

## A NOTE ON VOUDOU AS AN ALTERNATIVE MECHANISM FOR ADDRESSING LEGAL PROBLEMS

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Over the past twenty years, there has been a revival of interest in various aspects of the occult, including the so-called 'esoteric' religions. The revival ranges from the popular culture's fascination with the horror genre in novels and movies, to indications that increasing numbers of people participate in a variety of esoteric religions, such as spiritualism and witchcraft. Part of the revival includes scholarly research that has documented the phenomenon and addressed its implications for contemporary society (see Truzzi 1972; Tiryakian 1973; Zaretsky and Leone 1974).

Voudou is one of the esoteric religions that seems to be enjoying an increase in membership (Gonzalez-Wippler 1982; Hoge 1983). There is little scholarly research about voodoo, however, especially in the United States. Perhaps this is because voodoo has been more closely associated with other continents and countries such as Africa and Haiti. Voodoo has also been a captive of racial stereotypes, especially as depicted in the popular culture, which may have further discouraged academic interest.<sup>2</sup>

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2. 'Voodoo', the term used in the United States, often carries pejorative, racist connotations. For that reason, 'voudou', a term employed increasingly by many practitioners (see Davis 1987: 36), is used to characterize the practices described in this paper.

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Notwithstanding the lack of scholarly research, voodoo does exist in the United States. Indeed, in some places voodoo is so well established that it is more than a religion; it pervades other spheres of social life. This article discusses the role of voodoo as a way of handling legal problems.

I begin with a review of recent research about the occult in general and voodoo in particular. Then, drawing on interviews with voodoo priests and priestesses, I describe the manner in which they handle legal problems. I argue that voodoo is a kind of informal justice steeped in esoteric traditions and consistent with community standards of justice.

### The Occult and Esoteric Religions

There has been a revival of interest in the occult. Publications dealing with the topic have proliferated and increasing numbers of people are participating in occult practices (Adler 1979; Truzzi 1972). This phenomenon has been explained as: a search for meaning and identity among those alienated by the increasing depersonalization of contemporary society (Staude 1970); liberation from repressive cultural prohibitions against the supernatural (Truzzi 1972); and an important sociocultural change (Tiryakian 1973). Participation takes taken many forms, ranging from astrology, the tarot and crystals as divinatory aids (Jorgensen and Jorgensen 1982; Jorgensen 1984), to shamanistic healing (Donner 1985) and witchcraft or voodoo or satanism as alternative religions (Adler 1979; Gonzalez-Wippler 1982; Moody 1984).

Given the diversity, it is not surprising that a rich body of literature about occult phenomena exists, both popular non-fiction and academic research. Much of the former chronicles and encourages the renewed interest in the occult (see Adler 1979), while academic research addresses the reasons for the revival and its implications (Truzzi 1972; Tiryakian 1973; Zaretsky and Leone 1974). The scholarly research on esoteric religions and practices tends to be ordered around traditional analytic categories. Thus, some studies about the occult focus on social organization (Jorgensen 1982) and social control (Sebald 1986). There are epistemological discussions of the rationality of science and magic (Settle 1971; Agassi and Jarvie 1973) and criticism by feminist witches of the male-dominated, scientific epistemology of Western thought (Kirkpatrick 1984).

Most of the ethnographic research on voodoo belongs to an older body of literature on the occult and esoteric religions. Haiti is usually the study site (see Herskovits 1937; Metraux 1952; Deren 1953). Contemporary research, which is still sited primarily in Haiti, addresses a variety of topics, including social organization (Lowenthal 1978) and music and art (Laguerre 1980; Thompson 1983). 'Death by voodoo' and zombification are perhaps the most frequent topics (see Eastwell 1982; Cawte 1983; Davis 1985), drawing increasingly on a psychological or biological perspective.

There is a relatively small body of academic research on voodoo in the United States. Although earlier studies focused primarily on folklore (see Hurston 1931; 1935), recent work seems to be centered in public health programs and medical school psychiatry departments (Perez y Mena 1982) and to adopt a psycho-biological perspective. Almost no research addresses such aspects of voodoo as social control or social organization. These are significant omissions because, for many participants, voodoo pervades all aspects of life. Voodoo is a part of the social organization of the community. It is a mechanism of social control. Voodoo is also a mechanism for dealing with conflict.

In any society, there are a variety of mechanisms for addressing conflict of all kinds (Pospisil 1971; Snyder 1981). Some are informal, like avoidance (Felstiner 1975) or the advice of colleagues or religious personnel. Others are more formal, such as arbitration or the legal system. Modern societies display a tendency toward more law (Black 1976) and toward the formal rationalization of the legal order (Weber 1954), although occasionally there is opposition to these tendencies (see Spitzer 1982: 173).

In the United States, for example, a series of alternatives to the formal legal system have appeared, such as neighborhood justice centers and alternative dispute resolution. One explanation for their emergence is that the legal system has become prohibitively expensive and alienating, no longer appropriate for the resolution of commonplace disputes according to the ethical standards of the community (Nader 1978; 1984). Extrajudicial alternatives may develop when the formal legal process becomes inaccessible (Black 1976; Nader 1978: 95; 1984: 83).

Of course, alternative or oppositional programs do not displace the

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formal legal system but co-exist with it (see Henry 1987).<sup>3</sup> Nevertheless, their emergence suggests dissatisfaction with the legal system. Extra-judicial alternatives appear when people feel the legal system is unresponsive to their needs.

A similar explanation has been suggested for the revival of interest in the occult: people are turning to it because of our depersonalized society. As an esoteric religion, voodoo offers an alternative - a sense of meaning and belonging - for those who are alienated by the more mainstream religions. And for some who feel distanced from the legal system, voodoo offers an alternative means of handling legal disputes. As we will see, however, voodoo typically co-exists with the mainstream religions and the legal system.

### Setting and methodology

Voodoo is best understood as a composite of two words from the language of the Fon of Africa: *vo*, which means introspection, and *du*, which means the unknown. Voodoo, then, connotes deep introspection into the mysteries of the unknown (Rigaud 1971: 2-4). It includes beliefs about such matters as the formation of the world, life and death, and the soul. In its purest form, it is pagan and polytheistic. The voodoo pantheon, like those of the ancient Greeks and Romans, is an anthropomorphic representation of natural forces and phenomena, deities, and revered ancestors (Rigaud 1971: 29-66). Voodoo is also magical. Prescribed rituals are used to invoke the deities, who produce immediate effects in the material world if the rituals are performed properly (Rigaud 1971: 144-64).

The slave trade of the eighteenth and nineteenth centuries transplanted members of the Fon, Dahomey, Yoruba, and other African peoples throughout Latin America, the West Indies (especially Haiti), and the United States. These people brought their religion with them. As voodoo was dispersed, it came to be called by various names: *voudoun* in Haiti, *candomble* or *macumba* in Brazil, *santeria* in Cuba, *voodoo* in the United States. Each form developed its own unique beliefs and rituals, although all reflect the original African heritage.

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3. Galanter (1981: 22) notes that in modern society state law and indigenous law exist side-by-side in "a multitude of associations and networks, overlapping and interpenetrating...." Pospisil (1971) also speaks of a multiplicity of legal systems.

Over the years, voodoo absorbed elements of other religions such as Protestantism, witchcraft/shamanism, and, most important, Catholicism. Such syncretism occurred as voodoo practitioners came into contact with other religions and because of religious persecution (see Metraux 1972: 25-56). For example, the voodoo pantheon - variously known as the saints, the *orisha*, or the *loa* - have been and sometimes still are worshiped in the guise of Catholic saints. Thus, Legba (also known as Ellegua) may be worshiped as St. Anthony. Nonetheless, voodoo has survived in its syncretistic form and continues to flourish.

The setting for the present study is New Orleans, which has a long tradition of voodoo. As a southern port city, it was a major disembarkation point for the colonial slave. In 1782, the Governor of the Spanish colony of Louisiana curtailed the importation of slaves, partly out of fear that the spread of voodoo posed a political, potentially revolutionary threat. That ban was lifted in 1803. Another wave of voodoo practitioners began to enter the city the following year as free blacks fled Haiti following the bloody revolution of 1804, in which voodoo figured prominently (Davis 1985: 201-02). Since then, voodoo has been strengthened by the migration of practitioners from Latin America.

These different sources have produced many variations of voodoo in New Orleans. In some communities, *santeria* rituals are conducted in Spanish. Across town, the voodoo *loa* are worshiped in English mixed with the Creole patois of Haiti. Certain Catholic churches house 'voodoo saints', while ritualistic possession occurs in Spiritualist congregations (see Walker 1972; Smith 1984). Voodoo, in its many variations, thrives today in New Orleans: openly, in occult shops and *botanicas*; semi-publically, in various types of churches; and privately, in the neighborhoods and homes where voodoo is practiced as a syncretistic form of religion and magic.

The voodoo community, like other esoteric communities (see Jorgensen 1982; Jorgensen and Jorgensen 1982), is arranged in a series of concentric circles, in which commitment decreases as the circles grow larger. At the center are the sellers of voodoo services, practitioners who identify themselves as and are considered by other to be voodoo priests and priestesses. The outer circles range from the devout, regular followers to the dabblers and others with tangential interests in voodoo.

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Data for the present study were collected between August 1984 and June 1985, using a snowball sampling technique. During the initial phase of the research, I conducted interviews with individuals on the fringe, who provided information about voodoo and identified others who were more deeply integrated in the voodoo community. The latter provided more information and deeper contacts. After many contacts, rapport was established sufficiently and a voodooist introduced me to a voodoo priest, who served both as entree and sponsor, facilitating contact with most of the other subjects.

I interviewed seven priests and priestesses and observed some interactions between practitioners and their clients. Some clients had a continuing relationship with a priest or priestess, while others came only once and may not have been devout believers. The subjects acknowledged that a substantial number of clients were poor and drawn from minority populations, but they rejected the stereotype of voodoo as a religion of poor blacks, reporting considerable variation in age, gender, race, class, and occupation.<sup>4</sup>

The priests and priestesses ranged in age from 21 to the mid 40s; three were women; one was black, and another was Brazilian. The subjects earned some or all of their livelihood from the sale of voodoo services. They were fully informed about my identity and the nature and purpose of my research. The interviews were open-ended, typically conducted in a wide-ranging conversational manner to build rapport and confidence.

There are limitations on the study. First, the relatively small number of subjects makes generalizations risky. Second, the data come primarily from interviews, so the study cannot be considered an ethnography of voodoo. Nevertheless, these data reveal something of how voodoo operates in the community.

The voodoo priests and priestesses reported that clients bring a variety of problems to them, including affairs of the heart, health, work and career, and legal matters. In the analysis that follows, I will concentrate on voodoo as a possible means of addressing legal

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4. This is consistent with the literature on contemporary religious movements. Zaretsky and Leone (1974: xvii) report that many unorthodox religious groups that originally drew from the margins of society have made inroads in middle America. For a similar observation about African religions in Brazil, see Hoge 1983.

troubles. Sometimes, voodoo acts as an informal alternative to the legal system; at other times, it supplements the legal system.

## Analysis

### *Why People Use Voodoo*

Voodoo might be conceptualized as a social service delivery mechanism: people with problems, including legal matters, go to priests or priestesses for help. Of course, social service programs are linked to government agencies, while voodoo exists, unofficially, in the community. Most practitioners work alone in their homes or with one or two others in a *botanica*, a store that sells herbs and other items used in voodoo ceremonies.

When asked why clients come to them, three practitioners mentioned cost considerations, noting that their services typically were cheaper than those of an attorney. However, they argued that efficiency (perhaps combined with cost) is the real reason clients came. One priestess said:

In legal cases, they come to me instead of going to a lawyer because voodoo is quicker at getting someone off your back.

Voodoo is also used when the legal apparatus is impotent and unresponsive, or would cause other problems. In one case a woman sought help from a priestess to stop her husband from sexually molesting her daughter. She needed help immediately, thought the legal system would work slowly or not at all, and feared that mobilizing it would cause all sorts of problems in the family. The same priestess said that many of her legal cases involved theft. Whether or not victims had reported thefts to the police, they were pessimistic about getting back their possessions, so they came to her. A priest reported that his law-related cases often involve clients whom lawyers had rejected. Examples included a questionable eviction and an alienation of affections case.

The woman said the lawyers won't touch it, and if you won't help me I'll kill her [the other woman].

Another priest said that lawyers would not handle a case involving financial support for a common-law wife.

Her boyfriend who was well-off had asked her to live with him and promised to take care of her. She quit her job and moved in, but he wouldn't give her any money to live on.

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These cases support the view that people utilize informal alternatives when the formal legal system fails them (see Nader 1984: 83). But three subjects reported that clients frequently came to them first, without having consulted a lawyer. One priest said:

No, it isn't like they have tried everything and we're their last hope. Maybe they just read a book about witchcraft or maybe they heard about us by word of mouth. However..., lots of times they come to us first.

A priestess said that clients with legal cases usually came to her first, unless they had been arrested.

One case offers a number of insights. The priest said that his clients were parents whose son was in juvenile court for a serious offense. They had retained an attorney but feared he would not represent them if they told the truth, that their son was guilty. So they lied to the attorney about the facts of the case and sought 'extra help' from the priest.

You have to understand: these were poor, uneducated people. Then, here's the lawyer wearing a three-piece suit and sitting in a fancy office downtown with a bunch of impressive law books behind him. The distance between them and the lawyer was just too much. They were afraid of the lawyer because he represents the law, afraid that he'd judge their behavior as right or wrong and maybe not take their case.

They told the priest the facts of the case and that they had lied to their lawyer. The priest convinced them to let him intercede. He contacted the lawyer and told him the facts. The lawyer was better prepared at the delinquency hearing, and the son was placed on probation.

The voodoo priests and priestesses act in their clients' interests, not according to a prescribed set of legal rules. Moreover, these practitioners are less expensive than attorneys, thought to be more effective, and available for cases that lawyers reject or that would cause hardship or embarrassment. Finally, because the social distance is less, the priests and priestesses are more accessible than attorneys.

#### *The Focus of Voodoo*

One of the complaints about the legal system is that it applies a narrow, prescribed set of rules which may have little relevance to the lives of the disputants, to decide who wins and loses. Voodoo practitioners listen to their clients' troubles and then prescribe a remedy. Before recommending some spell or charm, however, they



typically question the client, drawing out the full story. The interaction is psychotherapeutic: they try to make the client understand what is at the heart of the problem. In addition to the requested remedy, they suggest ways of ameliorating the problem. This aspect of voodoo resembles the ideal of informal justice, which encourages digression and emotionalism; all the issues that underlie a dispute should be addressed (see Felstiner and Williams 1978: 224; Abel 1981: 248; Merry 1982: 18). In one case, for example, a woman who was beaten frequently by her husband asked the voodoo priest to "do something to make him stop." The priest questioned the woman at length to find out more about the case, specifically the context in which the beatings occurred. He explained his approach:

I guess I'm a kind of poor man's psychologist. I have to figure out who the person is and what their problem really is before I can help them.

He discovered that the woman had been married once before and that her first husband also had beaten her. She had met both husbands in bars, her married life with both had revolved around drinking, and the beatings usually occurred when the couple was drunk. The priest discussed this with the woman and encouraged her to pursue social activities that did not involve heavy drinking. He then provided a charm that would help her.

These practitioners become skilled at drawing out the underlying issues. One subject described his technique:

I get them to talking about why they have come to me. They'll reach a point where they start to skirt the issue. Usually, that's where the problem really is. That's the point to focus on.

I observed a case, handled by another priest, that illustrates this technique. A husband and wife sought voodoo services when the wife's children by a previous marriage were removed from the home by a state agency. They wanted the priest to influence the administrative hearing that would decide custody. During the session, the priest pressed them until an argument erupted, revealing some problematic features of their living arrangements. The problems were directly related to the state's rationale for removing the children. The priest talked with the clients about their situation, suggesting actions they should undertake that would help improve it.

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### *The Client's Role*

Although the priests and priestesses may seem to be the key actors and are the most committed to voodoo, their influence derives from the community and the participation of those who use voodoo or serve it as a religion.

The more public voodoo ceremonies occur in a church, which often serves as a community center or meeting place. When voodoo is practiced less publicly, clients go to an occult shop or *botanica*, or to the home of a practitioner. Friends and neighbors or other customers may drop by, witnessing the interaction between client and priest or priestess, although there is a degree of privacy. A quiet, dimly lit consulting room is common.

Voodoo requires the active participation of the client (Deren 1953: 72). We saw above how the practitioner involves the client in identifying problems and attempting to resolve them. The client is also active in the magical aspects of voodoo. When a priest or priestess agrees to prepare a charm or cast a spell, it is the client who procures the necessary ingredients from a *botanica* or a drugstore catering to the voodoo community. Frequently, the client even performs the prescribed voodoo rituals following the instructions of the priest or priestess.

### *Voodoo's Success*

Although its strength lies in the active participation of the client or believer, voodoo also is coercive, reflecting the respect accorded priests and priestesses. The authority and prestige of these practitioners derives from their supernatural power, insuring compliance with their prescriptions or advice (see Merry 1982: 30). In some instances, this special status may be secular as well. For example, one priest whose family was well-connected had several clients who were prominent state officials. A priestess reputedly had highly-placed connections (and clients) in New Orleans city government. Another was active in local service and political organizations. Contacts such as these engendered respect not only from clients but also from other practitioners.

Many of the priests and priestesses I interviewed have lived in New Orleans for a long time and have developed knowledge of local government and available resources. Their reputations depend on their knowledge of contemporary society as well as of voodoo. Most

of the subjects said they would be remiss if they were not sensitive to the legal system and other service delivery agencies.

Several cases exemplified the link between the secular and the supernatural. A priestess reported the following case:

A judge, who knew her through her political activities but also knew that she was a priestess, contacted her about a case pending in juvenile court. Three teenagers were before the court for theft; their parents were voodoo followers. The priestess appeared in court, and, although voodoo was never mentioned, the teenagers were placed on probation under her supervision. She used her status as a priestess to insure enrollment in and the successful completion of a vocational program.

Another priestess had contacts with and referred some clients to a shelter for women. Three priests reported that they sometimes encountered clients who clearly needed legal representation but were reluctant to retain an attorney. Cases ranged from a client who risked the loss of land through eminent domain to a client who had to appear before a state administrative board. The priests advised the clients to hire lawyers and discussed criteria for selecting competent legal counsel. As in the case discussed earlier, where a priest interceded with an attorney to disclose the actual facts, voodoo operated side-by-side with the legal system.

Of course, most clients do what they are told simply because the priest or priestess is considered to be a wise person who possesses special knowledge about voodoo. A client who had just discussed a landlord/tenant problem with a priest and was going to perform the prescribed ritual said:

I'm going to do what he told me to. He's a good man, and he knows things.

These practitioners enjoy a respected status in the community, one which derives from their specialized knowledge - both magical and spiritual - and their reputation for wisdom and expertise. Because a good reputation is essential to their livelihood, most practitioners are careful in giving advice and prescribing rituals. They criticize those who are not so careful or overcharge clients and praise those who limit themselves to the rituals they have mastered and perform effectively.

Equally important, voodoo operates within a communal set of beliefs about right and wrong - part pagan and part common-sensical. Practitioners generally try to reflect a sense of what is fair. When a client wanted 'something done to someone' or a spell cast to

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influence the outcome of a court case, the priest or priestess often follows a therapeutic model, drawing out underlying issues, discussing them with the client, and offering suggestions for improving the situation in accord with community notions of appropriate behavior. When two parents sought aid to influence an upcoming administrative hearing that would determine the custody of their children, the priest refused to perform any rituals until they improved the home situation. In other cases, the practitioner focuses less on winning or losing than on what is fair and would be best for everyone in the long run, such as completing a vocational education program or getting off drugs.

There is coercion in voodoo, but it is respect, perhaps coupled with fear or awe, that gives priests and priestesses their authority. They use it to induce compliance with norms reflecting the values and traditions of voodoo and the community.

### Summary and conclusions

As an alternative to the legal system, voodoo 'works', at least to a degree. It is accessible and therapeutic. Its practitioners are respected as wise and good and because they are thought to possess knowledge that is always powerful and sometimes dangerous. Behind the advice and prescriptions of the priests and priestesses lie the traditions of voodoo and often community standards of justice. Voodoo enjoys a degree of autonomy from the legal system; it has its own rules and procedures and the capacity to enforce them internally. But voodoo is only semi-autonomous. It exists within and reflects the structure of society (Henry 1985:308-09; see Moore 1978: 55-56).

Voodoo is similar to other magico-religious forms in that it individualizes and thus depoliticizes social conflict; the focus is on resolving particular cases, not on criticizing existing social arrangements (see Abel 1981: 260-61). For that reason, voodoo has been characterized as an opiate that deadens people to the social fetters that bind them (Simpson 1978: 300). The priests and priestesses seldom use their authority to criticize existing inequalities or to raise the political consciousness of their clients. Still, it would be unfair to write off voodoo or its practitioners as politically naive. Many are aware of the extent to which their clients are victims of racism, sexism, and economic inequality. For example, the priest who described himself as a "poor man's psychologist" was sensitive to the plight of his clients, particularly their economic disadvantage.

Poor people come to us because they don't trust lawyers or psychologists, or because they can't afford them. I have to be very careful with the advice I give them because they're under a lot of pressure and don't have any other options: they do what I tell them.

Most subjects express an awareness of the larger social context of their interactions with clients.

Nevertheless, their major concern and, indeed, a vital concern of voodoo, is to alleviate some of the pains of life. Voodoo does this not through political action - although it has catalyzed revolution in the past - but by giving its practitioners the confidence to address problems, at least at the individual level. Voodoo requires its followers to be active human agents who, though they invoke the deities, try to make a difference in their own lives (Deren 1953: 72; see Henry 1985: 325).<sup>5</sup>

Because it is a naturally occurring mechanism for handling legal and other problems, voodoo may defy artificial replication. It is a relatively small cult whose traditions may not be accessible to the mainstream, further limiting its generalizability. Moreover, voodoo must not be idealized. Like other mechanisms of social control, it is sometimes harsh and mean-spirited; and its victims may find little protection in the formal legal system.

Voodoo is a throwback, both vestigial and arcane. Still, it reflects some positive social values. For now, these are limited to the followers of this small cult, and they are often more symbolic than real, more marginal than mainstream. However, it may be that 'the margin' is one of the few places in an overly-centralized, overly-specialized society where social experimentation with community values still is possible (Zaretsky and Leone 1974: xxxvi).

The persistence of such values in voodoo suggests that they are grounded in some deeply felt sense of justice, which apparently is lacking in the formal legal order. People turn to voodoo, as to other extrajudicial processes, because they think the legal system is not

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5. Zaretsky and Leone (1974: xx) argue that people who participate in contemporary religious movements are more interested in their immediate situation than in religion per se. Such people are engaged in "an active search for a weltanschauung that can cope with and transcend the contradictions inherent in contemporary culture" (1974: xviii).

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responsive to their needs. Thus, voodoo is a kind of informal justice. Like informal justice, perhaps it taps something fundamental: notions of participation, self-government, and a sense of community (see Abel 1982: 12; Santos 1980: 393). Perhaps this analysis of voodoo will encourage us to reconsider the liberating potential of alternative legal processes and the importance of the community in the actualization of human liberation.

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