

Influencing judicial process using black magic: Experiences of court users from the Houses of Chiefs in Ghana

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Abstract

The role of black magic in the court of law has not been given adequate academic attention. This research contributes to the literature of legal pluralism, hybrid courts and spirituality in the law courts, by exploring the experiences of court users in the Houses of Chiefs in Ghana, judicial bodies mandated by the 1992 Republican Constitution to adjudicate on matters affecting chieftaincy commonly called chieftaincy disputes. The empirical part of this research is drawn largely from a data set that was collected in 2006, 2007 and 2009, focusing on Regional Registrars (administrative heads of these judicial bodies), court clerks, disputing parties and their counsel, counsel to the various Houses of Chiefs, and the bailiffs who constitute the life wire of these courts. Primary data was gathered from these people through face-to-face interaction, coupled with observation of court proceedings. Content analysis of the data revealed that judicial proceedings as well as judicial decisions in the Houses of Chiefs are deeply influenced by black magic, otherwise referred to as juju. Whilst the influence of juju on these specialized courts may be oblivious to the ordinary observer, the disputing parties, their counsels, counsels to the various Houses of Chiefs, and other judicial personnel in the Houses of Chiefs are very much aware of it and their belief that it can influence judicial proceedings and judicial decisions.

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Introduction

On Monday morning March 19, 1945, the body of a ten-year-old girl was found on the beach a short distance from the town of Elmina, in the Central Region of modern-day Ghana. She was murdered so that her body parts could be used to make ‘medicine’ to help the Regent’s faction of Elmina win a court case that was critical for their political standing in Elmina (Gocking, 2000). The Bridge House murder, as it was known in the colony of the Gold Coast, was a ‘medicine murder’ carried out to use the victim’s blood and body parts to make a powerful medicine to succeed in any kind of lawsuit, including cases before Magistrates and Judges.” The parts that were removed from the victim were supposed to deprive the ‘opposite party’ of their ability to express themselves in court, their ability to get legal assistance, their witnesses to give testimony and the judge to appreciate the evidence (Gocking, 2000). The Bridge House murder represents an instance of people’s belief systems that black magic or juju can influence the judicial process and tilt judgement in one’s favour.

Magic is an example of juju (Meyer, 2012) whose function, writes Malinowski, is to ritualise human optimism, to enhance faith in the triumph of hope over fear. All religion, may in a sense be called white magic whilst black magic on the other hand, is an appeal to or summons of gods who are no longer officially believed in and therefore are degraded (Drower, 1933). Sometimes also, sorcery is “usually reserved for the anti-social use of magic, that is, the manipulation of physical objects to effect evil supernatural ends, its popular connotation is juju, though [the term] black magic is also used” (Nukunya, 2016, p. 78). Thus, the terms black magic and juju are used interchangeably in this paper, referring to supernatural powers or forces, manipulated by people for desired ends. This research contributes to the literature on legal pluralism, hybrid courts, and spirituality and law, with the main argument that there are certain forces beyond lawyers’ sophistry and evidence that contribute to success in the courtroom.

Data collection and analysis

Two sources of data formed the basis of this research paper. First, was the fieldwork that was conducted in all the then ten (10) regional Houses of Chiefs, and at the National House of Chiefs. The Regional Houses of Chiefs are situated in all the regional capitals of the regions, whilst the National House of Chiefs is headquartered in Kumasi, the Ashanti Regional capital. All the participants in the study were purposively selected, met, and interviewed in their various Houses of Chiefs across the country. These were court personnel who are key in the judicial process in the Houses of Chiefs. Those who participated in this research were the various Regional Registrars of the Houses of Chiefs, disputing parties who attended court hearings, Counsels to disputing parties, Counsels to the various Regional Houses of Chiefs, and the National House of Chiefs, members of the several Judicial Committees, and Traditional Council Registrars serving as court clerks or bailiffs. Interview schedules were pre-arranged with these participants. At the

scheduled date, participants were met at their offices in the Houses of Chiefs, with an interview guide. Questions were asked to provoke answers around uses of black magic by court users in the Houses of Chiefs, allowing much time for them to answer. The same guide was used for all participants. In most instances, some of the participants were met more than once. This was done to compare data, and in some instances, check data accuracy. All data were recorded either in fieldnotes' book or by using a recording device. Fieldnotes were rewritten creating subheadings under popular subthemes that emerged from the fieldwork. The fieldnotes revealed the belief system of the court users and court personnel regarding the application of black magic to their success in the courtroom.

Secondly, observations were done of court proceedings. The judicial proceedings in the Houses of Chiefs, like any ordinary court of law, is open to the public. The data from these observations formed the basis for further interviews. Occasionally being privy to gossips by participants also became basis for further interviews. Specific court cases in media were also purposively selected especially those cases that had narratives of the uses of black magic in the courtroom, as directly witnessed and reported as first-hand information.

In addition to this, secondary data was gathered largely from articles, chapters, and books. About eighty percent (80%) of secondary material was accessed through various search engines using the internet. Only few rare books were read in the libraries. Readings were done around themes such as juju and court proceedings, and uses of black magic for judicial outcomes in courts. Readings of secondary material were done around these subthemes with the chief objective of positioning the data within the context of existing studies on black magic, court proceedings and judicial decisions.

Black Magic in the court of law

The court of law is not only an arena where legal brains meet to win the favour of a judge, but also a spiritual battle ground where people with various interests, seek help from supernatural forces to ensure a desired judicial outcome. In spite of foreign influences such as colonial education and the monotheistic teachings of foreign religions such as Islam and Christianity, many Africans still believe in other spiritual powers. The use of black magic to enhance one's chances of success in the court over the other is not new, especially in African courts. Bierschenk (2008) observed in the case of Benin, that, "It is also possible to seek the services of a specialist in supernatural powers to enhance one's chances of success in court". According to him, in the case of conflicts involving land law in particular, the air in the court room was full of smoke and dust generated by the mysterious substances burned by numerous old men in the courtroom or in front of it before the beginning of the sitting (Bierschenk, 2008). Magicians and sorcerers are consultants whose services are open to utilization by those who need them. The services include... protection against conviction in a court case or making it impossible for an opponent or a policeman to appear in court to give evidence (Nukunya, 2016). Indeed, the body of literature on the use of juju or black magic, and its impact on criminality in

courts continues to grow in Africa (Aborisade & Adedayo, 2021), with lawyers prepared to bring to the fore the following experience on how juju was used against another lawyer in court:

Kevin was a lawyer who had never lost a case, but his latest case could be different: he was hired to defend a native doctor who was charged for the crime of slaughtering a goat for sacrifice, and his opponent in court, the prosecutor was a formidable opponent. The priest offered to help his lawyer against the formidable opponent, he brought out a cow tongue from his freezer, fold it, and nailed them together: he then assured his lawyer that the following day, their opponent, the prosecutor would not be able to talk. That was what happened, the prosecutor kept on coughing until the lawyer argued his case to victory (Opera news, 2022).

James Neal's experiences in juju in the law courts are quite illustrative and referenced by several writers on the role of supernatural forces in securing favourable judgments (Aborisade & Adedayo, 2021; Ojo, 1981; Owusu, 2022). He went to take up a job in Ghana in November 1954 as Chief Investigations Officer in a newly established department that covered investigation and security. He saw this as a challenging job and was looking forward to putting his best into it. He however lamented that he was forced to give this job up because of juju. One of his shocking experiences is narrated in his book *I Became a Target for Juju*. This is how he investigated a Section Officer who extorted varying amounts of money from certain cocoa farmers by blackmailing them that unless they gave him so much, a new road under construction would pass over their land. This section officer, Kobla Nyame, was arrested and charged to court but he was later released on bail. He however threatened that he would see a big juju man who will kill all those people who agreed to give evidence against him if they did not abandon the prosecution. In addition, he boasted that Mr. Neal would regret having brought this case against him. A few days later, two of the principal witnesses died suddenly. Neal expressed his shock at this since both had been extremely fit and healthy cocoa farmers. Another drama that hit the case was that when Nyame was brought into court for his trial, the presiding judge suddenly fell extremely ill that the case had to be adjourned. The judge had a recurrence of the illness several times and each time this happened, the case was adjourned. At last, the case was concluded and Nyame, the section officer was sentenced to two years imprisonment. As he was leaving the courtroom, he muttered something to the effect that his revenge would be striking at Mr. Neal soon. Mr. Neal reported somebody poured juju in his car, how he fell ill within a week after the case and how series of test at a European hospital could not show the exact cause. After all his harrowing experience in Ghana, Mr. Neal's conclusion was that whatever the answers may be, whatever theories may be put forward he was both victim to and observer of the inexplicable effects of a strange and frightening force. He concluded without any shred of doubt in his mind that the African, in his own mysterious ways has harnessed one of the strangest powers called *juju* (Neal, 1966).

Two years ago, a twitter user made a post calling on lawyers to share their experiences involving the use of juju, voodoo, or witchcraft in cases they have handled. Many lawyers came forward showing personal experiences or those they personally witnessed. They were narratives of lawyers pooping on themselves in open court, to lawyers boasting of the number of lawyers and witnesses a particular case had swallowed before the actual trial commenced. Judges were not spared in this regard as evidenced by the following:

Justice Nwaka's court, Ikeja. My Lord kept rising "for tea". After the fourth time or so. She pointed to a woman at the back of the court in a huge hijab and asked the orderly to throw her out. As the Hijab woman stood up a large talisman fell from inside her Hijab[.]She was strapped... (Opera News, 2022)

Whilst it might not have been taught at law school that cases are not always won by the strength of a lawyer's sophistry and evidence alone, but sometimes by the application of spiritual forces to fortify, protect and secure oneself. This article is neither about cases that attest to the efficacy of black magic in the law courts nor provide details of the objects and the rituals of such supernatural powers. It rather contributes to the literature on black magic in the law courts by focusing on the manifestations of court users' belief in the application of juju in the judicial process and the forms of such manifestations. The belief in, and the application of juju in the Houses of Chiefs was not only a perception but a reality in which some of the support personnel (court actors), counsels for disputing parties, and judicial committee members gave various testimonies to having used it or heard about its usage.

The houses of chiefs, personnel, and jurisdiction

Unlike the English law and its institutions that evolved, with modifications, from colonial to postcolonial Ghana, the evolution of colonial courts was a complete break from contemporary Houses of chiefs in Ghana. The Houses of Chiefs system was a creation of Ghana's Independent (1957) Constitution, guaranteed by the 1971 Chieftaincy Act, Act 370, and subsequently, by the 2008 Chieftaincy Act, Act 759. Since its creation, it has exercised exclusive jurisdiction on chieftaincy disputes until it became the centre of a fierce legal debate about whether it should have sole jurisdiction on chieftaincy disputes in Ghana and not concurrent jurisdiction with Ghana's High Courts (Ekow Daniels, 1973; Kludze, 1998; Brobbey, 2008). Presently, the Houses of Chiefs system has attracted the attention of sociologists showing interest in its structure, personnel, and roles where chiefs sit as judges to adjudicate on chieftaincy disputes with the assistance of state bureaucrats and English trained lawyers. The Houses of Chiefs thus exist under administrative jurisdiction in Ghana where chieftaincy disputes are settled outside the ordinary courts of law, but under the supervision of the ordinary courts (Ekow Daniels 1973). These special courts encounter many challenges in the judicial processes including the commercialization of justice (Anamzoya & Tonah, 2011), as well as the status ambiguity of the state bureaucrats who constitute the administrative personnel of

the Houses of Chiefs (Anamzoya, 2009, 2014). The Traditional Councils, the Regional Houses of Chiefs, and the National House of Chiefs are the three-tier structure of the Houses of Chiefs system in Ghana. The 1992 Constitution of Ghana has stipulated the functions of the House of Chiefs among which it has granted the original and the appellate jurisdictions to the Regional House of Chiefs, and to the National House of Chiefs (1992 Constitution of Ghana; 2008 Chieftaincy Act, Act 759).

The judicial functions of the National House of Chiefs are outlined in Section 22 of the 1971 Chieftaincy Act (Act 370), articles 154, 178, and 271 of the 1969, 1979, and 1992 Constitutions respectively. All Regional Houses of Chiefs and the National House of Chiefs can hear cases originally emerging from their areas of jurisdiction, and those appealed from the lower judicial bodies. Disputing parties over vacant chieftaincy positions in Ghana, have the Houses of Chiefs to resolve their disputes. Court personnel include the Regional Registrars who serve as the administrative heads of the Houses of Chiefs, court clerks, bailiffs, accountants, and research officers who help in the judicial processes in the Houses of Chiefs. Leadership of the Houses such as Presidents and the Vice Presidents, are chosen amongst the chiefs who constitute membership of the Houses of Chiefs. Judicial committees of the Houses of Chiefs are the mandated committees to adjudicate on and resolve chieftaincy disputes. Membership of these committees are three and five in the Regional Houses and the National House of Chiefs respectively. At both Houses, the judicial committees are assisted by lawyers trained in English law. On daily basis, all the sixteen Regional Houses of Chiefs, the National House of Chiefs as well as the over one hundred Traditional Councils across the country are engaged in adjudicating one chieftaincy dispute or the other. This paper analyses perceptions of the users of these specialized courts regarding the role of magic in the adjudication process.

Narratives of black magic practices in the houses of chiefs

The contest for chieftaincy positions is a zero-sum game with winners taking all and leaving nothing for losers, making competitions for such positions, very stiff. This winner-takes-all principle makes such contests very dangerous to meddle with. In some parts of the Ashanti Region, for instance, chieftaincy disputing parties attend court hearing in either red or black dressings as though they were attending funeral services. They consider such chieftaincy disputes and the legal battles around them as matters of life and death. According to some of the disputing parties, ascension to traditional authority is the ultimate goal of every prince some of whom are prepared to resort to spiritual machinations to kill or disable one's opponent. During fieldwork in the various Houses of Chiefs especially in the northern parts of Ghana, it was not uncommon to see, disputing parties, witnesses and supporters dressed in local bullet proofs, on which hung juju objects such as talismans, amulets, tails of strange animals, cowries, little gourds, and other objects coming into the Hall for judicial committee sittings. Actors in the various Houses of Chiefs and police personnel who sometimes were called upon to maintain order at the premises of the court proceedings, were conscious of the belief systems of

the people and therefore never questioned them regarding such dressing.

On the 6th of December 2006 when the judicial committee was meeting at the Northern Regional House of Chiefs to start the trial of the Buipe Chieftaincy Dispute, the arrival of the parties was not without interesting scenes. Notable among this was the action of the respondent in the dispute. As soon as he stepped out of the vehicle with his supporters, he murmured some incantations and smashed an egg on the floor shattering the contents to the full glare of his supporters (numbering about 25) and to other onlookers. After the act, he and his supporters entered the House, and were welcomed into the Hall by the Regional Registrar and his supporting personnel. These personnel later told me they observed the scene from inside and yet thought it was normal. They did not find anything wrong with it nor question the act. Such spiritual displays at the premises of the House are examples of open threats by parties to each other. Sometimes too, the parties to the dispute use spiritual means to stop each other from speaking or giving evidence during the judicial proceedings. In the Volta Regional House of Chiefs, some disputants did this by adjusting certain special bangles they wore. When the bangle worn in the wrist was pushed toward the elbow to the point that the mouth of the bangle was full without space, then the mouth of the opponent would be closed, and he would not be able to speak. Referring to disputants seated and waiting for the commencement of judicial proceedings in the Volta Regional House of Chiefs, a disputant confided in me:

All of them here, if you are to search them, you would find small, small things [spiritual objects] in their pockets. So, when I started coming to court my maternal uncle was not happy that I never informed him whenever I was to come. He wanted to come with me to the court and sit behind me in order to 'dilute the situation' in this courtroom (Volta Regional House of Chiefs, 2009).

Diluting the situation in the courtroom was interpreted to mean, spiritually protecting his nephew against any black magical attacks in the courtroom. The number and kind of people (witnesses and supporters) allowed for each disputing party in court is largely unregulated as far as seats are available. It is thus possible that during judicial committee sittings, the supporters who come with the disputants, are there to spiritually protect their people, and to detect, swallow, or redirect any spiritual 'missile' that might be fired from the other side, and which can only be seen by people with a 'third eye' and the requisite magical prowess. The belief in the use of spiritual forces as part of the judicial proceedings in the Houses of Chiefs has an impact on some of the support personnel in the Houses of Chiefs. One particular Registrar of the Volta Regional House of Chiefs could not hide his fear from me:

Ever since you came here to observe the judicial proceedings have you ever seen me in the court during judicial proceedings? You will notice that I always ask my deputy to come to the court... Some people believe that chieftaincy is a matter of life and death, and they carry this to the court. Before they [disputants]

come to court they go to the stool rooms [the ancestral rooms] and mention our names, make sacrifices... [so] that whatever they say we should accept (Senior Traditional Council Registrar, Volta Regional House of Chiefs, 2009)

The idea of disputing parties making sacrifices before coming to court was emphasized by a Senior Traditional Council Registrar of one Regional House of Chiefs. He was a Traditional Council Registrar of a Traditional Council before being promoted and posted to the Regional House. He intimated,

In the Traditional Council when you give judgment, the losing party takes you as their enemy. In the Traditional Council where I was taking down proceedings, there were times that I could not even spell the words 'go' and 'come' (Senior Traditional Council Registrar, Volta Regional House of Chiefs, 2009).

However, I must admit that this appears like an isolated case as generally, the support personnel did not really see themselves as targets in the spiritual warfare in the court, with the exception of the counsel to the House who does the recording of proceedings and thus, perceived by some disputing parties as the judge. In a rare circumstance, and at the National House of Chiefs, a judgment earlier prepared to be delivered on an appointed date could not be traced on the day of judgment, and all traces of the judgment in both electronic and paper files vanished. "That was the work of juju!" declared the legal counsel to the House.

Disputing parties do not only resort to juju to win their cases but sometimes they carried spiritual leaders to the court though one might not be able to identify them by their physical outlook. Spiritual warfare in the courts against opponents which takes place in the courtroom is mostly intended to prevent the opponent from speaking. Those that intend to eliminate their opponent takes place before or after court sitting. One disputant confidently boasted to me in one of the Regional House of Chiefs:

This [our] case was initially filed in 1996 by five people against us. Then the ancestors started calling them one after the other [they started dying], till all five were gone. Now another set of three have taken over the case. They are so ignorant [naive of the spiritual dimension of the case] that they don't know what is in stock for them (A Disputing Party, Volta Regional House of Chiefs, 2009).

Whilst the views of the three new entrants into this dispute could not be ascertained regarding how spiritually prepared, they were, it was also difficult to ascertain whether or not the death of the first five applicants in the case had provided them the appropriate lessons for they might not have been aware that the other five died from spiritual attacks.

Black magic against judicial committee members

Members of the judicial committee are fully aware of the dangers associated with adjudicating chieftaincy disputes. For some of the chiefs, they revealed to me how much they were aware of the extent to which a prince or a party could go to ensure that he reached his fathers' House¹.

Being conscious of the spiritual nature of the judicial proceedings, most judicial committee members interviewed said they normally made spiritual preparations before attending court including making sacrifices to one's gods or swearing by a particular skin or stool in order to strengthen one's spiritual protection and immunity against any black magic. This spiritual protection against any black magic included, wearing amulets and talismans on inner wears, covered by larger dresses in the forms of smock, or larger kente cloths. Judicial committee members could also attract the wrath of disputing parties especially when such parties had every reason to believe that a particular judicial committee member might not favour them in a case. In such a situation, that particular judicial committee member could become a target of the disputants and their supporters, to warrant a spiritual attack. Also, members of disputing parties try finding out, through oracular consultation and divination, which particular judicial committee could be or not be on their side.

The most harmless spiritual warfare against a judicial committee member, according to some of my respondents, was when upon finding out which committee member might not be in support of a particular party, such a party attempted changing the heart of this particular member to his favour by the same spiritual means, or by continuously spiritually making him absent at hearings until such a time that he was replaced. The attack could, however, be injurious to this member. The success of these attacks could be measured, among others, by the coming off, of all amulets and talismans tied around the arms, ankles, and waists of a judicial committee member, as reportedly happened in the Northern Regional House of Chiefs.

The implication was that the medicine of this member had been vitiated and needed reactivation. The success of applying black magic on a judicial committee member was measured partly by the feeling of an unusual heat within the member, coupled with difficulty in breathing. In the first instance, the member whose talismans and amulets came off drew attention to this by informing his colleague judicial committee member, excused himself and went back to the Chamber (the Lobby) to relax using the opportunity to "mend" his "torn items". In the second instance, the committee sitting could be adjourned and sacrifices, performed with the immediate purchase of a fowl of a particular type; red, black, white, or multi-coloured fowl. If the member felt relieved after the sacrifice which could be done at the premises of the court, proceedings could continue, otherwise the case could be adjourned till a later date. In the Volta Regional

1 This term is normally used by royals especially in the Mole Dagomba kingdoms of Dagbon, Nanun, and Mamprugu in the Northern parts of Ghana to mean, reaching the position, the palace their fathers and ancestors once occupied.

House of Chiefs most support personnel still remembered the mysterious accident of Nana Aburam Akpandja IV, Paramount chief of the Buem Traditional Area. After reading the judgment of a very complicated case in the Volta Regional House of Chiefs, he was returning home when his vehicle ran into cows, but when they came out later from the car, they could not find a single cow. Interviews with the Registrar of the Volta Regional House of Chiefs revealed that his wife who was driving him that day on their way back home could not understand how the cows that caused the accident could suddenly vanish. All chiefs spiritually protect themselves, but some chiefs intensify their spiritual protection especially on judgment days. It is of little wonder therefore that on judgment days of certain cases in the Northern Regional House of Chiefs, support personnel in the House reported that some judicial committee members' spiritual preparations could be so intense that, in the court, one could hear invisible cockerels crowing inside their big gowns.

My legal counsel is my horse in a battlefield

Counsel who represents parties in chieftaincy disputes are not safe from magical attacks by opponents and are therefore drawn into protection of all kinds by their clients. An interview with a disputing party in the Northern Regional House of Chiefs likened his legal counsel in a chieftaincy dispute, to a horse used by a warrior in a battle. According to him, in preparation for a battle, the warrior equally ensures the fortification of his horse because "the fall of a horse in the battlefield is the fall of the rider" declares one disputant. To him, even if the rider was wounded and the horse was still strong, the horse could send the rider home safely. Many of my respondents attested to the fact that the counsel was very important, and they spiritually protected them against black magic. The need of parties to protect their counsel partly accounted for the clients' visits to counsel's houses. These fortifications could take various forms including washing certain parts of one's body with a particular concoction² early in the morning of the day of court proceedings, stepping with a particular leg first into the courtroom, or to enter the courtroom walking in the reverse. It was extremely difficult to obtain this information from disputing parties and counsels were equally tight-lipped commenting on them. However, some counsel on their own, having weighed the general risk involved in the profession of litigation did not even wait till they got involved in chieftaincy disputes before fortifying themselves against the black magic of the opponent. "We spiritually fortify ourselves against any 'missile' be it in the House of Chiefs or in other courts" declared one counsel. In some chieftaincy disputes, the parties, for their own sake and for the sake of their lawyers, do not downplay the role of spirituality in these matters. According to one disputant,

it would be suicidal to hear that your lawyer has slept and has not woken up. But we also believe that by telling him about the spiritual fortifications, he could be

2 This concoction can be brought from the house of the client through a confidant to the counsel, and instructions given as to how to apply it to ensure efficacy and potency before the day of the court sitting. Or it can be sent to the house of the counsel on the day of the sitting.

scared. So, we tell him that we have taken measures to protect him, and he too should be careful in his interaction with the other parties (A Disputing Party, Northern Regional House of Chief, 2009).

In the Northern Regional Houses of Chiefs, support personnel told me glaring instances of lawyers coming to the court and not able to speak, or stammering and making simple mistakes when in actual fact they are not stammerers, or to come to the courtroom only to speak against their own clients, and appeared to be speaking in favour of the opponent of their client unwillingly and unknowingly, or to suddenly develop a running stomach in the courtroom, which have all been interpreted to mean successful magical attacks from “the other side”. The following eyewitness account illustrates magical attacks on a counsel:

I remember that in the early 1990s a particular case came to the Northern Regional House of Chiefs. A very powerful case. The first day of the sitting one lawyer collapsed. As the fainted lawyer was being rushed to the Tamale Regional Hospital the opponents went into wild jubilations inside the hall, throwing wild gestures and shouting ‘one down!’ ‘One down!! “One down”!!! (Senior Traditional Council Registrar, Northern Regional House of Chiefs, 2009)

On June 15, 2007, on my way back to Accra after a judicial committee having failed to sit at the Greater Accra Regional House of Chiefs at Dodowa, I was fortunate to be given a lift by a counsel to one of the parties. I seized the opportunity to interact with him on his experience of magical attacks on counsel representing parties in chieftaincy disputes. He remembered one day after court proceedings, his co- lawyer on the opposite side came to shake hands with him. He had stretched out his hand to accept the handshake when his client standing somewhere and perhaps magically “taking care of him” ran quickly to him and swept the hand away screaming, “he would kill you! He would kill you!! He would kill you!!!” According to him, though he felt embarrassed, yet he respected the act of his client because the handshake could be deadly. Many lawyers are spiritually protected without them taking active part in the spiritual exercise. This is the position of this same lawyer who gave me the lift from Dodowa to Accra.

I suspect that they do it behind me [protect me without telling me how]. I am doing this Ga case against Korle Wulomo. The Wulomo are the chief priests of the Ga people, but the Korle Wulomo is a female chief priest. The issue is who is qualified to be the Korle Wulomo? One day I was in court and a gentleman walked up to me and said, ‘lawyer, Wulomo said I should give this to you. Wulomo said we should give it to you to protect you.’ And he handed me a white handkerchief (Counsel to a Disputing Party, Greater Accra Regional House of Chiefs, 2009).

He however, brushed aside the question I posed to him whether he collected the white handkerchief and how he subsequently used it. Counsel's experiences of juju narrated to me were largely from disputing parties and were not personally witnessed. The event I personally witnessed which came close was in the Volta Regional House of Chiefs where a counsel rose in an open court, and to the utter amazement of his clients, announced that he was opting out of their case. No explanations were offered although some court attendants including the party, he represented interpreted his action to mean a successful magical attack by the opponent. It was difficult to find out from counsel themselves whether they came to the Houses of Chiefs with magical objects such as talismans and amulets hidden in their gowns or pockets as juju to protect them. This assertion mainly came from some court officials and witnesses for disputing parties. It was equally difficult to ascertain from counsel to the Houses if they knew of the spiritual implications before deciding to accept matters affecting chieftaincy. What are the implications of the belief in, and the practice of spirituality in the judicial processes in the Houses of Chiefs in Ghana? Some counsel to the Houses of Chiefs expressed their fear to work in the Houses to avoid black magical attacks by parties most of whom saw the legal counsel to the House as the judge. In most judicial proceedings and interaction with disputants they refer to the legal counsel as the judge and not the panel members because in all cases, it is the legal counsel who prepared and subsequently read judgments in open courts. Lawyers occasionally also refused to represent parties thereby stalling the judicial process. However, it is not all lawyers who take these spiritual matters seriously. When asked if he was scared of spiritual attacks from the opposing side, a lawyer representing a party in a chieftaincy dispute pending before a judicial committee in the Greater Accra Regional House of Chiefs replied as follows:

I know chiefs believe in juju [black magic] a lot and chieftaincy are full of rituals and all these things. But I do not think a party would waste his time on the lawyer [of his opponent]. It would be stupid to kill the lawyer because another lawyer would be hired (Counsel to a Disputing Party, National House of Chiefs, 2009).

Lawyers' unwillingness to serve as counsel to disputing parties, or to the Houses of Chiefs for the fear of juju could not be underrated. These have implications such as delays in the judicial processes due to deaths or prolonged sicknesses of parties, witnesses, or counsel to disputing parties. Nevertheless, at the end of judicial proceedings, judicial decisions are made and carried, and the winner takes over a vacant chieftaincy position as the chief.

Discussion

Assimeng once predicted that the "type of religious behaviour that would seem logically popular now, and that would continue to be very influential in the country for the foreseeable future, is the belief in the machinations of the evil." (Assimeng, 1977, p. 55). No matter how well educated many Africans are, most of them still believe that there

are supernatural powers like witches, black magic or juju that do influence events and destiny of man. Man's expression of religiosity sometimes therefore, manifests in the worship of spirits, not the holy spirit (Meyer, 2012). At times, they may flatly reject or deny the existence of such powers in order not to be labelled as still belonging to their primitive past, but when they are left on their own, they would confess that there are several mysteries around them they could not explain and they would invariably ascribe these to supernatural powers (Ojo, 1981, p. 327). The belief in the potency of black magic, the inexplicable of the unknown, the particularity of events are all shrouded in mystery, but could be explained away by black magic, or as an effect of black magic. For the Ghanaian and the African at large, what matters on daily basis is the constant enactment of the rituals of redemption to ward off honhom fi; (Assimeng, 1977, p. 56), "variously translated as dirt, pollution, danger, or evil (Assimeng, 2010, p. 67), or the potential effects of black magic.

This study has shown that black magic mostly works on its victims when in open court. Its efficacy is visible to the people in court and could also embarrass the victim. Counsel or witnesses who could not talk in court, or pooing in court, judges rising 'for tea' several times, or suddenly feeling ill are all the instances of efficacy of black magic on its victims inside the courtroom. The success of black magic hardly makes the victim to be absent in court. It allows the victim to come to court, and then it strikes.

The belief in black magic, Juju or voodoo, used interchangeably, represents a wider narrative of the African's inability to break away from his past, and to free his mind from the supernatural. The belief in spirits not the holy spirit, cuts across educational and gender lines. It knows no science and difficult to prove with evidence. Whilst the ordinary courts are always looking for evidence and would normally pronounce judgement on cases based on "evidence available to the court," it is manifestly clear that certain evidence might not be available to the court but could also influence the judicial process and ultimately, the outcome. Successful application of black magic might not only lead to the desired judgement, it could also delay the judicial process, frustrate opponents to abandon their case by the mysterious and sudden deaths of opponents, their witnesses or counsel.

The efficacy of black magic does not only depend solely on those who believe in it. The belief in juju might not have been part of the worldview of Mr. Neal as he sailed to Ghana to take up his job as a Chief Investigative Officer. Yet, juju did not only kill two of the principal witnesses in the case he was investigating, it also caused ill health in the trial judge, and struck illness in Mr. Neal himself which series of test at a European hospital could not trace the exact cause. The practice of juju by litigants and the need to protect their counsel creates situations where lawyers break professional etiquettes. Strictly speaking, receiving clients at home, as well as visiting them for professional purposes in their own houses or businesses is contrary to the rules of professional etiquette (Luckham, 1976).

However, in chieftaincy matters, clients and counsel visited each other partly for spiritual fortification of their counsel. Some counsels were aware of the spiritual preparations to protect them. They took part in the rituals and manipulation of objects including receiving certain tangible juju objects or following instructions as part of rituals to fulfil the juju rituals which included stepping into the court room with a particular leg or walking backward into the court. Others were however, protected remotely against the potential juju missiles of their clients' opponents, with or without their knowledge. The belief that black magic or juju can help clients win court cases is an extension of the belief of the African that black magic can help satisfy his needs within the social structure. From winning the hearts of a lady, to political power (elections), to winning cases in court, passing exam to passing enemies' camp unnoticed. Magic, in its general form is needed for a successful farming season, to ensure a big catch at sea, or for a successful hunting expedition.

People resort to magical assurances as they prepare for interviews for employment or for promotions. Students resort to different forms of magical support when preparing for exams. Successful people resort to magical amulets and other sacred objects for the fortification of their successes whilst less successful people resort to it to be successful. Education and the advancement of modern science have not yet proven to lessen the African belief in magic of all its forms. With regards to the Houses of Chiefs in Ghana, there is clear evidence that users' experience of magic was more of black magic which they believed to have influence in the judicial process one way or the other, and which has the potential to hurt their opponents, their opponents' counsel, judicial committee member or all of these. Conversely, these people also resorted to black magic in order to do same or worse to their opponents, or, to repel their magical bullets.

Limitations of the study

Further research needs to be conducted with chiefs whose disputes have successfully gone through the judicial process and are currently ruling over their chiefdoms to help ascertain not only their belief in black magic influencing the court process, but how they actually practiced the rituals involved in black magic before, during and after the judicial process.

Conclusion

The role of black magic in the court of law has not been given adequate academic attention, particularly in the Houses of Chiefs in Ghana where this paper represents the first of such an attempt. Chieftaincy disputes being adjudicated on by the Houses of Chiefs are sensitive matters which involves strong belief systems of tradition and authority. Matters affecting chieftaincy, as such issues are legally referred to, are zero-sum games involving royal families established over centuries. Thus, such disputes are not necessarily seen as disputes between two individual royals but by two royal families including the dead, the

living, and the yet unborn. The success of a particular party to such disputes is effectively seen as a success to all three generations. Conversely, a defeat in a chieftaincy dispute is considered death to a section of a royal house, the reason why some disputing parties in the Ashanti region chose to wear their traditional (funeral dresses) red and black when attending judgement days at the National House of Chiefs which serves as the final court of appeal in the Houses of Chiefs structure save the Supreme Court of Ghana.

By observing and listening to experiences of court users and personnel in the Houses of Chiefs across the country, the belief in, and practices of black magic otherwise called Juju is rife. Court users such as disputing parties, their counsels and sympathizers come to court spiritually prepared. This spiritual fortification is not only for protection against disputing parties, but also to spiritually attack their opponents when necessary. Members of the judicial committees who preside over and adjudicate on these disputes are not safe from the wrath of disputing parties. Since the judicial committee members are also chiefs who appreciate the gravity of such matters they adjudicate, they do not come to court 'naked' without the necessary preparations. The legal counsel attached to the judicial committees to advise them on matters of law is also a potential target should any disputing party and his sympathizers consider him a bias fellow. Whilst the actual application and practice of black magic is difficult to witness in the courtroom, observations in the court and narratives from participants point to how the success or otherwise of black magic manifest itself in several forms in the Houses of Chiefs including key witnesses' suddenly collapsing whilst giving witness statements in court, suddenly becoming stammerers, or being attacked by strange sicknesses or deaths. Some counsels representing disputing parties recounted similar experiences. Thus, judicial successes in the Houses of Chiefs are not achieved solely on the legal sophistry of counsels or credible witness statements to disputing parties. Beyond that legal mastery and witnesses' statements in the courtroom, is the belief that black magic plays a key role in the judicial process in its entirety.

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