

## 6 Household and Community Mediations of Violence

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Unacceptable violence is not always negotiated internally between partners; it sometimes involves various other parties. Non-state dispute mediations range from informal conversations with confidants to household arbitration and extensive community hearings. When Sierra Leoneans turn to their household or community to arbitrate violence they find unbearable, the process of such mediations follows a format that has been observed for other forms of disputes (especially concerning murder and land conflicts)<sup>1</sup> in various parts of Africa (see, for instance, Comaroff and Roberts 1981). Its features resemble the Kpelle moot, which Gibbs (1963) documented in Liberia. In Sierra Leone, a household or a community cooperatively presides over cases brought before it. Aiming at resolution, households and communities seek to maintain, not rupture, relationships. Violent acts are re-embedded into the larger social context in which they occurred, and what is on trial is not specific acts but a person's overall comportment. Various eyewitnesses and character witnesses are called, before the elders pass judgement. In these mediations, there is never a single wrongdoer, and punishment tends to be issued to those on both sides of a dispute, albeit unevenly. This highlights a distinct approach to justice, assigning shared responsibility for the violence committed and seeing the obligation to contain grievances and conflicts as relational (see Gibbs 1963; Comaroff and Roberts 1981).

Cases of household or community mediation in Sierra Leone can be distinguished from what has been observed elsewhere (see, for instance, Porter 2017 for Uganda or Gibbs 1963 for Liberia) in several respects. Here, the aim is not to preserve or generate social harmony. Instead, the hearings often force painful compromises, which are seen as necessary to maintain functioning social groups. Communities and households do not

<sup>1</sup> Take, for instance, Max Gluckman's study of the Lozi court processes of the Barotse. Here, judges considered contextual factors, locality, and litigants' lifestyles in their decision-making processes rather than focus mainly on acts committed (Gluckman 1963).

presume to resolve grievances, which to them constitute an unavoidable part of the human experience, but rather believe that they must be contained. Through various rituals such as ‘swallowing’ (see below), grievances are trapped in the bodies of individuals. This prevents those who bear grudges from acting on their hard feelings directly or releasing them into the wider community where they could infiltrate other bodies, cause bad blood, and eat away at the fabric of the community.

Kinship and gender dynamics further individualise solutions in that the weight of a witness’s testimony varies greatly, depending on their relationship to those directly affected and to the community at large. This renders mediation outcomes highly case-dependent, and similar cases can lead to widely different assessments. Despite the prominence of women in the hearings, they are punished harder, both because the expectations of their behaviour are higher and because they are seen to be better able to bear and live with injustices. Moreover, younger litigants may suffer when the presiding elders act in the interest of community and custom while the young may be driven by needs and desires that diverge from these very customs.

Finally, such mediation processes are not only political in seeking to maintain functioning households and communities, but they are also greatly concerned with cultivating a relationship to state courts that is characterised by friendly distance. The aim is to be able to invoke the state if necessary, but to keep the state from finding its way into communities without the explicit invitation of the elders.<sup>2</sup> Scholars interested in legal pluralism have examined such manoeuvres elsewhere and have helped us to understand these as sociopolitical tactics, a performance of internal harmony vis-à-vis an external power – here the Sierra Leonean state – to keep state interference to a minimum (Gibbs 1963; Nader 1990; Pirie 2007; Porter 2017).<sup>3</sup>

### **Informal Ways of Reporting Unacceptable Violence**

Research collaborators from the Allentown, Naimbana, and Kroo Bay communities use several tactics to respond to violence that they find unbearable. Apart from causing ruptures by breaking off relationships, avoiding persons, or spreading rumours (Ferme 2001; Rasmussen

<sup>2</sup> If cases are handed over to the state, they usually leave the locality of the community and enter the arena of formal state offices.

<sup>3</sup> This relationship distinguished the truth and reconciliation processes from war-crime tribunals (Shaw 2007; Shaw, Waldorf, and Hazan 2010; Ainley, Friedman, and Mahony 2015) and now shapes the difference between community and household mediations and the criminal justice process in Sierra Leone.

2001), such responses are usually geared towards resolving issues and maintaining relationships (Gibbs 1963).<sup>4</sup> An important part of mediation is sharing the emotions one harbours. Experiences of violence are negotiated in conversations with friends, neighbours, or other confidants. Such discussions are considered informal and do not initiate an official case. It is, for example, very common for women and girls to show injuries and marks to one another. Friends and acquaintances may offer advice on their treatment and listen attentively to descriptions of how they were inflicted, but they do not make authoritative comments about the relationship.

Consider how Issa (33), a woman from Allentown whose case I describe below, was treated by loved ones and acquaintances. Issa's boyfriend was physically violent towards her and often left her with deep and open injuries, some of which became infected. Her friends and neighbours visited with gifts of ointments for her injuries and provided tips on how she could treat and conceal them. What mattered was supporting her, not expressing personal opinions. Alhaji (30), an Okada bike-rider and one of her closest friends, once told her after a particularly harmful altercation with her boyfriend: 'Baby, use this cream, it will help you. That's how life is. One must just find a way to bear'. After she left to apply the cream, he turned to me and whispered: 'These injuries are very deep. They will leave scars. This man is wicked. She should leave him and find another'. When I asked him why he shared this opinion with me and not with her, he just shook his head at my ignorance and said:

You don't know what is under and what is in it, and gossip is very bad. If you advise against [him], and then they reunite, you are the black monkey. If you stay outside, you are a better friend, and no matter what, she can come to you because you will not judge. It is not your business. She must make such decisions on her own.

In these situations, being a friend means providing the emotional support needed without presuming to know what is best. People appreciate that outsiders never see the full picture. They therefore differentiate between what is visible and apparent (such as Issa's injuries) and the emotional worlds that may exist but that are concealed (the intricacies of her relationship). Respecting those concealments and refraining from trying to penetrate them against a person's will is paramount for a true friend.

<sup>4</sup> In Freetown, a community is a group of people who live in a given area and who practise common ownership over that area. From any given house, these communities usually extend up to the next river, road, water tap, or big house that separates areas by means of high cement fences. In the absence of chiefs, authority is convened through elders.

Careful distinctions are drawn between someone who is 'sharing', someone who is seeking 'advice', and someone who is 'making a report'. Someone who shares must be met with an open ear to listen rather than with moving lips to voice personal opinions, pass judgement, or seek to influence the person who shares in any way. By contrast, advising takes the form of a subjective analysis of the pertinent situation. Finally, reporting is the only form of mediation that initiates an official case – a structured hearing of a matter presided over by community or religious institutions, with direct and often severe consequences for those involved.

### *Reporting to the Religious Community*

It is common for a woman to report to religious institutions and confide in a pastor or imam, who is then asked to mediate a relationship on her behalf. However, with the exception of one case where an imam urged a woman to file for divorce because her husband had kicked her stomach when she was seven months pregnant, causing her to miscarry, women were told to 'bear' their partners in all 23 cases of reporting that I followed. Here, one can cite the example of Mariama (30), one of my main research collaborators from the informal settlement of Susan's Bay, whom I have known for eight years. She met her boyfriend shortly after we were introduced by Sabrina, a mutual friend, in 2012. 'Back then he catered to her every need', said Sabrina (28), beginning to explain Mariama's love story:

Because she was serious about the guy, she took him to her church and introduced him to her pastor, which is what Christians in Freetown do. A couple of months later, she found out that the boyfriend has another girlfriend who is staying in the US. When she confronted him, he admitted it and explained that he has been with this woman for many years, but that she should not be jealous because the woman is not here. Mariama felt that this put her in the situation of only a time-filler, rather than a girlfriend whom he would consider marrying, and consulted her pastor. The pastor told her to be patient with the man.

A couple of weeks later, the guy stopped contacting her and providing for her. After trying to reach him for several weeks, she went to his house only to catch him in the room with another woman. He introduced this other woman as his girlfriend, leaving her in shock. Now she told the pastor that she wants to cut off the relationship, but the pastor told her that it is not a woman's choice when a relationship should be terminated and that she should be patient with him and try to win him back rather than make things difficult for him.

Later that day, the girl was invited to a party by a male friend and decided to attend. The boyfriend, who had not spoken to her in weeks, heard of this. Furiously, he showed up at the party, created a huge scene, and took her home. At home, he dragged her into his room, shut the door, and locked it with the key, which he then threw under the bed. He gave her a serious, serious beating and

raped her because he believed that she had cheated on him by going to the party. When she went to the pastor with a bruised face, telling the pastor that she had been raped and beaten, asking the pastor to please allow her to terminate the relationship, the pastor got very upset with her and her behaviour, explaining in rage that women need to be modest and cater to their man's needs and that she should have never gone somewhere where she would anger her man that much.

There were echoes of Mariama's story in other examples where women had turned to their church in search of support in what to them was a painful situation. Instead, they were told that they had misbehaved by questioning their partners, being overly demanding or putting their needs for attention, fidelity, or affection before those of the relationship. Overall, the church was often described to me as an institution that promotes a specific relationship – that of a married couple with a male breadwinner and a female dependant – whose maintaining requires 'patience and bearing'.<sup>5</sup> Women are said to shoulder great responsibility in that they are tasked with making sure that relationships last. Marriages may only be ended in the rarest and severest cases. Pastor Michael (54) said:

We [the church] do not allow people to just get married. First, they must undergo counselling for months and months during which they learn about the roles and responsibilities of lifelong marriage. Otherwise, we do not bless and do not allow the marriage. So, when they are married, we do not encourage people to separate. And in relationships, it is the same. Only after careful evaluation should you enter, and you should always find the fault with you and change yourself, not the other person. Yes, maybe there is some violence involved, but if you have the patience, you can have a successful and happy relationship.

Here, church and community share a similar goal. Both try to prevent separations that would lead to the dissolution of households, affinities, and carefully spun webs of reciprocity developed through exchanges of goods, people and money. However, while communities attempt to enable such continuity by punishing those who harmed others so as to manage grievances, keep people in line, and prevent resentment from becoming an insurmountable obstacle to stability, churches seem to ask their members to 'bear'. Finding fault with yourself rather than your partner is the quintessence of the practice of bearing. Isatu (27), Papani's daughter, exclaimed in response to a radio broadcast that stated that far more women go to church than men:

Of course! They have so much more to pray for and little options. Here, women can hardly get active against injustice. Only with these traditional stuffs, but the God-fearing woman must choose to sit in silence and pray. If she truly believes in

<sup>5</sup> For studies on gender and Pentecostalism, see Meyer 2004; Gilbert 2016.

God, she will accept whatever comes her way. They [such women] leave everything in the hands of God and pray for their husband to be less wicked, their aunt to treat them better, and their children to respect them. So, the more goes wrong, the more they must go to church.

The difference between ‘sweet revenge’ (Chapter 5) and ‘God-fearing persons’ was an undercurrent of many interviews.<sup>6</sup> Research collaborators spoke especially about the passivity of the Christian approach to resolution, as opposed to the active approach of more traditional variants. Prayer was often pitted against ‘sweet revenge’, the feminine form of violence described in the last chapter, which is marked by proactive avenging.<sup>7</sup> Different forms of reporting provide a middle ground between taking direct counteraction in the form of revenge and passive bearing through prayer.

### *Keeping It in the House: Household Mediations*

When partners report violence that they find unbearable to their household or community, the first decision to be reached is whether the offended party wants to keep the issue ‘in their house’ and therefore private or involve other parties and thus ‘carry it to their porch’, as the local terminology has it. Carrying it to the porch does not necessarily mean that it will become public. Rather, it means that people who do not usually eat and sleep under the same roof will become part of the mediation process.

If people decide to keep the issue in the house, they call upon the elder(s) of the house to mediate. Every household has a male and a female elder. These are the oldest consanguine or affinal relatives who live in the household. The elders then consider the different sides of the grievance before they decide how it should be resolved. Another option is to report violence in relationships to the patrons who were chosen upon entering the relationship – usually a senior consanguine female family member, very often one’s mother, grandmother, or eldest sister. These mediators then convene a meeting with all parties involved, discuss the issue at hand, and decide on the appropriate course of action. Whichever

<sup>6</sup> These ideas also underpin the dialogue between personal autonomy, rights, and protection. The ‘guardian function’ of (human) rights may restrict personal autonomy in the interest of empowering or protecting marginal groups (see Chapters 8 and 9). In Sierra Leone, we see similar dynamics in households, schools, courts, and prisons (see Chapters 3, 4, 5, 8, and 9).

<sup>7</sup> The question remains whether leaving things to God is equal to forgoing revenge or merely postponing it. Believers may find comfort in leaving the possibility of punishment to God, who will surely judge everyone.

form is chosen, the mediators' decision must be adhered to. Since what is at stake goes beyond the particular conflict and concerns the overall stability of the household. The elders' or patrons' decision marks the end of the case. Reopening it by discussing it with others is an offence. Mr Bah (in his seventies), one elder of the Naimbana community, elucidated:

We do not encourage *kongosa* [gossip]. During a case, you should let out all the things that are in your heart so that they can be aired out once and for all. If you hold it in and let it out later, you act childish and stupid, and you will destroy the solution that was found. If you start gossiping about the matter later after you should have swallowed it, we will surely punish you for that.

Grudges, even irrationally severe ones, can and should be disclosed while the case is being discussed. Here litigants are encouraged to call each other every name in the book if that is necessary to vent their anger. Those presiding over cases make sure that all those involved can share and take as much time as they need to express whatever feelings they have been harbouring. However, once all testimonies have been heard, the time to vent is over and litigants must now let their anger go or hold their tongue. This is why cases end with swallowing. Whatever has not been said or openly felt at that time must now be swallowed and silently lived with.

*Taking It to the Porch: Palaver and the Structures of  
Community Mediations*

'Taking it to the porch' can be accomplished in two ways. The first approach, typically utilised by women, is to 'make palaver'. Women create a commotion by shouting at or insulting the perpetrator, stepping in front of their house, banging pots and pans together, in order to garner the attention of others, who then come and intervene. This strategy is usually chosen in response to physical or sexual violence and only rarely results in a community mediation.

When someone makes a report to community elders, usually within a few days a group of kinsmen, neighbours, and community members, which varies in size depending on the case, gathers to preside over the issue and decide cooperatively on the way forward. These mediations are like those practised by chiefs (male leaders) or *mami kwins* (female leaders) in village settings (see Coulter 2005: 36).<sup>8</sup>

<sup>8</sup> For studies of chiefs' mediation practices beyond Sierra Leone, see E. E. Evans-Pritchard's (1940: 162) work on 'leopard-skin chiefs' or Isaac Schapera's (1994) on Tswana chiefs.

However, while chiefs usually have sole decision-making power, these urban community mediations are much more democratic in that they include all those implicated as well as trusted character witnesses. Those attending are supposed to form an organic whole focussed on finding a solution so as to move past the conflict rather than create further ruptures.

The opening of such sittings is marked by Christian and Muslim prayers, the pronouncement of blessings, and a reminder to maintain respect for all persons involved – *Leh wi lek wi sef. Leh wi tray fɔ setul di mata wantem. Leh wi nɔ mek plaba* (Let us like/love each other. Let us try to solve this issue now. Let us not fight or quarrel). These blessings are a reminder that the task is to solve a problem, not to create harm.

The case commences with the account of the claimant. After they have finished, an interrogation may follow, and questions can be asked by anyone present. Afterwards, the accused testifies and is subjected to questioning by those present. Then the two parties may engage in direct cross-examination and involve other attendees (see also Gibbs 1963 for Liberia). Subsequently, witness statements are heard. These can be of two categories. First, people who were either present or directly consulted by the litigants give their accounts. Then community members, neighbours, and kin are called upon to give an evaluation of the litigants' character, social standing, and responsibility. While accounts and questionings are energetic, nobody loses sight of the seriousness of the assembly and proceedings usually remain orderly. People who speak out of turn or spread *kongosa*, which includes all speculations and unproven comments, and those who make palaver may be fined or excluded from the proceedings. After all statements are made, the elders weigh the differing views against each other and then assign responsibility, fines, and punishment. The proceedings are held orally. They are not transcribed, and no written statements or summaries are issued at any stage. Instead, at the outset of any proceeding, one elder summarises what had happened till then.

Rarely is the blame for wrongdoing placed on one side only. Instead, it is usually shared, though unequally. The verdict reached includes penalties for both parties, and it is expected that all involved will comply with it. Before sentencing, the elders ask if there is any other issue, worry, or statement that needs to be considered. If attendees remain silent, no appeal is subsequently allowed. Consequently, no archive of any kind exists. Once a case is closed, it is closed forever unless a new case is opened. Before proceedings end, those found to be at fault are made to apologise publicly. All grievances must from now on be kept to oneself. This ritualised apology at the end and the public acknowledgement that



all issues have now been attended are what is called 'swallowing'. Thereafter, gifts and tokens of appreciation exchange hands. These are brought by all sides involved in a dispute and handed to those who preside over the case and to the side found least guilty. Those who are found to be 'most wrong' must contribute the biggest share. Here again, we see the importance of exchanges and gifts in creating binding obligations. Before the crowd disperses, food and beverages are consumed together. This can lead to a social gathering with songs and dances that may carry on into the night, the intention being to restore or increase community cohesion. The litigants may participate or go their way.

It is almost always women who are assigned as community elders and who preside over such cases. In her critical study of gendered dynamics in Africa, Oyèrónké Oyèwùmí foregrounds the importance of seniority over gender (Oyèwùmí 2005). Similarly, Caroline Bledsoe, writing about women and marriage among the Kpelle, notes that 'the distinction between the old and young may ... be more important in understanding people's ... strategies in many African societies than the distinction between men and women' (Bledsoe 1980a:186). However, when it comes to community mediations of violence in Sierra Leone, age and gender reinforce each other (Chapters 3 and 4). Female elders are the mediators of and main decision-makers in cases of violence for historical, practical, and ideological reasons. Historically, this builds on the role of *mammie queens*, who were responsible for conflict mediation (Coulter 2009). Practically, women are responsible for directing and managing family affairs and hence for looking after younger people. Furthermore, it is women who run their business from home or are at least at home daily and who are *confidantes* in relationship matters. Hence, they are the ones who are called upon in the event of pregnancies, and it is usually they who initiate *ansa bele* and marriage and who work on deepening the ties between different families. Men's role, on the other hand, becomes important much later when the formal ceremonies occur. Moreover, if a person is sick or harmed, it is the women who accompany them to the hospital or the court. But women are not only influential in supporting others; they are also the key persons when it comes to evaluating social behaviour and to disciplining wrongdoers. Men are often absent and said to 'not really know' what goes on in a home. They are perceived to be too selfish, hot-tempered, and short-sighted to preside over complex cases. Furthermore, as regards emotions and desire, the conduct of men is commonly seen as consisting of responses to women's behaviour.

Finally, in terms of ideology, women are described as better able to put the needs of a household before their own and more able to understand the needs of all those involved. Hence, it is mainly women who facilitate

and oversee community mediations, and the elder women of each compound are the main mediators of violence in relationships and in the home. The teeth (male) are the independent grinders and the tongue (female) the social connector to other parts of the (social) body.

### **Ethnographic Accounts of Cases**

#### *Josephus and Issa: Violence against the Body and by the Tongue*

The 33-year-old Issa stays with her son, Lamin (11), in a one-room self-contained space attached to Josephus's compound in Allentown, the hillside community in eastern Freetown where I lived. Josephus, one of Papani's sons, owns the compound to the left of our house. He is Issa's boyfriend and her landlord at the same time. Issa's husband, the father of her child, lives elsewhere. He pays her rent and occasionally visits unannounced to check on her fidelity. Josephus and Issa have a complicated relationship. Issa told Josephus at the outset that she had left her husband because he was very violent but did not divorce him (a process known as 'seizing to continue'). Issa and Josephus entered a contract relationship, which is one in which both parties may see other people so long as they do not bring another sexual partner to the shared compound (Chapter 3). Issa cooks and cleans for Josephus, takes care of his children, and tries to build a relationship with his family. One morning while I kept her company as she was braiding the hair of Josephus's daughter, Issa told me:

I went into the relationship without any expectation, but Josephus told me to try to be serious with him. He gave me the hope of a bright future. He always tells me sweet words like 'I love you so much. I never feel for anyone like I feel for you. I want you to be the mama of my children ... I want to marry you'. He sleeps at mine on most nights. When he is out, he always calls me and sends for me ... but, ah, that man is not serious. All lies!

As she said this, laughing all the while, she rubbed her hands against each other as if to wipe dirt off her palms. Lansana (38), Josephus's cousin, remarked:

Josephus is what we call a 'passer-by', a man who creates a vacuum of hope around a relationship by telling a woman that he loves her and wants to marry her, so the woman feels that this is serious and goes all in. Then once she realises that there is a vacuum, he tries to fill that with company or compensation or promises or excuses for some time, until it all collapses and the man moves on to another woman, repeating the same actions again.

But Josephus is not the only one who has a box full of tricks. Issa, who grew up in the informal settlement of Kroo Bay and later supported herself

through relationships with men in the Naimbana Street ghetto, describes herself as ‘a real devil who can trick men into doing circus tricks’. She tests Josephus to judge the veracity of his promises. She explains: ‘You know I used to have many boyfriends who took care of me. Yes, I am well known. I have a police officer, even a minister. Josephus, he is not serious if he expects me to only keep him; he needs to provide’.

Consequently, their relationship is a constant dance of needs, demands, conflicts, and compromises. To give just one example: when, after months of unemployment, Josephus got a job at a construction firm, he suddenly had an income and started spending most nights away. For a few weeks, Issa took care of his children and his compound. Then she decided that she had had enough. She left and stayed with friends in a different part of Freetown. On the nights Josephus came home, he found her missing. On two Saturdays in a row, a disgruntled Josephus had to wash his own laundry, with the mocking sounds of the women from neighbouring compounds in his ear. When Issa visited after that, he beat her with a belt until her back and arms were bleeding, and the neighbours intervened and told him to stop. But Issa would not be beaten into submission. When he realised that the beatings were not going to make her stay, he decided to give her some money to help her start a business. She then began to sell fishballs to the community. However, as Josephus was mostly absent and she sought to enjoy her newly gained financial independence, Issa went out more and more. Once Josephus learnt about this from his friends who reported on her moves, the violence escalated. Josephus explained:

When I have a woman, I expect her to be available and to give me sex always. She needs to be around whenever I am in need; otherwise, she cannot expect nothing. But Issa now, she is wild. She just goes out like that, and then my friends who see her call me and tell me where she was passing with so-and-so dress and so-and-so person. My women don’t pass like that, I am telling you. When I ask her now, if she lies, *bam*, I will beat her like a plastic bag in the wind. Even if she tells me the truth, I have to punish her before it becomes a habit. When they [women] are like that, I cannot accept it.

Aunty Kadie, Josephus’s mother, added: ‘Josephus will never compromise. He is known for becoming very physical and very violent when it comes to sex’. Over time, Josephus and Issa’s conflicts escalated. After Issa aborted her third unwanted pregnancy, which occurred after being sexually assaulted by Josephus, she suffered from abdominal cramps, fatigue, and bleeding. When she threatened to leave him, he started to ‘beat in’ her face to make her unattractive for other suitors. When I asked him about this, he told me:

For us men, it is very easy to get women. In a day, you can get one. Easy! But women are wicked; they do things to you to make you feel for them and not

another one. Issa now, she is mine. Let her dare go out and try to find someone with that face. I marked her. Everyone will see that she has a main man already.

Here, Josephus describes possession as mutual. Because Issa possesses him emotionally, he retaliates by physically possessing Issa through the 'mark' and through his economic contributions. This relates to the 'female' violence described in Chapter 5, where women can tie men to them emotionally and men attempt to retaliate through economic or physical violence (see also Scubla 2016).

Even though neighbours secretly condemn this violence, they do not intervene because Issa is officially married to another man. Here, a quote shared by Jaydee to EAUC's WhatsApp group on 29 July 2018 is telling. It reads: 'In Sierra Leone most girls have two boyfriends. The one they are deceiving and the one who is deceiving them'. Although separations without divorce and the commencement of new relationships are common, they are still transgressions. While families, neighbours, and the community accept such couples in their midst, they usually 'stay out of the relationship'. Bintu (56) from Allentown says that 'everybody now has these relationships. But still they are based on deceiving other partners you know. We don't mind such relationships, but we want to stay out of it. Because if you now get involved in something that is built on lies and then it collapses, you will be buried under it'.

While staying out of other people's business is motivated by respect for privacy and intimacy and a deep hatred of the destructive qualities of gossip, it is also partly a residue of previous forms of social organisation. In the past, marriage was the official relationship form. Because marriages built lasting relations between families, kin had a strong interest in the success of the union and mediated problems when they arose. While more individual and fluid relationships certainly existed, they were not lived openly, and others did not publicly involve themselves in them. While non-marital relationships can now be lived openly, they do not offer the same security as marriages because today, when people are not married, or at least have not undergone *ansa bele*, family and community have no official responsibilities. There is no expectation of intervention. Those who think about becoming involved enter unregulated territory and risk being blamed or punished when their mediation backfires. Issa and Josephus's case is one such example. It is also complicated by the fact that Issa is in fact married and that her family and the guardian she chose on getting married could at any moment decide to get involved too. Here, neighbours must consider not only whether they want to start mediating an unregulated relationship but also whether they are willing to run the risk of undermining the authority of people who are strangers

to them. However, in Issa's case the neighbours' non-engagement changed because of the event that I will now describe.

*The Incidents Leading to the Community Case*

One evening in December 2016, I was sitting in my usual spot on the small wall that surrounds the veranda in front of the compound I share with others, my knees drawn up to my stomach, trying to capture the events of the day in the small notebook balanced on my knees. My thoughts were interrupted when Aunty Eleanor approached and explained in a hushed voice that Uncle Josephus had brought a lady home. Snapping out of my reverie, I realised how tense the atmosphere was. Issa was indoors in the room adjacent to Josephus while he was inside with another woman 'sexing her', as Aunty Eleanor repeatedly said, while five children slept in the adjacent room, separated only by a curtain. The news spreads quickly. The men of the neighbourhood gather at Papani's bar and the women at our veranda: everyone holds their breath. At first, Issa does not create a scene. Rather, she retreats to her room and calls upon her girlfriends. Giggling women hurry through the night purchasing alcohol, cigarettes, and marijuana from Papani, who runs a store from his bedroom window, to drown their sorrows; quietly complaining about the 'senselessness' of men. However, at some point during the evening the woman Josephus brought home comes outside and sits openly on the veranda. While she is probably unaware that the man she had sex with is sharing this house with his girlfriend, who is in the next room, her presence is a public insult to Issa. Everyone knew about her presence, but it was somewhat hidden, and it would have stayed that way had she remained inside. Now, the secret is out.

The woman sitting outside in the open and the sense of shame that seems to waft through the community leads Issa to complain loudly. When she does so, Josephus kicks down her door, plants himself threateningly in front of her, and commands her to stop accusing him. Seconds later, beating and wailing sounds cut through the silence of the night. The neighbours eventually force their way into the room after hearing the beatings for some time and pull Josephus away from Issa. He tells her that as a married woman she is being unfaithful to start with and therefore is not in a position to make any demands or to be upset. He then returns to his room. Some of the men provisionally fix the lock on Issa's door so that she can sleep safely, while Josephus spends the night next door with the new woman.

The next morning Josephus's *nyu ketch* – the term used to describe a new sexual partner – is still there. During the night, Issa started cursing. When I visit her the next day, she says that she heard Josephus "sexing"

the woman, and that is when she started to *kɔs mami kɔs*, meaning that she started to call Josephus and his children bastards, a serious offence.<sup>9</sup> The half-naked Josephus forces his way into Issa's room, grabs her by the hair, and drags her out of the compound. He beats and kicks her and threatens to either kill her or take her to CID headquarters in Freetown. This time, Issa's cries for help fall on deaf ears. The neighbours who had previously tried to pull him away retreat into their compounds and close their doors behind them. They lost all sympathy for Issa when she started to curse Josephus's mother, who, as an elder working in a government-run old age home, is one of the only women in the community with a steady income and has helped countless families in the neighbourhood in times of need. Eventually, Issa bites his finger, seizes his phone, and escapes to a neighbouring compound.<sup>10</sup> In view of this commotion, a growing number of people gather around the compound and start to *put mɔt pan di fet* (to talk to people while they were fighting) while the doors of the immediately neighbouring huts remain shut. Whereas the night before they were disappointed with Josephus, their sympathies now lie with him. Mr Twin put it this way: 'Before we take Issa's side, because you know she takes care of the house and the children and Josephus should not bring his *ketch* home. But after the *mami kɔs*, ah, with her street background and such behaviours, she is only a dangerous *rare gal*'.

### *The Community Case Proceedings*

Because the community peace has been disrupted and 'everyone's mouth is in the case', the community decided to intervene. The next day, they gathered to reach a decision about what should be done. Members of all neighbouring compounds were present. Mammie Zainab (64), the community elder, started proceedings by inviting two members of the community, one Christian, the other Muslim, to lead the opening prayers. In her calm voice, she stated: 'We have been called here because *wahala* has come to our community and has disturbed some of us. Let us take this time to settle the matter at once'. Mammie Zainab has been elected as community elder because she has lived in the community all her life. She is known by all and is deeply involved in the day-to-day affairs of most

<sup>9</sup> Josephus has two children born out of wedlock from different women. The children were adopted by his mother, Aunty Kadie, who provides for them. Josephus was conceived when Aunty Kadie and Papani were not yet married. They married when she was in the third trimester of her pregnancy.

<sup>10</sup> In numerous cases I recorded, women seized their partner's phone when they suspected or knew of infidelity and when their relationship status was insecure. By holding on to his contacts to other women, 'his numbers', they force their partner to reach an agreement in exchange for the phone and they protect themselves from a possible beating.

households as she goes around listening to people's concerns. She does not belong to a sodality, a church, or a mosque, and is therefore seen as able to represent the best interests of the community without bias or favour. The other elders were appointed, so that every ethnic, religious, and interest group had a representative. Mammie Zainab, the main elder, is described as patient and caring, but also as principled and rigorous.

After the opening statements, she called upon those who reported the incident to make their statements and then invited each member in turn to describe their side of the story. The attendees listened attentively to the proceedings, adding hisses, murmurs of agreement or disapproval, and signs of acknowledgement after each statement.

In the first session, Josephus's and Issa's accounts were heard. Josephus said that he did not invite the woman to come with him to his house, but that she simply followed him. Issa explained that Josephus beat her and that she had no defence other than to use words. She apologised for cursing and said that she should have never done that, and she should have known better how to control her emotions. She said she hoped that Josephus's family would forgive her and not hold a grudge. She added that she treated Josephus's children like her own and that she hoped that the community would judge her by these commitments instead. Then the elders decided that, because the curse was directed against her, Josephus's mother should be summoned and involved in the decision-making process.

On the second day, all the witnesses were called to report on the activities as well as generally on the relationship between Issa and Josephus. The first group described Josephus's disrespect not only towards Issa, but also towards his children and his parents and the community, when bringing a stranger to the compound for sex. They argued that Josephus should be made to take an oath on the Qur'an that he did not cause Issa's abortions.

The elders inspected Issa's injuries in private before listening to members of the second group. They stated that Issa was to blame because as a married woman she should never have entered the relationship in the first place. Josephus's frustration was understandable in the circumstances because the relationship could never lead to serious commitment and was therefore 'a waste of time'. This group pointed to Issa's bad manners and claimed that she had a warm heart and was easily angered. They explained that Josephus was from a good family with long relations with the community while Issa was almost a stranger. They agreed that Josephus used to be a 'useless man' without any job but pointed out that he had recently started to work. They further explained that Issa was known for keeping many men and that this behaviour was

not good for the children in the house or the community, as she could easily provoke fighting between different suitors. They stated that it was sinful for her to have aborted children because children are a gift, and that Josephus could not be blamed for this because it was not even known whether he was responsible for the pregnancies. Afterwards, Josephus's mother, Aunt Kadie, and her family were invited to pass judgement, but they abstained.

According to the final judgement on the third day, while Josephus and Issa's relationship was not formal, their hearts chose each other. However, Josephus should either break off the relationship to Issa or abstain from bringing other lovers to the same house; such behaviour was a disgrace to the community and set a bad example for his children. Issa was obliged to pay a fine to Josephus's mother, which had to be paid in fishball deliveries to the old age home where she stays and works. She also had to publicly apologise, and, if she ever cursed or caused *wahala* in the community again, she would be expelled. Josephus should stop beating Issa with belts and sticks but should rather only slap with his hand if there was a significant disagreement. All members of the community were warned no longer to speak of this incident and to forgive and accept one another. Mammie Zainab's final conclusion was:

We say that the heart has no bone; no matter what people do to each other, through love one can act irrationally and stupidly. When emotions are involved, people totally lose the ability to be consequent. That is why we all must ask ourselves what we are doing and whether it is right, *before*, and not *after*, we act. As adults, we need to comport ourselves responsibly and not like children.

Josephus then publicly 'begged' Issa for her forgiveness and she in turn 'begged' him and all those she had cursed. After deleting all his female contacts, she returned his phone to him. Food and drinks were distributed to all those present; these had been paid for jointly by Josephus and Issa. Issa and Josephus continue to be in a relationship and to live in the same compound.

#### *Resolution through Contextualisation*

What regulates behaviour and constitutes rules in these instances is shared social norms and social control rather than institutions of government. The offence of beating, for example, is not analysed apart from the circumstances in which it was committed. However, although personhood and context are distinguishing factors, there is a hierarchy of offences, in which cursing elders is worse than acts of physical violence in relationships (Chapter 4). More important than individual acts are one's general attitudes, behaviour, and social standing.



In this case, the physical and sexual violence to which Josephus subjected Issa as well as his infidelity was weighed against Issa's comportment, her marital status, and her cursing of Josephus's mother and children. Through their contributions, individual members at the hearing provided an assemblage of anecdotes detailing 'what kind of persons Issa and Josephus are'. This then served as a system of checks and balances against which the specific incidents were weighed. For example, Josephus's general hot-temperedness was balanced against his successful development from a 'useless man' into a 'responsible man' who was employed and who provided for his children and partners.

Furthermore, connection to the community matters. The woman Josephus brought home was unknown and was therefore considered a stranger. 'A stranger', explained Papani, 'is somebody we have no connections with. We don't know their business, we do not want to know their business, and we will never take their side'. A stranger is somebody from 'outside', somebody who belongs to another community. Because Issa used to live elsewhere, her husband and parents lived elsewhere, and she came and went; she was still considered 'almost a stranger'. Had she moved to the community with her extended family or at least with her husband, her membership would have been more quickly accomplished, because then her 'roots', as research collaborators explained, would have been 'replanted there', whereas now her roots were 'all over the place'. The longer one lives within a given community, the more one is considered to have secured one's belonging. This belonging is accompanied by knowledge about the strengths and weaknesses of the community and its members, and by the responsibility to safeguard them. It includes the possibility of harming others, but also of protecting others and contributing to the wealth of the community by contributing one's skills and participating in community life. As Mammie Zainab explained: 'The longer you stay, the more we know about you, and that ties you to us forever. We know your secrets and you know ours'.

Issa's belonging came mostly from the way in which she engaged with Josephus's family, especially with his children, and through the friends she made. She also started selling fishballs and thus became an important link in the chain of relations of exchange. However, being married to another man, Issa clearly has neither the status nor the responsibility of a spouse. Her actions were weighed against that subject position as were those of Josephus. Having a contract relationship, as Issa's landlord and as her boyfriend, he knows that she will never be 'his'. At the same time, he is asked to respect her and provide for her. Issa and Josephus both have children. Josephus is employed and has built a house, and Issa is married. Consequently, as discussed in Chapter 3, they are expected to

comport themselves like big men and big women. Finally, once the community entered the case, headed by the elders, it was they who decided how the couple's relationship should be lived and the incidents evaluated, not Josephus or Issa. This case illustrates a form of mediation that is regarded as ideal by community elders because nobody is prioritised and the common good is put first.

*Ester: Social Age, Desire, and the Preservation of Ideals*

The next case vividly describes the differences between community and household mediation systems and the criminal justice approach. Ester is 17 years old, which legally makes her unable to consent to sex or marriage. In a state case, she would have been treated as a victim in need of the state's protection. However, within the community Ester's age is dependent on social rather than on numerical factors, and she is treated as a mother and wife.

Ester lives with her two sisters and Zainab, her twin, in the *pan bōdi* or corrugated-iron house next to our compound. Originally from the rural areas, these young women are now staying with several aunts and their grandmother, a strict Mende woman, who is head of the house. Ester is married and is the mother of three. Because she refused to accompany him, her husband, who found work in Waterloo, 20 miles away, only rarely visits.<sup>11</sup>

*The Incidents Leading to the Case: Inter-Family Mediations*

While staying at Allentown, Ester started having affairs with other men and eventually became pregnant by one of her boyfriends, a young man who lives nearby. Once the pregnancy became known, the families of Ester and her husband gathered to discuss the issue. Ester's family was represented by her grandmother, whose aim was to preserve the family image and ensure that her granddaughter continued to be married and that she and her children were provided for. For his part, the family of the husband felt wronged by Ester's infidelity and sought to be recompensed for her transgressions. After heated negotiations, which lasted for several hours, an agreement was reached. Ester's family were to host and provide for two teenage sons of the husband's family in exchange for a continued marriage. Ester, her husband, and her boyfriend were not consulted.

To ensure that the husband adhered to this decision, Ester's grandmother invited him and asked him to accept the pregnancy (*ansa bele*).

<sup>11</sup> Waterloo is the capital city of the Western Area Rural District. By car, the city is about an hour away from Freetown.

When he told her that he had not visited Ester for several months, that he knew that she had started seeing somebody else, and that they were having marital problems, Ester's grandmother made him 'scratch his matches during the daylight', which means that she forced him to accept the pregnancy by 'swearing' (taking an oath) (see Chapter 5).

The agreement led to an added financial burden for Ester's family, who now had to feed and care for two additional people. Consequently, Ester's position in the family deteriorated considerably. As the oldest sister and a married woman, she would normally not be asked to contribute to household chores and could just 'send' her younger siblings and the children living in the house to do tasks for her. Additionally, she would normally receive large portions of the best meat and fish. This status notwithstanding, she was now made to contribute extensively to household work because of the burden she had caused. Her grandmother started to beat her for 'the problems she caused the family'. On many days, she came to our compound to eat because no food was reserved or prepared for her at her place. As time went by, she started spending most of her days at our compound. There, she cleaned and cooked for Papani, who in turn provided her with food and occasionally also a place to sleep in our parlour.

#### *Informal Community Involvement*

The second part of the case involved the two compounds in the first instance and was later taken to the community. It escalated on 13 January 2017. As on numerous nights before, my sleep was ended abruptly by the ear-piercing sounds of metal banging against metal, underscored by the screams of a woman. Immediately, the three children who share my mattress start crying and a few seconds later sound clouds approach from different sides: the neighbours are coming. I peel the covers off me, rock small Eleanor, who is still a baby, back to sleep, push the curtain to the side, which separates my room from the parlour, and make my way through the labyrinth of limbs on the parlour floor, which features as a sleeping room for seven children, teenagers, and Auntie Eleanor at night. When my naked feet bang against a cooking pot, two of the older children, who had their eyes pressed against holes in the wall, jump up and race back to their sleeping spot. Everyone is awake, and excited eyes stare at me through the twilight, but nobody dares to move; the children know very well that this is a matter for adults.

Papani is already outside, his tenor mixing in with the other voices, and Auntie Eleanor is right in front of me. I stop at the veranda, ready to prevent any child from running outside, which would lead to significant sanctions from Papani. Hidden by the cloak of the night, I observe.

A crowd of maybe 15–20 people has assembled in front of the neighbour's *pan bōdi*. Everybody is screaming and shouting. The crowd seems to form a circle around somebody, forcing that person away from the house. After some time, I recognise his voice: it is the biological father of Kadi, the baby girl Ester gave birth to a few weeks ago. He was intending to visit his daughter and probably her mother in the shadow of the night but was caught by Ester's grandmother, who immediately started to make palaver to wake up the neighbourhood to come and intervene. With sticks, the crowd is forcing the young man to step away, lashing at him whenever he opens his mouth. He cries in pain when he is hit, eventually breaks through the crowd, and disappears into the darkness. In the doorway of the *pan bōdi* stands Ester, her daughter on her arm, observing the scene. After a few minutes, the crowd disperses, everybody retreats to their compound, and the silence thickens again.

When the events of the night are digested through conversation the next day among the younger women who in groups braid hair or wash clothes, the older women who clean fish, and the men who sit on Papani's benches smoking ties (marijuana) and drinking gin out of 4 cl plastic packages, I am surprised to hear that everybody seems to sympathise with Ester's former boyfriend. In their eyes, he was wronged by Ester, who had an affair with him while being married, and by her family, who stripped him of the possibility of fatherhood. And still, whenever he tries to see his child or Ester and whenever Ester's grandmother starts her palaver, they are ready to intervene and force him to retreat by beating him away from the compound. Here, beating functions as a tool to prevent greater harm (violence 'for your own good'). The beating hindered him from reconnecting with his child and causing the oath, which separated him and his child and tied the child to Ester's husband, to kill the boyfriend or the child. Mr Mohmo (in his sixties), the elder of the compound below us, explained it like this:

These are our rules. You know we say neighbours are your best family? Real family may be far, but your neighbours they live with you every day. In here we spend most times with our neighbours, and it is strong social bonds. If I need them tomorrow, they will also be here. That man is suffering because his daughter is now out of his hands, but the mammie [Ester's grandmother] forced the child and the other man together through the *swear* [oath]. This thing is powerful. If he tries to fend the child off the father now, the *swear* can easily hit him. Nobody can intervene with that. He should have brought a case immediately, but even then he would have most probably lost. It is not your child when you lie down with a married woman.

As time passed, Ester's husband, who was made to take over full responsibility for the child, visited less and less and sent steadily smaller

allowances for the upkeep of both his children. Consequently, Ester increasingly struggled to provide for them. On the days when he did visit, he shouted at Ester and beat her and the children. On many occasions he called the children and sent them to break a branch off a tree and bring it to him. He instructed them to sit and observe while he peeled the bark off the branch and then started beating them, shouting: 'You are not my children. You are all bastards. Your mother is a witch, a useless woman ...' Papani explained: 'That man is angry that he was forced to accept the child, so now he is hating his own children. The mammie [Ester's grandmother] should not have forced him to *ansa* [the pregnancy].' This makes clear that personal opinions are secondary to accepting community structures and relationships of authority.

Another case of 'making palaver' involved Ester, who on a number of occasions would scream when her husband started to lash her. The screams drew the neighbours, who then tried to separate the two and reasoned with the husband to be patient with his wife. They often took him to Papani's bar, placed him on one of the wooden benches, and provided him with alcohol and marijuana until his complaint became slurred and he fell asleep on his bench. As a result, he would return to his compound only in the morning when Ester was already up.

At this time, Papani started intervening more and more to protect Ester from these severe beatings. Rather than taking care of the husband, he started ordering others to do so. He invited Ester into our compound and made Aunty Eleanor, who shook her head in discomfort at this unheard-of intervention, attend to her injuries. Ester now slept in the parlour several nights per week. But while Aunty Eleanor objected to Papani's interference, at first she did not dare to protest publicly. Papani is one of the oldest and most authoritative men in the community.

Aunty Eleanor's behaviour exemplifies the complex relationship between social responsibility and principles of seniority. Socially, it is wrong to intervene in other people's marriages without being called upon or at least if one does not live in the same compound. Seniority structures prevent younger members of a compound from directly opposing the decisions of the elders. At the same time, one's closest alliances lie with one's consanguine and lineal family members, and their authority is structured according to seniority, with older siblings standing over younger siblings. As the younger sister of Papani's wife (Aunty Kadie), Aunty Eleanor knows that the main alliance lies with Aunty Kadie rather than with her husband, Papani. But living under his roof, she must balance her loyalty to her older sister with her responsibilities to the head of the compound she inhabits.

*Accusation of Infidelity*

Eventually, Aunt Eleanor accused Papani of being unfaithful to his wife (her sister) by having an affair with Ester. Upon learning about the allegations, Papani asked to take an oath on the Quran that he and Ester were not 'there', meaning that they did not have a sexual relationship. Both Papani and Aunt Eleanor made public palaver, and each tried to garner support from the community. Papani accused Aunt Eleanor of 'kongosa business' (spreading rumours) and of aiming to 'scatter the married house'. For her part, Aunt Eleanor accused Papani of infidelity and violence against his wife in the form of economic exploitation, because he ran his shop and bar with her money but did not share the income with her.

The next day, Papani's wife and elder sisters as well as his children arrived to preside over the case. Even though Aunt Beth, the oldest of the sisters, was not present when the case started out, she opened the conversation by asking Aunt Eleanor and Papani to explain one after the other what had happened and why she was asked to intervene. Aunt Kadie was not addressed and merely listened.

Interestingly, neither of the participants tried to establish whether Papani was in fact unfaithful or whether Aunt Eleanor had wrongly accused him. Instead, what was of key importance was the cause of disagreement between them. All agreed that there was a long-standing grudge: 'Something is underneath, and we have to find out what is under the issue and solve it at once', stated Mariama (19), Papani's youngest daughter. But while the younger family members thought that the underlying problems should be uncovered and resolved, Aunt Beth explained that she rather wanted these two elders of the house to realise their responsibilities to ensure the 'house functions'. This involved 'swallowing the grudges to clear the carpet' rather than examining and 'fixing' holes in its individual fabrics. Aunt Beth concluded that Aunt Eleanor needed to respect Papani as the elder and head of the house and as the husband of her older sister. To Papani, she said: 'Papani, listen, you are the elder, and you are not supposed to hold a grudge. You must swallow it'.

Ester, who was washing clothes just a stone's throw away from the porch where the negotiations took place, was never called. This was a family matter and therefore did not involve her.

*The Death of Ester's Child and the Resulting Accusations*

A few days later, during the night of 18–19 February, Ester's child, who had been sickly from birth, died. The next morning, straight after the burial, the family of the biological father accused Ester of neglect and child cruelty.

They held her responsible for causing the death of her child. Subsequently, Ester's husband asked for divorce and sole custody of the children. The case of the suspected infidelity alongside witness statements constituted the evidence considered by the community. The community decided that Ester was responsible for the child's death because of how she conceived the child and comported herself in the community. However, partial blame was also given to all the others implicated for failing to guide Ester properly.

After the burial, Ester's husband rejected the invitation to enter Ester's compound and did not agree to eat there. A few days later, he returned and explained to Ester's grandmother that he wanted the marriage to be dissolved and to take the two children with him. Otherwise, he would take the case to the police station and report Ester for child cruelty. While the divorce would certainly be granted, in Sierra Leone children until the age of 7 belong to the mother and can only be taken from her if she is unable to care for them or if they are in danger. After that, a father can take the children away from the mother. As the children were 5 and 3 years old, they still 'belonged' to the mother. Despite the legal situation, Ester's grandmother decided to allow Ester's husband to take the children and divorce her. She told me: 'A court case will take years, years where he does not provide, and everyone knows that her very husband is suing Ester. She would be finished, and her sisters would not find husbands or fiancés. Agreeing with him was my only option'. Within a few months, Ester lost her three children and her husband.

### *Preserving Relationships*

This case shows that decisions were aimed at preserving the accepted status of the relationship even if they led to violence and hardship. It shows that relationships are a means to contrive and cultivate social relations (see also Porter 2013). Potential violence between intimate partners is therefore not a private but a social phenomenon. Unacceptable violence and transgressions provide a threat to the continuity of a relationship. They put at risk the social connections that the relationship holds together and so concern other members of the family and community involved. Mediation practices seek the most suitable resolution, not for the persons implicated in the case, but for the sake of re-establishing stability within a household and the community. It is not harmony in interpersonal relationships that such mediations strive for, but stability within households and in the community overall.

The processes are shaped by principles of seniority. It is Ester's grandmother who made the decisions, not those directly implicated. Moreover, age is not a numerical but a social category. Much as in other

places across sub-Saharan Africa, life stages such as youth and adulthood in Sierra Leone are forms of social becoming that are based on social position (e.g. Honwana and De Boeck 2005; Christiansen, Utas, and Vigh 2006; Honwana 2014). Legally speaking, Ester was still a minor who was unable to consent to sex and should not be married. In a state court, her marriage would be considered a child marriage and therefore illegitimate. Her children would be treated as the product of sexual violence, irrespective of her consent. However, as a married woman and mother of three, the community evaluated her case differently. Her grandmother never considered her as a minor.<sup>12</sup> This case reveals some of the effects of the discrepancy between community perceptions of age, which are guided by an individual's social position and are measured in life stages, and numerical age, which is measured in time and which is important to state institutions.

### *Accusations of Temptation*

When temptation is reported to a household or community, the accusation takes one of two forms. Either a man reports his partner for controlling his mind and shaping his behaviour, or the relatives or friends of a man report his partner after observing drastic changes in his behaviour within a short period of time. Let us consider two cases.

In the first case, which was relayed to me by Darren, Mimi (59), the mother of Said (31), from EAUC, reported Said's girlfriend. At the start of the first hearing, when Mimi had to officially 'bring the case' (that is, present the accusations and the scenarios surrounding them), she said:

This woman has taken his mind. She is controlling him. I do not recognise my own son. He is handing over all his money, he is neglecting his family, and only taking care of her. He is doing woman's work in the house, and he plays with the children instead of going to work. All the while she works. Everyone is already laughing at him, and it is shameful. This woman is controlling him too much.

During the case, Said's girlfriend denied any involvement in the change in his behaviour, while Said explained that he was merely adhering to the demands of being a 'modern developed man'. This, he reiterated, entails sharing work, domestic chores, and caring responsibilities equally between partners. Because he was unsuccessful in obtaining gainful

<sup>12</sup> To a state court, the child's death would have been a case of infant mortality, whose rates are high in Sierra Leone and higher still among teenage mothers, a group to which Ester still legally belongs.



employment while his girlfriend had done so, they decided that he should stay home and be with the children.

Those attending the hearing finally decided that Said was indeed influenced, not by his girlfriend – or at least not solely – but by the teachings of development discourses promoted by NGOs. They further decided that while it was important for a man to take care of his mother and family, Mimi needed to give him the space to form his own household. As a big man, he should oversee his own decisions. The concluding statement went like this:

Said, the decisions you make are surprising to us. We have human rights now, and many things are changing, but men should not become women. A difference must be maintained to uphold respect within your home, at work, and in society overall.

Now, you are a big man and have decided to let your woman work and for you to stay at home. That is acceptable for now, but you must not stay at home forever. A real man should work.

Still, you must visit and support your own family. Neglect, as you know, is violence. They rely on you.

Madame Mimi must also respect your choices. She is not to question them, and she is to respect your woman. In turn, you must not stop supporting her.

In this case, Said was not denied his big man status. His actions were described as ‘surprising’, not as unacceptable. That he chose to stay at home was understood as a consequence of changing relationship dynamics. Said’s girlfriend was not mentioned, because she denied the accusation and her influence in the matter could not be accepted without question.

The case gives interesting insights into current relationship dynamics and the way they are perceived by different generations. The elders who presided over the case believed in clear roles between women and men. Mimi’s perspective can be illuminated by the argument of Deniz Kandiyoti, who, in her work on women’s strategies and coping mechanisms in patriarchal systems, holds that ‘older women have a vested interest in the suppression of romantic love between youngsters to keep the conjugal bond secondary and to claim sons’ primary allegiance’ (Kandiyoti 1988: 279).

Said and his girlfriend chose their roles based on what was practicable for the household as well as on what public discourse currently declared was worth striving for. Finally, while Said’s girlfriend denied any responsibility for the change in his behaviour, she did not seek to rehabilitate the relationship between Said and his mother, and never encouraged him to visit or support her more. This is in line with Kandiyoti’s observation that ‘young women have an interest in circumventing and possibly evading

their mother-in-law's control' (Kandiyoti 1988: 279). These different views on gender relations give rise to different relationship dynamics and may lead to friction between opposing camps. The concept of gender complementarity, which used to be predominant in society, has been joined and contested by various other ideals, which derive from international currents and the particularities of urban life.

In the second case, MSaw (of EAUC) reported his girlfriend for temptation. His accusation sounded like this: 'Lately my mind goes crazy. I cannot sleep or eat or do anything. All I want is to be with her, and all I see is her. That woman bewitched me, and I need it to stop. I am going crazy'. She was eventually convicted on the basis of several witness statements given by his friends that detailed his radically changed behaviour and because it could be established that 'she cooked daily for him and could easily have put something in his food'. Her sentence included an appointment with a traditional doctor, who was supposed to lift any spell she might have put on MSaw. Additionally, she had to pay a fine of SLL 200,000 (GBP 19.53).

After she had been to the traditional doctor and stopped cooking for him, the two continued their relationship. When asked what had changed, MSaw said: 'I still love her very much, but now I know that it is natural, and all spells have been lifted. Once she saw the traditional doctor, I felt free, and now I can love her without any problem'. When I asked him whether he was angry at her for having put a spell on him, he laughed and said: 'No. It just shows how much she wanted me. She would do anything to have me because I am irresistible. That I realised what she was doing just shows how smart I am'. As this perception illustrates, certain forms of violence can be acts of affection. MSaw understood the spell as a declaration of love on her part. He needed the case, though, to work through his own emotions and to regain a sense of control. While MSaw was still madly in love with his partner, the proceedings naturalised these affections.

When accused of temptation, women can either deny the accusation, as in Said's or MSaw's case. Here the defence will argue that they did not deliberately influence the change of behaviour and that whatever transformation happened occurred without coercion or violence. Women especially who are not in a relationship with the man whose change in behaviour is attributed to them, and who are not interested in commencing a relationship, argue that they themselves find his attention and courtship troubling and would benefit from its cessation. A third response entails admitting to capturing and controlling his mind. Here, Maria's case is exemplary. Maria (19), the third wife of Musa (57), was accused by her two co-wives (45 and 33) of tempting Musa so that he

only focussed on her and neglected his other wives. When the elders asked her whether she used temptation in a violent way, she said: 'Yes, I put something in his food, and I reorganised his head, but you will be unable to break it or to punish me because he will do exactly as I ask, and if you try, I will ask him to kill himself'.

In this case, Maria was asked what her demands were in exchange for letting go of Musa's mind. Maria had recently married Musa. As his third wife, who was significantly younger than his first and second wives, she felt excluded from her new family. While the two other wives lived close to each other in the west of Freetown, Maria lived in the east. She demanded to be moved to the same community as her co-wives and that the three would share Musa's time equally.

This case was really one between the three wives. Capturing Musa's mind was intended to get their attention and force them to take Maria seriously. Musa was cautioned to be more attentive to the needs of his wives in the future and to prevent such incidents from happening. He reacted by apologising to Maria for treating her differently from his other wives and for neglecting to see that she was suffering, and he promised to move her to a place close to the other two. They, in turn, explained that they now understood that the reason Maria was spending so much time with Musa was not the result of bad intentions against them, but because she was lonely.

### **The Basis of Community Mediations**

As these cases make clear, the deciding factor is not that violence occurs, but *why* it occurs. In the hearings, the actions of both partners are analysed to reach a conclusion about whether the violence present is justified. In examining who is at fault and how the case may be solved, these household and community mediations put people on trial, not acts.

The influence of those involved in deciding what constitutes the most favourable solution depends on their social standing, their level of seniority, their (kin) relation to the persons directly involved, their gender, and their character. The older a person and the closer their relationship to those involved, the more their voice counts. Closeness is differentiated by two categories: one is biological and relates to blood and affinal relations; the other is determined by the time spent together. A third factor is the duration of these conditions. A long-standing neighbour who is older has a considerable say, and so do (older) family members irrespective of cohabitation. What is important is social standing, not only as regards seniority and influence, but also as regards one's character. The most valued members of the community are usually persons who are

reflective, socially minded, fair, and consistent. And it is these persons who are often asked to give character testimonies of others involved in various cases. Persons who are easily angered, engage in favouritism, have previously been found untruthful, or engage in gossip (*kongosa*) are not usually called upon when cases are mediated. Furthermore, when they give testimony, their statements are evaluated against the accounts of other, more trusted members. Lastly, because women are said to be more knowledgeable about social conflicts and relations within households, their voices count for more than those of men. Women often lead mediations, while men supply the 'muscle'. When, for instance, Ester's grandmother caused palaver, it was the men of the neighbouring compounds who came and physically forced Ester's boyfriend to retreat. However, it was Ester's grandmother who made the decisions all along.

*Swallowing Grudges: Harmony as a Sociopolitical Strategy to Keep State Institutions at Bay*

Scholars studying community mediations of violence have often explained these processes as forms of shared closure in which, guided by the overall aim to find and preserve social harmony, members of social groups seek to establish ways to restore the harm that was done and move forward (Porter 2017). For the upper Guinea coast, James Gibbs explained that the concern of community mediations among the Kpelle of Liberia is 'with maintaining harmony and the well-being of the group as a whole' (Gibbs 1963: 4; see also Pirie 2007; Porter 2013). In Sierra Leone, this internal striving for harmony is not a main aim. Not only is the term 'harmony' never used, but research collaborators also actively counter its very foundation. In fact, most explained that 'forgiveness' is not easily achievable. On 30 March 2017, for instance, I joined some of the EAUC members at 24. We watched an Indian movie about claims to village leadership. The rightful heir had been betrayed by his own family members. His uncle had killed his father. The uncle then made the protagonist believe that he had been adopted and had no claim to the throne. However, towards the end of the movie the truth came to light. There was a scene in which the uncle asked the rightful heir for forgiveness for ruining his life and being responsible for his father's death. At the end of the scene, both were in tears and hugged.

Gas blasted: 'Ah, *this na Indian man or white man but Africa man na slap* [this reaction may come from an Indian man or a white man, but an African man would slap]'. The others laughed but immediately agreed. There would be no way that they would just forgive such a situation. First, they said, they would curse and slap and fight, and, even after

having been forced to swallow it, they would probably forever carry a grudge inside of them. Gas mocked: 'Here, he will be forced to swallow it, but it will give him an ulcer instead of peace'.

There was consensus that putting group interests before personal ones does not come naturally and is often achievable only through force. This notion of 'forever carrying the grudge' and having to 'swallow' it appeared again and again during my research. Swallowing is an important part of mediation proceedings. However, if those involved are asked to 'swallow' disagreements and anger, their relationship with each other may deteriorate. The aim of 'keeping people together' may not always provide the outcome with the least violence. The ritualised apology at the end of cases not only symbolises the consensual nature of the solution, as Gibbs (1963) highlights, but it also coerces participants into acceptance. Mabinti explained this in the following way: 'Hopefully, by the end of the case everything is solved. But if not, they make you eat your anger. You must put it back in yourself and live with it, deal with it inside you. If it comes back out, you are automatically in the wrong. But, you know, sometimes carrying a grudge inside of you can only make it stronger'.

The public offer and 'acceptance of tokens of apology' not only 'indicate that each party has no further grievances and that the settlement is satisfactory and mutually acceptable' (Gibbs 1963: 5), but they also are non-negotiable and expensive, and can cause financial hardship. In the cases I observed, restoration was not always possible. Instead, there were often long-term ruptures, such as when Ester lost guardianship over her children. Younger people may be helped to deal with swallowing by informally discussing remaining grudges with elder female family members or designated community elders, who then advise them on how to master swallowing.

Generally, the higher a person's status in a given social order, the better that person should have mastered swallowing grudges. However, as Gas mentioned, this does not mean that the grievance dissolves. Superficial harmony tells us more about a person's self-control and the management of emotions, than about the existence or nature of these emotions. It does not say anything about possible feelings of hatred or revenge, nor can it capture whether people believe that justice was served. Another elder who presides over cases, Mammie Jusef (61), said to me:

We have a very famous saying here, which goes like this: 'A man's white teeth cannot reveal his black heart'. That means that a man might smile, and you might see his teeth, but it can tell you nothing about what goes on in his heart. Maybe he is calm, maybe angry, maybe there is hate. Forgiveness is a difficult thing. Maybe it will happen, maybe not. We cannot know. What matters is that the community

continues to function and that the different opinions and feelings stay inside and do not boil over to the outside too much. It is about finding a solution which is the best for all, even if it might not be good for some people.

In *How Lifeworlds Work*, Michael Jackson states:

Despite this emphasis on *communitas* ... Kuranko readily admit that neighbourliness is not sweet ... and that one can never know what is in another person's mind. As one adage puts it: 'People that are neighbors are the people that quarrel'. ... 'White teeth black heart', people say, pointing to a problem that is endemic to any close-knit community, where resentment, hate, envy, mean-spiritedness, and backbiting constantly undermine the ideal of amity. (Jackson 2017: 68)

Moreover, the ability to swallow was presented to me as not only increasing with experience and age, but also as being gendered. Sulaiman (in his fifties), a shop owner, said:

Women know how to swallow too much. They always put their children first, and they must learn to be patient with their husbands and fathers and everyone: they must learn to bear others and not to make palaver all the time. But men, now, they do not learn that. Because women swallow, men air their grievances. They think of themselves, and they act very quickly. Only a very old and very wise man will have learnt swallowing and thus only those who have will be true role models and leaders, because the others will always make irrational and quick decisions.

This notion stresses the power of women as masters of the social world. But it also impacts on the ways in which sanctions are imposed. To resolve a case, women are often punished more severely than men because the main mediators – themselves women – feel that women are better able to swallow and that they are needed to preserve a household (Chapter 7). Women swallow, as we will see in the next chapter, partly to preserve the union and because they feel emotionally stronger, and partly because other means of reporting can leave them in even more precarious situations. Here, the metaphor of the teeth and the tongue comes into effect again. Swallowing is mainly facilitated by the tongue – the women – while the teeth remain unmoved.

Harmony is not understood as a social ideal or a belief system with intrinsic value, much less a practically achievable state. This stands in contrast to, for instance, the Acholi of Northern Uganda, where, according to Holly Porter (2017), social harmony is the primary moral imperative after harm occurred. All in all, rather than reaching a completely harmonious situation, swallowing is a strategy that allows cases to be closed. It is also aimed at keeping state interference at a minimum and communities and households functional and self-sufficient. Mammie Zainab summarised the overall goal: 'It's not about happiness for everyone, not even for someone. It is about reaching an acceptable state for the

group. You may be very unhappy with this today, I might be tomorrow, someone else next tomorrow, and so on ... but overall, it will do. Life is not about perfection. It is about finding working solutions’.

In her study of a Zapotec village in Mexico, Laura Nader describes how a ‘harmony ideology’ has been created by almost five hundred years of colonial influences, combined with a conscious strategy (Nader 1990). Her research collaborators used compromise to resolve internal conflicts to present a united but harmless front to outsiders as a strategy to evade colonial influence and a defence against foreign domination (Nader 1990; see also Pirie 2007).<sup>13</sup> Mammie Zainab reiterated that, in Freetown,

it is like before in the war. The house may be in conflict, but if the walls seem quiet from the outside, the rebels will not go there. In here, the state only comes when we seem like we are not in control. So, the trick is to make them think everything is great no matter how big the problem is on the inside.

So long as communities and households appear to solve cases among themselves and accounts of excessive punishment do not become public, the criminal justice system tolerates, even endorses, these mediation systems. In that sense, community and household mediations can be understood as systems of normative ‘non-state ordering’ (Pirie 2014: 40), which are ‘semi-autonomous’<sup>14</sup> from state institutions (Moore 1973) and have the ability to regulate aspects of social life effectively. They have their own *modus operandi*, and they generate rules, but they exist under the umbrella of state laws and are heavily influenced by them, even if they try to maintain their relative autonomy. In Sierra Leone’s ‘weak legal pluralism’ (Griffiths 1986; Sezgin 2004; Foblets, Graziadei, and Renteln 2017) – where several legalistic systems exist hierarchically, fulfil different functions within society, and deal with different kinds of cases – community mediations play a crucial role. Their way of mediation addresses some aspects of relationships, whereas others are better dealt with by state institutions. Considering this difference helps people choose where to turn. In Freetown, on the one hand, relationships are characterised by experimentation, fluidity, and multiplicity. On the other hand, household and community mediations are firmly invested in preserving relationships and keeping people together. Ruptures are only accepted in the most extreme cases.

<sup>13</sup> Pirie describes similar tendencies among the Ladakhi of Tibet, where the village meeting ‘was responsible for resolving all disputes’ (Pirie 2014: 35). It also provided a ‘strategy ... for distancing all ... outsiders from certain village affairs’ and for the village to remain ‘autonomous of any model of order that might be imposed through law, even internally-generated laws’ (Pirie 2014: 35; see also Pirie 2007).

<sup>14</sup> These were later called ‘social spheres’ by Galligan (2007: ch. 6).

This is radically different from state institutions, where it is acts rather than personhood that are examined, and where only one party is found guilty; where punishment through imprisonment separates couples; and where the repercussions of police reporting and court cases usually rupture relationships. When people decide which system to employ, they must therefore weigh a multitude of factors against each other, as we will see in the next chapter, which concerns the reporting to police of unacceptable violence among adults.