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The role of non-human punishment in Buryat shamanism

Introduction

The Buryat shaman who wanted to show us the healing springs was not in the habit of locking his car. He parked near a resort where children and teenagers were spending their holidays. When we returned to the car, having visited the springs, we found that the shaman's mobile phone had disappeared from the car. The shaman calmly walked to the resort, asked its management to gather all the children and announced that whoever had stolen the phone would face severe punishment from the spirits. However, owing to the fact that the thief was young, he would give him a chance to mend their ways and return the phone. He announced that he would be waiting in the car and that whoever brought the phone would not face any punishment. He did not have to wait long; the phone reappeared within minutes and the satisfied shaman said he had known this would indeed happen.

Thus, not only the juvenile thief, but also the entire community of the resort underwent an element of socialization through which they were able to learn about the power and advantages of shamanic beliefs. Even if the spirits did not get involved in such minutiae as guarding the shaman's car and phone, they made sure that the social and moral order was preserved.

During field research on Buryat shamanism it was often possible to hear Buryats, as well as representatives of other groups who came into contact with shamans and shamanic sacred sites, refer directly or indirectly to punishment, to the fact that certain things could not be done because one would be punished for it, to the fact that failure to behave in a certain way could provoke the wrath of non-human

entities and punishment on their part, that the will of the ancestors had to be obeyed, because otherwise one would be punished. Similarly, in the literature dealing with shamanism the issue of punishment is often mentioned, but rarely analysed. Yet when we begin to explore the topic of punishment, it turns out that it is one of the main threads from which descriptions of shamanism are woven.

Scholarly discourse on punishment often points to the role of the inevitability of punishment (Utrat-Milecki 2006), to whether it is possible to imagine a more inevitable punishment than that administered by non-human entities (Halemba 2022; Smyrski 2018), which are invisible to ordinary mortals, but see and know everything about them, which have at their disposals sanctions not limited by human capabilities, can affect our lives and health, can make our luck turn at work or in our studies, can affect reality in almost any way, so that a break in the weather, a falling rock, an avalanche or a car breakdown can become their instrument of punishment (Jastrzębski, Morawiecki 2014). Punishment, in turn, can have not only an individual but also a collective dimension. It can be imposed on those who are members of the same community but have not opposed inappropriate deeds, or it can be inflicted on successive generations of the same family.

Jarosław Utrat-Milecki stresses that "deliberations concerning punishment are rooted in religious reflection on the world. This is why in our cultural milieu punishment is also the focus of dogmatic theological studies as well as socio-cultural studies within the sociology of religion and religious studies" (2006: 27). In this paper I follow a similar path in an attempt to trace the origins of the perception of punishment in Buryat shamanic reflection on the world. In doing so I use data from field research conducted in Mongolia in 2019[1] as well as previous research carried out in the Russian Federation.

The aim of the article is to analyse the impact of the shamanic worldview on ideas about this part of the social world which in social theory, in reflections of sociologists and legal anthropologists, is usually defined in terms of categories like social control, legal system or justice system. I seek to demonstrate that what is described as punishment from an external point of view is, in fact, an immanent part of the belief system and the ethical system contained within it. I point out that in shamanism these elements are an integral part of cosmology, and their task is to guide the behaviour of individuals and communities. I show the concept of punishment found in the ideas of *ovoo* guardians, illness, as well as the shamanic vocation (including shamanic disease).

Nulla poena sine lege

While the issue of punishment may not have been at the centre of attention of researchers studying non-European societies, although they did study it as well,

[1] This research was conducted under the National Science Centre Miniature 2 grant, DEC-2018/02/X/HS6/01283. I wrote more extensively about how this research was carried out in the article which also features a detailed characterization of the Buryats (Połeć 2021).

the broader issue of law, often described as "primitive," in "pre-state" societies attracted much more attention (Kurczewski 1973). The entire previous sentence is, of course, tangled up in colonial and evolutionist thinking, but this is the only way in which it is possible to draw on past reflections in anthropology, reflections that still echo in other disciplines in the social sciences, humanities and legal studies. Attempts to study "primitive law" sometimes said more about our concepts of law than about the concepts of societies in which law was sought. Even if this statement is too strong, in looking for the legal systems of other societies it has certainly been a challenge to define what "we" mean by law and how we understand it. Attempts to solve these problems were made by, among others, Jacek Kurczewski, who begins his study *Prawo prymitywne. Zjawiska prawne w społeczeństwach przedpaństwowych* (Primitive law: Legal phenomena in pre-state societies) by noting that we usually associate our understanding of "law" with the state system, the apparatus of government, written law, as well as jurisprudence (Kurczewski 1973: 7). In this sense the matter seems to be clear. If there is no state, no writing, there is, consequently, no law. And since, I should add, there is no law, there is no punishment either; after all, *nulla poena sine lege*. At this point we could pause for a moment and argue that the Roman principle according to which there is no punishment without law may in itself show that there were situations in which attempts to impose punishment were also made where there was no written law. We could point out that this is a certain stage of an evolution, development of law. Yet even Bronisław Malinowski, in his classic work *Crime and custom in savage society*, struggled with this problem. In any case, Malinowski used the term "law" quite freely; in some contexts it becomes synonymous with the rules of exogamy, matrilinealism or patrilocalism. He said that he had not come across any arrangements or customs that could be classified as forms of "administration of justice" on the basis of a code and fixed methods (Malinowski 2013).

It is worth noting here that in many non-European societies there were well-developed legal systems known to Europeans for a long time; this was the case of, for example, the Mongol Empire (Strzelczyk 1993; Tangad 2013: 15–38). Legal documents used by the Buryats and the Mongols were not radically different from their European equivalents in the sense that they clearly defined "punishment" as a proportional and just outcome of a crime (Kałużyński 1983: 231–241; Zhanaev 2019: 176–183). Buddhism introduced into Mongolian culture a rich tradition that also dealt with issues of law and punishment. Today, for the Buryats living in the Russian Federation the Russian legal system is an everyday reality. However, all of these contexts are linked to literacy and the growing role of state systems.

Yet linking law to the state is not the only possible interpretation. Kurczewski proposes a different, more interesting path. As he writes, "At the same time, both in the deliberations of jurists and in popular consciousness, we find another notion of law, which does not seem to be necessarily linked to the existence of established and more or less alienated institutions of power. We are dealing with this notion when we talk about the so-called subjective rights. They are meant by those who speak of, for example, human and civil rights, the right to work and to rest, etc."

(1973: 7). He goes on to demonstrate that such an understanding of law does not have to contradict the European understanding of law. The existence of state authority is not a prerequisite for the existence of law, since "we can speak of powers and duties even where there is no supreme state authority or legal regulations that stem from its decisions." He needs this assertion to show that, in adopting a broader, subject-oriented understanding of law, it is possible to speak of it also in the case of "pre-state" societies by looking for "rights vested in individuals and social groups."

However, these observations, although very helpful and paving the way for further research and comparisons, have two limitations. The first seems fairly intuitive and may be the source of the resistance to such a broad definition of law. Since there is no state, which "usually" is in charge of law enforcement, the question arises as to who and how can enforce law, who can punish its transgressions, maintain and, if necessary, restore the desired state of affairs in accordance with the sense of law. That person can be, of course – as in the case of the Trobrianders described by Malinowski – the chief, who, in addition to the coercion methods known in other parts of the world as well, can also resort to sorcery (Malinowski 2013: 110). Nevertheless, this is still a form of power.

Kurczewski proposes a solution to this dilemma, following Evans-Pritchard and stating that the absence of government does not mean that there are no beliefs, widely recognized in a given society, about the rightness and wrongness of claims, as well as socially recognized powers and obligations (1973: 12). Speaking in the language of the sociology of law, we can say that there can certainly be a legal sense, a "lived law" (Frieske 2008; Podgórecki 1962, 1971). Law enforcement in turn "can be left to the will and ability of those involved" (Kurczewski 1973: 12). It seems here that the only task of a researcher is to concretize individuals, groups and ways in which law is practised in a given place and time, and not to demonstrate that law and punishment do exist in such communities.

The second limitation is less apparent, if we adopt a European perspective. In its framework the definition of who is the subject of law, which individuals or groups have rights, and who can enforce law covers only people and groups they make up. This becomes problematic, when we stop thinking provincially, in terms defined by Chakrabarty (2000), and expand the definition beyond human subjects and groups, when the human being becomes one of many entities, alongside, for example, entities that in the European imagination would be part of the world of gods and spirits, or ancestors, as is demonstrated by Agnieszka Halemba (2022) or Oyungerel Tangad (2013: 80–121).

The solution to this second problem, the expansion of subjectivity, helps us unexpectedly to solve the first one, concerning the issue of who can enforce the law and how, as well as who can administer punishment. As a result, we do not have to use the category of "supernatural sanction," for gods, spirits or other non-human entities can be regarded as being part of the universe in which humans live. Must there always be a need for a human, fallible justice system, if justice is taken care of and can be administered by entities more powerful than humans, entities that see more and have a better understanding of the essence of justice? Is the power

exercised by a ruler not given to them "from above"? Are the judgments of authority in the last instance not the judgments of heaven, to which rulers themselves are subject? This is how power was legitimized by the Mongol khans, for example (Kałużyński 1983). From this perspective the "stateless situation" becomes clear. It is not necessary to unravel the impact of diverse traditions, the dynamics of governance and the effectiveness of justice systems. These dynamics only make the picture more complicated. There is not enough room in this paper to analyse them in detail, but we should note that Buddhism places more emphasis on distant punishment than on punishment administered "here and now." This is one of the differences highlighted by the followers of Buddhism in Buryatia, who use it as an argument against shamanism. They stress that shamanism solves close, everyday problems, which is what Buddhism does as well, but Buddhism solves above all the key problem of suffering (cf. e.g. Nowicka, Połeć 2019: 242). However, the argument sounds different when we look not only at the inevitability of punishment, but also at how quickly it will be meted out.

When it comes to Soviet law, the problems with the "justice system," with the enforcement of the law within a fallible legal system need not be repeated here, although it is worth paying attention to the studies of Caroline Humphrey, who demonstrates that it was often governed by rules other than written ones (2002). An interesting example of which system is more significant is provided by Manduhai Buyandelger in her description of a legend according to which Russian soldiers arrested a woman with a child, who turned out to be the goddess of fertility. The woman disappeared from jail after a few days and punished the locals by making them infertile (Buyandelger 2013: 48). Temporal authority obviously matters. The Mongol khans and then communists may have persecuted shamans, but this does not mean that there were no consequences. In due course the ancestors claimed their rights. Is shamanism unique in this context? Not necessarily. Buddhist logic works in a similar manner. At the right moment what happened to Khambo Lama Etigelov may be revealed (Quijada 2012; Jawłowski 2016), and at the right moment it was possible to reveal in the Barguzin Valley an image of the goddess of fertility hidden by Buddhist monks during the communist era so that it would not be destroyed by the communists, an image that is now venerated, as we were shown during our research in 2013.

It is also possible to take a less strong view on this. Non-human entities are part of the reality in which humans operate, and we must take them into account in our actions, just as we take into account other people with whom we come into contact in one social situation or another. Let us try to see this through some examples. One of my interlocutors in Mongolia stressed that we should always dress nicely, even when going somewhere where there are no other people. She said that in her family great care was taken not to go out into the steppe or forest in dirty or shabby clothes, for such sloppiness could be viewed as a sign of disrespect by the "spirits" – the guardians of the place in question. One of the Buryats with whom we travelled for some time always made small offerings in new places, not only at *ovoos* (Połeć 2021: 65–70), but also at sites that resembled them in some way.

When I asked him why he was doing this, whether he was sure that a given site was a place of worship, he told me that this was not a question of whether it was a place of worship and he was not practising any cult. He was just showing respect to the guardians of the place. A similar sentiment was expressed by a Buddhist monk in Buryatia, when I asked about his opinion on the veneration of shamanic cult sites. His answer to my question showed how inappropriate it was. He replied that it was not a matter of venerating the guardians of places in the way gods were worshipped, but a matter of showing respect, in the same way respect was shown to those who were older, more respectable or of higher rank than us. He later asked me if, in my opinion, when I greeted an elderly person with respect, I engaged in a cult of that person. Respecting the rights of the guardian of a site is not the same as venerating the guardian. It is clear, however, that such a guardian may want to take revenge, to punish the intruder who enters their territory and does not respect their rights. A similar interpretation can be applied to the Buryat custom according to which we should not walk in the middle of the road when travelling on foot. This is because the middle of the road is reserved for non-human entities, which may want to punish a person who, while walking in the middle of the road, does not give way to them. This can happen because the non-human entities are usually invisible to humans (Smyrski 2018: 258). In many such contexts what matters the most is not whether we are talking about Buryat shamanism or Buryat Buddhism; the most important thing is that we are talking about the Buryat perception of the world (Nowicka, Połeć 2019: 239). Within its framework we should take into consideration many more entities than in the European perception.

Let us return for a moment to Kurczewski, who in his analysis of law in non-European societies adds: "The effectiveness of law will thus be determined by a number of practical considerations, such as the distance separating the headquarters of the parties, physical strength or the number of followers. It by no means follows that there is no 'law,' because the reference point is still the norm that defines someone's rationale. Compare this to court proceedings, where the qualifications of the lawyers hired by the parties can influence the content of the court's decision. This fact does not lead us to the conclusion that the letter of the law does not work, even if the judgment was, in our opinion, unjust" (1973: 12).

The above assertions are interesting in the context of Buryat shamanism because of two aspects of the Buryat symbolic universe. The first becomes apparent already in the context of non-human entities, which may be close to humans, although humans do not see them. In the case of the Buryats there is also an additional type of entities and relationships with them. What is very important in Buryat shamanism are links to the ancestors of a person or a family. While the guardians of a place have rights arising from ownership, the ancestors have "parental rights" that do not cease with their physical death, but are rights linked to membership in the family. Guardian spirits of the ancestors often enforce their "parental rights" and punish those of their descendants who act against them. Punishments inflicted by ancestors are associated with another important aspect, that is the severity

of punishment. The Buryats quite often point out that punishments from the ancestors can be very severe, even incommensurate with the matter with which they are associated, and consequently can seem unjust. Yet the fate of an individual is part of the fate of that individual's family, their kin, and ancestors can judge a given behaviour in terms of its consequences not only for the individual in question, but also for the entire family. This is why a shaman is needed primarily to deal with the ancestors, not with other entities.

Exchange shamanism and cooperation shamanism

The French researcher of Buryat shamanism Roberte Hamayon has come up with a model of shamanism by linking it to selected forms of the economy (1990). The most convincing seems to be her model linking shamanism to hunter-gatherer communities, which depend on the availability of game. The problem Hamayon focuses on is the transition from a hunter-gatherer economy to a pastoral economy. This change, not necessarily understood historically, but also generically, makes it necessary to re-examine the relations between shamanism and this particular type of economic system. I will refer to these two models as, respectively, exchange shamanism and cooperation shamanism. In contrast to the hunter-gatherer economy, in which the dominant model is that of "exchange" between the human community and non-human entities, with the shaman acting as an intermediary, in the case of a pastoral community, which owns its own herds, we have a model of "cooperation" between non-human entities and human communities, as well as attempts by the human community to influence these entities to provide happiness, health, good weather and other desirable goods and states, for example, rain necessary for grass to grow; this cooperation and communication with non-human entities is mediated by the shaman. Humans have to cooperate with non-human entities, as they are the ones with the power, controlling those spheres of reality that people care about. Hamayon's model seems interesting primarily because of its clarity, but it proves to be quite cumbersome when we want to use it to analyse detailed issues, or transfer it to other types of societies.

The model has been criticized for its limitations stemming from further economic transformations, even if we accept the thesis that shamanism is linked to the types of economy. Its problem lies in the juxtaposition of shamanism with the modern economy, which is not pastoral in nature. A solution to the problem has been proposed by the Japanese shamanism researcher Ippei Shimamura, who, drawing on the Japanese anthropology of shamanism, demonstrates the possibility of generalizing Hamayon's assertions by applying a generic rather than genetic approach to the problems that shamanism solves.

To this end he combines Hamayon's concept with that of the Japanese researcher Shoichiro Takezawa, which focuses on the responses of shamanism to social change and the goals of individuals. According to Shimamura, the key point here is to recognize that shamanism is an "open system." This, in his opinion, is the basis

of the difference between shamanism and "world religions." Starting from the often cited observation that cults similar to shamanism, including possession cults, often emerge in times of social and cultural crises, he assumes that shamanism can encompass an unlimited number of spirits, as well as forms of worship. As he writes, "it is an open system wherein the three aspects of the number and types of spirits, the path of connection to those spirits, and the function to be performed by the functionary, are open" (Shimamura 2011: 156).

So far we have discussed only Takezawa Shoichiro's model as Shimamura presents it, and not its application, proposed by Shimamura, to Roberte Hamayon's theory. According to his interpretation of Hamayon's theory, the shamanism of hunting peoples is based on symbolic exchanges between humans and the spirits of the natural world or animal spirits (Shimamura 2011: 158). Humans in need of meat take the souls of animals, for which they must sooner or later repay these spirits through death and the diseases leading to it. In this system the shaman's role is to mediate between humans and nature's spirits for people to be able to obtain enough food, while postponing, as much as possible, due payment in the form of human death or disease. The shaman can accomplish this not so much through direct contact, but through a marital relationship with the spirits of nature (Hamayon 1990: 425–490).

In the case of such an interpretation of shamanism, we are dealing with a concrete exchange between the human community and the non-human entities, which is why I refer to this type of shamanism as exchange shamanism. People need a tangible good, such as game,[2] and for this a specific payment is due is in the form of their lives. At this point we can formulate a hypothesis according to which in this model of shamanism death or sickness is a just price for the goods humans obtain from the natural world. Sickness and death are not punishments imposed by non-human entities, but only payment for earlier gifts. Shamans, on the other hand, are those who negotiate and sometimes even cheat in order to get the most favourable exchange for humans. In doing so they present themselves as "members of the family" of non-human entities and thus legitimize themselves in the human community by claiming to have more influence on non-human entities than other people.

The situation changes in the case of pastoral societies with their own herds. Animals change their place in the model of relations with the non-human entities. They are no longer a good to be given by the non-human entities, but become a good to be given to them. There emerges in this model a place for animal sacrifice, or rather, if we like to be consistent, payment in the form of human life and health is replaced with animal sacrifice. According to Hamayon as well as Shimamura, this does not mean, however, that humans receive nothing in exchange. Where the previous model had animals, now there is rain needed for the grass to grow, as well as lightning, with which the gods can punish humans, if the latter do

[2] I would not limit the use of animals only to meat. Wild animals are also a source of other goods, for example the skins needed to make clothes.

not cooperate in accordance with the established rules. Shimamura generalizes the model proposed by Hamayon primarily with regard to the benefits people receive. They include the realization of human desires, as well as an explanation of human misfortunes, which cease to be "due payment" and become a "gift" or punishment from the "gods" or, rather, those various entities that occupy the place originally defined as belonging to the spirits of nature. Incidentally, punishment can be viewed as a negative, unwanted gift.

In this model, animals, while still present, are no longer a key element. Animal sacrifice is one possible form of persuading non-human entities, alongside prayers or gifts of other types; what is also generalized are the gifts that humans receive or can receive. The gifts can be beneficial to humans, but they can also be harmful. The world of non-human entities ceases to give gifts to humans; it begins to influence them and becomes one of the many factors that need to be taken into account. The influence on humans is, of course, associated with what humans do, whether they offer sacrifices or pray, but it seems to be "filtered," as it were, through the will, emotions, and point of view of the non-human entities that exert their influence on people. The exchange with the world of non-human entities does not always have to be fair from the human point of view; humans must be able to read their will, their requirements. To a much greater extent the shaman becomes an intermediary in reading the will of the non-human entities and looking for the causes of failures, misfortunes or illnesses.

From the point of view of the concept of punishment, what seems to be the most important is the fact that we are dealing here with a number of entities who can set the rules, decide what is appropriate, and enforce the behaviour they desire; at the same time these rules can be updated on an ongoing basis, can be revised and presented each time in a different form. An individual functioning in such a system must be able to cope with diverse, not necessarily consistent demands posed by various non-human entities. The individual in question may try to obtain a reward from them, but must also consider the possibility of punishment.

Viewed from this perspective, shamanism appears first and foremost as the art of cooperating, reconciling different requirements, taking into account the demands of various entities, taking into account what a representative of European cultures would call the "broad social and cultural context." Hence, perhaps, the increased interest in shamanism during periods of social, economic or cultural change. Each such change requires the establishment of new rules, or reinterpretation of old rules, and the shaman, through direct contact with non-human entities, can quickly present such a rule or its "individual interpretation," to use legal jargon. In a relatively stable social situation the rules are known and there is no need to interpret them; consequently, shamans become less visible, although they do not cease to be important.

Shimamura's model characteristically assumes nothing with regard to the nature, the character of the entities with which the shaman is in contact. It is the shaman who is the only constant element (although the shamanic "functions," rituals may vary), and the world of entities with which the shaman is in contact is "open";

there may emerge new entities (unknowable entities) ranging from animal spirits to the spirits of ancestors. According to Shimamura,

> In response to changes in the natural, subsistence, political, and societal environments and/or conditions, that which appears as medium and core constant in the open system is the shaman. The number and types of spirits, the circuit connection to the spirits, and the shaman's function, etc., change according to the circumstances. Therefore, regardless of whether the shaman wears the "traditional clothing" of the "archaic" beast-man, the shaman can, on occasion, become the traditional destroyer, and at other times play the role of the creator of brand-new customs. In no way can modern shamans be called "archaic" (2011: 164).

In my opinion, Shimamura overestimates the shaman's freedom to create new traditions or cults. The world of non-human entities is not a "void" that a shaman can create in any way he or she wishes, it is not merely a (no longer "archaic") technique. In the shamanistic worldview it is the non-human entities who call the shaman and it is the non-human entities who make the decisions; this is the source of the legitimization of a given shaman. Only exceptionally is the world of non-human entities completely unknown to those with whom the shaman collaborates. Nor is the shaman the creator of this world, even if he or she may be a significant (re)interpreter of it. There persists in the literature on shamanism the topos of shamanism understood as a "one person's religion." We can agree, of course, with the diversity of rituals, views, representations of individual shamans, but they are part of the same cultural reality, the same "social framework of memory" as Halbswachs defines it. Shamanism can, of course, adapt to changes (Hell 1999: 323–330), but these are changes within a shared system of meanings.

Even if the will of non-human entities is not known, it is revealed through the operation of punishment, through negative events, problems with which humans come to a shaman. A male or female shaman is a person who is supposed to answer questions about the causes of such problems and, above all, is supposed to show the way to remedy, to change the unwanted state of affairs. It often turns out that this way is a return to tradition, to ancestral principles (Połeć 2018).

The cultural context of understanding punishment

If we want to explain how punishment is understood in shamanism, our basic problem is to determine how we can understand punishment in our own cultural milieu. This is reason enough to call this a comparative task. It is not just a question of translating the word "punishment," but of the concept we want to compare. Our first intuition is that this is a fairly clear and universal concept. However, when we take a closer look at how it functions in the European cultural milieu, we find that it is quite difficult to identify its *differentia specifica*. Certainly one of the first contexts in which it functions is the context of the legal and penitentiary systems,

within which punishment is a form of social control. In this context punishment, sometimes understood today as a relic of past legal systems, is to serve a community to prevent inappropriate acts from being committed in the future, though its purpose is also "justice," that is compensation for the harm done through inappropriate behaviour, a return to the order that existed before this behaviour occurred. It is for this reason that so much emphasis is placed on proportionality of means to ends in punishment. These two purposes of punishment seem to be complementary, but their separate analysis can demonstrate what type of cultural form we are dealing with here.

In the case of a return to the previous order, which can also be presented as a kind of settling of scores, we refer to a past state that has been disrupted. The punishment must be appropriate, because its inappropriateness would not redress the wrong done, while its excess would in itself be a disruption of order. This type of punishment is aimed directly at the culprit as well as those persons, those spheres of reality that concern the culprit. It seems that such an understanding of punishment is the dominant one in exchange shamanism. The perpetrator's intention, awareness of the disrupted order, of the harm done, is not the most important thing. There must be retribution, there must be a return to the state of equilibrium. This understanding of punishment is evident not only in the context of disease and death, which are a consequence of the "debt" incurred through hunting. Today it is invoked (incidentally, not only by shamans) in the context of environmental threats: climate change, natural disasters (cf. Połeć 2018). Is such a punishment just? Significantly, neither the culprit nor the punished is an individual but the entire community. Even if the punishment may be "unfair" to the individual, it is a consequence of the deeds of community members, and the responsibility falls on the entire community even in future generations, as there must be a return to the disrupted order. And who administers the punishment? If punishment is understood in such a way, there is no need for an individual or an institution administering punishment. It is an intrinsic feature of the entire system, which cannot work otherwise.

At this point it becomes apparent why the intent, will or consciousness of the perpetrator is not key in this case. The act itself leads to its inevitable consequences. Societal control is needed and must be effective, for violation of the rules can lead to a disaster with consequences for everyone. Viewed from this perspective, the concept of punishment in shamanism is closer to the concept of safety rules used in, for example, aviation than to the penal system. The penal system represented by the ruler or by the state can, of course, exist and be respected, but it is not the only system that guarantees safety. The ruler or the state do not have a monopoly on administering punishment. A disaster of one sort or another is a "punishment," but one understood as a logical consequence of a disruption of order, a violation of the rules by which a given system is governed. When Bronisław Malinowski pointed to a certain hypocrisy on the part of the Trobrianders, who, on the one hand, violated the principle of exogamy, but on the other knew that they had at their disposal magic that could counteract the negative consequences

of such an event in the form of pregnancy (2013: 99), he seemed not to notice that this made it possible to restore the disrupted order.

Cooperation shamanism seems to pay more attention to another aspect of punishment, that is, the above-mentioned problem of preventing undesirable behaviour, the problem of the preventive, deterring role of punishment. Looking at this aspect of the matter, Malinowski seems to be surprised that for the Trobrianders incest takes on a different meaning when it is publicly exposed (2013). However, if we seek prevention, it should be demonstrated that the culprit will not escape punishment, even if they have to inflict it on themselves by committing suicide.

Coming back to cooperation shamanism, I should point out that in this kind of a system there emerge active non-human actors, whose requirements must be met. While in exchange shamanism a personal "controller" was not a systemic requirement, although it could exist, in cooperation shamanism guardians of the existing order, judges of human actions, become key elements. Humans get punished not so much and not only for an act that has negative consequences, but for violating the dictate of the gods, ancestral spirits or other entities. The very administration of punishment as well as its type and scale become dependent on the punishing entity, and thus potentially arbitrary, ceasing to be completely inevitable in the sense of systemic automatism of punishment. The ancient formula *do ut des* is a form of exchange, but it is a negotiated exchange; the gods can be influenced through prayers or sacrifices. Gods can punish beyond measure, as they wish, but they can also be exceptionally gracious. A reward becomes the other side of punishment. Responsibility becomes more individual (although it does not, of course, rule out collective responsibility, but more often within a kin community or among the loved ones of a given person), more dependent on whether we are able to establish contact, to persuade the "judges," and to a lesser extent is a consequence of a deed. Law ceases to be a "cosmic order," becoming instead an expression of the will of non-human entities.

It is only at this point that the system becomes "open." With its openness comes not only room for negotiation, but also the problem of the arbitrariness of punishment, which may result not only in the graciousness, but also "wrath of the gods." If prevention of transgressions becomes the goal, proportionality in punishment becomes a means-ends calculation in a completely different form. It is not so much the type and scale of the harm, but the strength of the threat of punishment that becomes the measure of its severity. The appropriateness of punishment thus becomes the outcome of the sense of justice of the "judge," who is often the lawmaker as well, the judge's emotions or attitude towards the accused (anger, kindness, happiness), as well as the deterring strength of punishment.

In exchange shamanism what appears as a punishment from an individual point of view is the effect of a given state of the system; it is the product of connections within it or the effect of a mechanism the purpose of which is to restore order in the system. The shaman's help may consist in presenting us with these determinants. The shaman sees what the cause of a given state of affairs is, and we, by neutralizing, changing the cause, can reverse the effect (see e.g. Wierciński 2010).

If the shaman is to help us in an active manner, he or she must go to the very source of the system. Metaphorically speaking, the shaman must turn to the lawmaker. It seems that it is for this reason that the dominant motif in exchange shamanism is that of the shaman's flight to heaven for the purpose of contacting the lord of nature or their descent into hell to find a human being's soul.

In cooperation shamanism the role of the shaman looks completely different. The shaman is an intermediary between humans and a non-human entity. In this type of shamanism punishment is arbitrary insofar as it depends on the will, the attitude of an entity that can influence us. When we want to start a business, for example, the ancestors may support or hinder us not because the venture is good or bad, but because we have not asked their permission. The same act of entering someone's property will be "lawful" or not depending on whether the owner consents to it, and even trespassing that has not caused any tangible damage may be penalized. This comparison, like any other of this type, is, obviously, only a simplification. However, it is intended to show at least one thing. The Buryats sometimes say that the punishment inflicted by the ancestors, by the guardians of places, is unfair, too harsh. Humans have to follow the rules, have to behave properly in order not to put themselves at the risk of this kind of incommensurate punishment. The decisive factor here is the deterring role of punishment. The sense of injustice of a punishment can also stem from failing to fully understand the consequences of the deeds in question. We can learn about them from the shaman.

Social control and collective responsibility

Shaman Bold from Dashbalbar, Mongolia, talks about his encounter with Buddhist monks on the Khökh Uul mountain. The story is, in fact, about the differences and conflicts between shamans and Buddhist monks, but it illustrates brilliantly the shamanic perception of punishment understood as responsibility for breaking traditional rules of conduct. Let us listen to Bold first:

> Khökh Uul [is a mountain] on which no one, with the exception of myself and shamans, has performed worship rituals. One day we came to Khökh Uul and saw the lamas. We came with all the preparations, transport, sacrificial rams and so on, and the lamas came with just bells and drums and said that they were the only ones who could perform the rituals there. In addition, they addressed me rudely as the leader of my group. One lama said to me, "Since when have you become the biggest here?" I got angry and said: "Relics of the Manchurians, you must get out of our place (*oron*)." How did Mongolia come under Manchurian rule? Because of the lamas. I told them, "You have mined and sold all the Mongolian deposits to other countries." They could say nothing in response, because lamas get invited to organize the extraction of something from the ground. What do the lamas do? I'm not saying they are bad. They pacify the *savdags*, so if you dig in the ground, there are no negative consequences. What do shamans do?

> They awaken the *savdags*, awaken the area in question, awaken the mountains and the waters (nature) of the Mongolian land, but if you do not dig in their land, nothing will happen. This is what people find fault with and say that shamans wake angry spirits, *savdags*. For example, we would go to Otgontenger and perform a ritual there. Even according to scholars, only the bare ground on the mountain on the eastern side remains, with no snow or ice left. And then came the climbers and dug on that side, so it all came crashing down, obviously it was going to come crashing down. Then many began to say that it was the shaman's fault. If something goes wrong, the shaman is always blamed – the lama is never wrong. That's the main difference between us (Interview from 2019).

This dense statement moves a variety of strings, some of which are beyond the scope of this paper, but provide an important context for understanding the concept of responsibility contained in it. First of all, we see in it an example of a conflict between shamans and Buddhist monks over *ovoo* sites and the rituals performed there. This echoes the great discussion concerning the takeover by Buddhism of sites that were regarded as shamanic places of worship. In Bold's story, we see, however, that in his opinion Buddhist monks are not so much doing the same thing as the shamans, but that their action has the opposite effect. The shaman "awakens" the guardian of a particular site, while the lamas "pacify" him. This is of huge importance in the context of the expanding extraction of various natural resources today, which is inevitably associated with the violation of the earth's surface. The problem is that traditional Mongolian customs prohibited disturbing the surface of the earth. When we look at traditional Mongolian shoes, we will see that their tips point upward. The Mongolians will be happy to explain to us that this shape of shoes is linked to a belief that the earth should not be hurt. It is even more unacceptable to carry out major earthworks, it is unacceptable to carry out excavations, as this would be punished by the non-human guardians of the sites. Such a punishment can be very much material, in the form of a natural disaster, a cave-in or other consequences that are directly linked to the violation of the ban. This is what Bold refers to in his statement. In order to avoid such consequences, it is necessary to "pacify," to reassure the guardian of the place. The Buddhist monks agree to perform such a role and that is why they are accused by Bold of selling Mongolian deposits.[3]

On the other hand, we can conclude from the shaman's statement that the misfortunes that happen are sometimes foreseeable in an ordinary, commonsensical way and there is no need to blame them on the shaman or the guardian of the site in question. The shaman does not insist on an interpretation linking the occurrence of tragedies to the action of non-human forces; rather, he points to completely temporal reasons behind them. It is not the shaman who imposes the metaphysical interpretation; it is evident in the thinking of those who blame the shaman for

[3] From the Buddhist perspective, the task of Buddhist monks is to subjugate, to stabilize the mountains (cf. Halemba 2022: 17–18 and the literature she cites).

"something going wrong." It is not only the shaman who upholds the system, but those who blame him for negative actions (Połeć 2013).

The issue of extraction of natural deposits is the most relevant today, but a similar principle of direct punishment meted out by non-human entities is applied in other situations involving the violation of customs concerning the use of water, bathing in rivers or lakes, where not only can the guardians of the mountains and waters intervene, but the rule-breaker can also be punished by heaven by means of lightning.

In addition to such "typical" situations, well ingrained in Mongolian, including Buryat, consciousness and tales, there can also be less typical situations involving breaking traditional rules or introducing innovations at the wrong place and time. In Buryatia we heard stories of a natural disaster having been caused by holding a cultural event that involved dancing the traditional Buryat *yohor* dance, linked to shamanism, in a place where this dance had "never" been danced.

The wrath of the guardian of a given site can be caused by rituals that are performed at the wrong time and in the wrong place or without the guardian of the site in question.

Do the shamans themselves have "immunity," are they protected from punishment by non-human entities? On the contrary. Shamans, too, are at risk of punishment; it could even be said that they are the ones mainly affected by punishment. This is evident in the well-described and quite widely known context of "shamanic disease." The Buryats believe that no one wants to become a shaman of their own accord. An individual becomes a shaman against their will, forced by the ancestors, non-human entities. The topic is raised so often that it has almost become a cliché associated with shamanism. However, it is most often raised in two contexts. The first and most important today is the context of legitimization of shamanic activities; the second, historically more frequently explored but in many ways now anachronistic, is the question of the "abnormality" of the shaman.

I will begin by briefly dealing with this second issue, less important from the point of view of the problem of punishment, but also "tainted" by colonial thinking. In this old concept those who become shamans are people with mental health problems, for whom assuming the role of a shaman is a form of healing, as it were, a way to channel an individual's ailment or untypical nature in a socially acceptable manner. This theory has long been rejected.

When it comes to the legitimization of the shaman, we move a step further, looking deeper for the causes of the shamanic disease. In this sense "shamanic disease" is no longer the reason for taking on the role of shaman. It occurs because the person called to assume the role resists accepting this calling. It is only then, or for this reason, that various problems arise. In this perspective it is no longer necessarily only about mental or psychosomatic problems. It may just as well be about bodily ailments, which cannot be cured by means of traditional medicine, or perhaps about other misfortunes, which happen to a potential shaman and are to make him or her change the decision and accept the role of shaman. It is only

under this kind of pressure that an individual becomes a shaman. Understood in this way, the "shamanic disease" legitimizes the shaman, as it becomes a justification for assuming this type of role. In the context of the legitimization of the shaman, the "shamanic disease" begins to take on a life of its own; it must "happen" in order to confirm the shamanic vocation, it is "expected" by those who come into contact with the shaman. If asked, the shaman should talk about it, as it were. That is why it can sometimes be more surprising, if a shaman downplays the matter or speaks about it in a perfunctory manner. When our Mongolian associate asked Bold the shaman, "Did anything extraordinary happen when you accepted this gift from the ancestors?," the shaman replied perfunctorily, "I had some failures, then various things showed themselves to me, then I accepted the gift. And it's been 24–25 years now." Moments earlier he had talked about his shamanic gift being passed in the family from generation to generation, so, in my opinion, it is not so important, it does not have to rely so much on this kind of legitimization in the form of the "shamanic disease," as legitimization through family tradition is enough. Bold may have also simply known what resistance to the ancestors' will entailed and not resisted too much.

The essence of the "shamanic disease" is coercion, punishment for not accepting the shamanic calling. Such punishment does not have to take the form of disease – hence the quotation marks – but can take the form of other misfortunes that happen to the shaman. The scope and scale of these misfortunes, these punishments, are very wide. Consistent resistance by a candidate can lead to his or her death. Before such a punishment is meted out, however, it is more likely that the shaman's punishment will be the misfortunes and deaths of those close to him or her. While in Buryatia we met a shaman who decided to accept shamanic duties after two of his daughters were killed, having been raped first; a whole list of similar cases is given by Shimamura (2011: 269–280). We can find similar descriptions in the works of other researchers. This type of punishment is very much temporal, although it is a punishment for not accepting a spiritual role. As a rule, the "shamanic disease" ends, when the individual in question agrees to accept the role assigned to them.

Today the renaissance of shamanism is increasingly said to be linked to the treatment of "shamanic disease." Accepting the shamanic gift is becoming a common type of therapy or medical treatment. The implication is that this happens "too often." More and more male and female shamans are appearing because of a diagnosis made by already active shamans. In the case of many ailments the diagnosis is that they are a punishment for failing to accept the shamanic gift.

In Mongolia we met a shaman who accepted the shamanic gift only because of the "shamanic disease," pressure from the ancestors, although shamanism did not become his main occupation. His main occupation was that of a driver, and although he was not ashamed of being a shaman and talked freely about it, shamanism was an unwanted necessity, as it were. No one wants to become a shaman of their own will, according to the Buryats, they are always forced to agree by the threat of punishment.

Conclusions

When we speak of punishment, we become entangled not only in the linguistic problems of how to translate the term "punishment" from one language to another, and these problems are by no means trivial. In the case of Buryats living in the Russian Federation, it is Russian, not Buryat, that defines the dictionary boundaries, which the researcher then transfers to other languages and cultural contexts in which apparently the same concepts function. The premise that the understanding of punishment is determined by the overall system of thinking, by the cosmology that underpins a given social order, means that we cannot define punishment in isolation from the system in which it is administered. In this respect it is crucial to use a model of such a system. In this paper I develop and use the model proposed by Hamayon and expanded by Shimamura. To an outside observer punishment will not be a key element of Buryat shamanism, and perhaps in a cross-cultural encounter a Buryat will not say it is something important either. However, when we ask him to help us and visit a shaman with us, we will notice some degree of hesitation. When, while waiting to visit the shaman, who is still busy with another person, the sky begins to be covered by black clouds and a storm starts to gather, we will notice the difference between our seeking shelter under the shaman's roof and the desire to avoid contact with the shaman on the part of our Buryat companion, who will fear punishment from them. This will look different depending on the person and place. Some Buryats fear shamans less, some fear them more. Some will emphasize how much the shaman can do, others will downplay their role. My subjective feeling is that there is less fear of shamans in Mongolia than in the Russian Federation, but perhaps this is too sensitive an issue to yield itself to scholarly generalizations, and my research experience is perhaps too modest. Certainly it can be said that shamans, male or female, are respected. Presumably this stems from the fear of the powers of the shaman, who enjoys the gift of contact with a sphere which ordinary mortals cannot access, though perhaps this is a respect not so much for the person of the shaman as for the entities, forces the shaman represents, since we can often hear that the shaman will be punished by the spirits if they do something wrong.

In this paper I write about punishment in shamanism, specifically in Buryat shamanism. For a large part of the potential readers, this specification may not be relevant, as they will be looking for an answer to the question of how the issue of punishment looks in shamanism in general, perhaps while working on another culture, on data from another part of the world. Yet there is no doubt that the combination of the terms punishment and shamanism can often be found not only in the Buryat cultural context. The values we can abstract by means of cross-cultural analyses of punishment are a sense of justice and social order, and even, as some would have it, cosmic order (Zhanaev 2019).

The most general question guiding my reflection is whether the very definition of punishment does not imply the existence of a system that answers the question of what is just, what is right, what sustains order, what is good and what

is evil. Without the assumption that there exists such a system, external with regard to the event in question, what we call punishment may appear to be an injustice, an evil, as it is likely to appear as such from the perspective of an insider like the criminal on whom a punishment has been imposed.

In the above discussion I have tackled the issue of subjects of law and the related issue of subjects entitled to enforce the law. I have referred to concepts formulated within the framework of sociology and anthropology of law, beginning with Jacek Kurczewski's study, which, in my opinion, provides an interesting starting point for a discussion of law in a non-European context. In this regard, I have drawn attention to the great cultural diversity and a much broader than in contemporary European culture understanding of the actor in worldviews that take into account non-human entities, but also human beings beyond their temporal life, that is, deceased ancestors, who can influence their living descendants. At the same time the influence of such entities does not have to fit into materialist, European cause-and-effect categories. Viewed from this perspective, shamanism appears as a system that relies on a system of earthly punishments that have non-earthly sources, punishments that will inevitably strike whoever breaks traditional rules, defies the will of non-human entities. Such punishments not only may affect direct "perpetrators," but they may also have a collective dimension. These can be punishments "by proxy," inflicted on the relatives of the "culprit," but they can also be punishments imposed on those who permit rules to be broken, the will of non-human entities to be neglected. At the same time, they are not punishments that will happen "someday," after death, in the next incarnation. These are punishments that are inflicted quickly, in this world, in a human being's mortal life.

How significant can the above assertions be to shamanism research? In my opinion, the first conclusion could be that it is not only the terms "shamanism" or "shamanize" that are problematic and not always appropriate. In this study I juxtapose them with an equally problematic term, namely "punishment." We can also try to define them in various more or less appropriate ways, but appropriateness is another very problematic term, because it implies the existence of a system, a state of affairs, with regard to which the term in question is supposed to be appropriate, just as lawyers will talk about appropriate punishment. Defining something in an appropriate manner can always be accused of being merely "provincializing" in the European model of knowledge production. In my view, the question to consider is not whether "shamanism" is an appropriate term, but why it emerged and why we continue to use it. A researcher studying shamanism would certainly notice that I have not made a single reference in my paper to trance, although this would have pleased Roberte Hamayon (1995), or to states of altered consciousness. However, I continue to use the term "shamanism," and not just because the Russian-speaking Buryats use it. "Shamanism" has been and still is an emic term not only among the Buryats. By using it I am entering into a dialogue, not only with the people I spoke with during my research, but also with those who wrote and read about shamanism earlier. If today we are noticing

a non-scholarly interest in shamanism, if we are noticing various "neo-shamanic" movements, what probably lies behind them is a search for values, an attempt to capture what Bold the shaman talked about.

References

Bumochir, D. (2020). *The state, popular mobilisation and gold mining in Mongolia: Shaping "neoliberal" policies*. London: UCL Press.

Buyandelger, M. (2013). *Tragic spirits: Shamanism, memory, and gender in contemporary Mongolia*. Chicago: University of Chicago Press.

Chakrabarty, D. (2000). *Provincializing Europe: Postcolonial thought and historical difference*. Princeton: Princeton University Press.

Dalai, C., Erdene-Otgon, D. (2022). *A history of Mongolian shamanism*. Singapore: Springer.

Frieske, K. (2008). *Socjologia prawa*. Warszawa – Poznań: Polskie Wydawnictwo Prawnicze.

Halemba, A. (2022). Góry Ałtaju nie mają duchów. Etnografia poza człowiekiem. *Etnografia Polska*, 66(1/2), 11–26.

Hamayon, R.N. (1990). *La chasse à l'âme : Esquisse d'une théorie du chamanisme sibérien*. Nanterre: Société d'ethnologie.

Hamayon, R.N. (1995). Pour en finir avec la « transe » et l'« extase » dans l'étude du chamanisme. *Études mongoles et sibériennes, centrasiatiques et tibétaines*, 26, 155–190.

Hell, B. (1999). *Possession et chamanisme : Les maîtres du désordre*. Paris: Flammarion.

Humphrey, C. (2002). *The unmaking of Soviet life: Everyday economies after socialism*. Ithaca: Cornell University Press.

Jastrzębski, B., Morawiecki, J. (2014). *Cztery zachodnie staruchy. Reportaż o duchach i szamanach*. Białystok: Fundacja Sąsiedzi.

Jawłowski, A. (2016). *Milczący lama. Buriacja na pograniczu światów*. Wołowiec: Wydawnictwo Czarne.

Kałużyński, S. (1983). *Dawni Mongołowie*. Warszawa: Państwowy Instytut Wydawniczy.

Kurczewski, J. (1973). *Prawo prymitywne. Zjawiska prawne w społeczeństwach przedpaństwowych*. Warszawa: Wiedza Powszechna.

Malinowski, B. (2013). *Crime and custom in savage society*. London: Taylor & Francis.

Nowicka, E., Połeć, W. (2019). Religious diversity for the sake of ethnic unity? Shamanism and Buddhism in creating Buryat ethnic identity. *Polish Sociological Review*, 2(206), 237–247.

Podgórecki, A. (1962). *Socjologia prawa*. Warszawa: Wiedza Powszechna.

Podgórecki, A. (1971). *Zarys socjologii prawa*. Warszawa: Państwowe Wydawnictwo Naukowe.

Połeć, W. (2013). Szaman i jego magia, czyli jak tu nie myśleć Lévi-Straussem. In: E. Nowicka, M. Głowacka-Grajper (eds.), *Antropolog i jego magia. Współczesne inspiracje twórczością Claude'a Lévi-Straussa* (pp. 79–100). Kraków: Zakład Wydawniczy "NOMOS".

Połeć, W. (2018). Shamanism and cultural reflexivity. *Societas/Communitas*, 25(1), 51–73.

Połeć, W. (2021). Horyzonty tożsamości. Buriackie społeczności lokalne w Mongolii. *Acta Universitatis Lodziensis. Folia Sociologica*, 77, 55–74.

Quijada, J.B. (2012). Soviet science and post-Soviet faith: Etigelov's imperishable body. *American Ethnologist*, 39(1), 138–154.

Shimamura, I. (2011). *The roots seekers: Shamanism and ethnicity among the Mongol Buryats*. Yokohama: Shumpusha Publishing.

Smyrski, Ł. (2018). *Między władzą spojrzenia a praktyką. Antropologia krajobrazu*. Warszawa: Oficyna Naukowa – Instytut Etnologii i Antropologii Kulturowej Uniwersytetu Warszawskiego.

Strzelczyk, J. (1993). Wstęp. Mongołowie a Europa. Stolica Apostolska wobec problemu mongolskiego do połowy XIII wieku. In: J. Strzelczyk, *Spotkanie dwóch światów. Stolica Apostolska a świat mongolski w połowie XIII wieku. Relacje powstałe w związku z misją Jana di Piano Carpiniego do Mongołów* (pp. 8–54). Poznań: Wydawnictwo ABOS.

Tangad, O. (2013). *Scheda po Czyngis Chanie. Demokracja po mongolsku*. Warszawa: Wydawnictwo TRIO.

Utrat-Milecki, J. (2006). *Podstawy penologii. Teoria kary*. Warszawa: Wydawnictwa Uniwersytetu Warszawskiego.

Wierciński, A. (2010). *Magia i religia. Szkice z antropologii religii*. Kraków: Zakład Wydawniczy "NOMOS".

Zhanaev, A. (2019). *The Human Being in Social and Cosmic Orders: Categories of Traditional Culture and the Problems of Contemporary Buryat Identity*. Warszawa: Wydawnictwa Uniwersytetu Warszawskiego.

SUMMARY

The role of non-human punishment in Buryat shamanism

In this article, I start from the premise that the understanding of punishment is determined by the overall system of thinking, by the cosmology that underpins a given social order. In analysing the understanding of punishment in shamanism, I use a broad definition encompassing not only punishment inflicted by human individuals and communities, but also punishment by non-human entities such as guardians that reside in mountains and rivers or guardian spirits of the ancestors, that is, beings that are not included in the materialistic "Western" view of reality, but which are an important part of shamanic cosmology. The article draws on material from field research conducted in Buryatia and Mongolia, as well as an analysis of source texts dealing primarily with Buryat shamanism. The main purpose of the article is to analyse the impact of the shamanic worldview on ideas about this part of the social world which in social theory, in the concepts of sociologists and legal anthropologists is usually defined in terms of categories like social control, legal system or justice system. I seek to demonstrate that what is described as punishment from an external point of view is, in fact, an immanent part of the belief system and the ethical system contained within it. I show the concept of punishment found in the ideas of *ovoo* guardians, illness, as well as the shamanic vocation (including shamanic disease).

Keywords: Buryat shamanism, punishment in shamanism, penology, sociology of law, anthropology of law