discovered bamboo knife filings, purportedly from the knife used to penetrate Kam's liver. Moreover, when first approached about "poisoning" Kam, Tenga simply turned away, disdaining to give even a reply to the accusation. When I asked informants whether they had personally examined the bamboo knife filings, they replied that they had not seen such filings, but knew that the filings existed because: (a) carving a knife from bamboo always leaves filings; (b) the filings must have existed because this was how Kam died; and (c) if Tenga (or anyone else) were angry he would have used sorcery now that violence was "taboo." Thus,

an implicational chain was created between the intention to harm and the physical evidence.

At this point, one of Kam's clansman launched into a tirade saying that Tenga's subclansmen were known for sorcery, and that they had recently obtained some new, potent sorcery from, of all places, the Anglican Church. But midway through this diatribe the chief councillor interrupted him; he stated that though Tenga's subclan would be held responsible for compensation, the reason for this trial was to determine if Tenga was guilty, not to rehearse whether or not his fellow subclansmen practiced sorcery. The councillor then turned to me and nodded as if to confirm and legitimize his distinction between who was culpable (an individual) and who was responsible for compensation. Several other clansmen then argued that the past behavior of Tenga's clansmen was extremely relevant and that, further, people had always considered such information cogent. The debate provoked by the attempt to create a court was over what counted as evidence. To follow the procedures prescribed by a Western-like court system, that had long been on display in the behavior of the kiaps, was to incorporate without explicitly seeking to do so the notion of the plaintiff as a singular individual. The older and alternative stance was that the behavior of Tenga's clansmen was relevant because he was a product of the social relations that created him (not as the West might hold as a matter of character reference).

Kam's clansmen constructed Tenga's motive for the sorcery in this way. Tenga conducted an exchange relationship with Kam, who was his brother's wife's younger brother. Kam had assisted Tenga in harvesting and carrying the coffee some nine miles to the Kionambe mission station to be sold. This was not the first service that Kam had done for Tenga, gifts that Kam felt were not acknowledged or reciprocated. As a consequence, there existed a smoldering discontent on Kam's part, who felt that he could not refuse a request from his sister's husband's brother, yet received little or nothing from Tenga for such efforts. This culminated in a vituperious outburst by Kam; he raged against and shamed Tenga by saying that he had no intention of helping him in the future. That Tenga felt no obligation toward Kam meant that Kam's help was payment for an already existing debt, specifically Wai's death two years earlier. Wai and Kam had been involved in a bitter land dispute before Wai fell ill, presumably as a result of Tenga's sorcery, and died shortly after. Now, because Kam had refused to recognize his debt to Tenga and had shamed him, Tenga sorcerized Kam as he had Wai. In such fashion, Kam's kinsmen constructed the implicational chain that established what most people thought was plausible and possible. Other people now testified at some length that Tenga was generous, to which it was replied that if Tenga was generous and did not repay Kam (in fact, he did give him several gifts, but

clearly not what Kam thought he deserved), then it could only be because Kam was already in his debt—that is, Tenga's alleged sorcery of Wai.

The story is complicated and the logic implicational, but by virtue of this analysis Tenga was now linked to both the murder of Kam and the “unsolved” death of Wai. Wai's widow, sitting on the periphery of the circle, passed along the comment that the reason that Wai's death had not been investigated more thoroughly was that his brother was “too Christian” to ask questions, that working for the Church in Koinambe had moved him to accept that Wai had “just died.” Although not part of “official testimony,” her comment was audible to everyone. At this point, Tem, a senior member from a group affinally linked to the clans of the defendant and plaintiff, intervened to observe that Kam had been seriously ill on other occasions and that these previous illnesses had been attributed to retribution on the part of a paternal ancestor that he had spurned. Tem then went on to discuss Kam's public behavior, offering examples of Kam's often cunning if not dishonest behavior. Tem cited those instances where Kam had been stingy in sharing bridal pork, had failed to treat his affines fairly, and had been overly successful in trade relations. Although Tam played out these examples to the approving nods of those gathered, he concluded on the ambiguous note that people such as Kam attract sorcery, thus suggesting the likelihood that Tenga did commit sorcery, that Kam had in the past paid for the aid of a sorcerer, again suggesting that Tenga might have worked sorcery on Kam's behalf, and finally, that sorcery is inevitable and not necessarily bad, implying that men like Kam invited retribution and usually got what they deserved.

Those testifying also gave commentary on a simmering antagonism between Tenga and other senior clansmen. More than most, Tenga had extensive holdings in coffee which he had translated into a substantial pig herd. Some of his own clansmen suggested that Tenga could acquire such a great herd because he accumulated more than he shared. As one man put it, Tenga had made friends with money. That he had a passbook savings account at the Bank of New South Wales in Koinambe proved the point. Several people testified that they had on at least one occasion seen his red passbook in a plastic sleeve, the unspoken argument being that a person would open such an account only if he intended to renege on his obligation to share. Such a person has no shame insofar as he/she lacks the morality, the propriety, the sense of relatedness to others that would preclude such behavior. The view still held by senior and especially elder clansmen was that persons were supposed to evidence and exemplify the social, not merely reference it. But the story had even more twists and complications. A significant reason for his success was his relationship to the young men who worked for the Anglican mission. They helped to transport his coffee and to bring back consumer goods from Mt. Hagen on his behalf. Recip-

rocall, he had supported them in their Christianity and on several occasions sided with them against the most senior clansmen. In particular, the trial elicited testimony to the effect that he had contemplated starting a business in Mt. Hagen and manning it with his proteges from the junior generation. To this was added a further allegation that, insofar as Tenga was fixated on bisnis, he must have been jealous of Kam's success.

When the court reconvened two weeks later, the trial took an unexpected turn. Two men in their mid-twenties stepped forward to give testimony. One was the councillor's brother's son, the other the son of his matrilineal cross-cousin. Both men had worked in and around the coastal city of Popondetta for nine years studying at an Anglican preparatory/religious school for indigenous clergy, although neither of the men completed their course of study. The first argued that Tenga could not be guilty of sorcery because it did not now exist; sorcery was something that people believed in before they knew about Jesus Christ and the "truths" of Europeans. The only real evil power that existed was that of the devil Satan, who alone could harm people magically. To believe, they argued, that mere people can become pigs and cassowaries in order to harm others was part of the customs of the ancestors, but this was not true any more.⁴ Kam's death was most likely a punishment from God because Kam was neither a good person, often cheating others, nor a worthy Christian. They argued further that there was a surefire way to determine if Tenga was innocent. Let him take an oath on the holy Bible, swearing that he did not commit sorcery or cause Kam's death. If he was lying about causing Kam's demise, the sword of the Almighty would strike him down.

Before they could finish several elders (men in their late fifties and sixties) then replied, incredulous that anyone would say that sorcery did not exist. Their argument was that they knew from experience that sorcery did exist; kinsmen that they had known had died from ensorcelled food and they knew people who practiced sorcery. One of the elders then recited several examples of people who had succumbed to sorcery. How, he inquired, could anyone find bamboo filings if someone had not indulged in sorcery? Other senior clansmen then testified that they knew sorcerers and that sorcery had been openly practiced in wartime. Moreover, how could one explain the recent outbreak of disease without recourse to sorcery? The almost-catechists responded that poor sanitary conditions caused the recent outbreak of malaria and influenza, people and pigs defecating upstream from the main settlements had contaminated the water, punishing those who had disobeyed the modern commandment to use the latrines. Lapsed hygiene rather than sorcery was at the root cause of the problems. Several younger men then offered tentative support for their contemporaries, acknowledging that the Anglican priest had given a sermon in which he pronounced that those who were true Christians should

question the existence of sorcery. To this, a senior clansman retorted that the sermon was nothing more than talk and launched into a discussion about how the local Anglican Church had promised much but delivered only words. The trial adjourned until the next weekend. But words wreak havoc, epistemological havoc, when, moved by changes in the objective and subjective structures of social life, they name the nameless or expunge a name. The two young men, in calling the very existence of sorcery into question, were undermining a given of Maring reality by removing sorcery to a field of contrasts in which it was not only pitted against empowered Western thought but exposed as one version of reality among others. The senior and elder generations reacted so viscerally to this proposition because they sensed, oh so correctly, that it undermined their authority in favor of their juniors. The junior generation amplified their assault on traditional realities by claiming that poor hygiene was to blame for the outburst of sickness. The pattern emerging here is not restricted to Melanesia. The junior generation does not so much remove their seniors from positions of power as they began to remove the reality over which they exercised power. They approach the flow of practice with the skeptical irreverence of one estranged from yet still attached to their world. What results is not a betrayal of tradition but a revelation of transformation. The footprint of modernity had become a size larger with the calling of sorcery itself into question.

That week the community began to divide into those who believed, or more precisely, presupposed that Tenga was guilty and that the court should move forthwith to the issue of compensation, and those who contended: (1) that Tenga was innocent; (2) that there was no such thing as sorcery; or (3) that no clear verdict had yet emerged. These positions reflected the politics of modernity as much as an evaluation of the evidence. In particular, a number of young men supported the two almost-catechists publicly, even though they confessed to me that they found it hard to believe that sorcery did not exist. Moreover, as the trial progressed the actual death of Kam seemed to slip further and further into the background. For the senior and elder generations, sorcery was a understandable way to condemn and punish what they perceived as immoral and anti-social behavior on Tenga's part—the brand of antisocial behavior that could inspire sorcery. The individualism that marked the sorcerer was now appearing in another modality. In contrast to expectations, the community not only failed to reach a consensus, but became increasingly polarized as the trial evolved.

When the trial reconvened, the two young men reiterated their contention that sorcery no longer existed, knowing well that their provocation had shaken the court and community. Both now appeared, armed with Bibles, seeking to refute the view of senior clansmen that the priest's ser-

mon was just talk. The young men alternated speaking but with the same message: the words of the Christian God are written down and exist in material form; they are thus unlike the words of a speech, which are simply lost. Where is it impossible to trust ordinary discourse, we know that the words of the Bible are true. If the psalms and parables were not true (as opposed to merely talk), the servants of the Lord would not have written them down. Their point was that codification guaranteed the identity of the inner and outer dimensions of an act; it proved that there was no hierarchy of intentions because, in contrast to speech, the author was not here identified indexically by the mere act of speaking. In this way, the almost-catechists not only challenged the modernday existence of sorcery but, based on their evangelical training that stressed the absolute truth of the Bible, they argued that the truth value and validity of written language was intrinsically higher than spoken language. This was also a powerful claim that modernity introduced forms of truth and knowledge that were different and better than those of the past.

When the young men concluded, Tenga stood up and said that it had not occurred to him to work magic against Kam and that he did not usually think of sorcery. He said that the accusations against him were false and that he could prove this. He then began an extended and animated discussion of his relationship to Wai, listing the times that he had shared pork, the many exchanges of goods, the help they had lent each other. During the course of discussion Tenga reiterated that he was proving that he did not kill Kam. That proof consisted in severing the implicational logic linking Tenga to Kam through the death of Wai. But even more, Tenga went on to defend his business ventures, the luck that Jesus had brought him in raising pigs, and the help provided by a junior generation who was more in tune with the modern ways. At the end of this session about a half-dozen young men went to the councillor's house to ask him to terminate the trial, threatening to boycott the trial if their request was refused.

When the court reconvened, none of the young men who had sided with the two almost-catechists was present. At least half had returned to the local mission station at Koinambe, saying that they intended to recruit the white Anglican priest to intervene in the trial. Before this could happen, the councillors announced that even though not everyone was in agreement, they had reached a verdict. When everyone was assembled, the lead councillor asked if I had the trial recorded, to which I replied that I did. He then said that all the witnesses had been heard from, the evidence had been evaluated properly the way it was done in Mt. Hagen and Port Moresby, and that a trial record had been taken. He justified the verdict not in terms of community consensus, but that the right procedures and protocols had been followed, a departure from tradition in that this vali-

dates the verdict by reference to a jural domain, rather than to community sentiments and interests. He then said that there was insufficient evidence to say for sure that Tenga was guilty of sorcery. However, it was clear that sorcery played a strong part in Kam's death, and by the same token, no one was sure that Tenga was innocent. What there could be no doubt of was that Kam's clan had suffered material loss and needed to be compensated. He then ordered that Tenga's kin pay Kam's clansmen the sum of two pigs and 200 kina—extremely low for a homicide payment (another payment in 1979 was 30 pigs and 3,000 kina) but reflecting the ambiguity that surrounded the trial and the struggles that it embodied.⁵ The trial outcome satisfied few people. There was no consensus or unanimity, and in difficult cases of homicide and sorcery there might well never be unanimity again because the convergence of views was secured by the givenness of a world now permanently disturbed and challenged by Western culture.

Knowledge, Contestation, and Change

Sorcery trials were remarkable because they tested, contested, and transformed the character of cultural life and its epistemological grounding. For those who participated in such trials nothing was more real or of greater moment than the immediate struggle and verdict, and sorcery trials were one of the few arenas of Maring life where the scent of laughter was rare. Nonetheless, the struggles between plaintiffs and defendants were only the skin of deeper changes and challenges. Not least was the means by which in such an egalitarian kin-based society, agents, their desires and dispositions swayed toward the modern, create the moral authority so that the court can pass and then enforce judgment on someone else's kin. Possibility of legal and hence nonviolent redress rest on the flowering of a new and broader vision of community and cultural integration, captured in the words of a big-man: "We speak one language, have the same high ancestor [Christ], and vote in the same election; though we would have fought in the past, we must now find legal and peaceful solutions when there are problems." In this context, the trial has emerged as a form of practice in which those who adjudicate are required to bracket their kin loyalties in order to reach a verdict that will be accepted by the community. From the deep pool of indigenous sociality, a distinctive field of jural relations began to emerge, endowed with its own logic (validity claims), history of practice (the setting of precedents for adjudication), and identities (claims of authority founded on fairness and impartiality). There was a shift characteristic of capitalism and the modern polity from relational kinship-based identities to categorical identities (e.g., plaintiff), in particular identities that neutralize kinship and take the state as their point

of reference (e.g., citizen), in the process helping to pave the way for the new road of “deep, horizontal comradeship” that underwrites nationality (Anderson 1983:4). It is fair to say that the trial in concert with the other modernizing agents and institutions, was responsible for *re-inventing* sorcery. The express objectification of sorcery demanded by the trial—especially the effort to create a documentary narrative of what happened—and the vision of sorcery proposed by the Anglicanized commentators presupposed a distance and opposition between the physical and spiritual worlds that had no place in the traditional understanding. So even as the crime of sorcery inflected the meaning and methods of Western-style justice, the epistemology inscribed in Western practices began to infect local notions of sorcery. Or, to put this another way, the Maring were now on the road to being introduced to the forms of sorcery and magic that inundate Western society.

Let me develop this point from a Melanesian point of view, especially because Western society has specialized in concealing and misrecognizing the extent to which sorcery and magic determine its character. In the West, sorcery and magic are particularly significant in fields of medicine, law, and business. The world-producing difference is that Melanesians take the unity of spiritual and physical realms as their reference point, whereas Westerners legitimize sorcery and magic by reference to science. Science, I should add, not as it is conceptualized and generally practiced by the scientific field, but science as a mythology and mysticism of the concrete. A good example is the professional investment community on Wall Street. Because investors, brokers, and underwriters would profit from predicting the future price of stocks they own, they hire what the trade calls technical analysts. These analysts use all sorts of quasi-mathematical and statistical tools to divine the hidden pattern in the price history of a stock and then use that to foretell its future. From the crystal ball of science, they discover patterns with names such as double bottom (an omen of a future advance in price) or head and shoulders (a sign of a future decline), and then issue forecasts that motivate investors to buy or sell a given stock. Statisticians have long pointed out that the methods are invalid while others from the ivory towers have shown repeatedly and conclusively that such forecasts are no better than chance. Nonetheless, the allure of being able to predict the future is so great, the mythologized god of science so powerful, that the West spends more money each year on technical analysis (approximately seven billion) than on physics, chemistry, and mathematics combined. Many in the investment community base their beliefs and judgments about stocks on such analysis, thereby directly influencing the ability of firms to raise capital and thus the course of capitalism generally. There is here a secular magic of the concrete founded on the supreme being of science.

If the business community is partial to divination, the legal commu-

nity has always found a friend in sorcery. Consider, for example, the pending litigation on silicone breast implants from a Maring point of view. A class of persons came to embody a substance that unbeknownst to them was poisoned. The result was the proliferation of diseases and ailments connected by the fact that the same entity “caused” all of them. Like sorcery, breast implant litigation attempts to explain and account for real sickness and suffering. And like sorcery, a wide assortment of diseases and ailments—the litigation has indicted everything from lupus and lung cancer to narcolepsy and back pain—are linked by the fact that they are all the result of a malicious, self-serving, and antisocial behavior. That biomedical studies demonstrate that someone is no more likely to contract lung cancer from breast implants than they are of contracting malaria from consuming sweet potatoes has only slightly impeded the litigation’s progress. The difference is that Western sorcery bases its case on some yet undiscovered impairment to the body’s autoimmune system. The junior generation was, of course, beginning to internalize this logic in their claim that lapsed hygiene was the cause of the recent outbreak of illnesses. The foundation for the belief in the impairment of the autoimmune system is one that Maring of all generation would find very intelligible, namely the yearning to explain sickness and suffering. Both Westerners and Melanesians recognize that many of the individuals who ate the poisoned potatoes or received the breast implants did not contract any illness. But this does not come close to explaining why those who did, did. How to account for the outbreak of disease in young and otherwise healthy individuals? For this, other explanations are necessary and the victims, both Melanesian and Western, require compensation to restore the imbalance in the social universe. In other words, part of the process of the transition to modernity involves the new forms of magic and sorcery that will emerge from the encounter between the indigenous system of socio-spiritual magic and sorcery with the Western system of secular scientific magic and sorcery.

From its inception, the trial as the instrument of justice has foregrounded the issue of individual responsibility and culpability for a crime as against that of the clan as a unit. Tension arises because the trial process, as extrapolated from its Western context, cannot help but focus on the individual in a society in which the very notion of the person and of agency was historically bound up with a person’s kinship relations and clan identity. In the trial at hand, the trial process mediated a potential contradiction by assigning culpability to the individual qua individual and responsibility for compensation to the subclan. At least within the context of the trial and an emerging jural field, the Maring seemed to be moving toward a quasi-Western image of the person—that is, the concept that demonstrated qualities (from intelligence and perseverance to anger and deceit) are internal properties of individuals and that individuals objectify

and express these properties in and through their actions. Some Maring expressly acknowledged this by noting, as during the trial, that before the arrival of white missionaries they did not know that intelligence, shame, envy, generosity, and other properties of actions originate within the mind (itself housed in a person's head) and flow outward. This ideology of the person was opposed to the customary image that actions embody a hierarchy of intentions and that a person's skin was the bodily locus of human agency. The trial in concert with the other practices introduced by Western encompassment were inducing a shift toward a concept of intentions as the mental objects of individuals.⁶ In this respect, the internalization of Western legal practices was helping to lead the Maring to reinvent their notion of the person, specifically by gravitating toward a notion that sees persons as more self-moving, self-sufficient, and self-contained agents.

The evidence of the trial underlined the emergence of a distinction between oral and written language in terms of their relative authority and believability. Where spoken language was instrumental in disguising the layers of intention inscribed in actions and thereby masking the beliefs, desires, and judgments of agents, codified language was suggested to be transparent and authoritative. By erasing the text's author, acceptance of this distinction relocated intention from the relationship between an act and its influence (the traditional view) to an unspecified point outside of, and therefore not instrumental to, the strategies and judgments of practice. This leads to a transformed conception of truth, and signals the emergence of a context in which the identity of the inner and outer dimensions of an action is guaranteed. The question becomes what does the text mean on the premise that the text has an objective meaning that can be decoded by those in the know. In the trial context, this could only mean the young men who had been educated at the Anglican missionary school. This view of written language also transformed and masked the shape of enchantment and mystification from the spell cast by an orator (through a use of tonal modulation, inflection, repetition, alliteration and other techniques) to the displaced, omnipotent, and unanswering voice of a text. Powerfully, the erasure of the author is especially true of religious, medical, and government documents that, like their Western counterparts, are written in the third person and then typically left unsigned. For the Maring, the advent of written, third-person documents was part of the social invention of the disembodied, anonymous person—the individual who is not known either from personal experiences or from knowledge of their clan affiliation and kin.

The trials also exemplified a tension between generations whose dispositions, priorities, and beliefs about their place in the world were inculcated under very different circumstances. At issue was not merely the production and distribution of power, but the power to define and assert a view of

social reality. The trials of 1979–90 played out the struggles between the legion of important senior clansmen, aged 40 to 55, and the newer generation of Maring men who have attended the Anglican-mission school, done contract labor, speak pidgin and a smattering of English, and see themselves as wise in the ways of the West. This struggle was not limited to maneuvering at the social level (the guilt or innocence of the defendant) but concerned an epistemological struggle as the Western/Christian-educated men challenged the very existence of sorcery and sorcerers, and sought to mobilize support for their view. While this challenge was (temporarily?) beaten back by the combined weight of senior clansmen, that it was argued seriously underlined an enlargement in what may be called the resources of negativity. The concepts and institutions of the modern were emerging as a means by which the junior generation could deny the senior generations by denying the reality to which they were attached. The sorcery trials were social contestations between generations over what should constitute the cultural imaginary, this conflict played out both above and below the surface as a relationship between magical forces and the moral body.

The encompassment of the Maring world has led to the emergence of exogenous and powerful voices, most critically those of the national state and the Western churches. Through various forms of education, from public schooling to religious instruction, they familiarize people with other viewpoints and practices. Even more, by virtue of the power of the state and religious institutions, such viewpoints and practices became saturated with authority. This, in turn, afforded agents, such as women displeased with arranged marriages, historically subordinated subclans, and young men chafing under the control of senior less-Westernized elders an opportunity to reposition themselves politically by reference to a recognized, exogenous, and clearly powerful voice. In other words, a major change wrought by the imposition of Western forms of polity and religion, and the new forms of media such as radio, movies, and writing that accompany these forms, was that it began to give agents the conceptual and political leverage to produce critiques of their own society on issues, and with a power, unheard of in even the recent past. Moreover, these critiques were both ways of readjusting to the modern—experiments in epistemology and ontology so to speak—and defining the kind of modernity that people desired to live in. The clash over the very reality of sorcery and the sorcerer as a type of person was an exemplar of just such a critique.

Because sorcery trials lie at that intersection of knowledge, power, and the character of persons, it is hardly productive to rely either on unidimensional approaches, such as conflict regulation (e.g., Patterson 1974–75), even though sorcery does sometimes regulate conflict. No better are approaches that depict sorcery beliefs, accusations, and trials as an encoding of, and commentary on, the violence and inequalities that permeate the

social order, particularly social orders undergoing fast transformation (e.g., Le Roy Ladurie 1987). These approaches are only partly satisfactory because, as Tambiah (1990:105–10) observes, they are too heavily weighted toward causal, representational, and instrumental orientation, thereby bracketing the participatory and performative character of spirituality in kin and community-based societies. As Leenhardt (1982) realized, participation (as opposed to causality) was the center of gravity of Melanesian notions of personhood, sorcery, and knowledge. To this he could well have added intentionality, truth, and speech. In contrast to the West, the causal aspect of Maring sorcery (like many other Melanesian as well as African societies) was founded on an implicational logic that was itself deeply connected to their participatory orientation. The Maring materials suggest that Western practices encode Western epistemology and notions of subjectivity and that these interacts with local categories and concepts of knowledge to generate new and mediated forms. These forms bear a family resemblance to other domains of indigenous practice and to Western practice, but are identical to neither. New forms of thought emerge out of the encompassment of the indigenous world and the strategies that its agents devise to improve their position and gain political leverage. On another level, the encounter between the Maring, the West, and the emerging national state engendered a system of transformation that began to organize a discursive field of legal discourse whose effect was to erode the performative and relational aspects of customary dispute settlement. If this is the case, then an ethnography of truth, intentionality, and agency is critical to an understanding of Melanesian modernity. And nowhere was this more the case than with respect to the two bedfellows of Western life: money and Christianity.