

**ASPECTS OF BUDYA
TRADITIONAL RELIGION WHICH
PROMOTE HUMAN RIGHTS**

By

Clifford Mushishi

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Supervisor: Dr S Masondo

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DECLARATION

I, *CLIFFORD MUSHISHI*, declare that this doctoral thesis is my own original work. It has not been submitted before at any other institution for examination purposes and that all sources used have been acknowledged.

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I sincerely thank all the people who assisted me in the journey towards the completion of this thesis. It is impossible to mention all of them by name. However, the following were some of them without whose help this study would not have been a reality:

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ABSTRACT

This study is an investigation of aspects of Budya traditional religion which promote human rights. The central question of the investigation is: what aspects of Budya traditional religion promote human rights? Other questions include for instance: in what way do they promote human rights? In the sense that: they protect, sustain and perpetuate human life, dignity and integrity. And, which human rights do they promote? The rights to: life, liberty and security as well as shelter, food, integrity, respect, dignity and health care among others are focused in this study. Aspects of Budya traditional religion that emerge as promoting human rights are examined within an African cultural perspective. These aspects are discussed under various sub-headings such as marriage, chieftainship and ritual practice. Specific aspects examined include: *mombe youmai* (mother's cow), *chiredzwa* (child caring appreciation), *zunde ra mambo* (chief's storehouse as a food security programme), *kusungira* (taking an expecting mother to her parents to deliver the first baby), *kugarwa nhaka* (inheriting a deceased's wife), *sara pa vana* (traditional inheritance of a deceased man's family) and *ubuntu* (person-hood). The rituals of *kupayira* (naming of a child), *kutsikisa mapota* (stepping over protective porridges), *makupo* (distribution of the deceased's property), *mhinza mumba* (home bringing ceremony) are discussed as aspects of Budya traditional religion that promote human rights.

The study reveals that it is possible to construct an African understanding of human rights from cultural practices of the Budya.

Mashonaland East Province

MASHONALAND EAST

Total population: 1 127 413
 Male population: 545 898
 Female population: 581 515

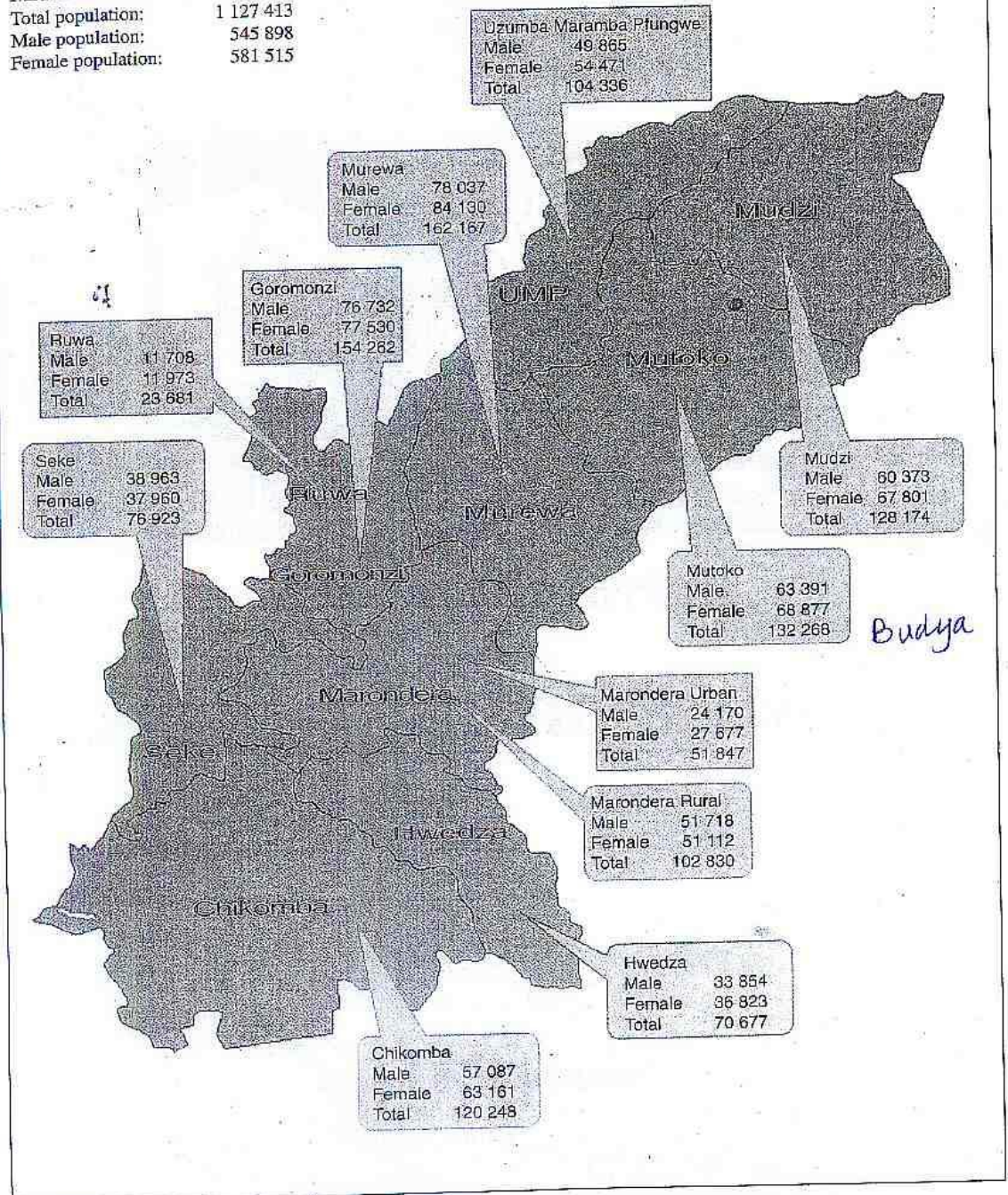


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CHAPTER 1

INTRODUCTION

1.1. Aim of the study

The aim of this study is to investigate aspects of Budya traditional religion which promote human rights. Broadly, it is an attempt to construct an African understanding of human rights. Specifically, it examines, from an African perspective, aspects of Budya traditional religion that protect, sustain and perpetuate human life. These aspects under review include Budya moral values, conceptions and philosophies of human-hood or person-hood (*unhu/ubuntu*), self-perpetuation of physical and spiritual life, respect for human life as both sacred and sacrosanct, human dignity, integrity and identity which promote human rights. The human rights they promote are: life, security and liberty as contained in article 3 of the Universal Declaration of Human Rights. Further, this study is a response to a challenge from Josiah Cobbah that:

Africans have not attempted in any real sense to articulate for the international human rights community an African sense of human dignity or human rights, one that flows from an African perspective and one that perhaps the rest of the international community can also use.¹

Cobbah holds that we should talk about rights within a cultural context.² This is vital because the context of family, clan, ethnic solidarity, and the web of chieftainship, all provide a framework within which individuals exercise their social, political liberties and duties.³ The present study takes place against a framework of overwhelming literature around the world today that views African religion and culture as oppressive especially to

¹ Josiah A.M.Cobbah, African Values and the Human Rights Debate: An African Perspective. Human Rights Quarterly, 9(3) 1987.

² Ibid. p. 310.

³ Claude E. Welch and Ronald I. Meltzer, eds., Human Rights and Development in Africa. Albany: State University of New York Press, 1984, p. 11.

women.⁴ It has been argued that women are still oppressed by patriarchal religions⁵ such as African Traditional Religion. Budyia is a patriarchal religion. Patriarchy is the power of the fathers: a familial, social, ideological, political system in which men, by force, direct pressure or through ritual, tradition, law and language, customs, etiquette, education and the division of labour, determine what part women shall or shall not play, and in which the female is everywhere subsumed under the male.⁶ In the same perception women have been thought of primarily in terms of sexual capabilities: giving birth and nurturing children and men.⁷ In addition to the above perception, women's cultural and religious contributions have been largely ignored.⁸ In fact, in many cultures women's accomplishments are not celebrated as men's.⁹ Furthermore, a woman has been assigned a second class status in the world and has always been man's dependent if not his slave.¹⁰ The two sexes have never shared the world in equality to an extent that nowhere is her legal status the same as that of a man and frequently it is much to her disadvantage.¹¹ The same perspective argues that women's rights are recognized in the abstract because long standing customs prevent their full expression of their experiences.¹² In other feminist circles, it is argued that the control of women begins as soon as they get married to an extent that from being a person she becomes property to be bought and sold from father

⁴ Some of the work pointing to the fact that man theoretically protects, guides and provides livelihood for women, and that the social status of a woman derives from that of man include, Margaret C. Snyder and Mary Tadesse, African Women and Development: a history London: Zed Books, 1995, p. 21.

⁵ Ursula. King, ed., Feminist Theology from the Third World A Reader. USA: Orbis Books. 1994, p.8.

⁶ Mary A. Kassian, The Feminist Mistake: The Radical Impact of Feminism on Church and Cultures. Illinois. USA: Crossway Books, 2005, p. 27.

⁷ Anne McGrew Bennett, From Woman-Pain to Woman-Vision Writings in Feminist Theology. Minneapolis. USA: Fortress Press, 1989, p. 59.

⁸ Ibid.

⁹ Ibid.

¹⁰ Mary A Kassian, The Feminist Mistake The Radical Impact of Feminism on Church and Cultures. Wheaton. Illinois. USA: Crossway Books. 2005, p. 19.

¹¹ Ibid.

¹² Ibid.

to husband for the price of money and oxen.¹³ In this perception to violate her is to offend the property rights of her husband. This is probably where the idea of a man as a protector of a woman comes from. Her labour belongs to him and she works from dawn to late hours within her household.¹⁴ That is her purpose of existence.¹⁵ She has no need to read and write, no need to learn, to travel and to dream¹⁶ and her sphere of life must be defined from a man's who will be her father, brother, uncle or husband. The woman must remain invisible.¹⁷ She is a non-achiever.¹⁸ In extreme cases a wife can be divorced for giving birth to girl children only among the Budya. Or, a married man can marry a second or third wife for the same reason. In some cultures, menstrual blood is viewed as defiling sacred space and objects but of course in others it resembles pro-creative power of potential life.¹⁹ But at the same time in some cultures defilement is defined as a way of eliminating women from potential power positions.²⁰ Girl children are expendable, exposing them to cultural abuse in times of family crisis such as hunger or compensation of an aggrieved spirit in some remote parts of African societies such as the Tonga or Korekore of Zimbabwe for example. Even in cultural ritual practices such as the home bringing ceremony for the deceased one finds that they enforce patrilineal control of land and hence distance women from the possibility of controlling land in their own right.²¹

¹³ Rosemary Ruether, Sexism and God-Talk Towards a Feminist Theology. London: SCM Press. 1983, pp. 260-261.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid., p. 261

¹⁸ Ibid.

¹⁹ Oyeronke Olajubu, Women in the Yoruba Religious Sphere. USA: State University of New York Press. 2003, p. 11.

²⁰ Ibid.

²¹ Allison. Goebel, "Zimbabwe's: "Fast Track" Land Reform: What About Women?" Gender, Place and Culture: A Journal of Feminist Geography, 12, (2), 2005, pp. 145-172.

In relation to the perceptions expressed above, Budyā traditional religion appears to have the same experiences for women. Among the Budyā a woman cannot become a traditional leader such as a chief. The office of traditional chief is a preserve for men only. In other spheres such as land ownership and the traditional practice of inheritance women seem to be viewed as less important than men.

Ackermann²² says that just as political and economic power is in the hands of men, so is religion. This perception adds that patriarchy has been the dominant social construct in the histories of most peoples. The legal, social and economic system validates and enforces the domination of male heads of families over dependent persons. This should come as no surprise, as Ackermann notes, “we have no social history of gender equality to draw on.” Whatever our roots European, African, Middle Eastern or Asian, the social construct our societies have in common is patriarchy. Ackermann’s views that women’s experience of androcentrism (male-centredness) in our religions has had a number of effects on women are critical for this study. This is because for women it has led to the passive acceptance of a kind of second-class citizen status within their religions. She says even though all religions contain the potential for liberation, such patriarchal tendencies disadvantage women. She agrees with the view that in Southern Africa today there has been a visible bias in economic structural adjustment to the extent that women have been socially subordinated to men diminishing their roles in decision-making.²³ In addition, even if we talk of human and legal rights in sub-Saharan Africa, women under customary

²² Denise Ackermann, Believers in the Future: Interfaith Conference on Religion-State Relations, December 2-4, Pretoria: Printype. 1990, p. 31.

²³ Haleh Afshar, and Carolyne Dennis, eds., Women and Adjustment Policies in the Third World. New York: St Martins Press. 1992, p. 47.

law have been subjected to male guardianship irrespective of their age.²⁴ It does not end there, but one finds that when women appear to be confined by law and custom to the family or rural context, they may fall further behind as development accelerates.²⁵ In relation to the current study, women's inferiority is perceived by Budya traditional women as retarding their social, political and economic progress. They feel "oppressed in traditional politics of leadership".²⁶ This even extends to personal security of women as a human right for them. For example, it is notable that the mortality rate of women is more than that of men²⁷ as they seem to be emotionally abused because of their inferior status in society.

This perception is consistent with some rural Budya women's feelings expressed during the interviews. They said they felt left out in the cold in terms of traditional chieftainship responsibilities just because they are women.²⁸ This remains a challenge for human rights in Africa and the world as a global village.²⁹ Further, research confirms this feeling that women are not safe in terms of their rights in society.³⁰ For example within the context of the home, paying *roora* (Shona word for *lobola* or *bride-wealth*) gives a man the impression that he owns the woman, while the teaching that a young bride must keep

²⁴ Bookie M. Kethusegile, *et al.* eds., Beyond Inequalities: Women in Southern Africa. Harare. Zimbabwe: Canon Press. 2000, p. 39.

²⁵ Sue Ellen M. Charlton, Women in Third World Development. USA: Westview Press, 1984, p. 33.

²⁶ Interview, Everest Takaitei, Mrs Mubona, Violet Mafundi, Taurai Chikungwa and Mrs Chapfuruka, 11 March 2003.

²⁷ Miranda. Davies, ed., Third World-Second Sex Women's Struggles and National Liberation Third World Women Speak Out. London: Zed Books. 1983, p. 5.

²⁸ Interview, Chiripanyanga, Mrs Nyakudanga, Mrs and Mwedzi Beauty. 14 April 2003.

²⁹ The feeling by Budya traditional women that they are oppressed by traditional culture appears to be challenged by the 4th UN World Conference on women see A. Anand, and G. Salvi, Beijing UN Fourth World Conference on Women: Women's Feature Service. New Dehli: India. 1989, p. xxv.

³⁰ Interview, Chikungwa Taurai, Mafundi Violet and Deku Stella. Nyamukoho village. 13 August 2005.

marriage problems confidential ensures that “home is a dangerous place for women”.³¹ The traditional understanding of this custom is that *roora* is a token of appreciation that symbolizes family union and love. Contrary to the view that men’s hatred of women is a universal phenomenon,³² the Budya culturally view women as critical players in social development of the human race through their motherhood roles.

The main point of this study is that from an African cultural point of view, Budya traditional religion contains significant aspects that promote human rights. These are: *mombe youmai* (cow of motherhood), *nhaka* (traditional inheritance), *chiredzwa* (token of appreciation for raising a child out of wedlock), *kusungira* (maternal care for first pregnancy, discussed under traditional marriage); *zunde ramambo* (chief’s granary as food security), *ubuntu* (person-hood), custody of the habitat, *kutsika mapota* (stepping over protective porridges by the children of a deceased adult), *mhinza mumba* (the home bringing ceremony of the spirit to become a family ancestor) and the naming ritual.

These aspects of Budya traditional religion are believed (by the Budya) to sustain, protect and promote human rights in terms of African cultural and social ethics of care, hospitality and respect for human life and dignity. They have been discussed under various chapter boundaries of the thesis. Chapter one introduces the purpose of this study, its sources, limitations and methods used to collect data. Chapter 2 defines who the Budya people are in terms of their historiography, cosmological beliefs, demography, economics and education. The third chapter explores the role and significance of religion

³¹ ZARD. Zambia Today: A Gender Perspective Analysis of Public Views. Zambia Association for Research and Development. 1996, p. 76.

³² Adam Jukes, Why Men Hate Women. London: Free Association Books, 1994, p. 5.

in promoting human rights. Chapter 4 argues that within Budya traditional marriage, the cultural practices of *mombe youmai*, *sara pa vana*, *bombwe*, *kusungira*, and *chiredzwa* sustain, protect and promote the institution of marriage as a human right. Chapter 5 identifies the *zunde ra mambo*, custody of *ubuntu*, provision of asylum (*kupotera*), and protection of the habitat as aspects of Budya chieftaincy which protect human rights. We can safely say the chief protects the Budya tribal household in terms of the right to security. Security is an all encompassing concept which does not only refer to physical security but the spiritual aspect as well. Chapter six submits that traditional ritual practices of birth, naming, marriage and death for the Budya promote human rights through their notion of self-perpetuation of human life. Thus the link between the living and the living dead is viewed as sustainable, contenting and uncontested from an African perspective. The last chapter summarizes the thesis.

1.2. Methodology

The aim of any research, sociologists tell us, is “to get the facts.”³³ But then certain methods must be used to get the factual information one requires. In a sociological research such as the present one, many different methods of data collection, each of which is open to some criticism as being imperfect or inadequate³⁴ could be used. This leaves the researcher free to be selective, take a perspective of the topic under investigation, identify resources available,³⁵ and take a portion of a particular population

³³ Lewis Coser, Steven Nock, Patricia Steffan & Buford Rhea. Introduction to Sociology. New York: Harcourt Brace Jovanovich Publishers, 2nd ed. 1983, p.39.

³⁴ Martin Marcus & Alan Ducklin. Success in Sociology. London: John Murray Publishers, 1998, p. 50.

³⁵ Ibid.

known as sample,³⁶ and execute the research. Circumstances (social, economic or political), resources at the researcher's disposal, access to a computer, a tape recorder, and research assistants may be costly and influence, in their differing degrees, the choice of research methods and the results of the research.³⁷ In terms of appropriateness, one finds that certain methods are always more suitable than others for particular pieces of research.³⁸ However, each method has its drawbacks, and sociologists say that it is possible to combine methods when studying behaviour pattern in given circumstances.

Another important point in relation to research methods is the issue of extrapolation. This means the researcher can estimate the opinions and values of larger groups using known data about a sample. Lewis Coser *et al.*³⁹ have identified five basic research methods that could be used in a research such as the current one. I attempt a summary of them below with a view to positioning the current thesis somewhere within the same frame work. These are: surveys, interviews and case histories, field studies, experiments, and content analysis of documents. The choice of method depends on many factors such as the nature of the problem, the restrictions of time and space, the degree of cooperation from the people being studied, the resources available, and considerations of privacy and the rights of the subjects.⁴⁰ For Coser *et al.* a **survey** is a poll of a sample of people whose responses are likely to be representative of the opinions, attitudes, and values of the population under study. This is sometimes accomplished by using a random sample. The advantage of a survey is that the researcher can quantify results as all respondents may be

³⁶ Coser *et al.*, p. 43.

³⁷ Marcus & Ducklin, p. 50.

³⁸ *Ibid.*

³⁹ Coser *et al.*, p.46.

⁴⁰ *Ibid.*

asked the same questions. The problem with a survey could be the cost of printing questionnaires. The **interview** is another important method. An interview is a guided conversation between the investigator and the research subject. Interviews are based on particular sets of questions but the procedures are more flexible. The advantage of an interview is that the interviewer can restate a question using clearer language or terms and the interviewee can respond in ways that can reveal attitude or opinion. **Case histories** are biographies of individuals. They give the investigator an opportunity to study closely the behaviours, feelings, and minds of particular subjects. The problem with this method is that when the subject feels the scrutiny is too much, he or she can sabotage the researcher by misrepresenting his or her feelings and opinions or act out of character to please the researcher. **Field studies** involve observation, which is one of the cornerstones of scientific research. Field studies are based on the researcher's own observations of social behaviour in its natural setting. Field work is the best method for studying certain kinds of behaviour. In relation to this, participant observation is a type of field study in which the researcher becomes a member of the group being studied. This method's advantage is its directness. Its problem is that for small groups of people, gaining access, winning the trust and confidence of the subjects, and cultivating their interest may be problematic. **Content analysis** involves the use of documents as a data base and the researcher has no direct contact with the subjects, events, or behaviours he or she is investigating. By studying and analyzing the content of newspapers, literature, art, records of births, deaths, licenses, public deeds, and archaeological evidence from which inferences about social behaviour may be drawn, the researcher gets valuable information and insight into cultural values and social concerns of a particular society.

The **experiment** method involves the test of cause and effect under controlled conditions. Its limitation is that it lacks the moral and ethical concerns about experimentation with human beings. In addition to the above methods, Elgin Hunt⁴¹ notes that the historical, the case study, comparative study, experimental methods can also be used in a social science research as they focus on humankind whose greatest concern is with him or herself, with the earth on which he or she lives, with his or her own origin, destiny, and relationships to other human beings. For Hunt, even if human beings hope for a future life in heaven, they still long to make their life on earth happier, more meaningful, and more satisfying. To that extent, the study of aspects of African Traditional Religion which promote human rights becomes relevant.

In addition to the above methods of research Taylor *et al.*⁴² mention archival research in which the investigator uses data that were previously collected for another purpose. This research is suitable for social psychology. The advantage of this method is that it is inexpensive. It could apply in a research such as the current one.

Although several research methods such as the above could be applied for a research of this type, data collection for the present study was mainly confined to a combination of three methods: a) field study and participant observation, b) formal and informal group and one-to-one interviews, and c) a survey that used a structured questionnaire. The reason for combining these methods was that not one type could have sufficed given the

⁴¹ Elgin F. Hunt. Social Science: An Introduction to the Study of Society. New York: The Macmillan Company, 1966, p. 3.

⁴² Shelly Taylor, Letitia Peplau and David Sears. Social Psychology. 8th ed. New Jersey: Prentice Hall, 1994, p. 25.

volatile political and economically catastrophic situation of hunger, poverty and violence on the research site. These methods were applied at Suswe area of the VaNgarwe people (who are part of the Budya) of Chief Nyamukoho, Mudzi district, Mashonaland East Province of Zimbabwe. However, these methods were not without problems and limitations some of which I attempt to highlight below.

1.2.1 Pilot study

Martin Marcus and Alan Ducklin in their *Success in Sociology* say that a pilot study is a preliminary study which is undertaken to test the appropriateness of the questions.⁴³ The pilot study, they say, ought to be conducted in a similar area or among a similar group of people to that for which the final questionnaire is designed. For the present thesis, a pilot study was conducted prior to embarking on the study to check on the appropriateness of the questions, possible time to be spent on each question, and the space where the exercise would take place. The findings of the pilot study were that the questions were appropriate for the purpose. The questions were appropriate and sensitive to the cultural protocols of the area. All agreements from relevant authorities were given before the political situation became untenable. The respondents were receptive and willing to cooperate with me. Initially, after interviewing the first seven out of thirty women, comprising of different age groups, about issues on the structured questionnaire and in their groups of three and four, respectively, I found out that their responses were similar. For example, on issues of why the *mombe youmai* (cow of motherhood) was considered important in Budya traditional culture, they all gave similar responses that it was vital as a cultural gesture of respect for women (the mother of the bride and the bride herself).

⁴³ Marcus and Ducklin, p. 41.

Given the similarity of responses in almost all the questions, there was no need or rationale or credibility for enlarging the sample size. Part of the rationale for the pilot was to make a determination about the appropriateness of the questions that I wanted to ask a larger group. Every community has taboos and avoidances and as a researcher I did not want to antagonize people by asking inappropriate and insensitive questions. .

In addition, the similarity in responses was representative of all age groups participating in the study. The study was confined to thirty women between the ages of 32 and 75. These were the only accessible people who agreed to be interviewed at the time given that most Budya were busy in their fields or away in Harare to sell their agricultural products, or simply unwilling to take part in the study due to the prevailing political situation obtaining in this province and the surrounding regions. It must be made clear that throughout Zimbabwe there was distrust that was due to the politics of the day. People were afraid of being seen to be associating with anyone who could be associated to the MDC. There were real threats of violence and loss of livelihood.

One traditional chief was also interviewed within the same research period. The reason for interviewing one traditional chief was political. I approached a chief that I was comfortable with given a dangerous political climate. There were rumours of some chiefs being ZANU PF representatives and I felt unsafe approaching them because I did not know how they were going to interpret my study. It was politically unsafe at the time to secure access to other chiefs and sub chiefs for the same reason. However, this particular chief was accessible because the researcher is a distant relative of the Budya chieftainship

of which Chief Nyamukoho is part. Tribal lineage communication lines remained open though political differences at individual level took centre stage in Budyá politics of the time. Nevertheless, security at the chief's court remained tight even during the interviews, with security agents demanding to see the questions before the actual interview with the chief. Security staff retained the questionnaire after the interview creating a sense of fear on the part of the researcher.

1.2.2 Interviews

Given the hostile political climate and other challenges of the research site, I employed five research assistants to help me in carrying out the interviews. I found it to be true as Mike O' Donnell in his *Introduction to Sociology* says that the main advantage of the interview method of research is that it generates quantifiable data which provide a basis for generalization.⁴⁴ The interviews followed up a random survey of opinions, feelings, attitudes, and cultural values of Budyá women as structured on a questionnaire. It worked well as it became possible to generalize on opinions given in the responses to the questions raised. The research assistants took over from where I ended the day I left the site unceremoniously due to the political threats I received the night before. Prior to my leaving, I had carried out two group informal interviews and four formal one-to-one interviews. All these were recorded manually in a concealed notebook whose notes were later used to interpret given data at a later stage. It was not possible to record the interviews on tape or open notebook as both would have been most unsafe politically. However, my research assistants managed to record information on the questionnaires in

⁴⁴ Mike O' Donnell. *Introduction to Sociology*. 3rd ed. London: Thomas Nelson Publishing Company, 1992, p. 31.

the homes of their pupils because they were known by the parents and members of the community. The interviews were formal and informal. In some instances group interviews were conducted in the form of debates and discussions. The interviews provided an advantage to the interviewees in that they had an opportunity to reflect on the questions, seek clarification, and explain their responses in different ways. This was also an advantage to me because I could then explain some of the questions that appeared unclear to them. On the other hand, the interviews gave me an advantage in that I could understand the feelings, motives and thinking of the interviewees. However there were no participants who changed their stories because of gender related differences.

The interviews were supplemented by participant observation. Some research assistants recorded the ritual of *kupayira* and *kutsikisa mapota*, as well as, the home bringing ceremony which I also observed as I participated in them at some stage as shown below.

1.2.3 Field study and participant observation

The present thesis confirms the methodological position made by Coser *et al.* who say that field work is obviously the best method of studying certain kinds of behaviour.⁴⁵ Their position is shared by Mike O' Donnell who says that participant observation is the most qualitative of all sociological methods because the researcher takes part in the social action which he or she seeks to describe and understand.⁴⁶ I found this to be true because the cultural practices I witnessed and participated in as a child commanded more and vivid religious meaning when I studied their meaning or sets of meanings as an adult

⁴⁵ Coser *et al.*, p. 46.

⁴⁶ O' Donnell, p. 33.

during this research. During the research I observed some of the cultural and religious practices under investigation in the current thesis. I observed and participated in various overnight religious ceremonies of the Budya, such as, the paying of compensation to an angered spirit, the ritual of driving away an alien spirit from the family, and the cleansing of a spirit of witchcraft from an individual. I also took part in long and substantive debates about why the cow of motherhood must be paid only in the form of a beast by the 'bridegroom.' In addition, I paid the cow of motherhood in my own marriage and have taken time to understand the cultural essence of the practice from its African perspective. Further, I participated in various rituals such as the home bringing ceremony, the naming of a child, installation of the Budya chief, rain-making ritual dance, handing over of the *chiredzwa* and *sara pa vana*, and the *kugarwa nhaka* ceremonies in my own village and extended family. My mother received *chiredzwa* in the form of a heifer to thank her for looking after a child that came to our family as a result of a deadlocked marriage. To this extent, the information I gathered from the interviews and debates or group discussions which form part of this thesis was only supplementing, or even confirming what I already knew. However, this research has given me an immense opportunity to understand in a much deeper and critical sense why some of the cultural practices are important for the Budya as a community whose *unhu (ubuntu)* even to this day is shaped by these cultural and religious practices. For this reason, a sample of thirty one (31) people was adequate to confirm my assumption that there are aspects of Budya traditional religion which promote human rights. More so, these thirty one people are not just ordinary Budya citizens. They are influential people because they are community builders of morality and opinion leaders in the sense that they are mothers and a chief. They are guardians of the

moral strength of Budya community. They are fortresses of Budya cultural values of which *unhu (ubuntu)* is part. They influence opinion and dictate political and economic events as well as ritual and judicial action in the chiefdom. These people live close to each other. They represent different political groups, burial societies, self-help schemes and church denominations. The fact that I grew up in that environment made it easy to access information that would not be accessible to outsiders. It can also be pointed out that some of the views are expressed in sayings and proverbs of the Budya.

1.2.4 Sample and qualitative research

O' Donnell submits that sociological research methods can be divided into two: quantitative and qualitative.⁴⁷ Quantitative methods are used to produce numerical or statistical data, while qualitative methods are mainly used to produce data about the personal experiences and meanings of social actors. The right size for a sample, O' Donnell argues varies according to the population being surveyed and the issue being researched: "it is not always a case of the larger the better."⁴⁸ Since this study was intended to be a qualitative the sample of thirty women and one man (a community leader) was deemed adequate for drawing conclusions and generalizations about those aspects of Budya traditional religion which promote human rights. Secondly, the sample of thirty one was adequate for this research to identify a trend through which the main and minor research questions of this study would be answered. The sample was sufficient to confirm my assumptions that there are aspects of Budya traditional religion which promote human rights. I submit, therefore, that the cultural views, perceptions, practices,

⁴⁷ O' Donnell, p. 24.

⁴⁸ O' Donnell, p. 27.

beliefs, and attitudes of thirty adult women and one traditional chief (representing an entire chieftaincy) were most adequate to represent a population of 128, 174, of which only 67 801 were women, especially that the responses never showed any significant variance at pilot study level. Out of 67 801 women in this district, Nyamukoho village, constituting ward 9, had 2 784 women. The fact that thirty women agreed for instance, with the view that in traditional marriage, payment of the *mombe youmai* (cow of motherhood) is a significant aspect of Budya traditional religion that promotes the cultural dignity and integrity of motherhood for women is most likely to be representing the views of 67 801 Budya women at the time of the research. Any variance in opinion or view from the trend represented in the sample of these thirty one people, surely, would have shown itself beyond any reasonable doubt. Another example was that of a trend where the thirty women and one man agreed with the perception that the practices of *chiredzwa* and *sara pa vana* are critical Budya child care aspects of traditional religion and culture that promote children's rights when such children have lost one or both parents. Further, as the rule of extrapolation in research can be applied, the researcher can estimate the opinions and values of a larger group using known data about a sample.⁴⁹ In this view it is plausible to sustain the argument that "a common error in ...research is to assume that the larger the sample the more representative it is likely to be."⁵⁰ Thus, notably, "large samples are not necessarily more representative than smaller ones."⁵¹

⁴⁹ Coser et al., p. 46.

⁵⁰ Ibid.

⁵¹ Ibid.

1.2.5 Limitations

1.2.5.1 Financial resources

The reason for choosing only thirty women was due to financial constraints on the part of the researcher as this was the time when Zimbabwe's inflation had hit a high record of over one thousand and five hundred million percent (1 500 000%) which made logistical arrangements to do with money almost unmanageable. The shortage of cash to print more questionnaires and to pay my research assistants became a challenge as one would often go to a bank to deposit money only to find it unavailable for withdrawal the next morning. This made sample expansion beyond the one that was used, unbearable in terms of financial logistics even if it were possible. I could have cost a bit more to interview more people in terms of time and questionnaire printing material.

2.5.2 Gender bias

Another limitation was gender related. It has not been relatively easy as a Budya man to spend long hours of debate and discussion with women who were either widowed or whose husbands were away at work in Harare on issues to do with their personal lives. Admittedly, there might have been limitations of language and expression in terms of discussions on such issues as *kugarwa nhaka* or *sara pa vana* due to their sexual and related implications. I assume that Budya women would have expressed themselves better if they were interviewed by a woman. I acknowledge this limitation which, in a way could have affected the interpretation of results of this research. However, one of my research assistants was a woman, making it fairly easy for those women interviewees who might have been uncomfortable sharing their views with me. They were more open

to her than to men especially in relation to matters of divorce, widowhood, and sexual relations.

I have tried as much as possible to approach the topic from the perspective of the interviewees themselves in a particular setting as it is sometimes noted that women have the right to interpret tradition and experience from their own perspective.⁵² Some say no one can accurately speak about African women better than women themselves.⁵³ Other people can attempt to discuss their understanding of women's experiences but they cannot tell the entire story.⁵⁴ At the same time, the centrality of women to the human community is critical for cultural development.⁵⁵ This study places the views of Budya rural women as most critical to its conclusions because the work is written from their perspective.

1.2.5.3 The problem of translation

In the process of recording the interviews, the problem of translation arose as the questions were written in English and then asked and answered in Shona, the mother tongue of the interviewees. There were Shona words that had no direct translation from English such as *sara pa vana*, *chiredzwa*, and *kutsikisa vana mapota*. As the researcher attempted the closest translation, the words lost their meaning in the process thereby affecting the overall meaning of the concepts under discussion. Asking the questions in

⁵² C. Brauer, and M.E. Marty, eds., Toward a Tradition of Feminist Theology: The Religious Social Thought of Elizabeth Cady Stanton, Susan B. Antony and Anna H. Shaw. New York. USA: Carlson Publishing, 1991, p. 305.

⁵³ C.J.S. Sanders, ed., Living the Intersection Womanism and Afrocentrism in Theology. Minneapolis. USA: Fortress Press. 1995, p. 58.

⁵⁴ Ibid.

⁵⁵ Mercy Amba Oduyoye, 'An African Woman's Voice' in King, U. ed., Feminist Theology from the Third World: A Reader. USA: Orbis Books, 1994, p. 170.

Shona was done to accommodate the low literacy levels of the participants. No request was made to the university to write the thesis in Shona to get rid of this translational problem.

Interviews took place in the homesteads of the interviewees. Each interview on average took about three hours. Group interviews and discussions helped me significantly in the clarification of some issues and to access some of the personal expressions of a cultural nature that appeared ambiguous in the formal questionnaire.

Choice of limiting the study to the Budya, mostly women of Nyamukoho village was deliberate. Why women? The choice of women was motivated by the overwhelming assumption that they are relatively oppressed by African patriarchy as alluded to in this work. Choice of this tribal grouping was influenced by the fact that the writer is a Budya resident by birth and a descendent of the Budya chiefdom under current Chief Mutoko. Additionally, the research site was a walking distance from the writer's rural home. This made travel costs and accommodation logistics minimal. The figure of thirty one interviewees was adequate for the purpose of this piece of work. Would it not have enhanced your work to have interviewed more men? Anyway, these issues also affect them.

1.2.5.4 Political hostility

The research site was very hostile to me as the period of my field work coincided with volatile political activity in Zimbabwe. Major problems encountered during the fieldwork

were that Zimbabwe was preparing for parliamentary elections, especially in the period prior to the first quarter of 2005. The research site, Nyamukoho, Mutoko district, Mashonaland east province, happens to be an extremely violent part of Zimbabwe as the political temperature tends to rise each time there is an election. This is so because in this province, which is thought of as a predominantly ruling Zimbabwe African National Union (Patriotic Front) party stronghold, there appears to be zero tolerance for the existence of other political organizations such as the Movement for Democratic Change. My presence in this area was then viewed with suspicion. I was suspected of being a Movement of Democratic Change secret agent attempting to infiltrate the political structures of the ruling party. When a meeting had been arranged by the intelligence to call me for questioning, I was tipped by some sympathizers to leave during the night, which I did. I left for Harare the next morning. I had to abandon the research for approximately nine months until the political situation appeared to have subsided. The interviews were resumed several months after the elections. For the same security reason, I had to employ five research assistants who continued the administration of the interviews intermittently in my absence. Still the political risk was high but to a lesser extent, even though the research assistants were at one stage viewed with suspicion that they were “sell-outs” or “infiltrators” working for the opposition Movement for Democratic Change.

On the whole the research site was politically very slippery from beginning to end given the volatile domestic politics of Mashonaland east province in particular and Zimbabwe in general. This is due to the fact that Zimbabwe is going through economic turmoil

emerging from the controversial land reform and the subsequent imposition of political sanctions against the government by the international community including the United States of America, Britain and the European Union. The group interviews were not as smooth as had been expected because of the demands of the new and most dreaded Public Order and Security Act⁵⁶ which is a recent piece of legislation that prohibits, among other things, unauthorized political gatherings of persons for security reasons. It has been put in place to eliminate opposition politics. But this Public Order and Security Act, also addresses other forms of violence that may not be necessarily politically motivated such as industrial action by the labour force. However, it was possible to hold such discussions although at one stage they were viewed with suspicion from local politicians and councillors.

As financial resources could not allow the engagement of more than five persons as research assistants, the number was sufficient for the intended objective. The assistants were secondary school teachers at Chifamba government school. They were at an advantage because they were part of the community through their interaction with pupils who connected them to their parents.

1.2.6 Literature review

Although there appeared to be some significant literature on both African Traditional Religion and human rights available for this researcher, there is not much significant work that has been found to be written, said or sung on the relationship between African

⁵⁶ POSA (Public Order and Security Act) has been perceived by opposition politicians as depriving them their right to political liberty.

Traditional Religion and human rights in Zimbabwe or Africa. However, I dialogue with the few available resources from some African women scholars including Mercy Amba Oduyoye, Isabel Apawo Phiri, Musimbi Kanyoro, Muthoni Wanyeki, Elise-Henriette Bikie, Ngone Diop Tine, Zenebeworke Tadesse, and Winifred Bikaako on issues related to the ones that I raise as aspects of African Traditional Religion which promote human rights in this study. Some of the views of these African women scholars are discussed under women's rights in chapter 3 on item 3.7.

Further, I attempt a comparative dialogue with Zimbabwean scholars on some important work pertaining to such critical issues as birth, naming, marriage, death, education and land among others, within African Traditional Religion, but with no direct reference or relation or implication to how indigenous religions promote human rights as we understand them today. In the absence of such literature on what African Traditional Religion can offer to human rights, the current study has faced an academic vacuum of literature, which in essence, forces it to borrow or rent both language and perception, or even pieces of discussions from other fields pertinent to it, running into the risk of generalization or loss of focus. To that end, however, some library sources at the Universities of Cape Town and Zimbabwe have been examined, though overall, this has limited links with how Budya traditional religion promotes human rights in terms of context, relevance and meaning or sets of meanings.

Isabel Apawo Phiri in an essay on "Dealing with the Trauma of Sexual Abuse A Gender-based Analysis of the Testimonies of Female Traditional Healers in KwaZulu-Natal"

concludes that female *sangomas* continue to play a prominent role in bringing spiritual, social, and psychological healing, especially to women, in South Africa. She argues in the same article that was premised on a research in which she interviewed girl children during a virginity-testing ritual, mostly those who had lost their virginity, that those who lost their virginity through rape underwent a cleansing ritual and thereafter were treated as virgins. She makes an interesting point from which illuminating parallels can be drawn between Budya traditional religion and the Zulu cultural practices in the area of *sangomas* when she concludes that:

These rituals (of cleansing) provide a religious practice that aims at the restoration of traumatized children and women. The healing technique is designed to resonate with the religious worldview of the people, thereby increasing its effectiveness. As a result it becomes an effective of therapy.⁵⁷

In Zimbabwe Gordon Chavunduka, the president of the Zimbabwe Traditional Healers' Association makes an observation in relation to the above by saying that:

Traditional healers save life through the use of traditional medicine just like modern medical practitioners do to save the life of their patients. Traditional healers even assist patience with contextual cultural diagnosis which in some instances modern scientific medicine would have failed due to the spiritual nature of the patient's illness. Traditional healers (*vana chiremba*) are saving lives of the sick which formal hospitals may have failed to assist.⁵⁸

Traditional healers provide an important service to the community in that they perform rituals that restore lost dignity for those accused of witchcraft through a *kuchenura* (cleansing) ritual in the case of the Budya, or a raped girl or woman in the case of the Zulu as described by Phiri. The trauma of accusation or rape and the associated stigma

⁵⁷ Isabel Apawo Phiri, "Dealing with the Trauma of Sexual Abuse A Gender-based Analysis of the Testimonies of Female Traditional Healers in KwaZulu-Natal". In *African Women, Religion, and Health Essays in Honor of Mercy Amba Ewudziwa Oduyoye*. Isabel Apawo Phiri and Sarojini Nadar, eds., The Circle of Concerned African Women Theologians. South Africa: Cluster Publications, 2006, p. 124.

⁵⁸ Discussion led by Prof Gordon Chavunduka with traditional healers, Red Cross House. 2 June 2006.

are reduced through the ritual process. The healing restores the individual to her or his right to respect or social integrity or dignity. The ritual process is therefore an aspect of Budya traditional religion which promotes human rights.

Still on health rights, Tabona Shoko in his PhD thesis on *Health and Well-Being*: *A Phenomenological Quest for the Essence of the Karanga*,⁵⁹ says that since a child is vulnerable to witches or other evil forces, stringent measures are taken by ‘the knowledgeable’ elders or even the *n’anga* to protect the child’s delicate parts such as the *guvhu* (umbilical cord) and *nhova* (fontanel) which are viewed as the centre of life of the child. As Shoko observes the mother of the child and the community take prophylactic procedures to promote good health to the child in the form of herbs. Thus the child’s right to health is protected thereby promoting well-being. In this view the Karanga’s major concern in life is survival, longevity of life and well-being which are human rights that are manifest through ritual activity.

Other works by scholars in Zimbabwe and Africa including Ezra Chitando, Isabel Mukonyora, Marshal W. Murphree, Ngwabi Bhebe, Gordon Chavunduka, Ruth Weiss, David Lan, Marthinus Daneel, Collis Machoko, Clive and Peggy Kileff, Herbert Ashwanden, Michael Bourdillon, Michael Gelfand, and Tabona Shoko on some issues raised in this study have been comparatively consulted.

⁵⁹ Tabona Shoko, *“Health and Well-Being”: A Phenomenological Quest for the Essence of the Karanga Religion*. PhD Thesis, University of Zimbabwe: 1993, pp. 105-107.

Ruth Weiss in her *The Women of Zimbabwe*, says that Mbuya Nehanda gained respect among the Shona as a ‘heroine’ spirit medium for a ruling lineage.⁶⁰ To this day Mbuya Nehanda is viewed as having left a political legacy of bravery that inspires women of Zimbabwe to fight for their personal, family and national destiny. It can be concluded that she was the first woman ‘martyr’ to go to the gallows for refusing to give in on white supremacy in Zimbabwe. She is also an important symbol for the defence of political rights of the African people. Further, within Shona traditional religion, she ascended beyond the traditional cultural women’s domain (the kitchen and the garden)⁶¹ by championing an economic defence of Zimbabwean land occupation by foreign powers. From Mbuya Nehanda’s life experiences women in Zimbabwe have learned to persevere in the political arena to a fulfilment of their potential as politicians shaping the success story of Zimbabwe’s political achievements such as the attainment of independence in 1980. Nehanda’s determination for political resistance may have been influenced by the dictates of her cultural upbringing. Thus, her moral sense of tribal ownership of land for example, as a heritage, seems to have inspired her to an extent that she could not let it go to the colonial forces on a silver plate. Rather, she found it noble to be hanged, than allow colonial occupation against her political conscience. Her main point was that the land was not owned by anyone but the ancestors. These were the ancestors of the Shona who had bequeathed it as inheritance. It, therefore, followed that whites were illegally occupying the land. The illegal occupation had angered the ancestors and she became the outlet for that anger. The ancestors used her to communicate their displeasure about white

⁶⁰ Ruth Weiss, *The Women of Zimbabwe*. Zimbabwe: Harare: Nehanda, 1986, p.31.

⁶¹ David Lan, *Guns and Rain: Guerrillas and Spirit Mediums in Zimbabwe*: London: James Currey, 1986, p. 31.

occupation and she managed to get an audience with the people, who then embarked on a resistance.

Mbuya Nehanda was a spirit medium, a religious specialist. People respected her and took her council seriously.

Isabel Mukonyora says that Nehanda gave meaning to the traditional religion of the Shona through her (political and religious) experiences and inspirations.⁶² It seems to me that from Nehanda's role in politics in Zimbabwe in the 1890s, women's participation in political resistance took centre stage up until the rise of Joyce Mujuru as the first woman Vice-President of Zimbabwe. Both Nehanda and Mujuru have managed to combine the roles of motherhood and politics with a sense of boldness and commitment that derive from cultural values that taught them to respect justice as an important aspect of human life. It would be short sighted to interpret the roles played by Nehanda and Mujuru as simply nationalistic. It is arguable that both women can be viewed as pioneer politicians who set the pace for what women in Zimbabwe and Africa can achieve with or without men's personal involvement. Thus, from their political involvement in diplomatic and military resistance as analyzed above one can conclude that women in politics and religion have a critical role to play in the fight for the promotion of human rights.

The work of social anthropologist Michael Bourdillon, *Religion and Society: A Text for Africa*, expresses the importance of the relationship between religion and ecology. In his view many religious rituals (of the Shona) include attempts to restore peaceful and

⁶² Isabel Mukonyora, Women and Ecology in Shona Religion. *Word & World*, xix (3), Summer 1999, 276-284.

harmonious relations in a divided community.⁶³ For example, in the case of a *ngozi* (aggrieved) spirit, which Bourdillon calls the most dreaded of all Shona spirits, broken social relations between the feuding families are restored through some form of compensation that is paid to the family of the murdered person. Such restoration of relations promotes human rights in a significant way that promotes justice, emotional security and freedom of both families from extended social tension.

Apart from the above observations, there is an interesting relationship between religious ceremony of rain-making and the agricultural community in Zimbabwe. Good rains that are associated with rain-making ceremonies make the relationship between ancestors; who are believed to be the guardians of the land on the one hand, and the soil that produces the crop on the other; an important aspect of traditional religion which promotes human rights to food. Among the Budyas ancestors are believed to regulate agricultural output. The sky (*denga*) is believed to respond to religious ceremony by the people, who through ritual will send rain when asked to do so by *Nyadenga* (the owner of heaven). So there is harmony between the sky which releases rain; the soil which receives it; and the ritual action which invokes the spiritual powers that bring the rains. This is interpreted to mean that there is a vital relationship between agriculture and religious ceremony among the Budyas. Such a relationship promotes human rights in terms of access to food security and human sustenance.

Isabel Mukonyora has made another observation that relates to the relationship between religion and ecology in Shona Traditional Religion when she says that growing crops,

⁶³ Michael Bourdillon, Religion and Society A Text for Africa. Gweru: Mambo Press, 1990, p. 40.

looking for firewood, fetching water from wells, searching for wild fruit, fish, and other small creatures highlight women's constant involvement with nature, of which men had very little or no time.⁶⁴ In her view women had more time and space to intimately interact with nature than perhaps men had. One can say that from what Mukonyora observes in relation to this study, women in African Traditional Religion have always been custodians of the social and economic environment of the community in which they lived. They looked after the wells from which they drew water. They took care of the terrain from which they fetched firewood. They preserved the trees from which they searched wild fruit. They conserved the pools and rivers from which they fished. All this was done to promote and sustain life of the family. They conserved the environment. In turn the environment gave them a living or a permanent life. This in turn sustains human life which is a right. It can be concluded that by conserving the habitat human life is preserved as well through an interrelationship between the heavens (*matenga*) and the habitat (*nyika*). Both human rights and African Traditional Religion desire to save and sustain or protect human survival. To that extent African Traditional Religion promotes human rights.

It is in this sense that the work by Arvind Sharma and Harvey Cox⁶⁵ who have made important suggestions on the role of religion in promoting human rights could be linked to the current thesis. They say that religion can in fact: a) enlarge the scope of human rights particularly with regard to the right to life; b) highlight the interrelations between the various articles of the Universal Declaration of Human Rights, and c) strengthen the

⁶⁴ Mukonyora, p. 281.

⁶⁵ For more details see Rosalind Hackett, Human Rights: An Important and Challenging New Field for the Study of Religion. In New Approaches to the Study of Religion. 2004, utk.edu

concept of human rights. From these view stand points one finds that they relate directly to the concerns of African Traditional Religion. Through its cultural practices identified in this study African Traditional Religion has aspects that strengthen the concept of human rights. For example the cultural practice of *sara pa vana* strengthens the rights of children to belong to a family within which they are entitled to food, shelter, clothing, education and health among other rights.

Historian Ngwabi Bhebe, in a survey titled *Missionary Activity among the Ndebele and Kalanga* notes that traditional religious beliefs of the African were part of the reason why other religions such as Christianity could not make a significant impact in some parts of Zimbabwe such as the Ndebele land.⁶⁶ It would not be naïve to argue that African Traditional Religion had aspects of its cultural ethics that sustained human values of *ubuntu*, justice and social care for a long time to an extent that in spite of the presence of both Christianity, and colonial expansion, these values have stood the test of time. The fact that traditional religious values of the African were so strong made it impossible for any other religion to make an immediate impact on them. It can be argued that the major reason why other religions such as Christianity found it uneasy to make a significant impact on Africans was that the African was never inseparable from African Traditional Religion. African Traditional Religion is a birth right for those who believe in it. It is an identity. It is a way of life. It is life itself.

⁶⁶ Ngwabi Bhebe, *Missionary Activity Among the Ndebele and Kalanga A Survey*. In Christianity South of the Zambezi. Dachs, J. A. ed. Gweru: Mambo Press, 1973, p. 41.

According to Collis Machoko⁶⁷ in a PhD thesis on *The Christological Debate for the Development of Christianity in Zimbabwe in the Context of African Traditional Religion*, a traditional Shona person eats, drinks, and breathes African Traditional Religion before and after his or her death. Every traditional Shona is born into African Traditional Religion⁶⁸. He further submits that a traditional Shona baby lives and grows up in African Traditional Religion. A traditional Shona baby is ‘soaked’ and ‘clothed’ in African Traditional Religion before birth because of the rituals which are performed as a blessing before a woman gives birth.⁶⁹ She uses blessed water containing herbs. Without African Traditional Religion he or she (the child) is not a Shona person. Therefore, every traditional Shona is a member of African Traditional Religion and participates in rituals of rain-making, bringing home the spirit of a deceased person, and the consecration of a bull.⁷⁰ One can say that through ritual action the spiritual and social security and well-being of people are vital aspects of Budya traditional religion which promote an individual’s sense of belonging (to one another and to the community) which in turn promotes *ukama* (human relationships). These relations have always made it possible or even easier for the introduction of any new concept of human rights in Africa. The frame work has always been culturally in place, though perhaps it can be given a modern interpretation and understanding to suit modern day thinking. Thus, the cultural frame work is conducive to a contextual interpretation and understanding of human rights.

⁶⁷ Collis Machoko, The Christological Debate for the Development of Christianity in Zimbabwe in the Context of African Traditional Religion. PhD Thesis, University of Zimbabwe, 2000, p. 144.

⁶⁸ Machoko, p. 157.

⁶⁹ Ibid.

⁷⁰ Ibid.

In Mutsindikwa's *The Phenomenon of Salvation in Christianity is identical to that of African Traditional Religion: A Comparison*, the ultimate concern of African Traditional Religion is salvation.⁷¹ In this study of the Ndaу people (part of the Shona just like the Budya) of eastern Zimbabwe, salvation is of utmost importance and central to African Traditional Religion. It is Mutsindikwa's assertion that for the Ndaу people deliverance and protection from evil or any form of predicament is the ultimate concern in life. From his perception of the importance of life as an ultimate concern in human existence it can be argued that saving humanity is the concern of both human rights and African Traditional Religion. To that extent it is possible to assert that aspects of Ndaу traditional religion, which are similar to those of the Budya, promote well-being as a human right.

In a related line of thought Nyaradzai Mandevhana has done a critical study of the Bocha people of Chief Marange in eastern Zimbabwe. His work *Religion and Reification: A Critical Analysis of the Impact of Reification on the Academic Study of Shona Traditional Religion* discusses the importance of a ceremonial bull which he concludes to be accorded a special place in the life of the living. This, he submits, that it is a way of empowering it through ritual to prevent death in the family.⁷² Thus through ritual the bull is believed to protect the family from any form of calamity as it is understood to be in possession of ancestral powers that can provide security to the living.

⁷¹ Joseph Mutsindikwa, *The Phenomenon of Salvation in Christianity is identical to that of African Traditional Religion: A Comparison*. M.A. Thesis, University of Zimbabwe, 1996, p. 21.

⁷² Nyaradzai Mandevhana, *Religion and Reification: A Critical Analysis of the Impact of Reification on the Academic Study of Shona Traditional Religion*. M.A. Thesis, University of Zimbabwe, 1997, p. 33.

The work by Mandevhana on the vitality of the ceremony in which a bull is either named after an ancestor or given some special place in the family for a certain role shows a link with the current study in that the ritual understanding of this process is that human life is sustained or protected or saved or perpetuated. This is the same purpose for which human rights are advocated: to save human life by protecting it using legal structures. African Traditional Religion does not use legal structures to enforce or coerce communities or governments to respect human rights. Rather, it (African Traditional Religion) uses cultural social structures of the traditional family set up to enforce or coerce communities or traditional governments under the traditional chief to respect human values of *ubuntu* which promote human rights. Such human values sustain and perpetuate human rights in a significant way.

What Mutsindikwa submits above, just like Mukonyora, Shoko and Machoko in their works cited here, is closely related to this thesis in the sense that the concern of human rights is saving human life, which, apparently, is the concern of African Traditional Religion. When a ritual such as *kupayira* or *kugova mbatya dzemufi* (distribution of the clothes of the deceased) or the *kugarwa nhaka* or the home bringing ceremony or the rain-making ceremony is performed the ultimate concern for doing this is to protect, sustain, secure, perpetuate or save human life. One can look at the role played by the traditional chief as both a religious leader in the role of communicating with the ancestral world through ritual on the one hand; or guarding the land and its inhabitants as chief custodian of such land or moral order and the habitat on the other, still the one finds that the idea of saving human life is the purpose of ritual action. All is done to ensure the

security of human life is protected. Even in traditional Budyā marriage part of the ultimate concern for the customary payment of *mombe youmai* is to make sure the young bride is not troubled by the grumbling spirit of her mother or to ensure that there are no possible complications at the delivery of the first or subsequent babies.

The study by Clive and Peggy Kileff in their *Shona Customs* shows us that there is hardly any person who is free from the control of and dependence on relatives.⁷³ For that reason the training for interdependence inculcated in early childhood permeates a person's actions for the rest of one's life. This creates a sense of belonging which is a human right. The Shona concept of *unhu (ubuntu)* derives from this sense of interdependence at the level of the living community and the community of the living dead.

A general analysis of the work on health and well-being by Shoko, religion and ecology by Mukonyora, herbal water that ritually cleanses a new baby born 'soaked' and 'clothed' in African Traditional Religion as noted by Machoko, salvation as the ultimate concern for African Traditional Religion as discussed by Mutsindikwa, the ritual significance of a ceremonial bull that is viewed as protector of the family by Mandevhana, or spirit mediums and ancestors playing an important role in inspiring the armed struggle for liberation in Zimbabwe as observed by David Lan, it is notable that African Traditional Religion has several aspects that promote human rights, though lack of adequate literature to this effect remains, for now, a visible limitation.

⁷³ Clive and Peggy Kileff. *Shona Customs*. Gweru: Mambo Press, 1970, p. 10.

The other important limitation to this study apart from a literature vacuum, relates to the subject of human rights. Human rights, is a very broad term referring in general to one's fundamental right to life, liberty and security⁷⁴ among others. I have confined the study to this brief and simple definition for two reasons. *First*, it reduces the academic risk of digression owing to the vastness of what can be defined as human rights. *Second*, all the other rights such as civil, political, social, religious and cultural rights which include: housing, privacy, shelter, education, food, employment, medical care, legal redress, earning a living, freedom of association, religion, speech, assembly and the right to physical protection appear to be *encompassed* within the rights to life, security and liberty.

1.2.7 Ethical issues

The informants have been kept anonymous except the chief. All the participants were not compelled to participate and could pull out any time they felt uncomfortable. They all gave their verbal consent. When I started this research in 2002 the Faculty of Humanities had not developed procedures for ethical clearance, however, I followed all the required protocols.

1.3. Definition of terms

To avoid generalization, some terms in common use in this thesis must be defined. These are: African traditional religion and human rights.

⁷⁴ Article 3. The Universal Declaration of Human Rights. In Thomas Fleiner, What are Human Rights? Leichhardt. NSW: The Federation Press, 1999, p. 144.

1.3.1 What is African Traditional Religion?

Before coming up with a definition of African Traditional Religion it is vital for this study to identify the meanings of the words “religion”, “African” and “traditional.” It must be noted that the word “religion” is notoriously resistant to definition not because it cannot be defined, but so many competing and conflicting definitions can be constructed.⁷⁵ Nevertheless, religion is a dimension of human experience, activity, and social formation that cannot be ignored in human rights theory and practice.⁷⁶ According to Chidester, conventionally, religion has been used as a generic term for separate, distinct or differentiated social institutions dealing with the superhuman, the supernatural, or the transcendent. In addition he says that religion can be defined as a symbolic system of beliefs, activities, and associations in relation to the sacred - that which is set apart as extraordinary, but nevertheless unifies people into a single moral community in the ordinary world which constitutes a set of collective representations that permeates, animates, or mobilizes a society.⁷⁷ He views religion functionally as diffused through social networks, relations, contacts, and exchanges. In view of Chidester’s definition of religion, Elizabeth Isichei observes that although African languages have no word for religion, the term “religion” in African communities has been defined as “part and parcel of daily life.”⁷⁸ It is a way of life. Participation in, and knowledge of that way of life is religion.⁷⁹ So whether we are talking of the Dinka, Igbo, Azande, Nuer, Akan, Zulu, Venda, Ndebele or Budya, religion is a way of life. There is no separation between

⁷⁵ David Chidester, *Religion, Globalization, and Human Rights*. International Human Rights Exchange. HRC. *Quarterly Review*, (4), 2002, p.78.

⁷⁶ Ibid.

⁷⁷ Ibid., p. 79.

⁷⁸ Elizabeth Isichei, *The Religious Traditions of Africa: A History*. Westport. USA: Praeger Publishers. 2004, p. 4.

⁷⁹ Ibid., p. 9.

spiritual and physical life. For Cox a universal definition of religion does not exist.⁸⁰ According to Ferguson there are over seventeen definitions of religion that can be divided into such categories as moral, theological, philosophical, psychological and sociological.⁸¹ Theology may define religion as belief in God or spiritual beings, while a moralist could view religion as leading a good life.⁸² Philosophy could define religion as ultimate concern, while psychology may see it as profound inner experience.⁸³ Sociology may say religion is the opium of the people or conservation of values.⁸⁴ All these perspectives of what religion may be understood to be show that religion is a complex field.⁸⁵ As for African traditional “religion”, Chidester views it as the religious beliefs and practices of the indigenous inhabitants of Southern Africa.⁸⁶

The term “African” refers to a geographical location,⁸⁷ language and cultural practice of the indigenous people of Africa. Shorter says that “African” religions refer to the indigenous, ethnic religions of sub-Saharan Africa.⁸⁸ Thus within a frame work provided by physical environment and human tradition, African societies have interrogated human existence and developed their own religious imagery and symbolic classifications and have evolved their own organic universe.⁸⁹

⁸⁰ James L. Cox, Expressing the Sacred: An Introduction to the Phenomenology of Religion. Harare. Zimbabwe: University of Zimbabwe Publications, 1992, p. 8.

⁸¹ Ibid. p 3. See also Ferguson’s work, Religions of the World. Guildford. Lutterworth, 1978, pp. 13-17.

⁸² Ibid., p. 4

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ David Chidester, Religions of South Africa. London: Routledge, 1992, p. 1.

⁸⁷ Ibid.

⁸⁸ Aylward Shorter, In J. Hinnells, ed., A New Handbook of Living Religions. London: Penguin Books, 1977, p. 562.

⁸⁹ Ibid.

The word “tradition” may be understood as a set of cultural resources, practices and strategies that can be mobilized to convey or work out meaning and power of a human world.⁹⁰ African Traditional Religion has thus generated persistent and yet always changing ways of being human in the world.⁹¹ African Traditional Religion becomes “traditional” in the sense that cultural practices of the indigenous African are carried on as tradition from one generation to another in oral and ritual form. As Chidester puts it the term “traditional” seems to imply something limitless and unchanging. What makes traditional religion African is the language, indigenous traditions, politics and history of the African people.⁹² In addition to indigenous language and geographical location, the indigenous culture of the African, make traditional religion African. According to Mbembe, the physical contours of the continent, “Africa” refers to the continent’s very essence: the morals and customs of its inhabitants, its genealogy, cultural and symbolic attributes.

The status of African Traditional Religion as a world religion has not yet been comfortably accepted in some quarters of the academic world⁹³ because of perhaps, partly, its oral orientation. The tendency has been to regard it as a primal or ethnic religion, robbing it of its universal character and reducing its capacity to interact with other religions, or to minimize its influence and conversation with religions at global level.⁹⁴ From this perspective African Traditional Religion is viewed as a description of

⁹⁰ Ibid., p. 2.

⁹¹ Ibid.

⁹² Achille Mbembe, *On the Power of the False*. *Public Culture*, 2002, 14(3): pp. 629-641.

⁹³ Laurenti Magesa, *African Religion: The Moral Traditions of Abundant Life*. New York: Orbis Books, 1998, p. 19.

⁹⁴ Ibid.

appearances instead of a portrayal of phenomenon with moral power that shapes and directs the lives of many people in their relationship with other human beings, the created order and the divine.⁹⁵ Magesa argues that African Traditional Religion must be counted among the world's religions judging from the following definition of religion: that it is a believing view of life, approach to life, way of life, and therefore a fundamental pattern embracing the individual and society, man and the world, through which a person sees and experiences, thinks and feels, acts and suffers, everything. It is a transcendently grounded and immanently operative system of coordinates by which humanity orients itself intellectually, emotionally, and existentially; and African Traditional Religion fulfils these requirements.⁹⁶ Mbiti acknowledges that religion is a difficult word to define, and more so in the context of traditional life and religion.⁹⁷ So it is difficult to assign a definition to spiritual phenomena of what Africans do, practice and believe especially from the perspective of non-practitioners. Ranger agrees with Mbiti when he acknowledges that African religion has been much misunderstood in ways which have made it very difficult to treat historically.⁹⁸ In his view those who have been hostile to African religion have called it primitive; while those who have been favourable to it have called it primal. Critics of African Traditional Religion have called its collective character a tyranny over individuals as it produces fear in the face of an all-powerful nature, or even oppressive to individuals especially women. But its admirers as Mbiti asserts have praised its humility and ecological sensitivity. They have also praised its

⁹⁵ Ibid.

⁹⁶ Magesa, p. 24.

⁹⁷ John S. Mbiti, African Religions and Philosophy. London: Heinemann, 1969, p. 15.

⁹⁸ For more details see Terence O. Ranger, 'African Traditional Religion' In The World's Religions The Study of Religion, Traditional and New Religions, Peter Clarke and Stewart Sutherland, eds., London: Routledge, 1991, p. 106.

contributions to solidarity, stability and community. Further, those that are critical of African Traditional Religion appear to have distorted its meaning by assigning what they think it is. Given the complexity of African Traditional Religion, it can be said that it means different things to different people. Much depends on the perspective of the one defining it. As Hackett correctly observes in her *Art and Religion in Africa* most of the work on African religions has been done by anthropologists and African scholars of religion who have been more influenced by Western scholars with historical or theological training.⁹⁹ Such scholarly influence has come as a result of professional historical or theological training, in part, because of the colonial stigma of anthropology and its reductionist tendencies.¹⁰⁰ However, to say that African Traditional Religion has no one definition or has been diluted by Westernization or colonization or both, is not to say that it has been overpowered by these forces; it only means that as a belief system it has its own overall emphasis.¹⁰¹ The obvious emphasis seems to be the belief that there is one Supreme God who mediates his powers through a hierarchy of subordinate deities, and in turn is approached through them.¹⁰²

In spite of the above explanation, African Traditional Religion appears to compete favourably with other world religions in terms of its positive attributes of respect for human life, moral values of human dignity, integrity, security, liberty, a sense of social and economic justice and its philosophy of *ubuntu*. From an African cultural perspective, I think that these values promote human rights. But given the challenge of modernity,

⁹⁹ Rosalind Hackett, *Art and Religion in Africa*. London.: Cassell, 1996, p. 9.

¹⁰⁰ Ibid.

¹⁰¹ Emefie Ikenga-Metuh, "Religious Concepts in West African Cosmogonies: A Problem of Interpretation", *Journal of Religion in Africa*, X111, 1982, (1), p. 11.

¹⁰² Ikenga-Metuh, p. 23.

African Traditional Religion competes from a seemingly weaker position because of its lack of authoritative canon¹⁰³ or written literature. It struggles to survive the influence of other documented religions because of its oral orientation. This does not mean it is vanishing from practical visibility and validity. It only means it has taken some new form from Western civilization to enrich itself. For example, some Christians still practice African Traditional Religion by consulting their ancestral spirits or traditional healers on important aspects of their life such as protection from witches or the aggrieved or alien. For a non-African Traditional Religion practitioner, this may simply be dismissed as superstitious belief. So for any one to attempt the definition of African Traditional Religion it requires one to take a perspective. This is important because African Traditional Religion means different things to different people.

Jacob Olupona¹⁰⁴ observes that African Traditional Religion plays an important role in shaping the character of African society and culture today and yet it has continued to suffer from lack of acceptance and inadequate understanding of central tenets and essence. He sustains the argument that African Traditional Religion has the potential to adapt to change on its own, or in response to some changes taking place around it.¹⁰⁵ In fact it has been quite receptive to change.¹⁰⁶ While today African Traditional Religion is a subject now being studied in many international institutions of higher learning in Africa and abroad, it emerged out of a quest for more understanding of the religion of the

¹⁰³ Chirevo Victor Kwenda, In David Chidester, *et al.* eds. African Traditional Religion in South Africa An Annotated Bibliography. USA: Indiana University Press. 1992, p. 7.

¹⁰⁴ Jacob Olupona, ed., African Traditional Religions in Contemporary Society. Minnesota. USA: Paragon House, 1991, p. 1.

¹⁰⁵ *Ibid.*, p.32.

¹⁰⁶ *Ibid.*, p. 31

African people especially from the perspective of the Africans themselves in the first instance.¹⁰⁷ According to Uka, African traditional religion emerged out of a situation where it was viewed and treated with disdain by many, including Africans. This disdainful attitude came out of some erroneous notions that could be corrected by putting African Traditional Religion into correct perspective. In this view, the faulty understanding has been inherited from earlier writers on the subject such as ethnographers, anthropologists, missionaries, explorers, traders and travellers. They had some inadequate, non-factual or negative picture of the religion of the African people and therefore saw little that was good in African Traditional Religion.

Ikenga Metuh¹⁰⁸ appears to agree with Mbiti¹⁰⁹ that African Traditional Religion is written in the hearts, minds, spoken language, beliefs, and practices of the African people. He says that, where the African is, there his religion is. Chidester *et al.*,¹¹⁰ seem to agree with the above definition of African Traditional Religion by saying that African Traditional Religion is what Africans do when they are just being Africans without regard to what Westerners or anyone says or thinks about what they will be doing. Idowu¹¹¹ defines African Traditional Religion as the traditional religion of the African people. In a similar line of thought Mbiti views African Traditional Religion as a belief system that has no founder or literature.¹¹² The latter holds that African Traditional Religion is written in the history, hearts and experiences of the people. It is ‘traditional’

¹⁰⁷ Emele Mba Uka, ed., Readings in African Traditional Religion: Structure, Meaning, Relevance, Future. Germany: Peter Lang, 1991, p. 19.

¹⁰⁸ Emefie Ikenga-Metuh, In Uka, E.M. *Ibid.*, p. 139.

¹⁰⁹ John S. Mbiti, Introduction to African Religion. England: Heinemann, 1991, p. 17.

¹¹⁰ David Chidester, *et al.* African Traditional Religion in South Africa. Westport. Connecticut. USA: Greenwood Press, 1997, p. 2.

¹¹¹ Bolaji Idowu, African Traditional Religion: A Definition. London: SCM Press, 1973, p. 70.

¹¹² John S. Mbiti, Introduction to African Religion. England: Heinemann. 1991, p. 16.

in the sense that it is native, indigenous, orally handed down from generation to generation and that it continues to be practiced as the religion of the forebears.¹¹³ Chidester, in *Religions of South Africa*, has a view that “tradition” is that which is not handed down but taken up by following generations. It allows the recipients of information agents to take the information and work with it. African Traditional Religion is in this way a religion that has evolved slowly through many centuries as people responded to the situations of their life and reflected upon their experiences. In this study, African Traditional Religion is understood to be an oral religious belief system of the black African. However, the religion of one group may not be the same as the other although they share similarities in terms of their cosmological beliefs.¹¹⁴ This religion believes in the existence of a Supreme Being whom the Budyas call *Musiki*,¹¹⁵ who created the world. Within the world created by *Musiki* (creator) are lesser spiritual beings called *midzimu*¹¹⁶ that intercede for the living when communicating with the Supreme Being. Budyas Traditional Religion therefore refers to the religion to which the Budyas adhered to exclusively for several hundred years before the introduction of Christianity.¹¹⁷

¹¹³ Emele Mba Uka, ed., Readings in African Traditional Religion Structure, Meaning, Relevance, Future: Germany: Peter Lang, 1991, p. 19.

¹¹⁴ Noel Q. King, African Cosmos: An Introduction to Religion in Africa. USA: Wadsworth Publishing Co., 1986, p. 2.

¹¹⁵ *Musiki* is a Shona word meaning creator or God. Other Shona words for God who is the Supreme Being are *Musikavanhu* (*Musika* meaning creator and *vanhu* meaning people), *Muwanikwa* meaning one who has always existed time immemorial, *Nyadenga* (*Nya*: the one who owns, *denga* meaning sky or heaven), so *Musiki* as one who created the sky is the one who owns heaven.

¹¹⁶ *Mudzimu* is a Shona word for ancestor. This refers to all those family members who died adults and have been initiated into the ancestry of a particular family.

¹¹⁷ Marshal W. Murphree, Christianity and the Shona. London: Athlone Press, 1969, pp. 30-31.

1.3.2 What are human rights?

The expression “human rights” is relatively new, having come into everyday parlance only since World War 2, the founding of the United Nations in 1945, and the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights in 1948.¹¹⁸ It replaced the phrase “natural rights”, which fell into disfavour in part because the concept of natural law (to which it was intimately linked) had become a matter of great controversy; and it replaced as well the later phrase “the rights of Man”, which was not universally understood to include the rights of women.¹¹⁹ Abdul Aziz Said says that today human rights may be difficult to define but impossible to ignore.¹²⁰ They are impossible to ignore because they are widely asserted, and hard to define because they are not simply derived from philosophical arguments.¹²¹ Human rights are the result of the experience and history of war and political tension.¹²² The term human rights refers to the law of human rights which has been and is being developed to protect and promote human dignity.¹²³ Human rights are everything: life, liberty, human dignity, and justice.¹²⁴ It encompasses all that pertains to mankind in its universal context and is, therefore, universal in scope and application.¹²⁵ In the same line of thought, Sen says that human rights can be seen primarily as declarations and articulations of ethical demands

¹¹⁸ Richard P. Claude, and Burns H. Weston, eds., Human Rights in the World Community: Issues and Action. Philadelphia, USA: University of Pennsylvania Press. 2006, p. 17.

¹¹⁹ Ibid.

¹²⁰ Robert Traer, Faith in Human Rights: Support in Religious Traditions for a Global Struggle. USA: Georgetown University Press, 1991, p. 1.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid., p. 2.

¹²⁴ Ibid., p. 215

¹²⁵ Ibid.

that are open to participation by all persons across national boundaries.¹²⁶ Human rights are the laws, customs, and practices that have evolved over the centuries to protect ordinary people, minorities, groups and races from oppressive rulers and governments.¹²⁷ The greatest number of these came about as a result of wars; rebellions and violence of one kind or another, but at certain historically significant moments in the area of human rights have been introduced, or at least codified, by charters that now form the basis of modern rights, particularly as they are framed by United Nations instruments.¹²⁸ Hackett says that the international human rights movement was born out of human struggle for liberty and justice, as well as out of the disasters of the Second World War.¹²⁹ According to Charles Humana the most important of the foundation charters were the Magna Carta imposed on King John of England in 1215 by his barons, the French Declaration *Droits de l'Homme et du Citoyen* of 1789, and the American Bill of Rights of 1791. Nearly 130 years later after the First World War, human rights were given an international dimension when some were incorporated into the conventions of the League of Nations which had been established to prevent future wars (which it failed to do) though it was successful in the areas of labour conditions, slavery, and health.¹³⁰ In 1945, after the Second World War, the League was superseded by the United Nations with an initial total of 51 countries, and has grown to 175 states with one of its major concerns as the respect for human rights.¹³¹ From 1945 the major instruments of the United Nations cover all aspects

¹²⁶ Amartya Sen, "Elements of a Theory of Human Rights". *Philosophy & Public Affairs*, 3 (2), 2004, pp. 315-356..

¹²⁷ Charles Humana, *The Economist World Human Rights Guide*. London: Hodder & Stoughton, 1992, p. 4.

¹²⁸ Charles Humana, *World Human Rights Guide*. Oxford: OUP, 1992, p. 4.

¹²⁹ Rosalind Hackett, 2004:1. *Human Rights: An Important and Challenging New Field for the Study of Religion*. New Approaches to the Study of Religion, 2004, p. 1, utk.edu

¹³⁰ Ibid.

¹³¹ Humana, 1992:4.

of life, from civil and political rights to economic and cultural rights of women, children and refugees.¹³² Today there are three major human rights instruments of which the first was the Universal Declaration of Human Rights which was adopted in 1948, followed by the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.¹³³

Fleiner¹³⁴ defines human rights as the rights of all human beings¹³⁵ to live according to their nature and with other human beings. They give minorities the opportunity to defend their human dignity through the courts. He further says that it is an elementary right for each individual to stay in the surroundings in which one finds oneself, to live like all other people, to marry and raise children. For him even one of the pioneers of human rights Henri Dunant, the founder of the Red Cross, tried to fight for the rights of victims of war. This means the importance of human rights is a critical development for the human race in terms of global peace and justice today as it was before. In this perception human beings are unique and need to be respected in their uniqueness. This means no person must be despised because of his or her race, nationality or religion.¹³⁶ Human rights are entitlements of a person. They are legal entitlements or claims one has by virtue of being human.¹³⁷ One can further define them as rights that belong to citizens of the world community which encompass the shared core of respect for individual dignity.¹³⁸

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Thomas Fleiner-Gerster, What are Human Rights? Leichhardt. NSW: The Federation Press, 1999, p. 8.

¹³⁵ Fleiner-Gerster, p. 107.

¹³⁶ Ibid., p. 2.

¹³⁷ Kathryn English. and Adam Stapleton, The Human Rights Handbook: A practical guide to monitoring human rights. Cape Town: Juta & Co., 1997, p. 1.

¹³⁸ For further details see David A. Reidy, and Mortimer N.S. Sellers, eds., Universal Human Rights: Moral Order in a Divided World. Lanham, Md: Rowman & Littlefield Publishers, 2005.

Human rights can be linked historically to the decline of the feudal order, the emergence of national states and market economies, and the invention of the autonomous individual in European imagination at the origins of modernity.¹³⁹ Human rights, though a very broad concept, is an acceptable moral code valued for all human beings.¹⁴⁰ The human rights doctrine is a product of a particular period in the history of Western culture. Notably 18th century Enlightenment philosophy searched for a foundation of moral and religious truth in human nature aspiring to establish a natural religion and morality. Human rights mean the fundamental rights of human beings such as life, freedom, security and equality. The Universal Declaration of Human Rights adopted by the General Assembly on 10 December 1948, Resolution 217 (111), article 18, defines human rights as everyone having a right to freedom of thought, conscience and religion. Specifically from the above understanding human rights are understood to mean freedom from slavery of any type, or inhuman treatment, freedom of thought, movement and association, protection against abuse and any forms of racial, religious, or economic discrimination. Article 3 of the Universal Declaration of Human Rights says that everyone has the right to life, liberty and security of person.¹⁴¹ Gustafson and Juviler,¹⁴² view human rights as derivative global and regional covenants and numerous constitutions that proclaim the basic right to freedom of thought, conscience, and religion. At the formation stage the above declaration had no legal binding and states

¹³⁹ John Clayton, In Abdullahi Na'im, *et al.* eds., Human Rights and Religious Values: An Uneasy Relationship? USA: WMB Eerdmans Publishing Co. 1995, p. 259.

¹⁴⁰ *Ibid.*, p. ix.

¹⁴¹ Thomas Fleiner-Gerster, What are Human Rights? Leichhardt. NSW: The Federation Press, 1999, p. 144.

¹⁴² Carrie Gustafson, and Peter Juliver, eds., 1999:3 Religion and Human Rights: Competing Claims? New York. USA: M.E. Sharpe, 1993, p. 3.

viewed it as interference.¹⁴³ However, by 1966 when the declaration became an International Bill of Rights, traditional, civil and political rights of individuals were considered as critical within the Bill. Generally, this Bill emerged as a protest against atrocities that had occurred during the Second World War in which six million Jews were killed just because they were Jews. The Bill was therefore, an international response to genocide. From then, human rights became a critical aspect of human existence that needed the attention of states, communities and individuals to ensure the world experienced global and individual peace. For this reason, the shedding of blood is unacceptable except perhaps in self-defence.

In this study, human rights encompass even civil rights such as the right to education, housing, food, health and medical care, physical protection, legal redress for grievances, free and fair elections, right to be free from torture and inhuman and degrading treatment, earn a living by tilling the soil, right to a job at a living wage, privacy and shelter as noted earlier.¹⁴⁴ In addition to the above, Hennelly and Langan,¹⁴⁵ observe that human rights are what people need in order to fulfil their fundamental task of becoming human persons. For this reason no other continent is in greater need of human rights than Africa after having passed through the eras of the slave trade, colonialism and now the struggle against poverty, underdevelopment and Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome.¹⁴⁶ This is vital since human rights are natural rights.¹⁴⁷ At

¹⁴³ Human Rights Watch, Events of December 1997 – November 1998, World Report of 1999.

¹⁴⁴ Scott Jones, United Methodist Doctrine: The Extreme Center. Nashville. USA: Abingdon Press, 2002, p. 231.

¹⁴⁵ Alfred Hennelly, and John Langan, eds., Human Rights in the Americas: The Struggle for Consensus. Washington: Georgetown University Press, 1982, p. 153.

¹⁴⁶ U.O.Umozurike, The African Charter on Human and People's Rights. The Hague. Netherlands: Martinus Nijhoff Publishers, 1997, p. 127.

the same time, domestic law must not undermine dignity, equality, and freedom.¹⁴⁸ However, there appears to be a tension between tradition and rights in Africa.¹⁴⁹ Some cultural practices in Africa such as traditional inheritance and polygamy give entitlements to men as superior while women are viewed as inferior in terms of decision making. These human rights deserve the attention of all governments and persons, as they are the seeds of peace, stability, and development planted on fertile ground.¹⁵⁰ This is critical because a human right is a right that a human person has by virtue of being a human person irrespective of his or her social status, cultural accomplishments, moral merits, religious beliefs, class membership, or contractual relationships.¹⁵¹ Human rights, then, must be respected given such an emphasis although within the African Charter on Human and People's Rights the emphasis on social, economic and cultural rights is in fact not extensively developed.¹⁵²

1.4. African perspectives of human rights

The definitions of human rights given above show a significant, and yet biased Western approach to human rights.¹⁵³ It is not doubted that the context within which the United Nations Declaration of Human Rights was tailored focused on protecting human life given the political and economic challenges of the time such as war and economic

¹⁴⁷ H. Okullu, The Church in Human Rights: Theological Basis of Human Rights, Seminar Paper, Harare, 2-6 (08), Zimbabwe. 1992, p. 15.

¹⁴⁸ E. Malcolm and R. Murray, eds., The African Charter on Human and People's Rights: The Systems in Practice, 1986-2000, Cambridge: Cambridge University Press, 2002, p. 236.

¹⁴⁹ Wolfgang Benedek, *et al.* eds., Human Rights of Women: International Instruments and African Experiences, London: Zed Books. 2002, p. 239.

¹⁵⁰ Joshua Bheki Mzizi, "The African Charter on Human and People's Rights in Africa", Accord Occasional Paper, No. 1/99, RSA. 1998, p. 20.

¹⁵¹ Hennelly and Langan, p. 70.

¹⁵² Nasila S. Rembe, The System of Protection of Human Rights under the African Charter on Human and People's Rights, Monograph Series, (6), ISAS. Lesotho: National University of Lesotho, 1991, p. 12.

¹⁵³ Cobbah, p. 309.

recession. In the context of Africa, human rights must be interpreted from an African perspective in order to be more meaningful to indigenous Africans. For instance the concept of “right” as an “entitlement” for the indigenous African appears to be at variance from the Western one in terms of the way it is perceived. Put another way, the rights to life, security and freedom in both indigenous African and Western worlds are most vital aspects of human existence, but they are understood from different perspectives in terms of cultural, political and economic meaning. Indigenous Africans such as the Budya have a communal view of human rights as opposed to an individualistic approach. African societies are communitarian.¹⁵⁴ As a people, Africans emphasize groupness, sameness, and commonality.¹⁵⁵ There is emphasis on cooperation, interdependence and collective responsibility.¹⁵⁶ John and Jean Comaroff observe that everybody exists in relation to significant others.¹⁵⁷ It is only when we see these communities for what they are that we can understand their concepts of human dignity, and further enhances or even modifies the concept of human rights in African perspective.¹⁵⁸ As will be argued in the case of the Budya for example, the payment of *mombe youmai* (the cow of motherhood) is a cultural “entitlement” that shows respect for a mother-in-law and her family in African traditional marriage. This cultural entitlement may fail to find similar meaning in the Western context of marriage. Another example is, in traditional politics of the Budya, a woman cannot become head of tribe because she will get married, which makes it difficult for her to sustain the office of chief when she

¹⁵⁴ Ibid., p. 320.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ John and Jean Comaroff, “On personhood: an Anthropological Perspective from Africa”, Social Identities, 7, (2), 2001, p. 268.

¹⁵⁸ Ibid.

joins another family. Thus the right to access the tribal throne is limited to men. In Western perspective, such an administrative entitlement would not be a preserve of men.

A further example pertains to economic wealth. In communal life among the Budyia becoming wealthy for any person is sometimes culturally attributed to either one's ancestors or magic called *tsvera* or both. The "right" to own property such as land and animals as part of wealth is culturally attributed to one's ancestors. In the Western or modern world this may be interpreted differently. Thus capital accumulation is not seen as the work of witches, zombies or other anti-social forces.¹⁵⁹ Whether this is myth or superstition is another thing.

The issue of identity in relation to human rights is critical. For example, in African perspective, a human being is human because of other human beings.¹⁶⁰ This perception draws on African religious, cultural, and ethical resources and values. Human rights, then, is viewed from a broader communal perspective of human solidarity. So, in African cultural perspective, personhood is a dynamic African practice of giving and receiving, a process of realizing identity through exchange by means of ongoing ritual relations with ancestors, the reciprocities of kinship, and inclusive acts of hospitality.¹⁶¹ Human rights are therefore not individualistic but communal. As Shutte says persons exist only in relation to other persons.¹⁶² The human self is not something that first exists on its own

¹⁵⁹ See David Chidester, "Religion, Globalization, and Human Rights, International Human Rights Exchange", *HRC Quarterly Review*, April, 2002, p. 81.

¹⁶⁰ Chidester, p. 82.

¹⁶¹ *Ibid.*, p. 83.

¹⁶² Augustine Shutte, *UBUNTU An Ethic for a New South Africa*, RSA: Cluster Publications, 2001, p. 23.

and then enters into relationship with its surroundings.¹⁶³ It only exists in relationship to its surroundings and these relationships are what it is.¹⁶⁴ And the most important of these are the relationships we have with other persons. This is why in all African languages, there is the local variant of the Zulu saying *umuntu ngumuntu ngabantu* – a person is a person through other persons or “I am because we are”.¹⁶⁵ Among the Budyia *unhu* (personhood) derives from *vanhu* (people or the community) who define what it is to be *munhu* (a person). One is entitled to the right to life, security and liberty in relation to one’s communal set of social, economic and political ethics. Being human means belonging to the community of the living and the living dead. The self or autonomous person is protected by the community while the community relies on the individual for its existence, sustenance, protection and promotion of life, security and liberty. Thus persons depend on persons to be persons.¹⁶⁶ Further, developing as person requires the co-operation and active initiative of others at every stage of one’s life. This means from birth and childhood, through adolescence and entry into adulthood, through marriage and parenthood and old age, even through death, our need of something that only others can give is recognized and celebrated in all sorts of initiation rites and ceremonies.¹⁶⁷ Human rights must then be understood in this perspective. The extended family is a fundamental expression of the African idea of community¹⁶⁸ within which human rights can be recognized. The ancestors are also part of the extended family. Both the living and the

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Shutte, p. 23. See also John S. Mbiti, *African Religions and Philosophy*. New York: Doubleday, 1970, p. 141.

¹⁶⁶ Ibid., p. 25.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

ancestors are part of the human family whose rights and relationships depend on each other.

1.5. Theoretical challenges of the study

Although African Traditional Religion on the one hand and human rights on the other are not entirely new disciplines of study today, their relationship, it seems, as will be evaluated below, has not yet been credibly and perhaps even intellectually explored or investigated. Given that challenge, I attempt a general assessment of the theoretical challenges that present themselves as the thesis argues that there are aspects of Budya traditional religion which promote human rights.

Problems in the study of traditional religion and human rights here are of a theoretical and definitional nature as well as conceptual and contextual pattern. This means that, for example African Traditional Religion as a phenomenon which deals with humanity as a spiritual being, has its own defined theories such as belief in a Supreme Being and life after death. In the context of the Budya, life is conceived to be continued beyond the physical realm. On the other hand, human rights as an interdisciplinary subject,¹⁶⁹ has its own theories which deal with humanity as a non-spiritual being. It has its own theories such as moral values. The most fundamental conviction at the heart of the morality of human rights holds that every human being has inherent dignity and is inviolable (not to be violated)¹⁷⁰. Such moral values have nothing to do with spirituality as would be the

¹⁶⁹ Robert Blackburn, and John Taylor, eds., Human Rights for the 1990s: Legal, Political and Ethical Issues. London: Mansell Publishing. 1991, p. xi.

¹⁷⁰ Michael J. Perry, Toward a Theory of Human Rights: Religion, Law, Courts. Cambridge: Cambridge University Press. 2007, p. 7.

case with African Traditional Religion. But both African Traditional Religion and human rights deal with the human aspect of an individual. So the current study faces the challenge of investigating aspects of traditional religion that promote human rights in the light of these varying complexities such as perspective, universality, legality, and moral versus spiritual authority. Thus, we approach the discussion with an understanding that in terms of perspective or universal or legal framework, or in terms of moral value, both African Traditional Religion and human rights as subjects of critical analysis are different entities. They have varying operational emphases at one stage such as the spiritual realm on the one hand and the physical on the other. But then, both value human life: physically from the perspective of human rights and spiritually from the perspective of African Traditional Religion.

Before starting a discussion of each of them, connective arguments of interest come to mind as challenges. The *first* one is that, currently, there is debate among scholars of religion and human rights about whether human rights should be studied from a religious point of view or from just a secular one. If approached from a religious perspective it appears there is the danger of skipping the concerns of those who do not believe in religion. If, on the other hand, the subject is approached from a secular point of view, those who believe in religion will be omitted from the concerns raised about human rights. The *second* challenge relates to culture. The question is: given the diversity of current global differences of culture, is it possible to talk of a universal declaration of human rights for all contexts? But the argument for human rights says that there must be a universal code of ethics to protect human life wherever a human being is. The *third* and

last challenge is the operational framework for insisting on human rights. The United Nations Charter on Human Rights stipulates that there must be freedom of expression for all citizens. But a national constitution may go further and say that there will be freedom of expression for all citizens ‘provided that shall be done within the law of the state.’ This currently posits itself as a human rights challenge to the world today. There have been varying responses to these challenges, but as noted above the discussion on them is still going on. Some scholars¹⁷¹ conclude that we should integrate theories of human rights into our religious traditions. Others¹⁷² submit that there should be less rhetoric and more action when we talk of human rights. They make reference to the fact that religion must aim to have a positive perception of human rights in order to bring about change for the human condition in terms of needs. An-Na’im *et al.*¹⁷³ conclude that there should be a universal rule that seeks to protect human life regardless of whatever justification. They share the same submissions with Gustafson and Juviler¹⁷⁴ who say that religious vision has opened up new perspectives on human rights. To that extent religion inspires the validation and advocacy of human rights.

After noting these challenges, a consideration of the theoretical issues cited above suffices. In terms of *perspective*, African traditional religion views human life as sacred. No one has a right to take human life; as a result even warriors had to be cleansed of the defiling power of death on their return from war. Killing another person was deemed

¹⁷¹ Alfred Hennesly, and John Langan, eds., Human Rights in the Americas: The Struggle for Consensus. Washington: Georgetown University Press, 1982, p. 70.

¹⁷² Robert A. Evans, and Alice F. Evans, Human Rights: A Dialogue Between the First and Third Worlds. Maryknoll, New York: Orbis Books, 1983, p. 7.

¹⁷³ Abdullahi Na’im, *et al.* eds., Human Rights and Religious Values: An Uneasy Relationship? Grand Rapids, Michigan: W B. Eerdmans, 1995, p. 19.

¹⁷⁴ Carrie Gustafson, and Peter Juviler, eds., Religion and Human Rights: Competing Claims. Armonk, New York: M. E. Sharpe, 1999, p. 5.

immoral. African Traditional Religion does not seem to be worried from which perspective this is approached. This perception appears to augur well with the natural law theory,¹⁷⁵ which appeals to a common moral intuition of human dignity. According to this perception the study of rights, being approached from a religious perspective provides a foundation for human rights.¹⁷⁶ This point stresses the fact that human rights are grounded, for example, in God's act of creating, reconciling and redeeming his creation from the power of death. In relation to this religious position, no person, organization or state has the right to violate the right and dignity of another human being. From a religious point of view, this stresses the importance of life as sacred and that from the womb to the grave religion governs everything.¹⁷⁷

With regard to *universality*, Lindholt¹⁷⁸ says that all human rights are universal. However, they are supposed to be interpreted contextually to have meaning within their culture of operation. In terms of *legality*, the African Charter on Human and People's Rights does not appear to have legally binding police to enforce the stipulations. It relies on local governments to enforce these within their constitutions. But where governments feel threatened by such stipulations enforcing them may be problematic. With regard to *moral values* one finds that the emphasis for the moral approach to the study of human rights stresses human relations for the achievement of, among other things, peace, and

¹⁷⁵ Ibid., p. 350.

¹⁷⁶ Hennelly and Langan, p. 154 – 155.

¹⁷⁷ Emele Mba Uka, ed., Readings in African Traditional Religion. Structure, Meaning, Relevance, Future. Germany: Peter Lang, 1991, p. 23.

¹⁷⁸ Lone Lindholt, Questioning the Universality of Human Rights: The African Charter on Human and People's Rights in Botswana, Malawi and Mozambique. Aldersot: Ashgate, 1997, p. 28.

justice, fairness and good neighbourliness. As for religion, which is a way of life, the concerns are issues of daily life which are almost the same as those for human rights.

In addition to the above, two more theoretical problems emerge in relation to the current approach. Firstly, this thesis uses an Afro-centric approach to the study of human rights and African religion. It takes into account African cultural values, moral characteristics, spiritual philosophies, political perceptions, religious rationalities and economic interpretations of religious phenomena as will be shown in various chapters. This approach is problematic in that it uses a Eurocentric frame work premised on the United Nations Declaration on Human Rights of 1948 whose language and understanding of human rights is Western. Additionally, as English and Stapleton¹⁷⁹ observe, the subject of human rights raises issues that are neither simple nor clear; the discourse on African Traditional Religion and human rights is a critical challenge. But this does not deter us from discussing human rights from an African perspective because the words human (*munhu* person and *kodzera* right(s) in Budya) are culturally significant and convey cultural value in African understanding. In addition, as Sen says, there is something deeply attractive in the idea that every person anywhere in the world, irrespective of citizenship or territorial legislation, has some basic rights which others should respect.¹⁸⁰ This is also applicable to African Traditional Religion though it is uneasy to articulate its cultural values using Western perceptions as fast and to all parts of the world as would happen with other world religions that have written literature and institutions to spread

¹⁷⁹ English and Stapleton, p. xi.

¹⁸⁰ Sen, p. 315.

critical aspects of their beliefs and practices. In addition, it is uneasy to universalize¹⁸¹ African Traditional Religion using modernized language and perception because of colonial influence and the oral orientation of African indigenous religion. However, as Sen observes, human rights declarations and articulations, as given from Western perspective around 1948 and developed thereafter must leave room for further discussions, disputations, arguments, public reasoning and considerable internal cultural variations beyond national boundaries.¹⁸² But they must not lose commonality of importance¹⁸³ in terms of the core values of human life, liberty and security.

1.6. Relationship between traditional religion and human rights

The study of African Traditional Religion and human rights is important today because of the universal nature and role of both religion and human rights in public life. This is more so as the world moves from individualistic to global approaches to solving socio-political and economic problems of poverty, welfare, equity, efficiency and empowerment.¹⁸⁴ In addition, the geographic and demographic spread of African religion testifies to its universal character.¹⁸⁵ Even though it is not an evangelistic religion, African Traditional Religion spread to all parts of the world (though not in the form of universalization) through the circumstances of history such as the slave trade.¹⁸⁶ To that extent there is a logical relationship that seems to exist naturally between traditional religion and human

¹⁸¹ For a detailed discussion of the universalization of African Traditional Religion and modernization of the same see Hackett's article in Olupona, 1991, pp. 136 - 138.

¹⁸² Sen, p. 322.

¹⁸³ Ibid., p. 323.

¹⁸⁴ Caroline O. Moser, Gender, Planning and Development: Theory, Practice and Training. London: Routledge, 1993, p. 55.

¹⁸⁵ Laurenti Magesa, African Religion: The Moral Traditions of Abundant Life. Nairobi, Kenya: Paulines Publications Africa, 1998, p. 35.

¹⁸⁶ Ibid.

rights in the sense that both are pro-human in terms of their interest and operational framework. Both have to do with sustenance, preservation, protection and promotion of human life and its security in the physical (for human rights) and spiritual (for African Traditional Religion) spheres of existence. The anthropological parameters of both traditional religion and human rights have a sincere interest in serving and saving the human soul, mind and body for the good of humanity in a variety of ways one of which is to teach communities to observe peace, justice, security, and fundamental freedoms of human beings.

It is notable that both African Traditional Religion and human rights have a moral interest value, common focus, operational framework, common democratic space and fears and concerns. It can be maintained that both have the capacity to unite human beings and to make this world a peaceful global village. Of course they have selective emphasis with religion formalizing its focus on spirituality on the one hand, and human rights directing its focus on humanity on the other. *Firstly*, traditional religion and human rights have an interest value in the morality of humanity. Both seem to have a moral obligation to sustain human-hood (*ubuntu*). This is an interest value for both traditional religion and human rights. For that reason both relate positively. *Secondly*, both claim a focus on the anthropocentric nature of the human being: body, soul and mind and that these relate to each other well. Traditional religion views life as sacred from conception through childhood, adulthood and death to life as an ancestor while human rights place an emphasis on moral intuition of human dignity as noted already. *Thirdly*, they are both

capable of influencing political thinking such as nationalism.¹⁸⁷ For example in the history of the armed struggle in Zimbabwe, the prophecy of Mbuya Nehanda (a revered spirit medium of the Shona people) is believed to have been fulfilled. In this prophecy she said that, even though the white settlers had illegally occupied Zimbabwe, “my bones shall rise” meaning the birth of a political revolution in Zimbabwe. In terms of role, traditional religion inspired the spirit of nationalism and the politics of change. In that context traditional religion became an agent of political change. Just as Christianity was, for example, an ally of the colonial establishment¹⁸⁸ in Zimbabwe prior to 1980, African Traditional Religion became an ally of the spirit of nationalism which gave birth to the fight for the right to political freedom. At the same time, both portray a visible culture of tolerance. African Traditional Religion can be practiced together with other religions while human rights place an emphasis on *ubuntu* without regard to race, gender, religion or age. *Fourthly*, they both have pronounced fears and concerns. African Traditional Religion fears extinction of the human soul, and so rituals have been put in place to contain a link with the living-dead, while human rights fear violation of human and people’s rights which will result in bloodbaths through wars. Human rights promote the right to practice one’s religion. Human rights are concerned about failure to achieve peace, justice, fairness, harmony at global level, and never claim monopoly of these aspects. *Finally*, they both share democratic space by influencing public opinion on ethical values and norms such as international and national governance, sexuality, including the current debate and fight on Human Immunodeficiency Virus / Acquired

¹⁸⁷ David Lan, *Guns and Rain: Guerrillas and Spirit Mediums in Zimbabwe*. London: James Currey Ltd., 1985, p.7.

¹⁸⁸ Simeon O. Ilesanmi, “Political and Moral Responsibility of Religion in Africa”. Paper presented at the Dutch Association for the Study of Religions, Amsterdam, 2 June, 2000.

Immune Deficiency Syndrome, democracy, social justice, self-respect and the respect for others.

1.7. Summary

This chapter has attempted to show the aim of this study, the research methods used to collect data and the definition of terms. It identified theoretical problems of the thesis and the role of traditional religion in public life. It is important to mention that this presentation does not try to concern itself with the philosophical intricacies of human rights universalism or other methodological crises noted. Also, it is not an attempt to romanticize African religion, though it prefers the inclusion of African cultural values of human dignity, respect, integrity and security in the discourse on human rights. It seeks to uncover and evaluate aspects of traditional religion, which promote human rights from an African perspective. These aspects may be used to create a sense of appreciation and recognition of a human rights culture from which the world can learn.

Additionally, the perception of Budya traditional customs and moral values as important aspects of Budya religion may be used to view an African concept of human rights that sustains, protects and promotes a culture that respects human life, dignity, freedom and security. It is in this way that the international human rights movement may fight what Abdullahi A An-Na'im fears to be the growing problems of irrelevance to people's daily

concerns, marginalization in local and global politics, and cooptation by ruling elites, privileged classes and global economic forces in local as well as global politics.¹⁸⁹

¹⁸⁹ Abdullahi Na-‘im, “Human Rights and the Challenge of Relevance: The Case of Collective Rights”, in The Role of the Nation-State in the 21st Century. Edited by Castermans-Holleman, M. Hoof, F.V. and Smith, J. The Hague: Kluwer Law International. 1998, p. 1.

CHAPTER 2

THE BUDYA PEOPLE

2.1. Introduction

This chapter discusses who the Budya people are, where they came from and what they believe in terms of religion, world view and human existence. This is done in order to create space for a view that perceives the Budya as being aware of a human rights culture within their practice of religion as a people. All aspects of traditional religion that are assumed to be related to human rights in this thesis are argued from the perspective of the African people in general and the Budya themselves in particular. To understand the Budya in this instance, and perhaps their concept of human rights as Africans, one has to study their view of the world, their means of existence, and their cultural and religious values from their own perspective.

2.2. Cosmology

African cosmological concepts have been greatly undermined and obscured by many Western scholars who have tended to view them from their own perspectives.¹⁹⁰ Many of these scholars have been too eager to establish schemata which projects a world divided into superior and inferior cultures as pointed out by Mazisi Kunene. Africans have been said to live in a state of terror of their environment.¹⁹¹ Edith Hamilton in *Mythology* echoes these sweeping statements by saying that terror lived everywhere with its close attendant, magic and its common defence and human sacrifice.¹⁹² Gunter Wagner says of

¹⁹⁰ Mazisi Kunene, *Anthem of the Decades: A Zulu Epic*. London: Heinemann Educational Books, 1981, p. X111

¹⁹¹ Ibid.

¹⁹² Kunene, p. X111.

the Abaluyia: “Their idea of God and his role as a creator is rather vague”.¹⁹³ It is noted that Western perspectives of African cosmology then, in an age of colonial expansion, were tolerable, but these perspectives and approaches must gradually give way to a more objective analysis.¹⁹⁴ In an African view of the world, only God is the source of all life as Kunene¹⁹⁵ points out. He is superior to all things. All the other species of the universe are fulfilling the creative purpose of life.¹⁹⁶ There is a workable relationship between the creator and the cosmos. Humanity shares in the procreation process of the cosmos that has originated from God to ensure continuity of the human race. The right to life, security and liberty are God-given gifts.

Budya cosmology views human life as perpetual reality. Beyond physical life a human being continues to live in a spiritual form. Bourdillon says that when a person dies among the Shona (of which the Budya are part), his or her personality is believed to become a spirit that continues to play a part in the social life of the living. In addition, communicating through mediums, the ancestral spirits are believed to be a source of advice for the living, representing ideal persons acting as guardians of mortality and morality.¹⁹⁷

Budya, as an African traditional religion, has no founder, neither does it have a fixed form of belief formulated in documented creeds and articles by religious institutional

¹⁹³ Ibid., p. XI V

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ See Bourdillon, in Jens A. Andersson, “Sorcery in the Era of “Henry IV”: Kingship, mobility and mortality in Buhera district, Zimbabwe. Journal of the Royal Anthropological Institute, 2002, 8 (3), 425-449.

authorities for acceptance by followers such as we find in Christianity as noted by Mbiti in his *Introduction to African Religions* in a discussion of other African religions. It is an oral religion. This appears to be the general trend in several parts of Africa. There are hundreds of cultural units and languages in Africa and the religion of each has in it a priceless and unique heritage.¹⁹⁸ Further, the religion of one small group may be different from that of its close neighbour and that it is impossible to generalize about them or to treat them as the same, though they share cosmological beliefs that seem to have similarities. At the same time, one finds that the spiritual world-view of the traditional Budya is very complex. Even though they have heard about a place called heaven (*denga*), they do not subscribe to the claim that they would aspire to go there one day. For the traditional Budya, belief in territorial spirits known as *mhondoro*, which constitute the most significant chain of spirits binding the living to *Mwari* (Supreme Being),¹⁹⁹ is enough to protect and sustain one's life. It is not necessary to go to heaven they say because when they die they desire to join their ancestral spirits known as *vadzimu*. They believe that their ancestral spirits can protect them from evil spirits, that is, the *ngozi* (aggrieved or avenging spirits), witches and calamities such as drought, floods, lightning, and any life-threatening events.

The ancestral spirits are believed to manifest themselves in four ways, namely: the *tsanganyoka* (lined snake), *shumba* (the lion), the *chisukuviri* (two headed snake) and

¹⁹⁸ Noel Q. King, *African Cosmos An Introduction to Religion in Africa*. Belmont, California: Wadsworth Publishers Co. 1986, p. 2.

¹⁹⁹ Leslie S. Nthoi, *Contesting Sacred Space: A Pilgrimage Study of the Mwali Cult of Southern Africa*. Trenton, New Jersey: Africa World Press. 2006, p. 31.

Shona term (the eagle).²⁰⁰ Where all these are found, one is bound to identify them with the presence of the ancestral spirits. These must not be harmed because they are believed to be spiritual manifestations of the spiritual elders of the family. The *mhondoro* spirits uphold morality by withdrawing their protection when people fail to fulfil their moral obligations to one another with respect to the dead.²⁰¹ The *mhondoro* spirits and *vadzimu* possess living people who then act as their mediums with special powers of healing and prophecy.²⁰² They protect the living. Prayers are made to the Supreme Being through ancestors who provide salvation and protection.²⁰³ The prominence of spirit mediums here appears to indicate that *Mwari* is somehow withdrawn from the world he created and is not directly worshipped.²⁰⁴ They appear to have nothing of immediate importance attached to it. For them, it appears to be a far-fetched notion especially if things are going well. But they believe that there exists some individual who gives them rain because he can open up his *dziva* (pool of water) and pour out some for them as he is the one who owns heaven (*Nyadenga*). When it rains they say *denga razaruka* (heaven has opened). But this individual who opens up the source of rain is remote from them. They say that their ancestors are the only ones who can approach this Supreme Being for various reasons. *Firstly*, he is too great to be approached by ‘small children in their physical state’. *Secondly*, they have never seen him, unlike their ancestors who will have once lived with them in the same community. So they would rather approach him through those they consider perhaps closer to him spiritually than themselves. Thus, the ancestors

²⁰⁰ Michael Gelfand, The Spiritual Beliefs of the Shona: A Study based on field work among the Eastern Central Shona. Gwelo: Mambo Press, 1977, p. 181.

²⁰¹ Nthoi, p. 31.

²⁰² Gelfand, p. 181

²⁰³ James N. Amanze, African Traditional Religion in Malawi: The Case of the Bimbi Cult. Kachere Monograph Series, No. 17, CLAIM, Malawi. 2002, pp. 16-17.

²⁰⁴ Amanze, pp. 31-32.

mediate for them in all circumstances such as requests for rain and protection against drought, floods, lightning and many other calamities. They believe that good people go to stay with their ancestors who stay in the air; hence, their reference to them as *vari kumhepo* (those who live in the air). They do not subscribe to the perception that hell exists. The word *gehena* (hell) is for the Budya an alien concept, a Christian construction that has influenced them to view the other world where the spirit of someone who did not believe in Christ would go. The traditional Budya religious practitioner does not believe that there is hell to the extent that it can affect his or her life.

The place reserved for the spirit of people who were not conforming to the moral expectations of the community such as witches, murderers, adulterers, thieves and many other social outcasts is the *sango* (forest). The forest plays host to wild beasts, vicious snakes and evil spirits such as those of witchcraft and aggrieved spirits. This is the reason why the Budya perform the ritual of *mhinza mumba* where the spirit of an individual must be brought home from wandering in the forest. The forest is a place of deadly spirits. It cannot be home to anyone except evil ones. However, through a ritual process of *chenura* (cleansing) the spirit of a bad person can be re-admitted into the realm of clean or protective spirits such as ancestors of the family. The Budya believe that ancestors are actively involved in the life of the living through ritual process. These ancestors are also believed to be moral guardians of the people. They are said to be mediators between the people and some sort of super-human being. This Being is believed to be the Lord of the sky (*Nyadenga*) or a Supreme Being. Others call him *Mwari* as he is found everywhere all the time. *Mwari* is sometimes referred to as *Musiki*

(creator) or *Musikavanhu* (creator of humanity or people) who is also known as *Muwanikwapo* (the ever existent original being). Other Budya know him as *Chikara* (the feared one or super-human being). He is some times associated with lightning and thunderstorms. Some Budya call him *Chidza chopo* (one who has always been existent before the beginning of time) while others describe him as *Mutangakugara* (one who was there first). He sees every one everywhere at the same time. He is all-powerful and knows everything. For the Budya, *Mwari* is *Pfuya nherera* (one who takes care of orphans) and those that have no one to take care of them. There is nothing in Budya cosmology that has no religious and spiritual significance. Death can never be natural for the Budya; it must be caused by something or someone. Even death in old age is viewed by the Budya as being caused by either a witch or an aggrieved spirit or one's ancestors as a call to join the rest of the ancestry.

The mountains, rivers, and trees play host to ancestral spirits as well as bad spirits. Some birds such as the owl are believed to play host to the spirit of witchcraft while other birds such as the dove signify a spirit of luck and good. The eagle or the jackal is believed to represent a warning of bad news such as an impending death. The pig is associated with witchcraft, so is the hyena believed to be mysteriously able to provide transport to witches from one place to another. When possessed by the spirit of witchcraft the witch is said to transform him or herself into a spiritual being that magically possesses the hyena to function this way. The Budya also believe in *zvipoko* (ghosts), which are said to be the spirits of witches and other bad spirits that move during the night in the form of mysterious fires or pieces of flames of fire. Some of these spirits appear like they are

human in terms of their stature. These are called *nyiminya dzousiku* (mysterious beings). Modern socialization has not done much to change these cosmological perceptions of the traditional Budya world-view. Even those Budya with some visible influence of urbanization or Christian faith still believe in this traditional spiritual world-view.

It is notable that the Budya appear to have a strong sense of human life as sacred. Life must be preserved. Everyone has the right to life. Security and freedom are vital aspects of human rights. They appear to be encompassed in the right to life which must be perpetuated from birth to death through ritual process. This means they do not believe that life ceases. It continues from physical into spiritual existence. There is a sense of eternity that prevails in Budya traditional cosmology. They believe in a world without end, hence; they describe the Supreme Being as *Zienda na kuenda* (the one without boundaries or end). At the same time, the spiritual survival of the ancestors depends on physical recognition by the living. Such recognition occurs through ritual practice. Spiritual security of the dead depends also on their ritual recognition by the living. The ritual ordinarily involves the brewing of beer made from the *mhunga* or *rukweza* both called *zviyo* (dried and fermented seed stuff) or they use it at the same time with meat from special parts of an animal such as the ox or the goat, whose significant parts are reserved for special ritual. Thus the relationship between human life and natural vegetation such as trees, crops and animals is directly linked to spiritual significance. There is meaningful interdependence between the natural and supernatural or spiritual worlds and it is incontestable that each of both worlds commands a right to self-perpetuation of life from beginning to end.

The Budya believe in witchcraft. They take it that if someone is a witch that person's spirit will not find a place in the ancestral realm unless a traditional ritual of *chenura* (cleansing or purification) is performed. The spirit of a bad person transforms into a ghost if not purified through ritual. Such a spirit lingers around in the forest until it finds a host. It may rest on a tree or by a rock or cross roads where a ritual of *kurasirira* (casting away of an evil spirit) may have taken place. The individual who comes into contact with such parts of the habitat tree may be affected in one way or another. This happens automatically, sometimes, especially if there is an aggrieved spirit influencing the events. This is believed to happen if the ancestors of the individual are not stronger than the wandering spirit. The wandering spirit makes its presence felt in the homestead by causing problems such as family fights that lead to members of the same or neighbouring households murdering one another. To protect their homes, people seek the services of a *n'anga* (traditional healer/ sacred specialist) to perform a ritual that prevents such and other evil or alien spirits from causing problems in the homestead.

2.3. History

According to Murphree the Budya originally came from a place called Mungari.²⁰⁵ This is a remote area in the Zambezi valley in the Tete province of Mozambique. One of the Budya leaders named Nohoreka came from Mungari around the 16th century and settled at Mutoko. He dislodged Chief Makate who had occupied this territory. Chief Makate was over-powered by Nohoreka and he is believed to have mysteriously disappeared into Mutemwa Mountain near Mutoko centre, about four kilometres along the Nyamapanda

²⁰⁵ Marshal W. Murphree, Christianity and the Shona. London: Athlone Press, 1969, p. 15.

road. Nohoreka was assisted in the conquest by Zvimbiru and Nyakutanda.²⁰⁶ Murphree notes that after the conquest the land was divided between the three of them. Thus, the patrilineages of these three founding ancestors provide the genealogical framework for political control of each section of current Budya land. The word Budya derives from four cultural sources, namely: history, linguistic developments, physical location and totem of the people living in Mutoko today. Historically, the name Budya (Buja) refers to Nohoreka's people who originally settled at Charehwa, the current *muzinda* (chief's homestead) of the ritual home of the Mutoko chieftainship. Nohoreka's people, the Va Budya are to this day found in the outskirts of this homestead such as Nyatsine, Musvaire, Manhema, Musanhi, and Chindenga among others.

Secondly, the language of the Va Budya is Chi-Buja hence they are known as Va Buja. Chi- Buja is a dialect of the Va Budya which tribally distinguishes them from any other Shona speaking people of Zimbabwe. The “dya” instead of the original “ja” in the word Budya is a colonial deviation that came from a combination of the two words Budja or Budjya at the time when the writing of standard Shona was introduced in Zimbabwe. So Budya is the modern version of Buja and Budjya. *Thirdly*, the word “Buja” refers to the place or physical location or forest or territory or settlement originally occupied by the Budya when they came from Mungari as they talk of “*buja rino rese nderedu*”²⁰⁷ (all this land or territory of the Budya belongs to us). *Fourthly*, in terms of cultural identity the Budya totem is *Shumba* (lion) *Nyamuzihwa* (the known one). The lion is culturally believed by the Budya as the king of the forest in terms of physical power, cultural

²⁰⁶ Murphree, p. 15.

²⁰⁷ Interview, Gurupira, 18 May 2008.

respect and fame. For that reason, the lion has become a cultural symbol of territorial authority and chieftaincy of the Va Budya. Their ancestors are believed to own and protect the Budyaland. The chieftaincy is often referred to as the owner of the land.²⁰⁸ The chief is a religious, political and economic link between the living and the living-dead who are the guardians of the land. Land as an economic source of livelihood in Budya cultural conception belongs to both the ancestors (of which the *mhondoro* are part) and the living, ritually represented by the chief as tribal head. So he owns it in terms of physical protection and guardianship.

When the founding ancestors died, the three men became the principal tribal spirits of the Budya and have been revered ever since. The remains of these three men are buried at various places within the Budya chiefdom in keeping with traditional custom that maintains secrecy of such places where a traditional chief is buried. There are no monuments in respect of these places and people do not visit the sites. The closest elders of the chiefdom are in control of these places. The spirit of Nohoreka is currently believed to influence Budya religious and political events as well as the economy. In times of drought the Budya travel to Charehwa where the spirit medium of Nohoreka manifests in a *svikiro* (spirit medium), that is a woman called Charehwa to ask for rain. It is still believed strongly among the Budya that after the rain-making ceremony at Charehwa, the chief's homestead, rain actually falls the same day or a day later. Thus, according to this traditional belief tribal ancestors are still viewed as influential to the religious and economic life of the living.

²⁰⁸ Hubert Bucher, *Spirits and Power: An Analysis of Shona Cosmology*. Cape Town: Oxford University Press, 1980, p. 31.

2.4. Geography

The national report for the 2002 census puts the Budya population at 132 268.²⁰⁹ They cover a geographical area of 486 000 acres.²¹⁰ The Budya reside in Mutoko district, one of the eleven districts such as Chikomba, Goromonzi, Hwedza, Marondera, Mudzi, Murehwa, Seke, Uzumba-Maramba-Pfungwe, Marondera Urban and Ruwa, that make up Mashonaland east province which carries a total population of 1 127 413 of which 545 898 are male and 581 515 are female. Out of this population 3 573 (6.94%) are unemployed. Their western and northwestern neighbours are the VaZumba who occupy the Uzumba-Maramba Pfungwe district beyond the Nyadire River.²¹¹ To the north and northeast are their Tonga neighbours under Chief Mkota in the Mudzi district. To the south they share a seasonal rainfall with the Zezuru under Chief Mangwende. From the eastern side they find the Hwesa people sharing a water resource from the Rwenya and Nyamuzizi rivers. They share a provincial boundary with the Manyika in eastern Zimbabwe. The Budya are a small tribe which is part of the larger Shona chiefdom.

The landscape consists of grey and sandy soils in some parts that produce a good crop within a rainfall average of 29 inches between November and March.²¹² By the month of October most peasant farmers will have planted their seed under ground in readiness for the first rains in November. The first rains commonly known as *bumharutsva* (beat the

²⁰⁹ The population of Zimbabwe according to the 2002 national census was 11 631 657 of which 5 634 180 were male and 5 997 477 were female. The Budya constitute 132 268 out of which 63 391 are male while 68 877 are female. This means that 47.93% are males while 52.07% are females.

²¹⁰ Murphree, p. 19.

²¹¹ Ibid.

²¹² Ibid., p. 20.

ashes) come after people would have prepared the fields. The most familiar crop for the Budya is *mhunga* (translation) which does not appear to need a lot of rain. This type of crop is most suitable for the type of soil called *musapa* (light soil) or *jecha* (sandy soil). Around November and December annually the Budya make a living out of selling mangoes in Harare and many parts of the country. They also grow maize and *rapoko* (translation) for subsistence. In some seasons, they grow cow-beans, round-nuts and groundnuts. Groundnuts help them produce peanut butter. *Nyemba* (cowpeas) provide them with protein. Outside the rainy season, the Budya make a living out of selling tomatoes, butternuts and cucumbers from their home gardens. Harvest time is the end of March to the end of June. August to October is time for land preparation. It is observable that the Budya make a living out of agriculture. Thus, throughout the year they earn a living from the land they till. Agriculture is a major occupation of Budya peasantry. There are some rivers that never dry up especially in naturally wet areas. These are the ones that help the people grow cash crops even out of season. Apart from the crops noted above, natural vegetation of the Budya is composed of tall grass that is sometimes used for thatching. Tree vegetation is mostly the *muuyu* (baobab), *mumango* (mango), *mugwavha* (guava), *acacia*, *mupangara* (mimosa thorn), *mubvamaropa* (*Pterocarpus angolensis*), *mukwa*, (Zimbabwean teak) *baikiaea*, *mubvee* (sausage tree), *mopane*, *musa* and *munhondo* (*Brachystegia*), *mususu* (yellow wood), Red mahogany and pine trees among many others. These are very drought resistant trees. From these the Budya make a living by using some of them as firewood for cooking and warming in cold seasons. They also use them for making houses (both wall and roof). In other times they use them for making shelter to protect their animals such as pigs, goats or cattle at night from wild

animals such as the hyena, the leopard, jackal or the lion. The same tree vegetation is used for making home utensils such as the axe, hoe and knife handle. Some of the trees produce fruits that provide food for the rural folk. The *muuyu* tree produces white powder that can be mixed with milk to make fruit juice. The same applies for the mango and guava trees.

In their fields the Budya also produce pumpkins, water melons, yams, cucumbers and butternuts among many others from which they make a living. In other seasons they grow sugar cane for sale. Tomatoes and mangoes are the most common cash crops and fruits respectively. The traditional Budya spend most of their working life in the fields, preparing the soil for sowing, seeding, weeding and harvesting. They hardly have meaningful time for entertainment save when they hold traditional ceremonies of *mhinza mumba* (bringing home the spirit of the deceased) or *hoka* (harvest festival). The Budya have an agricultural concept called *zunde ra mambo* where a portion of the chief's field is set apart for tillage by different families. At harvest time the produce from this portion is stored for a period of drought that may come in future. This is a food security measure.

The land of the Budya lies within an altitude of between 3 000 and 4 000 feet above sea level as noted by Murphree. Mountains of granite and *kopjes* form part of the landscape of the Budya. Of late there has been unfortunate plundering of the granite by quarrying companies causing land degradation as well as cracks on school and hospital buildings in scattered places of the Budya territory. The local people have not benefited much from such quarrying activities while such companies make large sums of money out of selling

such stone products. From the granite one can safely say that Budya is a wealthy society in terms of natural resources. Land ownership is primarily biased towards men as they are viewed as permanent Budya residents unlike women who would at some stage go away from home for purposes of marriage.

2.5. Economy

The Budya keep a lot of cattle for milk products, meat, pulling the plough, transporting crops from the fields to the granary. Cattle and goats are also used for traditional practices such as marriage, funeral rites, and clothing from the animal skins. Other animals such as pigs provide protein. Chickens provide the same functions in terms of protein provision and for ritual purposes. They have always been used in ritual from time immemorial. A black hen has often been used for the ritual of driving away (*kurasirira*) an evil spirit such as the aggrieved or witchcraft spirit from the family. All these are kept within the geographical environment of the homestead. Homes are built close to each other but away from rivers, graves, forests and mountains for fear of floods, lightning and bad spirits. However, land allocation for Budya households is done by the kraal-head within proximity of each other. There is land for grazing, the cemetery and farming for each village. These divisions between residential, grazing and farming lands are part of the traditional Budya set up. Even before the coming of the colonial government, the Budya had places to bury their dead as part of their land organization. Crop rotation is not regulated. The use of natural resources such as well water and grazing land is monitored by the kraal-head (*sabhuku*). The kraal-heads are village heads. They are part of the political hierarchy of the village which is an extension of the Budya chiefdom (*umambo*).

They are chosen by their own households (*dzimba*) within the line of males according to seniority and endorsed by government as part of local authorities within the rural council system in Zimbabwe. Of late some families have moved to re-settlement areas to avoid over-crowding, over-grazing and over-cropping. For the Budya land is a human right. It promotes the right to life in the sense that we live and die on it. Access to prime land in Zimbabwe by black people was the main cause for the liberation struggle. The current political and economic crisis centres on access to land as a human right. Thus from the time prior to colonization in 1890, land has always been viewed as an economic right to this day. It is viewed as a traditional, political, religious and economic inheritance from the creator and our forefathers as a human right. The Budya live on it, and depends on it for the right to food security as they till it. The right to shelter derives from the vegetation that comes out of it. Although skin-wear appears to have passed with modernization, current footwear and leather products from rural Budya animal skins still find their way into urban Zimbabwe. This means economic survival of the Budya derives from land as a human right. Land as a gift from *Nyadenga* (the creator) is indispensable for human existence for the Budya whose ancestors are believed to protect it for human survival. For that reason land is an aspect of Budya traditional religion which promotes human rights.

The major economic challenge of the Budya today is poverty. This came about two decades after 1980 when the government attempted to effect land reforms that would empower black people to access and occupy the most fertile agricultural land in Zimbabwe. When the government re-possessed²¹³ this agricultural land from the white

²¹³ There has been a debate in Zimbabwe which emerged from the government's land reform programme. Some feel re-possession addresses colonial land imbalances while others feel it's a way of punishing whites

farmers without compensation, the agricultural sector suffered a reduction in farm production resulting in today's acute food shortages. This continues to threaten the human right to access food. It is notable that, though poverty was existent prior to independence in 1980, it was not as life threatening as it is for both rural and urban Zimbabwe today. Although, as noted already, that the mainstay for Budya livelihood is agriculture, it is difficult for most families to find crops to sell for cash. This is because they have no money to buy seed and fertilizer to bring about effective agricultural production. As a result of this problem schools, clinics and roads are in a poor state. Most people die at home as they have no money for hospital fees, while some children drop out of school at primary level due to lack of funding. Poverty has led to crime, corruption, inflation and dishonesty in all sectors of the economy as the majority of people struggle to share few goods with the little money they have.

But it is observable that, due to this poverty, there has been visible rural to urban migration of Budya in search of wage labour. Some Budya have permanently settled in urban areas. Others frequent their rural homes during weekends and public holidays. Both classes of people relate positively with their rural folk in that they identify with their relatives in the rural areas. They visit their rural homes which they call '*kumusha*' (home). They refer to their urban homes as '*kumba*' (house). The latter is not home because it is mostly rented accommodation. Those in the urban areas still identify with those in the rural areas by sending them money or buying groceries for them. They also go home during holidays to engage themselves in traditional rituals and ceremonies such

for their support of the opposition in Zimbabwe. Participant observation: Discussion. National Constitutional Assembly meeting: 26 April 2006. Harare. Zimbabwe.

as the home-bringing (*mhinza mumba*) or the *kugarwa nhaka* (traditional inheritance) and many others. The traditional ceremonies and rituals make them feel a sense of belonging to their ancestral spirits which they believe to provide moral, spiritual, emotional and physical protection.

The urbanites bring some form of economic, social, political and religious influence to the rural population. Such influence includes modern language, clothing, democratic values, human rights awareness, a new understanding of the world of new information technology and communication, modern medicine and science, and HIV/AIDS awareness. This, in turn, assists in the acceptance, development and practice of human rights for the benefit of the Budya.

2.6. Demography

It has already been noted that the latest national population census held in August 2002 recorded that Zimbabwe carried a total of 11 631 657 people. Out of this figure 48% are male and 52% are female. In Zimbabwe 65% of the population lives in the rural areas while 35% are urbanites. It was noted in this particular census that 66% of the households in Zimbabwe were headed by males reflecting the patriarchal nature of the population and at the same time 40.6% of the population were at age 15 and below. Again it was revealed from the same census that 66% of the population was in school.²¹⁴

²¹⁴ Zimbabwe Census 2002, National Report, 3–5, Central Statistical Office, Harare, Zimbabwe. See also Provincial Profile for Mashonaland East, Chapter 1 and Zimbabwe Census 2002 Preliminary report, p. 35.

The average Budya family has a minimum of three and a maximum of six or more children within a monogamous marriage.²¹⁵ In a polygamous marriage the number of six is allowed to expand to anything between seven and twelve or even more. Family planning for the traditional Budya is believed to be naturally controlled by either the ancestors or *Mwari* (God) or both in the sense that family life is defined from the spiritual realm. He is the one who is believed to regulate human and agricultural fertility. Thus the wife must go on having children until menopause. The boy child is the guiding factor. It is therefore the right of each family to produce as many children as God can allow or as many as the wife can possibly have. This is a cultural position of the traditional Budya society. However, with the coming of modernization the trend in family planning appears to be changing. Younger families prefer to use modern contraception methods of family planning such as the pill or the use of condoms.

The average woman among the traditional Budya must be married between the age of fifteen and twenty one or twenty five at the latest.²¹⁶ Generally traditional women between the age of 15 and 75 spend most of their life working in the fields, looking after domestic animals, making and taking care of their grand-children. Social changes taking place within traditional Budya culture show that most women live in the rural areas while their husbands stay and work in towns although there is an increase in the number of

²¹⁵ Interviews carried out during the current study reveal that the traditional Budya are unhappy about small families. Each couple must have not less than four children if they are boys and girls. If all the four are girls then the couple must continue having children in order to have a boy who will carry forward the family name. If the couple is childless, they must improvise by either allowing the husband to take a second wife from the same family who must give them a boy or they may divorce. A large family is a sign of wealth in Budya traditional cultural perception.

²¹⁶ Group interviews during the research indicated that the Budya believe that if a girl is not married by about age 35 or more there will be something wrong with her. They say '*ane jambwa*' or '*pfere*' or '*munyama*' (she has bad luck). Or, she may be having a bad spirit called 'shave'.

women who now constitute a working class. These are either employed or have their own businesses or cross our borders to go to Botswana, South Africa, Mozambique, Zambia, or Malawi to sell their goods as a way of earning a living. This has been going on for quite sometime. Ezra Chitando, in advancing a view that women played a prominent role in the spread of AICs in Southern Africa, found evidence of women going across borders to both spread the message, as well as, sell their goods.

Budya men and women are known by their *mitupo* (totems). *Shumba* (lion) are believed to be the original owners and guardians of the land called Budya as their ancestors are said to have inherited it from their forefathers. Their *chidawo* (totem) is *Nyamuzihwa* (the known one). Other totems are *soko* (monkey), *mbizi* (zebra), *nhewa*, *nguruve* (pig), *nzou* (elephant) *gwai* (sheep), *shiri* (bird) and many others. It is common practice among the Budya population to greet people using their totems as a way of showing respect and familiarity. A totem among the traditional Budya signifies a sense of belonging to any individual. It distinguishes between family ties and defines cultural Budya boundaries of marriage and chieftainship. Family membership care follows a trend whose pattern is defined by the totem and its roots. Life as a human right is defined and protected according to the totem. Sustenance of family ties and child care also follow the same pattern as defined by totem.

The Budya population has cultural values that view all adult women as *amai* (mother) and all adult men as *baba* (father) or *sekuru* (grandfather) to every old man or *ambuya* (grandmother) to every old woman, even if one is not your actual mother and father or

granny respectively. All children belong to all parents among the Budya. This is vital in the sense that everyone's rights are respected in the context of social safety and security for all individuals as members of the community. Every child has the right to life, liberty, food, shelter and to be taught the right manners. These are human rights which all adult Budya citizens provide to any child, even an orphan. The extended family takes care of this arrangement.

Marriages are heavily scrutinized with a common custom called '*rooranai vematongo*' (you must marry within the vicinity of your neighbourhood) being strictly adhered to. This is meant to make sure one does not marry a person from a bad family. The majority of young men are thus counselled not to marry a stranger (one from an unknown family). However, urbanization and modernity have affected this traditional practice. The movement of young people into towns for purposes of employment and education has made this practice difficult, though it remains preferred by some rural Budya people.

Population trends at Mutoko district hospital show that the Budya, too, have not been spared by the Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome pandemic. Social behaviour change has not been entirely significant among them as young people are often seen loitering aimlessly in the villages and at Mutoko or Suswe townships during late hours of the day. One in every four Budya is Human Immunodeficiency Virus positive, which reflects the national statistical social trends given by the Ministry of Health and Child Welfare. Awareness campaigns about this problem among the traditional Budya are slightly taking a meaningful understanding,

although some still think witches cause this disease, hence; they visit diviners to find out the cause of such illnesses that may be seen as long and incurable. Currently, there is a working relationship between health officials and traditional healers, though it remains minimal. Traditional healers claim they heal psychosomatic illnesses which conventional medicine cannot treat. They deal with these within the perspective of the Zimbabwe Traditional Healers Association.

2.7. Politics

The largest territorially defined unit is the *nyika* or *dunhu* (tribal domain).²¹⁷ The political head of the Budya dynasty is *mambo* (chief). *Umambo* or *ushe* (chieftaincy) rotates from one household to another and controlled by a hereditary lineage called *imba*.²¹⁸ Succession is collateral in the male line of descent from the first tribal head²¹⁹ Chief Mutoko to the current one represented by Nathaniel Gurupira, one of the descendents of the original chief of the Budya who settled at Mutoko around the 16th century. Chief Mutoko serves as the political and religious link between the people and the spiritual world of ancestors as in many parts of Zimbabwe's traditional tribes.²²⁰ The chief is both a religious and political leader of Budya tribal household. He administers rain rituals, thereby serving as linkage between the ancestors and the living. The chief politically protects or guards the land physically on behalf of the living dead. He administers the resources as part of both the living and the living dead. The smallest tribal unit of the

²¹⁷ Murphree, p. 24.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Ngwabi Bhebe, Christianity and Traditional Religion in Western Zimbabwe 1859-1923. London. Longman, 1979, p. 75.

Budya, constituting about seven to twelve households, is headed by a *sabhuku* (kraal-head) who is a member of the chief's lineage.

Within Budya tribal politics, the appointment of a chief involves the ancestors and the living elders of the ruling households. While there is this involvement that appears to be democratic within tribal family circles, there is visible rigidity when it comes to the actual selection process. This is so because the choice of a chief in Budya culture is a spiritual matter.²²¹ Current elders among the Budya have confirmed this. They say that the principal tribal spirit medium of the Budya approves the name of the individual and the household whose turn it is to take the tribal throne. If a wrong person or household violates the tribal norms and cultural procedures of this process, it is believed that the chief will die mysteriously as a sign that the ancestors have not approved such a person as a tribal leader. However, tribal politics among the Budya carry a communitarian²²² pattern where the society itself is not removed from the electoral process. The *makurukota* (chief's council), the *mhondoro* (principal ancestor of the tribe), *sahwira* (ritual friend) and some times *vazukuru* (nephews) of the ruling households take active participation in the tribal discussions leading to the appointment of the chief. It appears that there is an emphasis on consensus within the household of who takes the chieftainship after the death of an incumbent traditional leader. There are no known rituals that the chief performs to strengthen his position, save that he has ancestral protection from the day of installation until he joins the ancestry in death. However, this

²²¹ C. Bullock, *The Mashona (The Indigenous Natives of Southern Rhodesia)*. Cape Town: Juta & Co., 1927.

²²² Rhoda E. Howard, *Human Rights in Commonwealth Africa*. Tatowa, New Jersey: Rowan & Littlefield Publishers, 1986, p. 17.

does not rule out the possibility of him consulting magicians or traditional medical practitioners to strengthen his hold on power against any adversaries or rivalries within the immediate family.

With the coming of Zimbabwe's political independence in 1980, there has not been much change in the traditional hierarchy of Budya political organization. The only change noticeable has been the power shift from traditional leaders (the chiefs) to the colonial structures of government that were inherited by the current government. Lan,²²³ has argued that, during the war of liberation, guerrillas established working relationships with spirit mediums and the rural community. Furthermore, in some areas the spirit mediums usurped the power of chiefs, who were perceived as puppets of the colonial government. In the new setup, wards are almost now supervised by a chairman of the Zimbabwe African National Union (Patriotic Front) party. After problems of role and function between chiefs and the recently established ward or council chairpersons surfaced the government reverted to the old system where chiefs allocated land, and presided over land and social disputes. The chief is the individual responsible for land boundaries. He is the chief priest in ritual practice. He is the judge in family conflict such as incest and land disputes. However, cases of witchcraft accusation are handled by the chiefs and later referred to the district or provincial courts if an appeal has been made. There appears to be some conflict between the two levels of the judicial system in the sense that the chief's courts seem to strongly believe in witchcraft while the other levels of the court system such as the magistrates' court seem to be relatively reluctant to prosecute witchcraft cases

²²³ See Lan, work. Guns and Rain: Guerrillas and Spirit Mediums in Zimbabwe. London. James Currey Publishers, 1985.

of accusation due to lack of evidence. The two judicial systems appear to represent two ideologies. The traditional court is informed by beliefs that illness and misfortune have spiritual causation and witchcraft is part of that basket of causes. On the other hand, magistrates deal with empirical evidence and there appears to be no such evidence for witchcraft. The two represent two systems of knowing. The magistrates' court deals with empirical evidence. One can collect this evidence and call witnesses to testify. Such evidence can easily be cross-checked and verified. On the other hand, the traditional court is informed by another ideology of knowing. It accepts evidence from mystical specialists. They can tell the court about the activities of witches and the court can then convict one on the basis of that evidence.

2.8. Education

In rural Budya the majority of illiterates are women. This is probably due to the fact that for many years prior to colonization, many Budya families did not find it important to send a girl child to school. It was generally accepted among the Budya then that a girl child had no economic, social or political return to her family after spending material resources on her education by comparison to a boy child. All a girl child needed in terms of education then was just some little education, no more than primary school in order for her to know how to read a letter.²²⁴ This cultural attitude was influenced by the thinking that a girl child would one day leave home into marriage and her parents would lose all their material wealth they would have invested on her schooling.²²⁵ At that time girls and boys went to primary school at about eight or ten years. Some did not want to attend

²²⁴ Interview, Esnat Nyakatsveya, Susan Nyamukapa, Mrs Mubona, 10 July 2005.

²²⁵ Ibid.

school to an extent that the teachers had to persuade them to come to school by giving them sweets or sugar or both.²²⁶ Schools were very few and far away from home. Because children started primary education late, most girls dropped out of school in order to get married. The impact of this trend has affected several women among the Budya today in that the level of literacy for women is lower than that of men. This explains why fewer women than men in Zimbabwe are formally employable.

However, the situation has changed with the advent of decolonization in 1980. More schools have been constructed. Children start school at an early age of between 5 and 6. They complete primary school at about 13. They proceed through secondary school and finish at age seventeen. By age twenty one, most of those who would have qualified to go to university would have gone through their first degree. The government has introduced several rural secondary schools of which the Budya have benefited tremendously.

There is ongoing research to find out why attendance records in the education sector show that girls and women have a higher drop out rate when compared to boys and men at primary, secondary and tertiary education institutions apart from the common reasons such as early pregnancy and cultural stereotypes. These tend to affect the educational advancement of the girl child. The government has tried to assist the situation by lowering the entry qualifications for women at universities in Zimbabwe.

²²⁶ Interview, Beauty Matonganhau, 13 August 2005

2.9. Summary

The Budya are a complex community in the sense that they appear to accommodate modern values of life by using them to modify their cultural and religious life. At the same time the influence of the slave trade, colonization, patriarchy and, of late, globalization has continued to affect the way the Budya govern themselves as an African community. This also affects their perception of human rights as a community. The way they perceive women indicates such influences that have less respect for matriarchy as opposed to patriarchy. The erosion of cultural values of the African appears to have been affected by some of the cultural meanings attached to religious practices as will be discussed under traditional marriage later in this thesis.

CHAPTER 3

BUDYA RELIGION AND HUMAN RIGHTS

3.1. Introduction

The present chapter is an exploration of aspects of Budya religion that would be useful in framing a debate on human rights. African thought has no distinction between the sacred and the profane. Religion permeates all aspects of life. Historian of Religion Ninian Smart pointed out that throughout history and beyond in the recesses of men's earliest cultures, religion has been a vital and pervasive feature of human life.²²⁷ To understand human history and life it is necessary to understand religion in the contemporary world.²²⁸ Further to understand human rights especially in Africa we must understand traditional religion of the African people within their cultural context. Through religious tradition, humankind in the past experienced and communicated humanism to younger generations.²²⁹ It would appear that Western notions of human rights are compatible with African and Budya cultural practices that respect human life as sacrosanct.

In terms of personal and political freedom, traditional religion in Zimbabwe inspired national politics of resistance against colonial domination. Ancestral spirits are historically and politically viewed as having been inspirational to the politics of protest against colonial domination.²³⁰ Thus, religion may be used to support or justify political

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ Terence Ranger, *Revolt in Southern Rhodesia 1896-1897: A Study in African Resistance*. London: Heinemann, 1967, p. 18. See also David Lan, *Guns and Rain: Guerrillas and Spirit Mediums in Zimbabwe*. London: James Currey Ltd. 1985.

or nationalistic motives.²³¹ It is the ideas and beliefs about Nehanda and the perceived power of the spirit mediums that contributed to mobilizing political and moral support for freedom fighters in rural areas of colonial Zimbabwe. Land was an important rallying point for the liberation movement. The struggle was theorized as the restoration of the land to its rightful owners, the indigenous people of Zimbabwe. The owners of the land, the *mhondoro*, spoke through their representatives, the spirit mediums, to convey their displeasure at the injustices perpetuated on their land. In this case, religion was used to justify and legitimize fighting against colonial occupation. Clearly, colonialism violated the rights of Black people, and religion supported a situation where justice prevailed.

3.2. Sanctity of life

Budya traditional religion is believed to play an important role in promoting human rights through its desire to protect human life. Human life is viewed as sacred and ancestors are believed to protect it. Ancestors are said to protect the living in every aspect of their lives. If any person murders any individual he is punished by death or by giving another human replacement for the deceased. In other instances the murderer's family may be asked to compensate the deceased with a large herd of cattle.

In some instances, when a person is murdered by another individual, the ancestors of that person are believed to go and fight for revenge in what is called *ngozi* (aggrieved spirit seeking vengeance). The ancestral spirits of the murdered person fight for justice by causing mysterious mishaps such as killing some of the family members of the person

²³¹ Wolfgang Huber, *Violence: The Unrelenting Assault on Human Dignity*. Minneapolis: Fortress Press. 1996, pp. 84-85.

who murdered an individual through lightning or floods or some form of accident, or causing the murderer or one of his close relatives to lose his senses. They seek justice on behalf of their own. The fear of *ngozi* in Budya traditional religion minimizes the spilling of innocent blood. This protects human life. Budya religion promotes the sanctity of life. Nobody is supposed to take the life of the other. There are sanctions in place for those who violate this very important moral code.

3.3. Social identity

The other role which Budya traditional religion is believed to play in promoting human rights is the creation of a social identity and relationships. Through ritual process, family unity is felt to be achieved in that, during ritual activity, the family is united and such unity creates a sense of identity for family members and the living-dead. Traditional religion fosters a sense of social and family spiritual identity and harmony, as well as, creating a sense of belonging between the living and the living-dead. The right to spiritual identity derives from religion, which helps the Budya identify with an ancestry through totem, family and tribal lineage. Through tribal lineage and the extended family pattern every individual belongs to a family and a community of the living and the living dead. There is no person who lives in isolation. All are born within an ancestry which is tied together many generations back through totem. Individuals and communities belong to one another in the pattern of *ukama* (relational network). Thus a person is a person because of other persons. Outside of other human beings there is no humanity. John and Jean Comaroff calls them significant others. In terms of human rights the entire globe can

be thought of as one human family that lives in one village. We all belong to each other as one community of humans deserving respect, dignity and integrity.

3.4. Political rights

Budya traditional religion promotes human rights in that it influences political events. For instance “The Kagubi medium set the process of rebellion in motion by sacred injunctions to the paramounts to kill all white men...he played a revolutionary charismatic role...in rebellion.”²³² The politics of protest against colonization in Zimbabwe were influenced by spirit mediums. The spirit medium of a woman called Mbuya Nehanda inspired Zimbabwe’s war of independence. She made a prophecy that motivated the initial and sustained stages of the armed struggle from its origin to the end when she protested colonial domination by saying “my bones shall rise”. These were her last words before she was hanged in Harare by the colonial government for resisting white political domination. This prophecy is interpreted politically to mean the young women and men of Zimbabwe were going to rise and fight colonial injustice and subjugation. This inspired women guerrillas such as Joyce Mujuru, who later became vice President of Zimbabwe, to stand up to fight the colonial government of the day. She and other women did this alongside men. Mbuya Nehanda’s resistance influenced many others who became politically sensitive to the oppression of black people by the white Rhodesian minority elite.

²³² Robert Blake, A History of Rhodesia. London: Eyre Methuen. 1977, p. 134. See also Lan, Guns and Rain: Guerrillas & Spirit Mediums in Zimbabwe. London: James Currey Ltd., 1985, p. 6.

Although the role of traditional religion, especially spirit mediums after independence, appears to have been neglected by some politicians in Zimbabwe, there is permanent historical recognition of their importance today. This has been more significant with the erection and veneration of the national, provincial and district heroes' acres, which are visited annually during national independence days. These regular visits commemorate Zimbabwe's political journey to national independence. Thus, modern politics derive their importance from the spirit mediums that are believed to have protected guerrillas from the Rhodesian security forces. The spirit of nationalism and guerrilla activity that characterized Zimbabwe as a nation did not spare the Budya. The local traditional leadership of the Budya supported the politics of resistance. Young men and women of Budya chiefdom joined the armed struggle in big numbers.²³³

However, it is notable that, in addition to the perception that spirit mediums played a key role in the success of the armed struggle in Zimbabwe, other factors are mentionable. For example, there were military strategies put in place by the liberation armies, the raising of awareness among the civilian population, international mobilization of support by the liberation movements, international fund-raising by pro-democracy organizations, establishment of diplomatic contacts with various international bodies and thorough specialist military training, that led to the success of the liberation war of Zimbabwe against the white minority regime of the time. At the same time, current politicians owe their honour from the war of liberation, to whose strength it is believed was inspired by

²³³ Mission secondary schools in Budya territory such as Nyamuzuwe, Nyadire and All Souls recorded significant numbers of pupils who abandoned their education to join the armed struggle. This was the trend throughout the country at the time of the liberation struggle around 1972 -1979 as I witnessed during my primary and secondary school days.

the ancestors; the owners of the land in whose terrain sons and daughters of the soil were protected from deadly snakes, flooded rivers and vicious wild animals. Current historiography of Zimbabwe has not entirely neglected this recognition of the importance of traditional religion in nationalism which promoted the right to political freedom in Zimbabwe.

3.5. Health

Budya traditional religion promotes human rights by its provision of health care through traditional healers in the fields of divination and spirit mediums. The traditional healer or diviner has greater success in the alleviation of psychological disturbances than Western-trained psychotherapists.²³⁴ It is not clear what social or scientific evidence has been used to arrive at this conclusion. The traditional healer, directed by the ancestors and other spirits from whom he or she receives power, utilizes this supernatural power for healing purposes.²³⁵ The traditional healer is very conscious of the social order and group cohesion in terms of family harmony and group dependency.²³⁶ In the same perception, he or she operates within the specific social pattern of the people and within the context of their religious awareness, which gives him a priestly role of consulting the ancestors and discovering their wishes, or diagnosis of the problems. The traditional healer or diviner involves the family, friends and the group in his consultations, and proves to be with the people at heart.²³⁷ Several of the activities of the traditional healer are

²³⁴ G.C. Oosthuizen, In Jacob Olupona, ed., African Traditional Religions in Contemporary Society. Minnesota: Paragon House, 1991, p. 46.

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Oosthuizen, p. 46.

psychotherapeutic.²³⁸ These are provided with warmth, empathy, and genuineness in order to restore confidence, doing so in a way that gives comfort to the client.²³⁹ For Africans health does not merely mean a healthy body or a healthy mind; and disease is not just a physical or mental condition, but it is a religious matter.²⁴⁰ Sickness implies that there is an imbalance between the metaphysical and the human world as the flow of numinous power has been disturbed.²⁴¹ The main point being made here is that African world view of health is that it is provided by the spiritual power of the ancestry part of whose responsibility it is to make sure the living are entitled to good health. However, none of the above authors has made a meaningful attempt to provide evidence on social processes that bring about healing from an African context, which would have helped further research along the same direction to expand this aspect of study.

However, health care provision is a human right according to the United Nations Human and People's Rights. African Traditional Religion through divination, provision of herbs and the spirit mediums provides an important service to the people. Diviners provide a critical service as they give diagnosis for various physical, spiritual and social ailments.

Traditional healers among the Budya are members of the Zimbabwe National Traditional Healers' Association. Statistics from this association show that traditional medicine is playing a key role in Budya health care. So, healing as a service provision for individuals through traditional healers is an aspect of Budya traditional religion which promotes

²³⁸ Ibid., p. 47.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ Ibid.

human rights to health. Traditional healers and diviners are highly perceptive members of their communities; and they are the priests, the sociologists, the social psychiatrists, and dignified persons who command respect.²⁴² They have a holistic approach to the patient's situation in all dimensions of existence.²⁴³ This helps in the process of healing that is completely physical and spiritual. This is the way African Traditional Religion treats human life. Healing is not defined through specialization because it is a spiritual matter. The living and the living-dead are one community with the former as a significant part of the latter.

Also, traditional medicine through spirit mediums has a role of divining, healing and protecting the living from the threat of witchcraft and evil forces such as angered spirits called *ngozi*. They deal with fear, anxiety, uncertainty, and related illnesses of a spiritual nature. Thus, traditional medicine provides a sense of social security to families and individuals under the threat of spiritual fear, anxiety and uncertainty. Traditional healers also provide social counselling to families and individuals who face the threat of spiritual uncertainty and witchcraft. Traditional healers provide a health service that caters for psychosomatic illnesses, for example, some mental disorders. They examine and counsel their clients. For their clients it works well as it frees them from anxiety, fear, uncertainty and evil spirits.

After attempting to demonstrate the role of African Traditional Religion in promoting human rights, it appears undeniable to conclude that all these roles have to do with the

²⁴² Oosthuizen, p. 48.

²⁴³ Ibid.

sustenance of human life. These roles indicate that Budya traditional religion has a major social and spiritual interest in protecting human life from the crisis of physical and spiritual oppression by demons or evil spirits. They reveal a visible interest in protecting and promoting human life at personal, family and communal levels. The social and spiritual freedom and security that an individual enjoys after being rescued from the spiritual bondage of evil spirits such as the aggrieved spirit of a murdered person is a human right of critical importance for the Budya.

3.6. Children's rights

According to Cobbah, child care in African societies is a communal affair.²⁴⁴ The busy mother can always count on the entire community for support. The aged and the infirm are guaranteed help and support within the extended family. Among the Akan, a destitute family member is viewed as a disgrace to the entire family but family members take responsibility to care for the needs of the disadvantaged through sharing as Cobbah puts it. As such, responsibility is a much broader concept for African families.

In similar cultural practice, Budya traditional religion is protective of children. The extended family concept is protective of children. Budya children have every right to belong to a family. They have a right to food. They have a right to shelter. Budya traditional religion and culture have provision for these rights through the extended family system. If a child loses one or both parents due to Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome, as most Budya families are facing today, or through an accident or any other reason, the child or children are not taken to an

²⁴⁴ Cobbah, p. 322.

orphanage, or left alone to fend for themselves; the extended family takes care of them. The children will be taken care of in the context of their family environment. The extended family promotes a favourable social and cultural environment that allows the children to grow into adulthood in a secure way. Arguably there may be exceptional cases to the contrary.

Some scholars²⁴⁵ confirm an identical position as they observe that an African child is more protected than a European or American one by general comparison in terms of human and physical environment with regard to human and children's rights. They note that some months after birth the African child is in constant touch with the mother by carrying him or her on the hip or back often skin to skin. This gives the child ample time to sleep and rest on the mother's back. She breast-feeds him or her whenever hungry. The child is given and accepts a sense of adequate security (which is a human right) by the mother who is the source of life: food, warmth, protection, comfort, security and support. In this way the child develops a sense of survival, dependence and belonging to the broader family of the mother. This constant contact of the African child with the mother provides more joy in their developmental security than in the case of a western child. The latter is often lonely in his crib, fed on schedule and if bottle-fed, in amounts determined by impersonal formulae. Such a child is confined to the nuclear family. Relatives are often distant whereas the African child only walks some metres in her village to visit several people who substitute for her parents. In the Budy rural setting this arrangement works out very effectively for children. In urban settings the situation is very different. In

²⁴⁵ Jacques Maquet, and Joan I. Rayfield, Africanity: The Cultural Unity of Black Africa. London: Oxford University Press. 1972, pp. 55-60.

the latter the people around may not be relatives. They may even be strangers. Their capacity for caring for children is not as good as that of the village set-up where relatives constitute a village and communal living. The girl child's social and personal security is extremely at risk with the possibility of being raped or going missing in an urban setting, than would be the case in a rural environment. In an urban setting the boy child is equally vulnerable to sexual or social abuse. In Budya traditional culture the child has many homes in her own locality. She is giver and receiver of wide spread attention as Maquet and Mayfield seem to observe²⁴⁶. From this comparative analysis of the western and African child, it can be said that child abuse and neglect in African Traditional Religion appear to be minimal within the traditional rural environment. This child-care aspect of traditional culture promotes human rights (to food, shelter, clothing, health care) in terms of social security for children. Also the interconnectedness of the African family makes it difficult for a breach of children's rights.

For the Budya, both the living and the living-dead have a framework of social and spiritual security for both the girl and the boy child. The extended family concept reveals that Budya cultural perception has the capacity to deal with the child's problems in a relatively effective manner. A child who loses a parent or both is taken care of by the extended family in the cultural context of his or her own people. This is an important aspect of social security which is a human right. With the growing number of children losing parents through Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome traditional values of parental love and care can be drawn from African culture. The current orphanage systems could adopt the African family style of care. However,

²⁴⁶ Maquet and Mayfield, pp. 55-60.

there may be difficulties related to lack of resources. An orphanage must employ women and men who take charge of not more than ten children in one house within the orphanage. This gives the children the model of an ideal home and family. Among the Budya, an orphan's hospitality is given within the confinements of her relatives in the same village. Social care in the orphanage may be tailored in this pattern. In this way the child's social and spiritual security are provided and preserved in the sense that food, shelter and health-care as basic human rights are provided within a family setting. This allows a friendly atmosphere that caters for the social security and safety of the child.²⁴⁷ This means that children occupy a very special place in traditional Budya society because they are always a welcome addition to any homestead, such that a *n'anga* (traditional healer or a religious leader) is normally consulted in cases of situations where a family fails to have children.²⁴⁸ Children are greatly valued in African culture as they are the seal of marriage because they prolong the marriage life of their parents and through them the name of the family is perpetuated.²⁴⁹ The right to life is sustained in this special way.

3.7. Women's rights

The views of feminist theologians in and outside Africa on the subject of human rights are important for this thesis as they are both in agreement and at variance in some aspects. This is important because their views are related to the current study in that women's issues appear to be the same everywhere all the time. Susan Moller Okin in her *Feminism, Women's Human Rights, and Cultural Differences*, says that women are

²⁴⁷ Michael McGrath, and Nicole Gregoire, *Africa: Our Way to Love and Marriage*. Worcester: A B & S. 1977, p. 78.

²⁴⁸ Shirley Ann, Thorpe, *African Traditional Religion*. Pretoria: Unisa, 1991, p. 64.

²⁴⁹ John S. Mbiti, *Introduction to African Religion*. Oxford: Heinemann Publishers, 1991, pp. 112-114.

discriminated against in all of the world's countries, both in differing and in similar ways, and to a widely varying extent.²⁵⁰ Other examples of women's issues include rape (including marital rape and rape during war), domestic violence, reproductive freedom, the valuation of childcare and unequal opportunities for women and girls in education, employment, housing, credit, and health care. Okin insists that in many countries, a woman's most dangerous environment is the home she lives in. She suffers in it silently. Okin agrees with Sophie Chirongoma in her *Women's and Children's Rights in the time of HIV and AIDS in Zimbabwe: An Analysis of Gender Inequalities and its Impact on People's Health*, who holds the view that pervasive gender inequality, poverty, and the violation of women's rights are propelling the spread of HIV and AIDS in Zimbabwe.²⁵¹ For Okin, who argues from a feminist perspective, male bias of human rights thinking and its priorities have to change for women's rights to be fully recognized as human rights. Both Okin and Chirongoma appear to concur with Elisabeth Fiorenza in her *Discipleship of Equals* who says that women are not perceived as human persons in their specific particularity, but are always portrayed as women.²⁵² They are viewed as second-class citizens as Chirongoma puts it. Iris Marion Young in her "*Five Faces of Oppression*" has identified exploitation, marginalization, powerlessness, cultural imperialism and systematic violence²⁵³ as problematic for women's rights. She observes that women in all countries of the world are exploited economically, culturally and

²⁵⁰ Susan M. Okin, "Feminism, Women's Human Rights, and Cultural Differences". In *Hypatia, Border Crossings: Multicultural and Postcolonial Feminist Challenges to Philosophy* (Part 1), (Spring, 1998), Vol. 13, No.2, pp.32-52.

²⁵¹ Sophie Chirongoma, "Women's and Children's Rights in the time of HIV and AIDS in Zimbabwe: An Analysis of Gender Inequalities and its Impact on People's Health." *Journal of Theology for Southern Africa*. 126 (November 2006), 48-65.

²⁵² Elisabeth S. Fiorenza, *Discipleship of Equals :A Critical Feminist Ekklesia-logy of Liberation*. New York: Crossroad Publishing Co., 1993, p. 311.

²⁵³ Iris M. Young, I.M. "Five Faces of Oppression". In *Justice and the Politics of Difference*. Princeton: Princeton University Press, 1990, 38-65.

politically. Further, she asserts that violence against women is often understood not to be violation of human rights, although women are physically and mentally abused, ill treated, battered, tortured, maimed, and killed just because they are women. In many cultures today more girls than boys have been abandoned, women receive the food left over by men, advertising and mass media objectify women as sexual objects and visual consumer goods and seductive vampires inviting men to sexual abuse and as such violence against women has become commonsense.²⁵⁴ The work by Fiorenza, Chirongoma, Okin and Young as noted here shows that women's oppression undermines human rights. They provide a picture that paints patriarchy and various cultures of the world as perhaps degrading and unsupportive to women's rights. As Okin says many violations of women's basic human rights both occur within families and are justified by reference to culture, religion or tradition. But surely, after all has been said, the question remains: is there nothing positive about culture, religion and tradition in all societies that women can celebrate? I feel that these scholars have overlooked this perception. Viewed from an African perspective, there are aspects of culture, religion and tradition especially in Africa that protect and promote human rights. I therefore agree with Okin when she says that 'recognizing women's rights as human rights means looking at the institutions of family, religion and culture or tradition in a new light'. In this regard, if we look at Budya traditional religion and examine the institution of marriage, we see the payment of *mombe youmai* as a woman's cultural right of respect to her motherhood role in family and community. We cannot see how this cultural aspect of religion, culture and tradition violates women's rights.

²⁵⁴ Ibid.

Without contradicting the position of the current thesis that Budya traditional religion contains aspects that promote human rights, some African women scholars including Isabel Apawo Phiri²⁵⁵ have supported Fiorenza, Young, and Okin among other feminist theologians in the view that ‘...African women have been oppressed’ and there has to be some awareness about women’s liberation. One can interpret this to mean that there are some aspects of African Traditional Religion which do not promote, or at least undermine the promotion of human rights. This view is shared by other African women scholars for example Mercy Amba Oduyoye, She has charged that under globalization (the pulling of political, economical and cultural development structures and policies into the Euro-American world), the centrality and preciousness of human life has been shaken.²⁵⁶ She feels that the situation of women under globalization has been like that of Hagar and Ishmael driven into the wilderness so that they may not share in the wealth of Abraham which they helped to create. She seems to be concerned about the unnoticed role of women in the global economy where their productive labour contributes to the labour market. True, in economic development, women are not men’s assistants or helpers as the writer of the Biblical text of Genesis 2:18 appears to imply, but permanent and equal partners or contributors to family, national, and international human development. They are not observers, but active participants. I think that at the departure of colonization, and the advent of a realization of a culture of human rights, African women have relatively become equal players, not spectators in the political, social and economic development of Africa. They have participated fully in these fields not only through their labour roles, but

²⁵⁵ Isabel Apawo Phiri, African Women in Religion and Culture: Chewa Women in the Nkhoma Synod of the Church of Central Africa, Presbyterian: A critical study from women’s perspective. PhD Thesis. University of Cape Town, 1992, p.13.

²⁵⁶ Mercy Amba Oduyoye, “Reducing Welfare and Sacrificing Women and Children”. Journal of Theology for Southern Africa. 104 (July 1999), 74-77.

through their procreation or reproductive roles. To enhance active participation in relevant debates of a social and economic nature some have formed and sustained gender related organizations or associations that seek to address women's issues including oppression by both traditional culture and patriarchal stereotypes that impede their cultural, economic, leadership, and social development. Such organizations or associations include the Circle of Concerned African Women Theologians as well as the African Women's Communication and Development Network. Within these important organizations or associations, African women dialogue on issues of importance such as sexuality and HIV and AIDS, human rights, oppression, and poverty among others. In such academic engagements, Phiri and Nadar²⁵⁷ have observed that marriage, particularly the way in which it is expressed in sexual terms, is a dangerous institution for women in African societies in the context of HIV.

In this context of HIV, women's rights within marriage have become problematic in that traditional cultural beliefs do not always appear to allow adequate freedom for a woman to opt out of a family when she loses a spouse, though she may in some cases. In the case of the Budya, there is no particular exception to this practice though modernity has influenced some paradigm shift on this cultural practice. One can say that, women's social status remains constrained; hindering their real emancipation; their formal recognition and protection of their economic, political, and social rights.²⁵⁸ Among the Budya, widows in relative terms, face the problem of property ownership after the death

²⁵⁷ Isabel Apawo Phiri, "Going Through the Fire with Eyes Wide Open: African Women's Perspectives on Indigenous Knowledge, Patriarchy and Sexuality." Paper presented at the Joint Conference of Academic Societies in the fields of Religion and Theology, Stellenbosch, South Africa. 22-26 (June) 2009.

²⁵⁸ Muthoni L. Wanyeki, ed., Women and Land in Africa Culture, Religion and Realizing Women's Rights. London: Zed Books, 2003, p.45.

of a married man. Relatives of the deceased spouse claim the property of the family without much regard to the family that he leaves behind. In this particular instance Budya traditional religion does not promote human rights for the women who are widowed.

Some African women scholars say that in general, African Traditional Religion, submits women to a double burden: that of submission and subordination in the public sphere on the one hand; and that of affirmation and power in the domestic or private sphere²⁵⁹ on the other. In this view, the public sphere contains constructive and destructive aspects of social order. It is the place of exercise of power, of creating and elaborating the regulatory norms of social relations. Women are said to be excluded from this public sphere. Their participation in it is marginal, their roles reduced and their influence limited. Thus, men control power and social activities. This is true of the Budya. Women's participation in the public sphere is peripheral according to this perception. In general men withhold and manage public power. They rule and women submit and obey. Budya traditional religion confirms this male domination in the public sphere, and it (the domination) does not promote human rights.

However, this view, argued on the contrary or from an opposite direction, one can say that because of this challenge, women have developed visible strategies to circumvent this public sphere. They have consolidated their control of the domestic or private sphere as a way of exercising their power of the domestic space. They express themselves away from the public and have power in their households inherent in their productive and reproductive roles. Thus their rights to decide against both marriage or reproduction in

²⁵⁹ Ibid., p. 46.

Budya traditional cultural perception remains a challenge though modernity is influencing new thinking where women's rights are gaining momentum.

On property rights an African woman scholar, Winifred Bikaako in Uganda says that African traditional custom depicts women as being unable to manage property adequately such that land ownership for them must depend on their marital status.²⁶⁰ The same trend applies for Nigerian women as reflected by Hussaina J. Abdullah²⁶¹ who says that in this African country property rights are under the control of a husband. In this understanding, if a woman has to acquire land as personal property, this must be done through a husband. According to Zenebeworke Tadesse, another African woman scholar from Ethiopia, access to resources for women is not equal.²⁶² The frame work does not consider women as fully on board in terms of property acquisition and ownership.

Tradition, religion and the law in Senegal upholds the discrimination²⁶³ described above. In this African context women's work is both invisible and unappreciated. Similar tendencies have been observed by African women scholars from Mozambique as noted by Dr Liazzat Bonate and Elise-Henriette Bikié in Cameroon. Economist and gender expert, Ngone Diop Tine from Rwanda has confirmed this human rights problem for women. Similar tendencies among the Budya have been observed by this researcher where until the recent controversial land reform, property rights for women were still a human rights problem not only as a racism in reverse issue, but also as a gender related

²⁶⁰ Ibid., p.308.

²⁶¹ Ibid., p.297.

²⁶² Ibid., pp. 327-328.

²⁶³ Ibid., p. 299.

crisis of our time in Zimbabwe. Given this, however, I agree with Mercy Amba Oduyoye in her advocacy of African cultural values that affect women's rights when she says: 'we African women have to know our culture, our own rituals, challenge and change what is of value and upholds our humanity'.²⁶⁴ The reason for agreeing with Oduyoye is that we must examine critically those aspects of African traditional culture that conform to our positive understanding of humanity, or life in its fullness; uphold them and then construct out of them, an African perspective of human rights.

3.8. Summary

The current chapter has attempted to show some ways in which Budya traditional religion promotes human rights. African Traditional Religion provides support for the development of women's human rights. Children's rights have also been noted as being given some cultural attention in as far as promoting their rights is concerned. In addition, women's rights have been discussed as with a view to showing that this is an area where Budya traditional religion does not entirely promote human rights.

Defined contextually, Budya traditional religion has been noted as a political inspiration to the conscience of the people especially in the case where the spirit of nationalism was initiated by the spirit medium of a woman called Mbuya Nehanda. She gave young women and men the political will to fight for their political rights to freedom and security. Rights to health and social identity have also been noted as important aspects of traditional religion that can be used to develop a culture of human rights.

²⁶⁴ For a detailed discussion of Oduyoye's position on upholding vital aspects of African culture see Phiri's PhD thesis, p.11.

Hamilton²⁶⁵ says that religion provides a sense of social security for all persons. He agrees with Mason²⁶⁶ who submits that the most basic right of all is the right to life, for outside it all other rights are meaningless. It gives some meaningful sense of belonging to one another for especially the Budy community as people are found living in one locality. Traditional religion promotes peace through some form of social cohesion²⁶⁷ and a sense of belonging to each other. This provides a sense of security, unity and belonging to all members of the family, which is vital for the cultural development of the people.

However, women who are struggling against culturally or religiously sanctioned violations of women's rights most commonly say they need, above all, three things: a) to be carefully listened to, to have opportunities to engage in deliberation that can lead to the recognition of unmet needs and unrecognized rights and to the development of strategies for change; b) financial support; and c) intellectual and political support from the international community. When this happens; the positive, but silent or neutral aspects of African Traditional Religion noted here, may be used to construct a new perception of human rights.

²⁶⁵ Malcom B. Hamilton, The Sociology of Religion. London: Routledge, 1995, pp. 120-121.

²⁶⁶ David McQuoid-Mason, *et al.* Human Rights for All: Education towards rights culture. Cape Town: Juta & Co., 1991, p. 15.

²⁶⁷ Charles Y. Glock, and Rodney Stark, Religion and Society in Tension. Chicago: Rand McNally & Co., 1965, p. 172.

CHAPTER 4

BUDYA MARRIAGE AND HUMAN RIGHTS

4.1. Introduction

The aim of this chapter is to demonstrate that marriage among the Budya has aspects that promote human rights. These are: *mombe youmai* (cow of motherhood), *chiredzwa* (token of appreciation for the upbringing of a child born out of wed-lock), *sara pa vana* (inheritance of a deceased husband's children), *kugarwa nhaka* (taking responsibility of a deceased man's spouse), *kusungira* (sending a woman to her parents to deliver the first pregnancy).

Before a full discussion on each one of them it is important for the purposes of this study to make the following observations. *Firstly*, marriage in Africa²⁶⁸ can be defined as an intimate union between man and woman, (or women) of which mating is an essential and sacred expression, establishing enforceable rights between them, marking a change of status for them, and their parents, giving the children of the union an important moral status than extramarital ones, generating relationships of consanguinity and affinity.²⁶⁹ For African peoples, marriage is the focus of existence.²⁷⁰ They view marriage as a source of continuity and perpetuation of life between birth and eternity in the after life. *Secondly*, according to Mbiti²⁷¹, marriage is the point where all the members of a given community meet: the departed, the living and those yet to be born. In this view all the

²⁶⁸ Article 16. Universal Declaration of Human Rights. In Thomas Fleiner-Gerster, 999:147. What are Human Rights? Leichhardt. NSW: The Federation Press.

²⁶⁹ Aylward Shorter, African Culture: An Overview Socio-cultural Anthropology. Nairobi. Kenya: Paulines Publications Africa. 1998, p. 83.

²⁷⁰ John S. Mbiti, African Religions and Philosophy. London: Heinemann, 1969, p. 133.

²⁷¹ Ibid.

dimensions of time meet at this stage, and the whole drama of history is repeated here, renewed and revitalized. Further, marriage is a drama in which every one is an actor or actress, not just a spectator. In addition, it is a duty, a requirement from the corporate society, and a rhythm of life in which everyone must participate. Therefore, failure to get married under normal circumstances means that the person concerned has rejected the society and the society will reject him in turn.²⁷² Mbiti agrees with Arder on the cultural importance of marriage by observing that:

Marriage is imperative for both men and women. Women's destiny is to bear children. Pregnancy is an achievement of woman-hood and is viewed with pride. Thus female sexuality has a pro-creative end.²⁷³

This is the context within which the Budyas understand traditional marriage as a human right. Thus marriage is not just merely a contract to be entered into; it is a means to attain full humanity.²⁷⁴ Within this cultural practice marriage in Africa Traditional Religion is marked by ceremonies or rituals. According to Magesa the finality of the marriage goes beyond the ceremonies. It is a development undertaken in community frame work. Within it the bearing of children is a critical aspect of the matrimonial relationship. For without children who are proof of the transmission and preservation of the force of life, marriage in African Traditional Religion and culture has no meaning.²⁷⁵

²⁷² Ibid.

²⁷³ Shirley Arder, ed., Defining Females: The Nature of Women in Society. Berg Publishers Ltd., 1993, pp. 53-55.

²⁷⁴ Magesa, p. 118.

²⁷⁵ Ibid., p. 119.

4.2. *Mombe youmai* (cow of motherhood)

According to Herbert Aschwanden, *mombe youmai* is also called *mapakuro* deriving from the Shona word *kupakura* which means to share or distribute food.²⁷⁶ In this understanding, the mother has breastfed the child, and for this she receives *mapakuro* which metaphorically means she, the mother, has given birth to the child, thus giving nourishment to our tribe. The distribution of food to the Karanga is a symbolical sign of child birth and children grow through eating, and a tribe grows through many births.

The cultural significance of *mombe youmai* in a Budyā traditional marriage is that it protects and sustains marriage. *Firstly*, it bestows the honour of motherhood on the bride's mother. Weinrich says that *mombe youmai* is a special gift by a son-in-law to his mother-in-law and through her to her ancestral spirits.²⁷⁷ The cow of motherhood culturally signifies not only honour and respect but also the unity of the two families. It is a recognition and acknowledgment of the cultural dignity and integrity of the mother-in-law for raising a wife for the other family.

Secondly, *mombe youmai* as part of bride-wealth legitimizes the union between the two families. The main reason why this practice should happen or why the bride's mother should be honoured in this way is that culturally this was (and still is) the only possible way of showing appreciation of motherhood roles for a woman from the point of view of

²⁷⁶ Herbert Aschwanden, *Symbols of Life: An Analysis of the Consciousness of the Karanga*. Gweru: Mambo Press. 1982, p.145.

²⁷⁷ A.K.H. Weinrich, *African Marriage in Zimbabwe and the impact of Christianity*. Gweru: Mambo Press, 1982, pp. 42-43.

the Budyā. In addition, culturally the cows in particular or cattle in general were an African's greatest form of wealth. So it remains an honour for a mother-in-law to be given this appreciation in the form of a cow. This marks the beginning of a sustained relationship that legitimately binds the two totems of the families and individuals as will be shown below. The bride becomes part of the husband's family as a daughter-in-law. Culturally, *mombe youmai* provides the bride with the *cultural respect* from her in-laws as a *muroora* (daughter-in-law). She changes her surname and residence to adopt those of her husband's.

Thirdly, the bride is socially *empowered* to be part of her husband's family. She is empowered biologically to bear children for her husband. She is authorized to make decisions on behalf of her husband as part of the new family. She is no longer a *mutorwa* (stranger) in her husband's family in terms of reproductive power. These social changes empower her to have a say in the affairs of her husband's family. She can participate in their rituals. She can represent her husband's family in any social gatherings. Among the Budyā being a daughter-in-law after the *mombe youmai* has been given to one's mother is culturally a glorious attainment.

Fourthly, *mombe youmai* culturally indicates the bride's good manners. In turn it earns her respect from her in-laws because she has come to bear children for them thereby strengthening their lineage. This creates and improves a good relationship between her and her new family.

Fifthly, the cow of motherhood creates *ukama* (positive social relationship) not only between totems of the individual persons but also between families. This relationship is not only social but spiritual as well. The cow of motherhood is often *mombe inotsika* (a real beast) and not represented by cash as would happen in the case of other parts of bride-wealth. In fact, the payment of money in exchange for a wife in Budya marriage is a recent development, which appears to have been influenced by the advent of colonization. Prior to this just a hoe would suffice for a Budya man to marry a woman.²⁷⁸ It was just a proof of the creation of a sexual or marital and social relationship between two families and individuals.

Sixthly, *mombe youmai* signals the differentiation between official marriage and *mapoto* (co-habitation). Where *mombe youmai* has not been given as part of bride-wealth the Budya say such a marriage is *kubika mapoto* (co-habitation). They do not recognize this union as an official marriage. So the giving of *mombe youmai* in Budya traditional marriage seems to be an approval of the marital union. Traditional marriage among the Budya where *mombe youmai* has not been given tend to face social problems of emotional stress, lack of respect and negative attitude by the community. Such social problems may stress the marriage to a point of divorce.

²⁷⁸ Budya oral history says a man would just provide *badza* (a hoe) to marry a woman. The Budya oral history says that after the stone-age, there was the iron-age. The latter saw the introduction of the hoe as a farming tool. Owning a piece of iron was very important that time particularly a hoe. It was a symbol of wealth among the Budya. With the coming of colonization among the Budya the same iron has been organized to form a plough still referred traditionally as (*badza*). Interview Mrs Nyamukoho, 8 February 2008.

Finally, *mombe youmai* provides an indication of how committed and appreciating the son-in-law is to her bride and his mother-in-law as well as his bride's people. What is being promoted by the cow is not its material value but what it represents, that is, the relationship as it derives from the uniting element of the token of appreciation.²⁷⁹ In relation to the above discussion Ngubane²⁸⁰ says bride-wealth (of which *mombe youmai* is most significant because of its attachment to birthing and mothering) marks the beginning of a long road to incorporation of the woman into the family of the man. *Mombe youmai* as part of bride-wealth among the Budya establishes the right of exclusive sexual access of the husband to the woman and it legitimates the children to the father's lineage.²⁸¹ The children will take the father's identification through totem. As Shorter says that bride-wealth is an indemnity to the bride's family for their expense in bringing her up²⁸², the Budya share this view with more emphasis on *mombe youmai*. It stabilizes the marriage of which parenthood becomes foundational of human existence.²⁸³

Mombe youmai for the Budya heralds the exchange of the woman's sexual and reproductive powers that are surrendered to the man and his lineage.²⁸⁴ Interviews among Budya women confirm that *mombe youmai* is an "appreciation of the mother's role in raising her daughter in a good way".²⁸⁵ Further, "*Semunhu akaberekwa mwana uyu*,

²⁷⁹ Interview, Jane Rutsito, 12 May 2004.

²⁸⁰ Harriet Ngubane, "Marriage, Affinity and the Ancestral Realm: Zulu marriage in female perspective". In Eileen Krige and John and Jean Comaroff, eds., *Essays on African Marriage in Southern Africa*. Cape Town & Johannesburg, Juta & Co. 1981, pp.84-95.

²⁸¹ Magesa, p. 124.

²⁸² Shorter, p. 90.

²⁸³ Magesa, p. 134.

²⁸⁴ Christine Obbo, *African Women: Their Struggle for Economic Independence*. London: Zed Press. 1980, p. 34.

²⁸⁵ Interview, Mai Mubona and Mbuya Madimutsa, 22 May 2004.

*zvakanunetsa chaizvo. Zvakanakira kuti amai vakanganwe matambudziko avakasangana navo pakuchengeta mwanasikana uyu*²⁸⁶ (as somebody who went through labour, it helps the mother of the bride to forget all the pain she went through to bring about her daughter). *Mombe youmai* initiates, acknowledges, seals and sustains the marital bond between the two families.²⁸⁷ For that reason motherhood among the Budya is considered a position of power as would be in other African cultural situations.²⁸⁸ *Mombe youmai* is recognition of labour and closeness existing between the mother and her daughter as also observed by Olajubu in her study of Yoruba women in the religious sphere.²⁸⁹

In some instances *mombe youmai* is believed by some Budya to drive away social problems on the part of the bride as noted during interviews: “*kana mombe youmai isina kubviswa, zvinopinza mhengo kumhuri yomukuwasha*”²⁹⁰ (if the cow of motherhood is not given, this brings trouble or evil to the family of the son-in-law). Also maternal security is believed assured.²⁹¹ The giving of *mombe youmai* to the family of the bride is believed to be a visible way of protecting the life of the new family from evil such as witchcraft. Thus *mombe youmai* serves as a spiritual fortification of the new family. It drives away social problems in general.

²⁸⁶ Interview, 11 May 2004.

²⁸⁷ Interview, 15 May 2004.

²⁸⁸ Oyeronke Olajubu, Women in the Yoruba Religious Sphere. New York: State University of New York Press, 2003, p. 16.

²⁸⁹ Olajubu, p. 16.

²⁹⁰ Interview, Mai Mutize, 12 May 2004.

²⁹¹ Interview, Jane Rutsito, 14 May 2004.

Interviews among Budya women on the significance of *mombe youmai* have confirmed the discussion above. Examples are given below for instance “*matora mutorwa kumuisa mumusha menyu saka roora ndere kuzivana pakati pomurume no mukadzi*”²⁹² (you have taken a stranger into your home, so the bride-wealth of which the *mombe youmai* is part’ is for the man and woman to know each other). To know each other here refers to sexual relationship.²⁹³ The cow symbolizes *umai*²⁹⁴ (motherhood) which is marked by birthing. As Dadirai Chikombe noted, “the cow of motherhood gives respect to the wife,” (*zvinopa chiremera kumukadzi*).²⁹⁵ Every woman shall have the right to respect as a person.²⁹⁶ In addition, Beauty Matonganhau says that bride-wealth is given “so that my daughter will have *value* and *dignity* in the family ‘where she is married’ and not live like a slave.”²⁹⁷ Both the cow of motherhood and the other cattle in the marriage relationship are meant to be a “uniting element”²⁹⁸. In addition to such value the cow of motherhood is of critical spiritual significance in that if the mother dies without having received it, she is believed to be able to cause illness to her daughter’s children.²⁹⁹ In some instances it is believed among the Budya that if the cow of motherhood is not given the bride may fail to have children. This may become a crisis as pregnancy in African culture is viewed as an achievement of womanhood.³⁰⁰ If pregnancy fails the Budya view it with suspicion that a

²⁹² Interview, Mai Mutize, 18 May 2004.

²⁹³ Interview, Jennifer Madzinga, 14 May 2004.

²⁹⁴ Interview, Beauty Matonganhau, 12 May 2004.

²⁹⁵ Interview, Dadirai Chikombe and Mai Mubona, 17 May 2004.

²⁹⁶ See also Article 3.2 on the Right to Dignity. In Christof Heyns, ed., Compendium of Key Human Rights Documents of the African Union. Pretoria: Pretoria University Law Press. 2005.

²⁹⁷ Interview, Violet Mafundi, Taurai Chikungwa, Jane Rutsito and Esnat Nyakatsveya, 18 May 2004.

²⁹⁸ Magesa, p. 126.

²⁹⁹ Interview, Jane Rutsito, Joyce Muzarabani and Jennifer Madzinga, 3 November 2006.

³⁰⁰ Shirley Arder, ed., Defining Females: The Nature of Women in Society. London: Berg Publishers. 1993, pp. 53-55.

bad spirit called *shave* may have caused that. In some cases they blame the lack of pregnancy to a witch.

4.3. *Sara pa vana*

Sara pa vana is a Budya cultural concept which compels the family of a deceased man to name a successor as titular head of family. The literal meaning of the words *sara* (stay behind) and *pa vana* (with or by the children) are a cultural instruction to a named male adult individual to take care of the children after their deceased father. However, because of the patriarchal nature of Budya traditional religion, there is no mention of the children's mother in the *sara pa vana* arrangement. The omission here is not a deliberate abandonment of the importance of matriarchy, but a priority driven cultural pattern of Budya family structure. There appears to be an assumption that the mother is an adult and can take care of herself. She may decide to leave the homestead of her deceased husband, but the children will have to remain in the custody of the deceased man's family. The *sara pa vana*'s main moral responsibility is "child care". The word 'child' here refers to offspring, or son or daughter (even if they are adults) of the late man, not necessarily an infant. The *sara pa vana* takes responsibility for such family events including marriage, funeral and other rituals where the head of family is required. He provides emotional, moral and spiritual support to the family left by his relative. The *sara pa vana* is a cultural family care concept. It is a traditional human and child care support system. For the Budya, children, especially boys prolong and sustain the life span of the Budya traditional lineage and for this reason a *sara pa vana* must be named to take care of this heritage. The Budya chiefdom is survived by male descendants from the time of its

founding to the present. Children bring about the self perpetuation of life for the Budya, so they must not be left on their own.

The *sara pa vana* ensures that abundance of life is realized through a marriage support system which brings about these children as it is a source through which life is preserved and prolonged.³⁰¹ Ritual fecundity and physical procreation within Budya traditional culture derive from marriage which is critical for human rights.³⁰²

The Universal Declaration of Human Rights says “All children, whether born in or out of wedlock, shall enjoy the same protection.”³⁰³ However, there may be some instances where children may be abused by those that must take care of them. Morally, Budya culture tends to protect children through the extended family structure. This appears to reduce instances of abuse. The *sara pa vana* is part of the extended family network that ensures the safety, security, and wellness of orphaned children. Such protection, provision and care extend to the children’s mother. The same applies if she decides to marry someone else within the same family.

On the other hand, if the widow decides to return to her parents after her husband’s death, she is at liberty to do so.³⁰⁴ This does not deny or undermine the rights of children to be raised by their mother and the mother’s rights to raise her children, it only culturally provides a gap or social link in terms of care for the children in the event of parental

³⁰¹ Magesa, p. 128.

³⁰² Ibid.

³⁰³ See Article 25.2 of The Universal Declaration of Human Rights in Fleiner, p. 149.

³⁰⁴ See Article 20 (C). In Christof Heyns, ed. Compendium of Key Human Rights Documents of the African Union. Pretoria: Pretoria University Law Press, 2005, p. 46 on Widow’s Rights which gives a widow the right to re-marry a person of her choice.

vacuum. However, *sara pa vana* is culturally not a perfect practice (neither is there any other in the world) as it is notable that both the children's and the mother's rights may be violated by not offering them an opportunity to decide about their future whether they stay together or not. There is no cultural space for them to decide on this. On the one hand, it ensures that children are not deprived of their cultural heritage and their inheritance. While on the other hand, the mother might find herself deprived of her right to raise her children. It is not a perfect system.

Further, there are some instances where the widow remains in the home of her late husband and gets to be re-married in the same family by the *sara pa vana* or another member of the same family. The widow can decide to re-marry outside the family of her deceased husband. In this case she will not be obliged to retain her late husband's name. The care aspect by the *sara pa vana* ceases to include her because she will have left her former home and children with her late husband. But if she stays in her former home the issue of care finds prominence. In the new relationship the widow is in a stronger social position to relate with the family of her late husband than if she decides to return to her parents. If she decides to leave the home of her late husband she risks social isolation from her children and the family of her late husband. It is acknowledged that the widow is mostly bound to this family by her children, which presents social problems if she decides to marry outside this particular family. The problem here is that she is bound to this family through her children. If she wants to marry outside she would lose her children.

4.4. *Kusungira*

Kusungira or *masungiro* is a custom which allows a young expecting mother to return to her parents' home to deliver her first child. The practice gives her the opportunity of giving birth in a familiar environment and among people that she trusts. In responding to question no.16, ninety (90%) of the women interviewed said *masungiro* was a good cultural practice. They viewed it with positive attitude and perception because "it promotes personal security for the expecting mother." Interviews revealed several reasons for the importance of this traditional Budya practice. *Masungiro* is an important practice because it gives time to the expectant mother to associate with her relatives in times of pain.³⁰⁵ It is a care and counselling social and family support system for the young mother. It must be made clear here that giving birth is a sensitive event. The woman needs to feel safe because at that state she is vulnerable and needs to be surrounded by people that she trusts entirely.

In similar reasoning it is argued that "*masungiro anobatsira kuti kana paine zvinenge zvichinetsa panhumbu vabereki vanochoziva zvavangaite nazvo*"³⁰⁶ (sending an expectant mother to her parents for delivery is a precautionary measure such that in the event of any labour crisis the parents will see what they can do).

How does *masungiro* promote human rights? It does so in a variety of ways. Firstly, it provides emotional support to the young mother-to-be in her preparation of delivery. Emotional support is a right for any member of a family whose social identity is known.

³⁰⁵ Interview, Joyce Muzarabani, Naume Koma, Megi Gwanza, Violet Mafundi, Stela Deku, 16 May 2004.

³⁰⁶ Interview, Mbuya Chapfuruka, Margret Nyakudanga, Susan Nyamukapa, Dadirai Chikombe, Mrs Chayambuka, 17 May 2004.

Secondly, *masungiro* provides social security for the young mother-to-be. She needs the full support of the family of the living and the living-dead. The extended family accords the young woman her right to receive family support. Thirdly, *masungiro* enhances social relationships (*ukama*) between the two families of the bride and the bridegroom. This *ukama* is not only more pronounced between the two families involved in the marriage, it also strengthens the communal ties or relationships between the community of the man and the woman. So family unity is enhanced at family and communal levels because in African Traditional Religion a woman is married not only to her husband, she is married to the entire family, and even community, hence the common cultural saying by family members or the entire community ‘*muroora wedu akauya*’ (our daughter-in-law has come’.

4.5. *Chiredzwa*³⁰⁷

Chiredzwa in Budya traditional culture is a gift of appreciation of parental custody by the mother’s mother (grandmother) of a child born out of wedlock or whose mother died during labour or some other problem. The gift is received by the mother of the woman who took care of the child. It is given at any point in time in life of the child. This gift may be in the form of a cow or money. The appreciation is given or paid by the child’s father to the people who raised his child for him. It is a way of thanking them for taking care of his child during the period of wedlock or some other crisis or special social circumstances in the family. For the traditional Budya *chiredzwa* in the form of a beast represents the best ever type of appreciation for such hospitality. The appreciation aspect

³⁰⁷ *Chiredzwa* is sometimes known as *maredzwa* among the Budya. The former refers to one token of appreciation while the latter has to do with several forms of appreciation for the same cause.

of *chiredzwa* emerges from the care concept of *kurera* (child care). This *kurera* covers all aspects of taking care of the child from infancy to adulthood. The provision of social security and food as well as shelter, clothing, health care, education, physical protection, religion and speech all constitute the major part of child care provision for which the son-in-law or his family must be responsible to pay as *chiredzwa*. As can be noticed all these forms of child-care are human rights which the child is provided for by the family of the child's mother. *Chiredzwa* is a cultural moral child care aspect of Budya traditional religion that promotes human rights as far as children's rights to parental care, food, health-care, shelter and clothing provisions are concerned.

However, the payment of *chiredzwa* may not compulsorily be a right for the mother-in-law to contest in court if it has not been granted. She can complain about it if the paternal parents of the child remain silent. Or, in extreme cases the child himself or herself may pay for it when he or she becomes an adult. It can work both ways. The important thing is that some recognition is made of such child-care services by the mother-in-law. Budya traditional religious belief holds that if *chiredzwa* is not paid the person who has been cared for will not have a good life. If he is a boy he may never find employment or he may become a thief or he may never marry. Non payment of *chiredzwa* is associated with bad omen. If she is a girl it is believed she may never be married or she may be married but never be able to have a child. The belief goes on to say that these misfortunes come as a result of the non payment of *chiredzwa*.

As far as this study is concerned the concept of *chiredzwa* for Budya traditional religion signifies an active sense of human responsibility over children. This sense of child-care promotes the right of the child to life, security and physical protection. The payment of *chiredzwa* promotes human rights in that it is a visible recognition of the importance of human life where the provision of food, shelter, medical care, education and love to the child heralds parental responsibility. For this reason it is the submission of this thesis that the concept of *chiredzwa* is an aspect of Budya traditional religion which promotes human rights. The concept helps the community in protecting human rights for the child by creating a friendly environment for the well being of the child.

In what sense does *chiredzwa* promote human rights? It promotes the child's human rights in that the child is given a sense of belonging to a certain family and a confirmed communal or social identity. This is important for the child's emotional sense of belonging. Children without parental identity face emotional stress which is often caused by an identity crisis. When children have no cultural identity they will find or create their own which may face problems of social support and guidance. *Chiredzwa* provides a child with a positive sense of self-esteem which is critical for leading a successful life. It assures the child of a social change from being a victim of family disputes or misunderstanding or misfortune to one that is ensuring, rehabilitating and comforting. In terms of spirituality the child is given a new sense of ancestral protection from the family of his or her mother to the family of his father for which according to Budya traditional custom the child belongs permanently. So *chiredzwa* helps the child psychologically to

feel a sense of new spiritual identity. In terms of rights the child feels protected, secure and welcome to the community of his or her living and living dead kindred.

4.6. *Kugarwa nhaka*

Nhaka is a Budya cultural practice where the widow of a deceased man is re-married into the same family. From a Budya cultural point of view the widow is re-married into the same family for the reason that she must continue with her usual family beyond the death of her husband. The man who re-marries her takes responsibility for her. This responsibility includes continuing to raise his late relative's family. He also fulfils the conjugal rights of the widow. However, there is cultural space for the widow to decline the *kugarwa nhaka*. She can decide against re-marriage in the same family. In terms of widows' rights, "a widow shall have the right to re-marry, and in that event, to marry the person of her choice."³⁰⁸ This arrangement is different from the *sara pa vana* concept earlier discussed in this chapter. In the *sara pa vana* arrangement, the emphasis is on taking care of the children left by the late husband. In this *kugarwa nhaka* practice the widow is persuaded to stay and be re-married in the same family to avoid further social and economic stress, or trauma and loneliness caused by the death of spouse. Some Budya women accept this arrangement while others reject it for personal social or health safety reasons. Some younger widows have a tendency to accept it because "I will be lonely and would want a responsible man to look after my children especially if they are going to school" and "may be I will not be working, the new husband will make it

³⁰⁸ Christof Heyns, ed., Compendium of Key Human Rights Documents of the African Union. Pretoria: Pretoria University Press, 2005, p. 46.

possible for us to have more children”.³⁰⁹ Others have noted “it is a good thing to re-marry, to have some one to keep you comforted...provided he does not bring you some illness which will cause you not to live long...”³¹⁰ Those that reject the *kugarwa nhaka* feel that “it is useless and risky in these days of AIDS” or they feel “...I can live my own new life, alone with my children, I don’t want anyone to interfere with me. This *kugarwa nhaka* thing is rubbish...”³¹¹ Those who felt this traditional practice was culturally fine maintained that re-marriage by her late husband’s brother would be done for several reasons. *Firstly*, it is meant to take care of her basic social needs such as shelter, clothes, food, health, personal and social security. These are her basic human rights. Her new husband must take care of these. *Secondly*, it is to take responsibility over the widow’s conjugal rights from where her late husband would have left. This means he will be obliged to have children with her as a way of continuing his late brother’s family. The quest for the self perpetuation of life for the family of the deceased is prominently emphasized in this cultural arrangement. Self perpetuation here is meant to continue the life of the late person’s life and family by continuing to raise children with his brother’s wife.

When the *kugarwa nhaka* ritual takes place the widow will sit on a prescribed place on the other side of the house. The deceased man’s brother (or brothers if they are many) will take seats on the other side. A hoe (representing responsibility to fend for her) is handed to the one whom she will have chosen to be re-married to. If he accepts the hoe

³⁰⁹ Interview, Stella Deku and Everest Takaitei, 2 September 2004.

³¹⁰ Interview, Violet Mafundi, Taurai Chikungwa, Naume Koma and Megi Gwanza, 20 September, 2004.

³¹¹ Interview, Mubona, Madimutsa, Chapfuruka, Chiripanyanga, 11 October 2004.

then he is the one to take care of her in the life to come. If the chosen man refuses to accept the hoe she will take it to the next man in the line of her late husband's brothers. But in most cases she will have made an earlier indication to avoid the embarrassment of going from one man to the other in confusion. In some instances a bowl of water is used in place of the hoe. In the case of the water bowl she will be saying 'you are now my husband' to the consenting man. However this practice has been a subject of controversy as some people have tended to challenge it in view of modern concepts and understanding of the importance of marriage, women, and family life.

The present study confirms the view that the practice of *kugarwa nhaka* was culturally a good one³¹² prior to the advent of HIV/AIDS in terms of its moral and emotional support objectives. *Firstly*, it provided the widow with moral and emotional support and care.³¹³ The problem is that it did not give much choice. The other option meant losing her children. *Secondly*, it allowed her to continue in the home of her late husband, guaranteeing her relative social acceptability regardless of her new marital status.³¹⁴ This also gave her a sense of "being loved".³¹⁵ *Thirdly*, it gave the widow "a sense of belonging to the same family."³¹⁶ This appeared to give her "personal and cultural security." It was intended to protect the rights of the widow to belong to a family and retain a home of her own. It also appeared to give her the liberty to identify with her children in the absence of her late husband. However, there are some cases where

³¹² Interview, Rutsito, 30 May 2004.

³¹³ Interview, Mubona, 12 July 2004.

³¹⁴ Interview, Chakanyuka, 21 August 2005.

³¹⁵ Interview, Gurupira, Susan Nyamukapa, Dadirai Chikombe, Mutize, 30 October 2005.

³¹⁶ Interview, Rutsito, 2 June 2005.

widows are exposed to extreme social pressure to abandon their matrimonial homes and property by in-laws or relatives of the deceased man so they can rob all her belongings. In some instances she is denied access to her children. These are cases of an exceptional nature that occur in modern times due greed and lack of respect for women. This does not reflect Budya cultural orientation and ethics. Budya traditional culture respects women as mothers, sisters and parents due to their biological roles in society. This practice has tended to give the family of the deceased husband power over the woman.

However, it was also revealed during group interviews that the *kugarwa nhaka* practice is now facing problems due to the advent of HIV/AIDS because "...I do not know the HIV status of the spouse I am to re-marry, so it is dangerous."³¹⁷ Others insisted by saying that: "...I can be happy in the new relationship...and then become sick and die tomorrow, of what good is that...?"³¹⁸ The interviews showed that the practice of *kugarwa nhaka* "*yanga yakanaka zvikuru dai pasina zviriko mazuvano...*" (It was a fine cultural practice had it not been for the present problem of AIDS). At the same time others felt it was fine if "I am HIV negative and the one I am re-marrying is negative, we can start a new life and home..."³¹⁹ This is very serious in the light of power dynamics in sexual relationships. Women, because of their subordinate position, are unable to demand from their partners to test for HIV or even use condoms during intercourse. There are a number of documented cases where women were victimized for speaking out. For instance as Phiri argues research has revealed that a lot of women live with violence or have

³¹⁷ Interview, Violet Mafundi, 17 October 2005.

³¹⁸ Interview, Mutize, 20 October 2005.

³¹⁹ Interview, Rutsito, 30 October 2005.

experienced some form of violence at the hands of men.³²⁰ To that extend she argues that a lot of women and girls have become vulnerable to HIV infection. For Phiri babies and older girls are raped at home by their (step) fathers and male relatives. She maintains that married women are raped by their spouses and strangers.

In the cultural context of the Budya the practice of *kugarwa nhaka* is an aspect of traditional religion that promotes human rights when viewed from its widow care bias. Not only that. It promotes the right to self perpetuation of life of the deceased through procreation with the new father and widow of the late husband. It sustains the life of the deceased through children born out of the new relationship. The right to life for the family is therefore sustained and promoted through this cultural practice of *kugarwa nhaka*, though it is a very problematic practice in terms of its oppressive tendencies that militate against women's freedom of choice about their life after the death of their husbands. This is the practice which has had gender activists and feminists up in arms. It perpetuates the stereotype that women need to be looked after by men. It does not allow for a widow to make a decision not to marry any of her late husband's brothers (remaining a widow for the rest of her life) and still remain in the homestead. The woman is perceived as having some connection to a man who would be her provider and protector.

³²⁰ Isabel A Phiri. In Isabel Phiri, Beverly Haddad and Madiapone Masenya (ngwana Mphahlele), eds. African Women, HIV/AIDS and Faith Communities. S. Africa: Cluster Publications, 2003, p. 14.

4.7. Summary

Budya cultural practices of *mombe youmai*, *sara pa vana*, *chiredzwa*, *masungiro*, *kubika bombwe*, and *kugarwa nhaka* in traditional marriage provide resources for thinking about human rights. This is because these ethical practices promote human rights in the African community. They strengthen the institution of marriage. They create a sense of *unhu* (personhood or humanness) in the African community. They help the African community build a sense of interdependence, identification and security. Thus they foster a sense of continuity of life between the living and the living-dead. In African cultural perspective people marry for the purpose of procreation.³²¹ Without procreation marriage is incomplete.³²² For this reason marriage is the focus of continuous existence.³²³ Procreation creates a sense of biological permanence in a family or tribe. The present chapter has discussed these cultural aspects of Budya traditional religion within marriage and attempted to demonstrate that they promote human rights in a significant way. These have been identified as promoting human rights in the sense that they place more emphasis on social care, emotional support, protection of women and children, giving stability to the marriage institution, paying attention to the importance of women as mothers in terms of their motherhood roles and through the provision of food, shelter, security and human protection.

³²¹ Mbiti, p. 133.

³²² Ibid.

³²³ Ibid.

CHAPTER 5

BUDYA CHIEFTAINSHIP AND HUMAN RIGHTS

5.1. Introduction

The current chapter provides an assessment of different aspects of Budya chieftainship. These are *zunde ra mambo* (the chief's granary), custody of *unhu*³²⁴ (personhood or humanness), *kupotera* (seeking asylum), adjudication of justice, and guardianship of the habitat. These cultural practices are critical values of the Budya people whose intention is the provision of security and protection of individuals and the community; conserving economic environment; and the sustenance of social and political order as well as the provision of food security.

Before discussing them it is important to note that most of these cultural practices if not all have lost some of their moral strength and meaning due to greed, colonial influence and modernity. The colonial government reduced the power of the traditional chiefs by replacing them with new Western style political structures such as district and provincial administrators. These new structures appear to have taken the powers that were once the prerogative of the chiefs. However, it is interesting to observe that in spite of these changes in the political landscape of Budya social administration, chieftaincy has remained a custodian of human rights in several respects. Most of the cultural practices discussed here are still common among the Budya today but with less impact in the urbanized or modern Budya save for those

³²⁴ *Unhu* is a Budya or Shona word for *ubuntu* which means personhood or humanness. Many African communities have this moral philosophy as a guiding principle of love, hospitality, dignity and self respect and the respect for one another as human beings.

living in the rural parts of Budyaland such as Nyamukoho village. Traditional leadership among the Budya is both a religious as well as a political concern as the chief is chosen in consultation with the spirit medium of the Budya. Mbiti has argued that, religious beliefs and activities in African societies are difficult to define or even to understand because religion permeates the entire life of human beings.³²⁵

Among the Budya one can say that the chief is the cultural centre of all political, social, religious and moral activities. He guards the moral tone of the community and looks after the habitat. The chief defends the heritage of his people from aggressive forces such as witchcraft by speaking strongly against it. He also defends his people from foreign aggression by other tribes. He is the hub of all economic activity as he leads or mediates (or both) for the rituals of rain and the harvest. The chief is also a cultural custodian of the communal rights of the Budya including land ownership and cultural citizenry. He is a guardian of the land on behalf of the living and the living-dead in the sense that he protects Budya ecology. One of the major assets the chief has ever defended was and still is the *ivhu* (soil). Budya people view land as a heritage which they must protect. The chief takes responsibility for enforcing the taboos of the tribe to make sure a good relationship with the ancestors is kept sound. If any of the taboos like *chisi* (traditional rest days) or incest is breached, it is his responsibility to engage the ancestors and appease them in ritual form.

³²⁵ John S. Mbiti, African Religions and Philosophy. London: Heinemann, 1969, p. 103.

5.2. *Zunde ra mambo*³²⁶

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa Article 15 says that all governments are required to ensure that appropriate measures are put in place to provide women with land and the means of producing nutritious food. In addition governments must provide adequate measures to establish adequate systems of supply and storage to ensure food security. The Budya people have in place this food security arrangement at the level of the traditional chief. They call this the *zunde ra mambo*. It is a food security project that alleviates hunger and starvation during famine. It is acknowledged that the Budya are not the only tribe in Zimbabwe that practices the *zunde ra mambo* food security programme. The Zezuru of Murewa, the Manyika in the eastern parts of Zimbabwe bordering with Mozambique have the same practice. The *zunde ra mambo* cultural concept refers to a tribal practice where all people under one chief take turns to till portions of the chief's field as a way of preparing crops whose harvest would be used in times of drought. Families take turns to till the land, seed and harvest several portions of the chief's field. The chief's granary is meant to assist starving families and orphans at a certain point in their life. The *zunde ra mambo* concept is most useful today than ever before given the advent of thousands of child-headed households that have emerged due to the problem of HIV/AIDS. It is an intervention programme for families that are at risk of starvation to benefit at a point in time. It ensures that people have adequate food provision at a time when they need it most. *Zunde ra mambo* entitles food access to all in times of need such as in the drought period around 1992. During that time starving

³²⁶ *Zunde ra mambo* is the chief's granary. It is a traditional food security programme for a tribal household.

families were assisted through this programme. However, the food was not adequate to meet the demand. In addition, the chief is obliged by moral law to ensure that people, especially women and children have the right to access adequate food.³²⁷

However, in contemporary Budya society the effectiveness of *zunde ra mambo* has been affected by modernity and colonization. Prior to the 1980s the colonial government put in place political structures that almost paralyzed the traditional structures of Budya chieftaincy. District and provincial administrators, almost replaced the traditional chiefs in terms of responsibilities mentioned above. The judicial system was also affected by the changes. The introduction of community courts situated at the district offices of the government usurped the powers of the traditional chiefs who were responsible for the trying of communal disputes such as adultery and land apportionment. After independence in 1980 the black government was not any better in terms of stripping the traditional chief of his powers. There was the introduction of the Zimbabwe African National Union (Patriotic Front) structures such as ward chairperson and provincial chairperson who reported all political activities to the Politburo (the highest political decision making body of the ruling party). These political structures were and still are more powerful than the traditional chiefs. These chairpersons of wards, districts and provinces work with committees where a vice chairperson, publicity secretary, organizing secretary, treasurer, political commissar, and committee members constitute a full political structure. The effect of this is that the functions of the traditional chief have been affected to an extent that the

³²⁷ See Article 15 on Food Security. In Heyns, 2005.

administration of the *zunde ra mambo* programme has been rendered ineffective because it is a grassroots programme. The grassroots structures have been politically disrupted, though a liaison between the political and government structures has been expected because the ruling party is the one in government. On the other hand both the colonial and post independence governments have created space for non-governmental organizations. These non-governmental organizations have taken over some of the charity work similar to the functions of the *zunde ra mambo*. This means the sourcing of food to feed the starving families has become the responsibility of the non-governmental organizations replacing the *zunde ra mambo* programme. So, both the social and political structures introduced by government and civil society on the Budya have manipulated, or even, undermined the traditional operations of the chiefs' responsibilities.

I feel that the *zunde ra mambo* is better at providing food for the needy because of its communal involvement and background. It is community-based in that the grassroots people are part of the sourcing strategy and distribution management. In that way, *zunde ra mambo* is an empowering programme to the recipients. It is not just a food handout or charity. As at some point in their lives people would have participated in the cultivation and harvesting of the chief's designated field. Further, *zunde ra mambo* promotes social unity of purpose among the Budya. This means the programme does not run into the risk of dividing people into party political groups as we have seen happening in some instances when non-governmental organizations distribute relief food in the communal areas. Given its importance in terms of economic

empowerment, cultural orientation and support in the rural setting, the *zunde ra mambo* can be reinstated by equipping traditional chiefs with financial and material resources such as seed, fertilizer and tractors. This is possible because the chiefs are still recognized by government as traditional leaders who have representation in both houses of parliament and senate. This can help in the humanization of the poor people of Zimbabwe.

5.3. *Kupotera* (asylum)

Every individual has the right to protection and to seek and obtain asylum, from any meaningful source when persecuted as reflected in the African Charter on Human and Peoples' Rights.³²⁸ Budyā traditional religion has this provision through the cultural concept of *kupotera* (seeking refuge or asylum). It is a culturally binding moral code of conduct. The concept is viewed as providing protection, security, freedom and safety for anyone in imminent physical or spiritual danger. It applies most commonly in relation to children under severe social or sexual abuse or women under domestic violence. *Kupotera* promotes human rights in terms of its emphasis on communal and individual security and personal liberty. Sentence does not add value to the conversation. When a child is under severe threat he or she goes to seek refuge at a safer place in another person's home within the community. The extended family is a typical example of this cultural arrangement. Budyā moral teaching dictates that if a child or woman under domestic violence runs to hide behind an elderly grandparent

³²⁸ Article 3, African [Banjul] Charter on Human and Peoples' Rights, Adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev.5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986: [excerpts]...See also The Universal Declaration of Human Rights, Article 14.

the one who is after the child is restrained by this. If the assailant continues to assault the child under such refuge or protection, it is an offence that can be referred for a hearing or trial at a traditional court. In some instances some penalty on the part of the assailant may be imposed on such types of disrespect for elders. In other instances where court is not preferred, the assailant may be taken for questioning (*kutongeswa*) by an elderly relative in the community or family.

The *kupotera* practice did not only apply at family level, but it also applied at inter-tribal level, where strangers from other territories sought asylum in others. Where such a refugee came into Budya territory for asylum, if acceptable, he would be allowed to stay, and even allocated some piece of land to till. In due course, he would be integrated into the community as part of it. *Kupotera*, in this case, valued people and their safety. From the concept of *kupotera* as an African practice, one can frame a debate on human rights such as freedom, personal security and safety. However, this practice seems to have lost its grip on sustaining social relations in the Budya community due to external forces such as rural to urban migration, modernization and the introduction of other religions such as Christianity and others; which have affected the administration of asylum seeking at family and tribal level. It is noticeable that when people are in the urban areas, they are not closely bound by the extended family, or totem or communal roots, as they would, if they were staying in one rural surrounding. Their sense of belonging to one another, or identity in an urban setting, would not make *kupotera* an obligation as it would if they were living in one locality in the communal areas.

However, there is the potential benefit in resuscitating the *kupotera* practice because it values human safety. It appears to me that there are no immediate practical obstacles to such resuscitation of the practice as it seeks to promote the rights of individuals to be free and secure. However, to say that Budya traditional religion protects human rights does not mean that African religion is perfect. Just like any other religion around the globe African Traditional Religion continues to learn and adjust to both modernity and urbanization to the benefit of its practitioners. In a modernizing and urbanizing society *kupotera* can be practically introduced by forming community courts where members of society such as women and children who fall victim to domestic violence can find refuge.

At the same time, *kupotera* can relate to the practice of seeking political asylum in that victims of political violence such as Zimbabweans running away from post-election retribution find neighbouring countries of South Africa and Botswana places of safety and security. Both governments have received Zimbabweans as *vapoteri* (refugees) seeking political asylum by providing health care and food from their tax payers. A case can be made about groups of South Africans who sought refuge in the Frontline states during the period of Apartheid. Such people were accommodated and later integrated with local communities. Some enjoyed the privileges that accrued to the locals. The only deference in this case is that the Apartheid government had no respect for international law. It pursued people into the neighbouring countries and its agents

committed criminal acts- raids in Lesotho and letter bomb that maimed Father Michael Lapsley.

The chief has a vital role that provides asylum to underprivileged members of the Budya community that feel naturally or spiritually threatened by forces beyond their own control. These include widows, orphans and the elderly. For instance a widow who was chased away from her homestead by the brothers of her late husband in chief Nyamukoho's village because she refused to be re-married in the same family by one of the brothers of the deceased turned to the chief's *dare* (court). They also had taken all her property in the form of cattle, goats and her field. She and her two children aged five and eight went to chief Nyamukoho's *muzinda* (chief's residence) *kundopotera* (to seek refuge). They stayed at the chief's residence for two days before any court proceedings could be done because the days that followed were *chisi* (traditional holiday). After this the chief sent a *chikodzi* (chief's police officer) to summon these men and bring them to the chief's court. The case was presided over by chief Nyamukoho himself and his council. After all traditional court deliberations, it was ruled that the men were *vapambe pfumi* (greedy), as they had no right whatsoever on the property of their late brother. It belonged to his surviving spouse and her children. It was also ruled that they were to pay each a goat for harassing this particular widow and her two children. They were told by the court not to step their feet at her homestead and field, or have anything to do with her property or her and her children. It was made clear that they were not appointed *sara pa vana* for this family

and they must not pretend to be such. The verdict may have been probably different if they were appointed *sara pa vana*.

This emphasizes the importance of the traditional court's sympathetic and positive bias towards the rights of underprivileged people in the African cultural context. The court promoted justice by protecting the widow. Traditional chieftainship stands out in this example as a major source of protection for individual rights.

5.4. Adjudication of justice³²⁹

Apart from instituting the *zunde ra mambo* to save his subjects from starvation, and providing asylum to members of the community that face any form of social or political threat, the Budya chief is responsible for the adjudication of justice.³³⁰ He is a judge.³³¹

The chief's function is "*kugadziridza vanhu kuti varege kunetsana nenyaya dzemuganhvu, chipfambi, kuba uyezve anomirira vanhu pamusangano ehurumende*" (He is in charge of settling land disputes, upkeep of the moral values of the community and to represent the people at state functions).³³² This function is different from the first two in that he protects the moral laws of the people. One can safely say that the chief often regulates the administration of justice. He presides over family and communal cases that may have to do with political differences. For example, where one family feels it is its turn to be the

³²⁹ One of the major roles of the traditional Budya chief is to adjudicate justice among his subjects. The Budya often say '*iye mambo ndiye anotienzanisa pakusawirirana*' (it is the chief who reconciles us when in dispute with each other).

³³⁰ Interview, Chiripanyanga, 30 April 2005.

³³¹ Interview, Taurai Chikungwa, 27 April 2005.

³³² Interview, Madimutsa, 19 April 2005.

household in charge of leading a sub-tribe the chief makes sure there is no fighting that could result from such differences.

At family level he takes responsibility for the administration of the moral laws governing marriage. If a couple is divorcing he tries to examine the moral reasons behind the decision to divorce. If they have to do with adultery where evidence is clear he grants it and if the couple had children it is him who will rule or approve in whose custody the children will be if they are still young. If a penalty has to be paid by the adulterer it is the chief who will give this ruling and stipulate dates by when compensation must be paid. Or if it is just a mere accusation of adultery it is the chief who will dismiss the case with or without costs. His councillors always assist him in these judicial cases.

The chief takes the responsibility to preclude anyone from oppressing the other person in any form. He sees that justice prevails.³³³ The chief of the Budya provides moral protection to the women who are widowed and elderly by making sure that they are not discriminated against in terms of traditional custom and moral law, gender and age.³³⁴ He does this by consulting his council and also taking moral advice and paying attention to his *vahosi* (the chief's first wife) and the wives of his councillors who influence events at the chief's court from behind the scenes. These women are viewed by Budya culture as the seat of wisdom and religious experts on Budya traditional customs and cultural practices and ceremonies involving rituals of death or marriage. Even at the court session these influential women (the *vahosi* and her associates) make meaningful contributions

³³³ Interview, Chayambuka, 23 May 2005.

³³⁴ Interview, Gurupira, 10 May 2005. See also Article 22 of The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, (2003).

that the chief and his council find difficult to ignore in spite of the patriarchal structure of Budya society. At the same time women and children are protected in terms of their cultural rights and rights to personal freedom from violence of any type including sexual abuse.³³⁵ He ensures that they enjoy their cultural rights and to be treated with the cultural dignity³³⁶ they deserve. Thus the Budya have a traditional cultural system that appears to be consistent with the moral requirements of our current understanding of human rights.

Prior to the coming of colonization to the land of the Budya, chiefs and the entire Budya tribe had a sense of justice. They had a sense of right and wrong, fairness and injustice and there was a judicial cultural framework set for the proper adjudication of justice which promoted human rights for individuals and communities. To this day one of the most important roles of the Budya chief is that of the adjudication of justice. Every woman has a right to effective access to legal services and that each woman is entitled to fair judicial representation and protection of the law in general.³³⁷ For example,

Pandakarambwa ne murume, ndanga ndava nemakore gumi ndigere naye. Takabereka vana vatatu tese. Murume uyu anga asina kundiroora zvekundibvisira pfuma. Saka, pakuenda kumusha kwedu, ndakatakura vana vangu vese, sezvo ndakagara mumusha umu pasina pfuma. Pakava ne bopoto pakurambana apa. Takaenda kudare ra mambo kunoenzaniswa, ini ndikapembedzwa. Iye haana chaakaona kana kupiwa, dare rakatoona kuti akanditambisira nguva yangu. Dare ra mambo rakanaka, rinotonga nyaya senyaya, rinoenzanisa vanhu kunyanya isu vakadzi...” (When I divorced, I had three children with this man. He had not paid bride-wealth to my parents. When I left him, I took all my children with me. He went to report the case to the chief. He wanted to take my children, I refused. It was my right to take custody of them. I suffered to look after them. The chief’s court

³³⁵ Interviewee No. 16, 12 May 2005.

³³⁶ Interview, Beauty Matonganhau, 17 April 2005.

³³⁷ See Article 8, in Christof Heyns, ed., Compendium of Key Human Rights Documents of the African Union, Pretoria: Pretoria University Law Press. 2005.

said I was right... This man wasted my time. The court was fair with me, and it is fair for us, women...³³⁸

Although women were viewed at some stage in pre-colonial Budyaland as minors, traditionally they had a right to argue their case at the chief's court as described in the example above. They had a right to give evidence at the court. The court also gave them the right to appeal to a higher court within the hierarchy of Budya traditional justice system to a point where they felt fairness had been done to them. They were further compensated (*kuripwa*) if the case was ruled against their accused. Thus, the traditional chief enforced civil and political liberties of the people. Budya men and women relatively have always had a chance to be treated equally at the chief's court which is consistent with the United Nations view of the importance of gender balance.³³⁹

Since human rights are the laws, customs, and practices that have evolved over the centuries to protect ordinary people, minorities, groups, and races from oppressive rulers and governments,³⁴⁰ the Budya view their moral and cultural values as critical aspects of human rights. Budya chieftaincy is part of this system that ensures that laws, customs and practices protect women the way they protect all other members of the community. Women are not discriminated against in Budya judicial adjudication as was revealed during interviews: '*...kana vakwira dare kwa mambo, iye ndiye anopedza dzose mhosva, ndiye maenzanise...*' (When you appeal to the chief's court, he judges with all fairness,

³³⁸ Story brought at Chief Nyamukoho's court by a complainant during field research, 23 April 2005.

³³⁹ Ibid.

³⁴⁰ Charles Humana, World Human Rights Guide. New York: Oxford University Press, 1992, p. 4.

he is our final authority).³⁴¹ As it was confirmed during interviews chiefs ensure the adjudication of social justice. For example, in another interview it was noted:

...when my husband died two years ago, my in-laws forced me to leave my home and field. They said I could not stay there any longer because I had no child with my husband...they said I must go back to my parents, and then they would re-allocate my field to some one else. I left and reported this to the chief. He called them and me to a hearing. They were told to leave me alone. Justice was done to me. Chiefs are good people...³⁴² (translated from Shona)

Justice is a human and woman's right. The Budya traditional chief ensures that such justice is done to all under his jurisdiction. Social and personal justice is done to any one who deserves it without regard to gender bias. Positive adjudication of social and economic justice by the chief is an aspect of Budya traditional religion which promotes human rights. From this understanding of the role of chieftainship among the Budya, it is possible to conclude that African Traditional Religion has cultural aspects that protect human rights, even though it is a patriarchal religion.

5.5. Guardianship of the economy

The Budya believe that the Supreme Being takes care of the economic environment. He is responsible for the natural vegetation and how it relates to human beings. The Supreme Being takes care of the seasons, the animals, birds, reptiles and human beings. Both, the living and the living-dead are part of a well ordered world under the control of the Supreme Being.

³⁴¹ Interview, Jane Rutsito, 2 April 2005.

³⁴² Interview, Mai Gurupira, 11 May 2004.

The chief is the representative guardian of Budya habitat in particular and economy in general. He is a representative of the owners of the land. Further, the chief governs the land on behalf of the ancestral spirits of the Budya. In Budya perception land is viewed as everything a human being would need to live on earth. It is the land which houses the human race. It is land on which the Supreme Being manifests himself. On the same land is where the ancestors control human life in Budya cultural perception. The trees, mountains, rivers, streams, animals, birds, reptiles and all living and non-living creatures constitute Budya habitat of which the chief is in charge in terms of moral and spiritual protection. It is his responsibility to see that none of these natural resources is abused for the benefit of a few individuals. Article 24 of the African Charter on Human and Peoples' Rights says that all peoples shall have the right to a general satisfactory environment favourable to their development. In addition, it is noted from the same Charter on article 22 that all human beings have a right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of humankind. In relation to this the chief has remained the custodian of Budya historical heritage despite the influence of modernity and colonization. He protects the right to appropriate ownership of land. The voice and legacy of traditional leaders such as Chaminuka still continue to give influence, wisdom and instructions to political leaders in Zimbabwe as Machoko notes.³⁴³ Land as the main part of Zimbabwe's economy derives its protection from the Supreme Being as the Budya believe it to be a human right. It provides a living for the Budya. They till it for survival and are interred in it after death. It protects the Budya from permanent extinction (find another word). So it is a resource

³⁴³ Collis Machoko, Shona and Christian Theology of Water Rituals. M.A. Thesis. University of Zimbabwe, 1990, p. 105.

of survival and salvation. For both reasons land promotes the perpetuation of human rights to life liberty and security.

However, on land utilization recent developments in Zimbabwe have affected the role of chiefs in their administration of some stretches of land. The government's land resettlement programmes have not given chiefs any power. Such lack of power has caused such practices as *zunde ra mambo* to lose some of their impact due to the fact that people no longer live as part of traditional tribal households. This has resulted in the loss of tribal links and effectiveness of household cultural values. However, the land resettlement programme is not solely responsible for the destruction of *zunde ra mambo*, but modernity and westernization have played their part as well.

But in areas where the communal setting has not been affected directly by land resettlement the chief is still in full control. The right to access such land is also adjudicated by the chief as the head of the tribe. This point has been made several times. The Budya say that “...*haundo rime kana kugara pese paunoda, unofanira kupiwa musha ne munda na mambo, uyo anotuma sabhuku wake...*” (...one cannot just allocate yourself a place to live or plough every where you like, you must be allocated both by the chief through the kraal head).³⁴⁴ The chief is the one who identifies and administers the social and economic environment. This includes places allocated for building houses and grazing animals as well as farming and burying the dead. This concept of separating residential, grazing and farming land was a colonial invention to manage African

³⁴⁴ Interview, Chief Nyamukoho, 26 June 2005.

households, in part, for what was known then as *mitero* (land and animal taxes) payable to the government where everyone participates. For instance,

Munhu wese, murume kana mukadzi, kana shirikadzi, chero ane munda wake, kana mombe dzake, anofanira kubhadhara mutero kwa sabhuku. Zvinodaro nokuti hurumende inoda mari yemitero iyi. Kana usina kubhadhara mutero, unonyimwa munda wokurima, kana kutosungwa” (Everyone, a man or a woman, even a widow, as long as she owns a piece of land, or animals; must pay tax to the government through the kraal-head. The government needs this money. If one doesn’t pay, he risks losing his piece of land or even being imprisoned).³⁴⁵

As the protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa on the Right to Adequate Housing says “women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment,” the chief fulfils this human and women’s right.³⁴⁶

The chief’s function does not end at ensuring the proper use of natural resources for the good of every one but he also guards the environment. He consults the elders on this role from time to time.³⁴⁷ When there is drought the chief goes to Charehwa to consult the spirit medium of Nohoreka, the principal *mhondoro*, who will ask for rain from Mwari (Supreme Being). According to Budyia belief the Supreme Being, provides rain as he is also known as *Dzivaguru* (the big pool). He will pour part of it to the dry land for the people to drink or for their crops. The *mhondoro* obtains spiritual instructions to perform rain rituals.

³⁴⁵ Interview, Nyamukoho, Megi Gwanza, Susan Nyamukapa, Margaret Nyakudanga, 26 June 2005.

³⁴⁶ See Article 16 (Right to Adequate Housing). In Christof Heyns. ed. Compendium of Key Human Rights Documents of the African Union. S. Africa: Pretoria University Law Press. 2005.

³⁴⁷ Interview, Gurupira, 3 May 2005.

In addition to the above the chief, acting on behalf of the ancestral spirits, has the function of naming important natural resources under his tribal jurisdiction. These include rivers, mountains, and seasons. These are named according to their economic, historical and social importance for the community. For example the river Chiringaodzi is named after a place called Odzi. *Chiringa* comes from the Shona word *kuringa* (looking). So Chiringaodzi means a river facing Odzi village. The mountain called Dombodema derives its name from the natural way the mountain looks like. In this case *dombo* in Shona means stone and *dema* means black. Therefore Dombodema means black stone. Another example is a place historically called Nyamapfene. *Mapfene* means baboons. *Nya* is derived from the possessive noun referring to ownership or a place where something is found. So Nyamapfene means a place where troops of baboons always devoured the maize crop of prominent farmers in the area. In some cases the local kraal-heads and elders of the community name these on behalf of the chief who in turn represents the ancestral world in the functions of naming and looking after the natural resources of a given Budya community. This creates a relatively positive relationship between the living and the living-dead. The relationship between the economy and humanity in Budya perspective is sustained in a positive manner to avoid a breach of taboo that brings about moral punishment on the people such as drought or crop devastation by insects. Thus, as reflected on article 17 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Budya ensure that women have a right to live in a positive cultural context of which the chief has a responsibility to ensure it is free, just, peaceful, dignified, respectful and non discriminatory.

According to Budya custom women may not become traditional leaders.³⁴⁸ The reasons given are that women get married and leave their homestead. This does not diminish the status of women among the Budya. They are custodians of *ubuntu* because they spend more time with children in their formative years. They are the first to teach children how to talk, walk and behave.

To say that women among the Budya are excluded from the roles of chieftainship is not underestimating the role of women in leadership in African Traditional Religion. Women in Budya religion have power in family and communal circles that derives from their motherhood roles. This is the case with the Queen Mother (*indlovukati*) in Swaziland. She is perceived to be the power behind the throne. The same roles are played by the wives of council members in the judicial process at the Chief's court.

In the spirit of the development of human rights of all people and gender balance in traditional leadership, what lessons do the Budya learn from other African tribes on women chieftaincy? Comparatively, in Zimbabwe there are tribal groups where women have been chosen to be traditional chiefs. In Manicaland province, east of Zimbabwe, women actually can become traditional chiefs. The woman chief is called *ashe* (female chief). The *ashe* has jurisdictional powers that are as good, or as authoritative as any

³⁴⁸ Women appear to accept their subordinate roles in society without dissatisfaction as far as chieftainship is concerned as Sean Hanretta, 1998, says in his "Women, Marginality and the Zulu State: Women's Institutions and Power in the Early Nineteenth Century", *Journal of African History*, p. 390. Cambridge University Press.

other male chief. The *ashe* is a custodian of the traditional values and heritage of the community. She presides over cases or tribunals as they come to her attention. She is recognized by the ancestors as a traditional leader of the community. Her powers are not limited by gender. She commands respect just like any of her male counterparts in the traditional leadership cycle. The *ashe* traditional set up ignores or even transcends the boundaries of gender. In the spirit of gender equality chieftainship among some tribes in Africa is an equally shared responsibility between male and female persons. The Budya learn the concept of equality in traditional leadership and responsibility from the traditional protocol of *ashe* in Manicaland, which in turn promotes equal rights between women and men in traditional cultural settings. This is a case of women being recognized as leaders within the patriarchal framework. They also have qualitative differences in terms of how males and females are treated and relate to one another. Women concentrate on lighter cases including domestic disputes, while men try more challenging ones including land disputes in some instances.

There are other African tribes and clans such as the Chewa in Malawi (historically known as the Malabvi people), who formed the great Malabvi empires which today stretch into three countries, Zambia, Malawi and Mozambique under the leadership of Kalonga, Undi and Lundu consisting of several clans like Nyanja, Chipeta, Nsenga, Chikunda, Mbo, Ntumba and the Zimba which have also allowed women to become traditional chiefs.³⁴⁹ The Chewa in the central and south comprise fifty percent of Malawi's population.³⁵⁰ Such clans believe in a cultural perception that views women in traditional religion as

³⁴⁹ For more details on women in traditional Chewa society see Phiri's thesis, chapter two.

³⁵⁰ Phiri, p. 30.

important in leadership. Other tribes such as the Yoruba, view women as important in terms of traditional leadership roles especially in the areas of ritual practice, identity and culture.³⁵¹ The Budya can learn from such other African cultures the importance of women in relation to their access to traditional leadership in the African set up. The Budya also learn the importance of women as critical guardians of traditional customs, child-care and justice among others in their roles as traditional leaders. They further learn to respect women as community leaders who are as competent as their male counterparts. The Budya also learn the essence of fair administrative chance and political space between women and men in terms of shared roles that are not gender biased. This promotes human rights for both women and men.

Among the Yoruba, Chewa, Budya and other African clans, women have visible and invisible, formal and informal power in the communities in which they live. Such power confers on them privileges, as well as, responsibilities including that of chieftainship. This contradicts the generalization that women are universally subordinate to men in all human societies.

5.6. Custodianship of *ubuntu*

The other human rights related function of chieftaincy among the Budya is the custody of *unhu (ubuntu)*. As Gathogo rightly puts it, *unhu* expresses the African sense of

³⁵¹ Olajubu, p. 46.

community and hospitality.³⁵² It (*unhu* or *ubuntu*) defines an individual in terms of his or her relationship with others. For the Budya, it is an expression of interdependence.³⁵³ It is the essence of being human.³⁵⁴ Further, *unhu* speaks of humanness, gentleness and generosity. The chief is the custodian of moral values of the Budya. It is from these values that the concept of *unhu* (personhood) derives. The Budya tribe is made up of *vanhu* (people) made up of the individual (*munhu* that is person) that constitute a community. The chief guarantees the upkeep, sustenance and protection of humanity as dictated by Budya moral values of *ubuntu* which infers the respect for any human being by all; or the respect of all by any human being.

Although John and Jean Comaroff in their discussion of the universality of the autonomous person seem to suggest that there is no such thing as the generic account of the African conception of personhood,³⁵⁵ the Budya have always placed critical importance on the idea of *unhu* (personhood). The idea of personhood was an intrinsically social construction in two senses, firstly: no body existed or could be known except in relation and with reference to, even as part of, a wide array of significant others, and, secondly: the identity of each and everyone was forged, cumulatively, by an infinite, on going series of practical activities.³⁵⁶ Thus self-hood, social status, wealth,³⁵⁷ and sound moral character all constitute personhood. Personhood permeates boundaries of

³⁵² Julius Gathogo, 2008. "African Philosophy as Expressed in the Concepts of Hospitality and Ubuntu". Journal of Theology for Southern Africa, 130 (3), pp. 39-53.

³⁵³ Ibid.

³⁵⁴ Ibid.

³⁵⁵ John and Jean Comaroff. . "On Personhood: an Anthropological Perspective from Africa". Social Identities, 7, (2), 2001, p. 268.

³⁵⁶ Ibid.

³⁵⁷ Ibid., p 269.

race, class and culture according to Comaroff. In addition the principle of personhood as a mode of becoming, expressed itself in every aspect of social existence.³⁵⁸ From what Comaroff says about personhood, one can notice that the social and communitarian foundations of Budya moral ethics, appears to derive from *ubuntu*. According to Shutte, *ubuntu* takes the form of integrity, solidarity or wholeness of character and spirit that is present in one's judgments, one's decisions and one's feelings.³⁵⁹ This manifests itself in confidence and endurance, in joyfulness and vitality, and in a general sense of one's own value and dignity.³⁶⁰ These are all positive qualities of character.

Among the Budya, *unhu* is understood as a social construction of human morality. It is the basis of humanness in terms of cultural values of humanity. What this means is that the moral formation of a person among the Budya derives from the values dictated on him by other human beings around him in the same community. This moral formation culturally teaches the individual the right way to behave and relate to other persons of the same or opposite sex. This is the moral framework from which *ubuntu* is constructed. It has to do with the way one is brought up in life. It also depends on how one was brought up in terms of personal security. If one has been brought up in an insecure community where child sexual abuse or violence was rife; there is a tendency or feeling of fear and insecurity on the part of such a person in later life. Or on the other hand, if one has been brought up in a community where there has been lack of respect for other people or their property, there will be no *unhu* in terms of character. When the Budya say *uyu munhu*

³⁵⁸ Ibid., p. 271.

³⁵⁹ Augustine. Shutte, *UBUNTU: An Ethic for a New South Africa*. RSA: Cluster Publications, 2001, p. 32.

³⁶⁰ Ibid.

haasi munhu (this person is not a person) in cultural African ethics they will be saying that individual has a bad character or is a bad person. Bad person means a cruel, immoral and inhuman person. The same can be said of a family or community. When people say *ava vanhu havasiri vanhu* (those people are not people), the Budya will be saying that they are bad people. Some times it is said that *uyu munhu haana unhu* (this person has no good manners or does not behave like a human being). The person's *unhu or ubuntu*), is not human, meaning that individual's behaviour or character is that of a non-being. Such behaviour that suits the above descriptions of bad persons is given to immoral persons in Budya cultural perspective, such as prostitutes, robbers, murderers, rapists or witches. They carry an image that symbolizes respect, love, kindness and wisdom.³⁶¹ The chief carries a tribal throne within which these virtues are evident and must have them imparted to the entire chiefdom. That way *ubuntu bethu* (our person-hood) is retained in the chieftaincy as a cultural heritage that reflects the importance of the chief in Budya traditional religion.

In terms of moral and cultural integrity (which is a human right), the chief is custodian of that which the Budya view as the core value of human heritage. Every human being has the right to personal integrity. This means the most important value of our history of existence as people is life. The Budya view life as sacred. It is the value of our heritage. It must be preserved at all costs.³⁶² The chief is tasked by the living and the living dead to ensure life is sustained. Human life is sacrosanct (above everything else). This is the reason why Budya spiritual ethics require that if you kill someone the angered spirit of

³⁶¹ Interview, Mrs Mubona, 10 July 2005.

³⁶² Interview, Jane Rutsito and Nyamukoho, 17 July 2005.

the murdered person will need human replacement to avert the wrath of the aggrieved spirit. The chief has the function of ensuring the human right to life is saved from exploitation and inhuman treatment.

Violence against women in traditional and cultural life in Budya community is punishable at the chief's court. A man can be made to pay his wife or her parents an ox or a goat or some cash for being violent against her. Peace, harmony, justice and love constitute what the Budya see as *ubuntu* in every respect. People and communities that are deficient in these ethical values are not good people. The chief must help them to achieve these cultural moral values.

In keeping with the cultural practices that sustain Budya traditional religious values, which all Budya citizens must maintain; the Budya have a traditional practice of sending the body of a deceased married woman back to her home for burial. The explanation to this cultural practice was given as “*kudzosera mudzimu kumusha kwawo kuti usazonetse vatorwa*”³⁶³ (to return the ancestral spirit of the deceased to its original home so that it does not come back to cause trouble in the family of the husband). This fulfils the cultural woman's right of the individual to identify with her ancestry in the after life. The chief is the custodian of similar cultural arrangements such as this one. Where this is breached the chief accepts to try the case once it comes to his court. Thus the personal spiritual security of the woman is given the comfort it deserves. Its cultural value is also

³⁶³ Interview, Beauty Matonganhau, Susan Nyamukapa, Joyce Muzarabani, Dadirai Chikombe, Margret Nyakudanga, Stela Deku, 23 August 2005.

respected. The sustenance of this cultural practice appears to ensure the relationship between the living and the living-dead is retained through ritual practice.

Finally, the other aspects that promote human rights mentioned in this thesis on traditional marriage such as *mombe youmai*, *sara pavana*, *chiredzwa*, *kusungira*, and *bombwe* appear to point to the fact that the personal security, identity, respect, dignity, integrity and *ubuntu* are vital. Where problems arise in this practice resulting in divorce the chief helps the families to solve their differences amicably. It is maintained in this discussion that the role played by the chief in sustaining *ubuntu* is an aspect of Budya traditional religion that promote human rights. He makes sure people retain *ubuntu* by punishing those who engage in antisocial behaviour such as incest. The reason why the chief would punish such people is not to oppress their freedom, but to safeguard the moral integrity of the community.

At the same time this helps the community to have confidence in the chief as the custodian of morality. This also protects the community from being punished by the living-dead for the sin of incest. So the right to life, security and moral integrity of the community as human rights are placed in the custody of the chief as tribal head. To that extent Budya chieftaincy is an aspect of African Traditional Religion that promotes human rights.

5.7. Summary

Budya traditional leadership is a key cultural function of the traditional chief's throne in the development of a human rights culture as a modern concept. The chief is most well placed in cultural settings, just as any modern political leader is aptly positioned today to administer a community that seeks to benefit from the value of human rights because he administers justice, fair distribution of natural resources including land, adjudicates the moral code of conduct for the families under his jurisdiction and many other functions. Both tribal governments and state systems that observe human rights make life better for their subjects as they shun unnecessary loss of life through armed conflict by engaging political and social philosophies that respect human life as sacrosanct. These values include the respect of human dignity, integrity, peace, justice, liberty, security and equal rights. All leadership at any level would be most helpful if it abides by these virtues to ensure the present global village lives in peace for the good of all.

The present chapter has discussed aspects of Budya chieftaincy that promote human rights as *zunde ra mambo*, provision of religious asylum, adjudication of justice, protection of social rights, guardianship of the economy and the custody of *ubuntu*. In each of these aspects it has been shown how the chief as tribal head of the Budya tribe protects and promotes human rights. *Zunde ra mambo* for example, is a food security human right which is administered by the chief to avert starvation of the people. The right to social justice, equal access to natural resources and protection of *ubuntu* for the Budya have been viewed here as aspects of traditional religion that promote human rights.

Finally, it is not possible to talk of effective global change from a warlike culture to one that realizes and observes human rights as a benchmark of modern government without a committed chieftaincy that respects human rights. At whatever level, the virtues of peace, justice and respect for human rights remain a task to be achieved, though at a tiny tribal level of the Budya some positive cultural elements seem to be in place already as shown above.

CHAPTER 6

BUDYA RITUAL AND HUMAN RIGHTS

6.1. Introduction

This chapter presents Budya traditional religious rituals that are viewed as promoting human rights. Budya rituals of birth, naming, marriage and death are believed to seek the perpetuation of human life, community relations and unity. Before the discussion unfolds on how this happens, the word ritual must be defined. The etymology of the English ‘rites’ and ‘ritual’ is suggestive as Ames views it.³⁶⁴ He says in Latin *ritus* derives from the base **ri* (“to count”, “to enumerate”) which in turn is an enlargement of the base **ar* (“to join” as in “rhyme” suggests that ritual practice is the rhyme and rhythm of society. So for him to perform ritual is on one hand to be incorporated as integral to the society it defines, and on the other, it is to contribute oneself to the pattern of relationships which the ritual entails. For instance, the Budya perform the ritual of *mhinza mumba* (home bringing ceremony). The spirit of the deceased is incorporated into the home of the living. It is invited to contribute to the life of the Budya such as marriage, agricultural productivity, wealth creation, family stability and even protection of the family or possessions.

Ritual practice as a concept, is extremely broad, but embraces everything from manners to mediums of communication, to social and political institutions.³⁶⁵ For the Budya ritual practice is viewed as an apparatus for ordering society.³⁶⁶ According to Shorter, a ritual is

³⁶⁴ R. T. Ames, “Rites as Rights: The Confucian Alternative”. In Leroy S. Rouner, ed. Human Rights and the World’s Religions. Notre Dame, Indiana: University of Notre Dame Press, 1988, p. 199.

³⁶⁵ Ibid.

³⁶⁶ Ibid.

a symbol in action with or without accompanying verbal symbols.³⁶⁷ For example, in the ritual of *mhinza mumba*, experience is dramatized.³⁶⁸ The spirit is actually asked verbally to “come and protect your children from *mhepo*” (wind, symbolizing evil or witchcraft or the angered spirit).

Ritual celebrates events as they happen, also our memory of past events and our expectation of future events.³⁶⁹ In Shorter’s view, rituals help us deepen our experience of events, cope with them and humanize them.³⁷⁰ The home-bringing ritual of *mhinza mumba* celebrates spiritual integration of a new ancestor into the family of kindred spirits. This ritual is humanized by physically talking to the ancestral spirit being brought home from the forest using such words as “*Vasekuru, (name mentioned) nhasi takureekanai...uyai muchengete mhuri yenyu...muchirege kugara musango*” (Grandfather, ‘name mentioned’ today we re-member and recall you from the forest..., come and look after your family). The ritual celebrates the people’s memory of the deceased, who has graduated from many seasons of wandering in the forest without anywhere to go. It also celebrates Budya expectation of extra spiritual protection from the new ancestor that has become an added force on the already existing ancestors.

Olajubu says that ritual, as a phenomenon, has been described in different ways as a consequence of the multifarious lenses through which it is observed.³⁷¹ It may be defined

³⁶⁷ Aylward Shorter, *African Culture: An Overview Socio-cultural Anthropology*. Nairobi. Kenya: Paulines Publications, 1998, p. 61.

³⁶⁸ Ibid.

³⁶⁹ Ibid.

³⁷⁰ Ibid.

³⁷¹ Oyeronke Olajubu, *Women in the Yoruba religious Sphere*. Albany. USA: State University of New York Press, 2003, p. 93.

as a behavioural and effecting transformation.³⁷² In this sense ritual can be conceived of as a kind of symbol that communicates deeper meanings through subtle and implicit messages.³⁷³ From what Shorter and Olajubu describe as ritual, the Budya understanding of the practice is that it marks a continuity of life of the departed in spiritual form. In African religion this ritual has been identified as the space in which the relationship between human and divine beings is expressed and achieved.³⁷⁴ In addition, ritual is understood to be the link between the physical and spiritual planes of living as it orders and reorders any tension or conflict between humans and deities.³⁷⁵

For the Budya, there is a blending *ukama*³⁷⁶ (relationship) of what was, is and will be in the vehicle of ritual. In effect ritual is a means by which the Budya, as a community controls, constructs, orders, fashions, and creates a way to be fully human.³⁷⁷ In the same perception, its components include prayer, song, dance, sacrifice and invocative language. This is consistent with what Smart says that ritual is an outer behaviour (the home bringing ceremony of *mhinza mumba*) coordinated to an inner intention to make contact with or to participate in the invisible world.³⁷⁸ Thus, *mhinza mumba* is designed to communicate with the spiritual world in order to change human situations for the better, or to maintain the status quo, if it seems healthy.³⁷⁹ In the case of the Budya, the

³⁷² Ibid.

³⁷³ Ibid.

³⁷⁴ Ibid., p. 95

³⁷⁵ Ibid.

³⁷⁶ See Michael Gelfand's work. In *Ukama*. Gweru: Mambo Press, 1981, p. 8.

³⁷⁷ Olajubu, p. 12.

³⁷⁸ Ninian Smart, *The Religious Experience of Mankind*. Great Britain: W. Collins Sons & Co., 1969, p. 16.

³⁷⁹ M.T. Starkes, *Today's World Religions*. L.A. USA: Insight Press, 1978, p. 4.

ritual is believed to make contact with ancestors. The last sentence does not add anything to the point being made- consider removing it.

Although there are several Budya rituals such as: *makupo* (distribution of the property of the deceased), *kupayira* (child naming ritual), *kudira mombe yomudzimu* (naming a bull after a family ancestor) and *mhinza mumba* (home bringing ceremony), they all centre on the perpetuation of life for the individual. Basically, the emphasis is on the continuity of life after physical death. All these rituals remind the living about that other reality.

6.2. Kupayira (child naming ritual)

Names given to children in African Traditional Religion are informed by circumstances in the family, village, and society³⁸⁰ in general. Among the Yoruba, in some instances economic, political, and social circumstances influence the naming of children.³⁸¹ In Zimbabwe, most cultural traditions have similar perception of the tradition of naming children. In demanding political circumstances families name their children as a way of responding to the situations in which they find themselves. In very difficult political circumstances in the armed struggle for Zimbabwe led by Robert Mugabe, he and his first wife, Sally, had a son while in exile in Ghana they named Nhamodzenyika (problems or troubles of, or in the country). They lost the child while they were still in exile. The name of the child explained the political turmoil of Zimbabwe at the peak of colonization, racism and the politics of repression. It also explained the pain of poverty, and destitution of the African people of Zimbabwe as characterized by the racial and economic discrimination of the time.

³⁸⁰ Olajubu, p. 97.

³⁸¹ Ibid.

Rituals of naming in Shona culture vary from family to family as Aschwanden observes.³⁸² In Kenya naming a child means touching the very core of a person, hence it is a sacred process.³⁸³ To name a child is to take possession of that very person. In some African cultures, according to Magesa, to name a child is a means of pronouncing blessings of wealth, good health, mental vigour, power, and eloquence on that child. In some Budya households naming a child provides the child with a sense of belonging to a certain tribal lineage. This means a child without a name carries no identity. To name a child is to link that child spiritually to a totem which then empowers the child to belong to a certain family. Naming has always been an interesting demonstration of power, no matter what culture one looks at, and it can be used to denote ownership or friendship or love.³⁸⁴ Most names given to children among the Budya are derived from personal, family or communal events or places. There are several connotations in a name. Ezra Chitando says that most names among the Shona are laden with meaning.³⁸⁵ Some names are reminders of bad times one may have faced in life. The name Fungai means ‘think about the problems I have gone through’. The problems may be marital, spiritual or biological such as childlessness in the initial stages of marriage. Other names denote a warning, for example, Tichaona means ‘wait and see’. This may refer to a crisis situation in the family. A couple living in a hostile community could name a child Zvamada ‘whatever you have decided’ as Chitando says.³⁸⁶ A couple had a litany of names to

³⁸² Aschwanden, p.38.

³⁸³ Magesa, p. 90.

³⁸⁴ Malidome P. Some, *Ritual, Power, Healing and Community*. Oregon: Swan Raven & Co. 1993, p. 66.

³⁸⁵ Ezra Chitando, “What’s in a Name? Naming Practices among African Christians in Zimbabwe”. In Fielder, K., Gundani, P. & Mijoga, H., (eds). *Theology Cooked in an African Pot. ATISCA Bulletin* nos. 5/6, 1966/1997, p. 108.

³⁸⁶ *Ibid.*, p.110.

choose from whenever they wanted to express their feelings.³⁸⁷ Some names were in the form of prayers or expressions of gratitude or personal accomplishments.³⁸⁸ Yet others pronounce unity or almighty power, for example, Pachawo (on their own), or Simbarashe (God's power). Other examples found in such names as Nhamo (poverty)³⁸⁹, Kurauone (grow up so that you experience life), Chenzira (born while on a sojourn)³⁹⁰, Dambudzo (trouble), Anesu (God with us), Tapiwanashe (the Lord provides), Mutsawashe (God's mercy), Tawanda (our number has increased), Farai (be happy), Munetsi (trouble shooter), Matindife (you said I must die), Chamunorwa (why do you fight), Rudo (love) or Tsitsi (mercy) convey important cultural and religious meanings in family or individual circumstances. The name Tapera (we are perishing) or Tafirenyika (we die for our country) imply danger and disaster. The family or tribe may be under political threat hence the giving of such names to children as a way of communicating cultural and religious meanings. The same name Tapera carries similar meaning in times of spiritual threat from an aggrieved spirit (*ngozi*). Further, some names carry connotations of human relations, fears, and even joys. There is no specific rule as to whether certain names must be for boys or girls. According to Chitando, names in Shona traditional culture were an invaluable reservoir of the people's social and religious experience.³⁹¹ When a tragedy occurs, or a happy occasion coincides with the birth of a child, it follows that the baby may be named after that experience. Many deaths in the family are followed by the naming of a child as 'Marufu' (many deaths). In some instances the Shona Karanga take it that the basic idea in naming a child is to tie the child to the family's ancestor. This is

³⁸⁷ Ibid.

³⁸⁸ Ibid.

³⁸⁹ Ibid., p.111.

³⁹⁰ Ibid., p.110.

³⁹¹ Ibid., p.111.

one of the most significant ways through which the family continues to keep itself close in memory to their ancestors. As the family calls the name of the child it is reminded of the ancestor's presence among themselves for purposes of spiritual protection and security. In this pattern the idea of an ancestor among the Budya is then not considered as a remote phenomenon.

*Kupayira*³⁹² as a ritual carries religious significance in Budya social life. The traditional Budya believe that the only way to re-member a deceased adult into his or her family is to name a child after him or her. *Kupayira* memorializes a family spirit. What happens in this ritual as described by Gelfand³⁹³ is that if the spirit is a female one, a girl child is used for this ritual. She is placed on a mat (*bonde*) spread on the ground nearby the paternal grandmother or paternal aunt. The young wives of the family will sit at one side while the young men of the family will occupy the other two sides. The family elder responsible for the ritual takes a little water in his mouth from a calabash, keeps it there for a little while, and then spits it on the child. After this he gives the child the name of the family spirit. At this point the men will clap their hands while the women shrill in confirmation of the proceedings of the ritual. From this point onwards the child is known by this name.

Kupayira has several meanings. First, the child is believed to have been offered spiritual protection by the family spirit. Second, the family will continue to remember the individual whose name has been relived in this particular child. The family spirit then

³⁹² Gelfand, p. 182.

³⁹³ Ibid.

retains the dignity and integrity of the family. She or he becomes respected by the family in this special way. Third, the child obtains a social and spiritual identity from this ritual process.

Women's physiological development in Budya culture for like menstruation, pregnancy and birth is celebrated ritually. They mark the transition from one stage to another. When a new baby is born in rural Budya, he or she is ritually welcomed into the new world by a mid-wife as noted before.³⁹⁴ Ritually the baby remains in isolation in the home of its birth for about two weeks. After that, comes the *kuburitsa mwana*, where the child is allowed outside the house. Relatives and friends of the nuclear and extended family can now access the child to say congratulations. While in isolation between birth and the next two weeks the child is given some herb liquid to strengthen her lungs. Beyond this stage the child is also given *mono* (a traditional herb) mixed with snake tail tip fragments to protect him or her from evil forces such as witchcraft or alien spirits. The name of the snake whose tail is used for this purpose is *nyarugungutswe* (the coiling grey snake.) It is identified with the presence of ancestral spirits. The herb mixture is called *rudzoka*. This herb mixture is given only to those of the *Shumba* (lion) totem. Other totems receive different types of herbal medicine but for the same purpose. The most important purpose of the herbal medicine is that it is believed in Budya traditional culture that this will protect the child's life from evil. The herbal medicine is believed also to boost the immune system of the child against diseases whether they are natural or sent by witches

³⁹⁴ The mid-wife (*nyamukuta*) is a title given to a woman in the village who is given this responsibility. The word means one who accompanies the baby from her exit point from the mother during birth to the new world. She accompanies the baby from biological isolation in its mother's womb to her parents and society. Participant observation: Informal group discussion in Chief Nyamukoho village. Jane Rutsito, 11 September 2007.

or the alien or aggrieved spirit. After the child is given the herbal medicine, the mid-wife will ritually say to the ancestors of the child “*va Bere Mauro* (not real name) *mwana va Dambudzo* (not real name) *asvika mumusha menyu, muchengetei...*” (Bere Mauro, this is Dambudzo’s child, he has just arrived in your home, take care of him...). These words are said by the midwife who is normally the oldest grandmother of the child from the father’s side. In some instances the ritual words are said by the most senior grandmother in the husband’s home who may not be the midwife at this particular point in time. She will say these ritual words as she walks around the homestead of the family in the form of a circle. She will be ritually talking to the ancestral spirits of the child asking for protection and good fortune for the child. In the case where the child will still be at the mother’s mother, this ritual does not take place because the baby will be a stranger in that family.

For the traditional Budya family, the child’s life is both physically and spiritually protected when the ancestors are officially informed of the new individual in the homestead. It is a ritual of protection, sustenance and promotion of human life in the sense that the right to life, security and liberty is believed granted and guaranteed by the ancestors through this ritual. The child’s life is believed protected from evil forces in the air, around the home and the environment. Life is believed secure and sustained through herbal treatment given after birthing rituals and also the ritual address to the living dead.

6.3. Rituals of marriage

Marriage among the Budya is an intimate union between a man and a woman of which mating is a sacred expression, establishing enforceable rights between them, marking a change of status for them and their parents, giving the children of the union a higher status than extramarital ones, generating relationships of consanguinity and affinity.³⁹⁵

Marriage among the Budya takes many cultural forms. There is one where a young man and a woman decide to get married. The man sends a *samukuru* (representative) and one or two people to accompany him to the woman's parents to say they (the man's people) want to marry their (the woman's parents) daughter. Prior to this the *tete* (woman's aunt) will have informed the girl's parents that their daughter would like to get married. This means all arrangements would be in place.

At the appointed time the *samukuru* arrives at the woman's homestead where the woman's parents and relatives will be assembled for the marriage ceremony. He sits outside the house and claps his hands to announce his arrival. The aunt then informs the woman's people that the visitors have come as earlier announced. The woman's people will tell the aunt that they could come into the house where they will all be assembled. The aunt will communicate to the *samukuru's* delegation to enter into the house for the marriage negotiations. When they enter the house they must sit on the floor even if there are some chairs or sofas. Sitting on the floor is a sign of humility. The aunt will introduce the *samukuru's* delegation to the woman's parents. She will also say why they would have come, even if it looks obvious. Then the team leader of the woman's people, a

³⁹⁵ Aylward Shorter, *African Culture: An Overview Socio-Cultural Anthropology*. Nairobi. Kenya: Paulines Publications, 1998, p.83.

nephew or his representative will start the discussions by producing a list of expectations as part of the *roora (lobola)*. The *samukuru* will respond to the listed items which normally include the *mombe youmai* first, the *danga* (rest of the cattle), clothes for both the father and mother of the woman and groceries. There is room for negotiation to reduce the amounts of listed items. At the conclusion of the negotiations the woman will be officially married.

After an agreed period of time the aunt of the woman will accompany her to her husband. When she gets there she is received into the home of her in-laws with much celebration and ululation. A beast is slaughtered and a meal is prepared for this occasion. The food is taken together by the two families. The woman's aunt will take some of the meat back to the woman's family as a seal of marriage between the two families. The usual portions of the beast which are taken back to the family of the woman are the *bandauko* (the hind or front leg).

The other form of marriage is called *kutizira* (elopement). This takes place when the man does not have adequate resources to marry the woman he wants. He therefore skips all cultural protocol of marriage. But still this will be done ritually. In pre-colonial times there were cases where couples eloped and got married without the consent of their families. The families involved would resolve the matter amicably by the family of the man sending a *samukuru* (his family representative) to the girl's parents and tell them that "I have your daughter with me". The girl's parents would ask for a penalty from the

man's people for snatching their daughter. After paying the penalty the marriage would be formalized.

Marriage among the Budya symbolizes the unification of the two families into the marital relationship. The union is not just between the two persons and their families, but between the living and the living-dead. The ancestors bless the marriage through ritual process. The ritual invokes the ancestors to take charge and protect the marriage from intruders.

The ritual of marriage is therefore guaranteed safety, security, long lasting power, reproductivity and happiness or no deaths. The ritual of marriage is therefore a spiritual fortification for this new relationship. Ritual action then promotes marriage as a right for individuals. This is vital for the Budya because during ritual time the one leading the ritual will actually talk to the ancestors to protect the marriage by keeping all evil forces of death away or the presence of *vavengi* (enemies in the form of witches) or *mhepo* (wind meaning the angered or alien spirits) never to touch this family.

6.4. Death rituals

Death rituals among the Budya are performed to promote a positive relationship (*ukama*) between the living and the living-dead. The Budya believe that when a deceased person is not well buried or ritually rested to the world of the ancestors his or her spirit will come back to the living in the form of either an angered spirit (*ngozi*) complaining of an indecent burial; or in the form of an alien spirit (*shave*) that disrupts the life of the living.

The other reason for death rituals is to invoke the protective powers of the living-dead to take care of the living especially after the sending off death ritual and its subsequent home bringing ceremony that takes place seasons later. The Budya say that if you bid the dead a good farewell ritual, their spirit will be happy to come back and participate in protecting you afterwards. But if you fail to do that, *unozvitsvagira jambwa* (you will invite trouble for yourself). The ritual, therefore, empowers that spirit of the deceased to take protective charge together with the rest of the ancestry when its time after the home bringing ceremony.

Old age is highly valued among the people because it is a requirement for becoming an ancestor.³⁹⁶ The Budya view old age as closeness to one's ancestral spirits. This is shown when the Budya address their ancestral spirits in ritual ceremonies. They talk to the immediately known ancestor, who will in turn take the request to the next ancestor in the order of their seniority until the request gets to the appropriate destination, who in this case will be *Musikavanhu* (the creator). The ritual surrounding death is long and complex in most parts of Africa. A proper burial for the departed is often ensured so that his or her spirit may be contented in the world beyond and will not return as a ghost to the living.³⁹⁷ This is vital because the Budya believe that when somebody dies, his or her spirit does not face extinction, it rests for a while in the forest, until a time it is brought back home to function as an ancestor. If proper death rituals are not done the Budya believe that the deceased's spirit will come back and hound them. This is called *kupfuka*. So there has to be a ritual to avoid *kupfuka* and therefore promote peacefulness.

³⁹⁶ Olajubu, p. 100.

³⁹⁷ Parrinder, p. 98.

In the event of the death of a woman, the body of the deceased is flexed and wrapped in white or black cloth called *fuko*³⁹⁸ after her body has been washed by elderly women relatives who would have been informed of her illness and may have been present already in the home of the deceased. The parents of the deceased woman are always informed first. After that two significant forms of announcement take place to mark the start of the mourning period. First, there is formal announcement through the traditional scream or wail called *kumimira*. This is an unusual type of screaming by elderly women of the family where death has occurred. This type of screaming raises an alarm in the village about the death that has taken place. The second form of announcement is through the beating of a special drum called *dandi* or *kwenje* (a short special drum) which is a talking drum that carries a far different meaning in sound from the rest of the Budyā traditional drums. It has three sounds that go off one after the other twice and once, reminiscent of the urgency of the death message. The drum sound is repeated after every five to seven minutes until most of the relatives and friends have assembled and just before burial. It will once again be sounded when a new group of relatives and friends arrive. This type of drum sound acknowledges their arrival and welcomes them to the funeral. When everyone hears this type of drum sound they will know beyond any reasonable doubt that death has taken place. The same procedure is followed in the case of an accidental death.

The drum is a ritual announcement of death to the neighbours. It is an invitation to mark a spiritual transition from the world of the living to that of the living dead. The drum also

³⁹⁸ Michael Gelfand, The Spiritual Beliefs of the Shona: A Study based on fieldwork among the East-Central Shona. Gweru: Press, 1977, p. 195.

spiritually awakens the ancestral spirits to witness the tragedy and announces a new soul into their realm of ancestry. The same instrument called *ngoma* (another name for a drum) but with a different sound and shape is used during traditional dance to invoke ancestral spirits or mediums to speak to the living. But the *dandi* is specifically an invitation to care by calling the attention of relatives and neighbours alike who start bringing in words of comfort and sympathy. They will also bring in food for the mourners and other forms of assistance as the need may arise.

The folding of the body (*kupeta munhu*) of the deceased occurs shortly after death. The corpse is washed, shaved of all hair and dressed in the best clothes by close relatives.³⁹⁹ Close relatives have the responsibility for buying the wrapping cloth (*fuko*). The type of folding of the body depends also on the totem of the deceased. Some families will have the arms of the deceased folded and placed towards the left upper part below the neck. The *Shumba Nyamuzihwa* totem will fold the arms of the deceased and place them at the lower part of the abdomen covering the genitals in the case of men (while for women there appears to be no cultural rule). It is not clear why this position is preferred for this totem except to say that it is just a tradition. When the body is folded it is placed on the floor facing up and covered. Something peculiar happens if the deceased is unhappy about something. The body shows a reflection of a shadow (*mumvuri*) that is seen on the wall of the house or hut. At this stage the eldest man of the family is called to address the deceased and plead with him or her to forgive the living. This is also done ritually to appease the deceased. The shadow will disappear upon such an address in ritual form.

³⁹⁹ The washing of the corpse and its preparation for burial across many parts of Africa bear striking similarities as described by Parrinder, 1962, p. 106. Compare with accounts of the same practice as described by Mbiti, 1969: Chapt. 14, and Gelfand, 1977 on 'death rituals'.

This is one of the most significant forms of ritual communication between the living and the living-dead. The ritual address to the deceased diffuses the ritual tension between the deceased and the living. This address to the departed means that the Budya do not believe that death is the end of life. Rather it marks the transition from one stage of life to the other.

In the meantime relatives who will be coming to the funeral are officially informed (*kusuma*) of what actually transpired that led to the death of the individual. The one who addresses such persons who will have arrived at the funeral is one of the male family members of the deceased's husband. Each relative who arrives is taken to a separate house where the *kupira* (formerly informing the visitors or relatives how the person died) is done. The story of how the deceased died is repeated several times to each relative who arrives. This provides a form of counselling and even emotional therapy to the one narrating the story and the other close relatives who may be present listening. In each of the narrations every relative is attentive to the cause of death which the Budya call *chadya munhu*. This is the time when the closest relatives will arrange nocturnal visits to two or more diviners to find out the cause of death for their relative even if the cause appears to be natural. A diviner must confirm causality. In most cases the reason is attributed to a witch or the aggrieved spirit or both or something else. The main purpose of finding out the cause of death from a diviner is for the family to know who the culprit is and to take preventive measures in future against such spiritual forces. For the traditional Budya life is so special that it cannot just naturally end or be made to end. They hardly believe in natural death. Life is viewed as sacrosanct. If it is lost, the family

must find out the cause of death. If one dies at a very old age, naturally as it may be, still it must be confirmed that the ancestors ‘have called her or him’ to the next world of ancestors.

When an adult married woman dies among the Budya she is buried the following day.⁴⁰⁰ This still happens today. The body of the deceased is carried back to her parents for burial because “*ndizvo zvido zvemufi*” (these were the wishes of the deceased).⁴⁰¹ The practice ensures that the deceased woman is united with her ancestors and burial rites are followed properly by her own people.⁴⁰² There are exceptionally rare instances where she may have opted to be buried at her husband’s place. Returning the body to one’s parents is done to unite her with other relatives and her own ancestors or spiritual roots.⁴⁰³

It also addresses the issue of social and spiritual security of the deceased. The woman’s people are responsible for her funeral rites. However, this does not mean a complete separation with her husband’s family especially if they had children. If there were ritual ceremonies or funerals or other official gatherings at either family, both would continue to invite the other for such occasions. Budya women’s rights are reflected in the right to dignity, respect and integrity accorded to them in the above cultural practice. The right to dignity, integrity and security of person are critical human and women’s rights today.⁴⁰⁴

⁴⁰⁰ Michael Gelfand, *The Spiritual Beliefs of the Shona*. Gweru: Mambo Press, 1977, p. 196.

⁴⁰¹ Interview, Janet Rutsito, 2 June 2005.

⁴⁰² Interview, Mai Chayambuka, and Mbuya Nyamukoho, 12 April 2004.

⁴⁰³ Interview, Esnat Nyakatsveya, 13 April 2004.

⁴⁰⁴ See Articles 3 and 4 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa adopted in Maputo, in July 2003.

Her parents take charge of all the ritual proceedings although the family of her husband will be present and assisting in the burial proceedings.

A male relative of the deceased is tasked with the responsibility of breaking the ground first with a hoe or shovel to mark the beginning of digging the grave at a selected place. This male individual will ritually say to the ancestors already buried at the same site close to one of the relative's graves "*tiri kutsvakawo pokugara...*" (Can we stay together)? He will say these words while digging or marking the place next to one of the other graves. He digs once. He must be bare footed. Those relatives charged with the task of digging the grave will start their work which normally begins early in the morning to allow burial before or after midday. It is taboo to bury any corpse at noon. The significance of this Budya tradition has always been that: *firstly*, noon is rest time. The body must also be resting. *Secondly*, the Budya say that no woman delivers a baby at noon and therefore no person must be buried at noon. So burying someone at noon is a *chisionekwi* (an abomination) in Budya life history. *Thirdly*, it is just a way of respecting the deceased or it's just a Budya tradition.

In the meantime, the body will still be at the homestead. Ground millet and a little bulrush millet porridge are put into a small pot together with a little snuff.⁴⁰⁵ These are prepared for the deceased woman as spiritual provisions in the spiritual journey and later life. The Budya believe that if they ritually send off their living dead in a proper way they will be assured of that individual's spiritual protection when that person comes back home as an ancestor.

⁴⁰⁵ Gelfand, p. 196.

At the appropriate time when the grave is ready, all relatives of the deceased are called inside the house where the body will be lying in state to bid it farewell. A senior member of the family will again talk to the deceased saying while clapping his hands “So and so (name of the deceased) *taakuenda newe kune dzinza rako...*” (...we are taking you to your ancestors).⁴⁰⁶ At this point all the other male relatives inside the house kneeling facing the body will clap their hands, while women ululate in support of the statement. This is a ritual of initial incorporation of the new soul to the ancestry. They clap again and then lift the coffin. They then take the body to the grave for burial. When the body arrives the ground millet and a little bulrush millet with the snuff are placed inside the grave just over the deceased’s head. A long stick is placed from the bottom inside the grave to its exterior. It is removed the next day after burial. This is done to allow space for the spirit of the deceased to find its way to the ancestors in the air or forest. Life is sustained and not stifled inside the grave. At every stage it is preserved, protected and promoted into the next spiritual stage as a right. The spirit will come back home after the home bringing ritual. Ritual practice sustains its continuity of existence. After lowering the body, it is then covered with a thick layer of soil and very large flat stones. The grave is then sealed with stones all around it to protect the body from being taken by witches. After the sealing of the grave, each of the deceased woman’s children is given a twig to hold, facing the opposite direction of the grave. Each one after the other as they leave the grave will throw the twig behind towards the grave without saying anything or looking back. The twigs liberate the children from being nervous or experience nightmares or

⁴⁰⁶ Observation of ritual, Nyamukoho village, 12 August 2004.

hallucinations caused by the emotional pain of the loss of their mother. It also marks a peaceful farewell with their mother. This marks the end of the burial ceremony.⁴⁰⁷

The day after burial, at cock crow, the eldest child of the deceased rises and goes to inspect the grave with elderly women relatives. The purpose is to find out if the grave is secure. The fear is that witches may have tampered with the body over night. They will check if the grave will be in the state as they left it the previous day. They will issue a report to the family elder upon their return.

Back at the homestead still on the second day after the burial, the ritual of *kutsikisa vana mapota* (stepping over protective porridges) takes place. Thin porridge is prepared and mixed with an herb called *chimudzi*.⁴⁰⁸ This is poured over the threshold of the deceased's house by a ritual nephew known as *tunzvi* or *muzukuru*.⁴⁰⁹ Each one after the other, the children of the deceased woman are asked to step over the porridge. The *tunzvi* will touch every utensil in the house with the *chimudzi* herb. The only reason for this ritual of *kutsikisa vana mapota* is to protect the children and prevent them from becoming nervous after the shock of their mother's death. It is believed that if this ritual does not take place the children of the deceased may contract leprosy. It is a health safety and spiritual security precaution.

⁴⁰⁷ The description above was given by Gelfand, In "Spiritual Beliefs of the Shona": Gweru: Mambo Press, 1977. Most of what he has described still happens today in Budya cultural life.

⁴⁰⁸ Gelfand, p. 196.

⁴⁰⁹ Ibid.

6.5. *Makupo* ritual

Another ritual performed by the Budya is called *makupo*.⁴¹⁰ This takes place to mark the official distribution of the deceased woman's property after an agreed period of time. It takes place this way:

Sekuru kwakavanwa mufi ndiye anoita basa rose rekugova nhumbi dzinenge dziri pasi perupasu (rukukwe or bonde) pane mari pasi sekuru anatora mari iya, pozorohwa mhururu yekutenda kuti basa rafamba zvakanaka. Mushonga unonzi depa unoiswa mumvura vosasa sasa mbatya kuti dzigone kupfekeka. (The deceased's uncle administers the ritual. A mat is spread and all the clothes of the deceased are put on it and distributed to each of the family members present while others ululate and clap hands in confirmation and support of the ritual. Some herb called depa is spread on the clothes to purify them).⁴¹¹

The same ritual is also known as *mharadzo* (distributing). There appears to be variation on who administers the ritual. In some families this is done by the nephew (*tunzvi* or *muzukuru*) while in others it is done by the uncle, who on the appointed time and place spreads all the property of the deceased on a mat (*bonde*) before both families of the late woman and her husband as described above. The property includes clothes, pots and blankets. The *mombe youmai* which will also be part of her property will normally have been slaughtered at her funeral. If it had offspring these will go to her parents. The *tunzvi* will ritually hand over the property to the deceased's parents by saying "...*izvi ndizvo zvinhu zve muroora wedu...*" (...this is the property of our daughter-in-law...). He will say this clapping his hands crouching facing the family of the deceased's parents as a way of respecting them. The deceased's parents and relatives will accept the property and divide it among themselves.

⁴¹⁰ Ibid., p. 197.

⁴¹¹ Interview, Jane Rutsito, Chapfuruka, Mrs Mubona, Taurai Chikungwa 7 June, 2005.

This ritual is believed to indicate the continuity of life and relationship between the deceased and her relatives as well as her ancestors. It shows the deceased woman's dignity and respect in married life. It also indicates her cultural integrity in the home of her in-laws. She is respected even in her spiritual form. Every human being has the right to be respected. Women in Budya traditional religion have a right to their cultural rights such as the current ones described above. The right to positive cultural context and to participate at all levels of society⁴¹² is an aspect of Budya religion that promotes human rights. Every person has the right to participate in the cultural life of the community.⁴¹³ The *makupo* ritual promotes Budya women's cultural rights to life, dignity, integrity and sustenance of the human soul in a significant way. When this ritual is not done it is believed there will be trouble in the family caused by the spirit of the deceased. So it can be concluded that *makupo* invokes protective powers to the living from the living dead thereby promoting physical and spiritual life as rights.

6.6. *Kudira mombe yomudzimu*

*Kudira mombe yomudzimu*⁴¹⁴ is a ritual where a bull is named after a family ancestor. The ritual indicates that the ancestor takes responsibility for the family and livestock of this particular family. It is a confirmation and symbolization of ancestral authority over the family in terms of physical and spiritual protection. The ritual takes place in the homestead during the early hours (or at sun set) of any winter day before all the relatives

⁴¹² See Article 17. In Christof Heyns, ed. Compendium of Key Human Rights Documents of the African Union. S. Africa: Pretoria University Law Press. 2005.

⁴¹³ Article 27 of the Universal Declaration of Human Rights. In Thomas Fleiner-Gerster, What are Human Rights? Leichhardt. NSW: The Federation Press, 1999, p. 150.

⁴¹⁴ Gelfand, p. 183.

of the family concerned. The ritual is performed by the first son of the late grandfather after whom the bull is to be named. He puts a small quantity of millet into a wooden plate and offers it to his father's spirit in the ritual process. The son-in-law of this man gives it to his wife to grind. After this she puts the powder into a *hari* (small pot), and adds a little water and stirs it until it looks like beer. She then pours it into a long handled calabash called *mukombe* and gives it to her husband (the son-in-law). His father-in-law who is naming the bull summons all the relatives. The women will kneel while the men will crouch in the hut. The son-in-law takes the bull out of the cattle pen and brings it to the father-in-law just outside the hut. The latter pours the contents of the calabash on to its back saying his name and totem '*mombe yenyu iyi*' (this is your bull). He will be talking to the spirit of the one after whom the bull is named. All the women present will shrill while the men will clap their hands in approval and confirmation of the ritual proceedings. The bull is taken back into the cattle pen and is treated as an ancestor from then on.

The Budya believe that the spirit of the ancestor after whom the bull has been named protects them from evil such as witchcraft or the aggrieved spirit. The ritual process serves as authority bestowed on the ancestor to give protection to the living. The ritual is therefore an empowering process. The ritual is believed to provide physical and spiritual protection to the family of the living. The spirit within the bull is believed to protect and preserve human life. It is also believed to provide physical and spiritual security to the living.

The link between the bull that is named after an ancestor and the promotion of human rights is that, as the Budya take it, their ancestor then ceases to be far away from them. They feel the presence of their elderly dead in the bull but ‘resurrected’ in this animal such that they feel it protects them from evil forces such as witches or the angered spirit or the alien spirits. The ancestor now manifests in a live bull they see every day. As they see the bull they associate it with the presence of the living-dead among them to provide personal and communal security to them all. The animal, a bull, which symbolizes authority, power and influence, provide the Budya with an active sense of emotional, social, economic and political security. The ancestor manifest in the bull is not only conceived as protecting the living, but their property including their cattle. The presence of the bull, carrying or representing the ancestor named after it provides the Budya with a sense of belonging to the world of the living-dead. Such sense of the presence of ancestors amongst them promotes their right to spiritual and moral security.

6.7. *Mhinza mumba*

The *mhinza mumba* ritual is also known as *bona*⁴¹⁵ which seems to mean returning home. It is a ritual of incorporation. *Mhinza mumba* is a ritual that seeks to remember and invite the deceased person home to influence events in the life of the living as an ancestor. The Budya believe that when a human being dies he or she will not face permanent extinction, but will continue to live in another form. This applies to persons who would have lived morally sound lives. Criminals or witches or those who commit suicide are believed not to qualify for this life style unless a ritual is performed to cleanse them of such bad character. Only then are they able to live spiritually as ancestors. The spirit of a deceased

⁴¹⁵ Gelfand, p. 199.

individual is believed to wander in the forest until this ritual of incorporation is performed to welcome it back into the home.

The purpose of bringing home the spirit of the deceased is three-fold. *Firstly*, it is a way of making sure the spirit of a dead relative is given some rest from wandering in the forest eternally. It is a way of providing spiritual shelter for that individual who has transformed into another form. It is a way also of initiating the deceased into the realm of the ancestral spirits. *Secondly*, it is a way of asking the deceased's spirit to come and protect the living from evil forces such as witchcraft, the aggrieved (*ngozi*) spirit or other bad spirits such as alien spirits (*mashave*). *Mhinza mumba* is therefore a spiritual empowerment ritual for the individual spirit in terms of the protective responsibilities for the living. *Thirdly*, it is out of fear that, if her spirit is left wandering in the forest, it will eventually turn into an angered spirit (*ngozi*) and cause restlessness in the family. The same applies to the spirit of men. If such restlessness prolongs it transforms itself into an angered spirit which becomes dangerous for the family. Thus the *mhinza mumba* ritual guarantees initiation of the new spirit into the realm of the rest of the ancestors. The right to life and security of spiritual existence for any deceased Budya adult is a human right. Life must be sustained physically and spiritually from birth to death and beyond the grave as a right.

Mhinza mumba as a ritual of cultural spiritual incorporation does not discriminate against women. It promotes the self perpetuation of human life through protecting it from wandering in the forest and becoming an evil spirit as it will later turn out to be if it is not

ritually brought into the home. This ritual is believed to guarantee the presence of the spirit that has been incorporated into the home of the living. It provides the Budya with a sense of belonging to the important world of the living-dead, to which they wish to join the rest of their family members when they die. This is considered to be important for the Budya because it is believed to be an honour for one to be incorporated into the home of the living thereby becoming an ancestor, which is thought of as vital. Thus the right to live is guaranteed through ritual. A person who is not considered for ritual is viewed as not important or as having no relative to perform a ritual for him or her. That person's spirit may turn out to be an angered spirit or an alien spirit (*shave*) because it will continue to wander in the forest without knowing where to go. Such a spirit is believed to become anything dangerous because of its anger for not finding someone to honour it through the ritual of home bringing.

6.8. Summary

Budya ritual practice plays a critical role in promoting various aspects of human life. Rituals are not an end in themselves. They are a means to an end. The Budya perform rituals to signify or even communicate the value of certain phenomena in human life. The ritual of *mapota* (protective porridges) symbolize the fact that each child that steps over the porridge which will be mixed with protective herbs will in turn be protected from witches, the aggrieved spirit or any form of danger. Thus stepping over the porridges symbolize that the power of evil that may want to attack the children of a deceased man are subdued with effective physical and spiritual force.

The present chapter has attempted to examine Budya traditional rituals that are viewed as promoting the perpetuation of human life and personal and communal freedom and security. These rituals show that the sustenance of life from one religious or spiritual stage to another is vital for individual and communal existence. Ritual practice is believed to bring about continuity of existence in Budya life. It also ensures continued relationship between the living and the living dead. Thus human life in its physiological and spiritual form is believed to guarantee permanent security.

CHAPTER 7

CONCLUSION

7.1. Introduction

African traditional religion engages human rights in ways that contribute significantly to the international discourse on the role of religion in promoting human dignity, respect, and identity. Specifically, Budya traditional religion has aspects that promote human rights through its emphasis on *ubuntu* for example. Through this cultural concept of *ubuntu* and many others that have been identified in this study one can conclude that it is possible to use African cultural conceptions to further the dialogue between African traditional religion and human rights. African traditional religion has important aspects that promote the principle of “harmony.”⁴¹⁶

The findings of my investigation concur with the suggestion by Sharma and Cox that religion can: a) enlarge the scope of human rights; b) highlight the interrelations between various articles of the Universal Declaration of Human Rights; and c) strengthen the concept of human rights. Budya traditional religion provides a wider scope and horizon of human rights by offering another (African cultural) perspective from which human rights can be looked at. This is in agreement with Cobbah’s view that “we should talk about rights within a cultural context” and “an Afrocentric conception of human dignity is...a valid worldview which should inform the cross-cultural fertilization of ideas.” Further, the emphasis by African traditional religion of human life as sacred augurs well with similar emphasis on the right to life, security and liberty for all human beings as

⁴¹⁶ Issa G. Shivji. *The Concept of Human Rights in Africa*. London: CODESRIA Book Series, 1989, p. 14.

reflected in article 3 of the Universal declaration of Human Rights. African traditional religion can in fact strengthen the concept of human rights by offering ideas deriving from aspects of its cultural practices such as the customary concept of *mombe youmai*, *sara pa vana*, *chiredzwa*, *zunde ra mambo*, *kupotera* and *ubuntu* among others. These African traditional concepts can provide a framework within which the concept of human rights can be widened to include cultural contexts which may give them more meaning. This may help us to run away from the problem identified by Cobbah that despite an increase in the discussion of human rights in Africa, very little exists in the form of literature that approaches the idea of human rights from an African perspective.⁴¹⁷ I share this concern with Cobbah and therefore submit that this study identifies some aspects that promote human rights as an answer (not the only answer) to this vacuum of literature that provides an African perspective of human rights.

African traditional religion has a passion for sustaining or preserving human life, of which Mutsindikwa's thesis has identified as salvation. Even though it was not the task of this thesis to delve much into those negative aspects of Budyā that do not promote human rights, a few examples have been noted below. The negative aspects observed are meant to indicate that African traditional religion does not claim any spiritual or cultural perfection. It remains accommodative, incorporating, and tolerant.⁴¹⁸

As argued here specific aspects that promote human rights are many. Rituals and ceremonies provide rehabilitation and restoration of social and emotional relationships in

⁴¹⁷ Cobbah, pp. 309-310.

⁴¹⁸ Collis Machoko. *The Christological Debate for the Development of Christianity in Zimbabwe in the Context of African Traditional Religion*. PhD Thesis, 2000, p. 158.

a special cultural context. The ritual cleansing of a witch among the Budyas of Nyamukoho or a raped girl or woman among the Zulus of Scottsville, Pietermaritzburg, South Africa,⁴¹⁹ promotes social rehabilitation and restoration of lost dignity for such persons.⁴²⁰ The ritual activity for such persons is an emotional healing process. This provides a restoration of the right to good health for such individuals. The list of aspects identified and analyzed here as promoting human rights is not anywhere near exhaustion, but an initial discourse of what African traditional religion can offer to the world of human rights.

However, a research of this nature is not meant to be exhaustive. There are many other aspects that have not been covered in this thesis. The discussion was centred around three major areas whose framework contains aspects that are viewed as promoting human rights from an African perspective. These are namely: traditional marriage, chieftainship and ritual practice. Within these practices particular aspects have been analyzed to demonstrate how each of them promotes human rights. The rights to life, security, liberty, food, shelter, health care, cultural respect, dignity, integrity, justice and economic responsibility of the habitat have been focused to show how cultural aspects of African traditional religion promote their cause for sustaining human life. In the process an attempt has been made to maintain an insider's view of the issues under investigation. These examples have been found to be adequate to illustrate the set task of the study.

⁴¹⁹ Isabel Apawo Phiri, Dealing with the Trauma of Sexual Abuse. In Phiri, and Nadar, African Women, Religion, and Health Essays in Honour of Mercy Amba Ewudziwa Oduyoye. The Circle of Concerned African Women Theologians. South Africa: Cluster Publications, 2006, p. 124.

⁴²⁰ Ibid.

This alternative interpretation of human rights from an African perspective is not perfect. Neither is it final. But as intended, it provides a general contribution to an already on-going debate or discussion on the positive role of religion in human rights.

7.2. Aspects of Budya religion which promote human rights

7.2.1 Positive cultural values

Although the study by Sophie Chirongoma,⁴²¹ observes that traditional practices and violence affect women in their ability to enjoy a healthy, safe and stress-free existence, it can also be said that some cultural practices such as the *mombe youmai* (cow of motherhood), *kusungira* (sending an expecting mother to her parents' home to deliver the first baby), *chiredzwa* (compensation for child-rearing), and *sara pa vana* (taking care of the children of a deceased husband) appear to value African culture and promote human dignity. .⁴²²

7.2.2 Traditional chieftainship

Budya chieftainship promotes human rights especially in relation to the provision and administration of justice. All aspects of Budya traditional religion discussed under chieftainship: namely the *zunde ra mambo* (chief's granary), custody of *ubuntu*, *kupotera* (asylum seeking), adjudication of justice, and guardianship of the habitat aim to protect, secure and sustain life. There are ways in which an African perception of human rights

⁴²¹ Sophie Chirongoma, "Women's and Children's Rights in the time of HIV and AIDS in Zimbabwe: An Analysis of Gender Inequalities and its Impact on People's Health". Journal of Theology for Southern Africa 126: 2006, pp. 48-65.

⁴²² Ibid., p. 56.

can be constructed from these aspects which seek to protect human rights of the individual. Human rights concerns for the liberty, security, and the protection of individual and communal rights; or natural resources within the geographical habitat of the community, form some of the core values of African traditional religion which promote human rights. The same are the concerns of human rights at a global level.

International human rights are concerned with such things as security of individuals and communities in terms of their food security, shelter, health care, protection of children's rights, political and other freedoms among others. The custody of justice is the responsibility of the chief. In that way the right to justice is one of the ways in which African Traditional Religion is understood to play a positive role in the promotion of human rights. It is the role of the traditional chief to ensure all forms of judicial adjudication of justice remains in place as a human right for the community or the individual to enjoy the protection of the law and all that it entails.

7.2.3 Traditional rituals

The Universal Declaration of Human Rights article 3 says that every person has a right to life, security and liberty. Ritual practice in African traditional religion is argued in this thesis as an aspect of religion that promotes human rights in the sense that it seeks to protect, sustain, save and perpetuate human life. The rituals of *chenura* (ritual cleansing), *kuripa ngozi* (paying compensation to appease an aggrieved spirit), *kupayira*, *kudira mombe yomudzimu*, *mapota* and the home bringing ceremony are understood as religious methods of ensuring that human life is protected, sustained and perpetuated from birth to

life beyond the grave. All these rituals are performed to make sure the right to life in the physical and spiritual sense is sustained. Western notions of human rights have similar emphasis though the spiritual aspect is not a priority. But both human rights and African traditional religion share common functions when it comes to saving, sustaining, protecting and promoting human rights to life, liberty and security. The rituals promote social unity and harmony as people come together for a common purpose. They foster a sense of identity for each individual that belongs to the community. Ritual practice unites the living with the living dead.

7.2.4 Traditional ethics of social and emotional care

Although it has been concluded in this study that in a cultural setting such as that of the Budya, children are relatively taken care of by the extended family in the case of domestic problems such as violence, divorce or loss of parents, research by Mupedziswa, Matimba and Kanyowa has shown a new development where children who have been dubbed ‘street kids’ are roaming the streets of urban Zimbabwe.⁴²³ Traditional culture, through the extended family, has provision for them to access such basic human rights as food, shelter, health, freedom and security. But there are reasons that have uprooted them from their extended family set-up from the rural areas. Such problems include poverty, family disequilibrium due in large measures to factors like divorce of parents, family disorganization, substance abuse and a host of other reasons. On the street they survive by doing odd jobs like washing cars, helping motorists park their cars, selling cigarettes, fruits and vegetables, abusing and selling drugs, begging, prostituting themselves, and

⁴²³ R. Mupedziswa, V. Matimba, and L. Kanyowa, “Reaching Out to the Unreached: Peer Education as a Strategy for the Promotion of HIV/AIDS Awareness Among Street Children.” Journal of Theology for Southern Africa, (1996), (11) pp. 73-88.

committing crimes. This is not a problem in Zimbabwe alone, according to this research, but in many other countries as well, particularly in the developing world. The fact that the extended family has a cultural arrangement in place that caters for children in vulnerable situations means that African traditional religion offers to human rights an idea on the ethics of child care. The idea is that vulnerable children such as orphans grow better in contextual cultural environments than the Western style children's homes where unfamiliar people care for them. The extended family can be said to be an aspect of Budya traditional religion that promotes human rights for children. From this we can construct a human rights culture of care derived from this idea of the extended family looking after children in vulnerable situations. The idea of the extended family and the values of child care that find expression in it can be incorporated into government policy and legislation. This could be well timed since Zimbabwe is now going through a process of re-writing its constitution as agreed by the Global Political Initiative which is a coalition of all the political parties involved in the affairs of Zimbabwe today. As for the entire African continent, the values of the extended family can be incorporated into government policy and legislation through structures of the African Union. Most governments in Africa draw constitutional influence from the African Union since they share ideologies from their liberation struggle history.

7.2.5 Influence of traditional religion on liberation politics

I share the same view with Terence Ranger⁴²⁴ that African Traditional Religion is still playing a dynamic role in many parts of contemporary Africa. He provides an example of this view by citing the crucial influence exerted by spirit mediums in the Zimbabwean

⁴²⁴ Ranger, p.107.

guerrilla war of the 1970s. For Ranger, these men and women believed to be the spirit mediums for spirits of founding heroes made history by mediating between peasants and guerrillas so as to produce a single ideology of resistance. They also restated oral tradition and re-defined traditional history so as to integrate the guerrillas into the past as well as the present as they interpreted Mbuya Nehanda's prophecy that "my bones shall rise" to mean the young men and women taking up arms to fight colonization in the form of mounting both military and diplomatic offensive. From what Ranger says here about the role of traditional religion in politics it is reasonable to conclude that spirit mediums influenced the armed struggle for Zimbabwe by inspiring national politics of resistance whose entire process brought about political freedom. The point here is that the belief in the role and influence of ancestral spirits in inspiring and motivating change in the political landscape in Zimbabwe is an aspect of African traditional religion which promotes human rights.

To address the problem of human rights abuses in Zimbabwe today traditional chiefs can be used as a resource to reprimand state authority. However, this has some limitations due to political overtones within the chiefs' council that is divided on political lines and ideologies. The challenge is that their traditional authority is threatened by modernity and Christianity.

7.3. Aspects of traditional religion which do not promote human rights

Although current investigation of Budya social and religious practice has shown that there are aspects which promote human rights as discussed in this thesis, it is also true

that there are aspects within the same religion that undermine human rights. Only two examples of such aspects are noted and discussed below under 7.2.1 and 7.2.2

7.3.1 Cultural attitudes that view women as inferior

Elisabeth Fiorenza has said that today in every culture, society, and religion, women's status is lower than men's.⁴²⁵ She talks of cultural imperialism and argues that women are not perceived as human persons in their specific particularity, but are portrayed as *women*. In her view, language and scientific knowledge make invisible the contributions and struggles of women in the accounts of Western culture that understand elite white men as the paradigmatic human being, positioning all other people in relation to him. Women's interests are not perceived as public interests and their influence is restricted to private life.⁴²⁶ Women, Fiorenza asserts, shoulder the greatest load of unpaid childcare and household maintenance work.⁴²⁷ Fiorenza's work portrays the picture of a world dominated by men in all spheres of life in the Western part (or even in Africa) of the world. On the contrary, in Africa, things seem to be relatively different, although on the whole there are striking similarities in terms of negative attitudes towards women. That women are viewed as inferior in almost all cultures of the world is given. This cultural attitude does not promote women's human rights. The attitude is degrading for some women around the world.

⁴²⁵ Elisabeth S. Fiorenza, Discipleship of Equals: A Critical Feminist Ekkesia-logy of Lliberation. New York: Crossroad Publishing Co., 1993, p.310.

⁴²⁶ Ibid.

⁴²⁷ Ibid.

African traditional religion is no exception to this attitude. For example Mercy Amba Oduyoye in her *Daughters of Anowa African Women and Patriarchy*,⁴²⁸ says that folktalk alienates women from power, discourages individuality, and encourages conformity. She further asserts that from an African woman's perspective religion and culture perpetuate patriarchal oppression.⁴²⁹ She observes that violence against women and circumcision in many parts of Africa are problems that undermine the dignity of women and legislation against these is an impotent tool. For Oduyoye global solidarity on life issues such as abortion, prostitution and child abuse bind us together. The problems facing women as raised by both Fiorenza and Oduyoye in relation to cultural and patriarchal oppression of women cannot be ignored by anyone because they are human rights issues of great importance. The issues have a human rights impact on society as they affect our daily life in the community. They are relevant issues because they affect the way we relate to each other as human beings in one global village. The world of human rights must therefore find space to engage these issues in the human rights discourse on the role and importance of women in cultural and economic development. The discourse must involve finding ways of stopping the oppression of women in the community. We can start by finding out what aspects of culture promote women's rights as is the attempt of this study and move on to address the oppressive aspects of African culture and patriarchy.

In Zimbabwe, as noted by Chirongoma, culture calls for women to be silent about their pain, especially if it is revealing the bad secrets of the family.⁴³⁰ She further observes that

⁴²⁸ Mercy Amba Oduyoye, *Daughters of Anowa African Women and Patriarchy*. Maryknoll, New York: Orbis Books, p. 205.

⁴²⁹ Ibid.

⁴³⁰ Chirongoma, p. 56.

women and children face the problem of greedy relatives who come and grab all the property of the deceased husband leaving the widow in of poverty. The widow, she says, will be forced by poverty and violence into various forms of exploitation by men because she has no survival strategies in the circumstances surrounding her widowhood. She alleges that social norms and customs deprive women the knowledge and power to make independent decisions about endemic and widely sanctioned patterns of violence and abuse, inadequate access to health care, and the disproportionate burden of caring for the sick and holding ravaged families together.⁴³¹ These attitudes fail to promote human rights for women.

In Zimbabwe until recently through effort of the current government in its land reform programme, women have not been able to own title deeds for ownership of land though in terms of African culture land was the property of the ancestors. No individual had sole ownership. The current laws pertaining to land ownership have to a large extent been influenced by modernity and western culture. However, if it has to be owned by a woman, it has to be through her husband or a son. In most instances laws that permit women to own land are mostly well pronounced on paper, but make it very difficult in practical terms. The majority of people who make and enforce these laws and reforms are men whose upbringing and cultural privileges and beliefs view women as inferior to men and that their rights are not equal to those of men.

I think that it is not possible to talk effectively about human rights for all in Zimbabwe and Africa, without addressing the negative cultural attitudes of men towards women. We

⁴³¹ Ibid., p. 50.

must manage these attitudes fairly well and convince African men that women are equal partners in the socio-politics and economics of development. We, therefore, need a new management of cultural perception that views the world as a global village in which both gender are equal partners without one perceiving itself as superior to the other in leadership, decision-making and social life. This means women themselves need a new cultural view of themselves that convinces them at personal and communal levels that they are equal partners not helpers. Women themselves may need to develop this attitude of self sufficiency, not out of frustration, but out of a sense of self confidence and ability to manage life without having to rely on men. When this attitude change is achieved at traditional cultural level especially for women, it becomes easy to adopt a culture that respects the dignity of all women and men as images of the creator.

It remains vital that more educational opportunities be created for women and girls as a way of empowering them to develop their potential beyond just the cultural roles in the community. A deliberate move to encourage them to advance in various fields of education must be a requirement.

7.3.2 Polygamy

From women's perspective polygamy is another aspect of Budya traditional religion that does not promote human rights especially for women. Where it has been practiced it has often been one of the sources of social family conflict, jealous and a lack of balance for the conjugal rights of each of the female parties to the polygamous marriage. I have often observed that such marriages, though viewed positively by their practitioners and some

African scholars like John Mbiti, have some difficulties that are related to a much faster spread of HIV and AIDS which could probably have been reduced if one man confined himself to one partner. The issue of HIV is a matter of faithfulness. If all the partners in the arrangement are faithful, the spread of HIV can be avoided. This statement does not mean monogamous marriages are free from the contraction of HIV and AIDS. The practice of polygamy in Budya traditional culture does not promote human rights in the sense that in the case of young women and girls being coerced into such marriages without them having the social strength to say no to it, their lives would be at risk. In the case of girls, social cultural coercion is sometimes used against them to accept being married to a man against their will in a practice known in Shona as *kuzvarira*.⁴³² This cultural practice undermines human rights in terms of personal liberty for the young girl. Polygamy is a freedom deficient practice when viewed from the perspective of women among the Budya.

However, this practice is being overtaken by the forces of modernity. In other instances there were cases I observed in my family and other families among the Budya where a girl was given to another family as compensation for a *ngozi* (aggrieved) spirit against her will. She was forced to be married by a man within the family of the deceased man whose spirit demanded such a human compensation.

African traditional religion does not claim to have all the answers to questions that relate to the promotion of human rights. In sum this study is making the point that African traditional religion has something to offer to debate and international discussion on

⁴³² *Kuzvarira* is a Shona cultural practice where a young girl is betrothed to a man for cultural reasons.

human rights as demonstrated in the aspects identified. These aspects, are by no means the only ones thinkable, debatable or discussable, in effect they are just the tip of an iceberg.

7.3.3 Constructing an African perspective of human rights

As Cobbah rightly observes: ‘despite an increase in the discussion of human rights in Africa, very little exists in the form of literature that approaches the idea of human rights from an African perspective,’⁴³³ the present study attempts a discourse on what Budya religion in particular, and African Traditional Religion in general offers in terms of role to the current human rights debate. From the current study, all identified and investigated aspects of Budya religion that are viewed as promoting human rights have important potential to be developed into effective tools that can be used to build a culture that respects human rights from an African perspective. With what Africans already know and practice as cultural values that respect human life as sacred such as peace, respect for human life as sacred, justice, social relationships (*ukama*) through the extended family system, and *ubuntu* among others, we can construct a broad base from which a positive understanding of human rights for individuals and communities can anchor. Given this cultural background of important values that sustain social relationships, I find it unwise to share the view that ‘the concept of human rights as generally understood is historically a Western concept.’⁴³⁴ However, it may be true that what most Africans have written about in this subject has tended to be an indication of either how the Western concept of

⁴³³ Cobbah, p. 310.

⁴³⁴ Ibid., p.299.

human rights exists in African cultures; or, simply showing Western-style condemnations of the abuse of human rights in Africa as Cobbah puts it.

The departure of the current thesis from this increased discussion about human rights in Africa referred to above,⁴³⁵ and also observed by Donnelly⁴³⁶ and many others is that it identifies in actual fact those aspects of a particular African traditional religion (Budya traditional religion) which promote human rights for example *sara pa vana*, *ubuntu*, *zunde ra mambo*, *kupotera* and *chiredzwa*, among others. Most of the cultural practices discussed under Budya religion, as an African traditional religion are relatively typical of cultural values of the African which promote human life even in other parts of the African continent.

Having observed that there is possibility that we can construct an African perspective of human rights at least from an African understanding of these aspects that promote human rights. But it is vital to note that African cultural values and religious practices are dynamic. What they were in 1890, at the political occupation of Rhodesia then are not what they were at independence in 1980, and from then up to this day. Changes in political perception and economic influence affect the way society behaves and responds to new challenges of a communal or global nature. These cultural values have been affected by Christianization, colonization, and modernity. Some urban influence has taken its share of impact on them too. All these influences have impacted on the cultural

⁴³⁵ Dunstan M. Wai, "Human Rights in Sub-Saharan Africa". In Adamantia Pollis and Peter Schwab ed. *Human Rights: Cultural and Ideological Perspectives*,. New York: Praeger, 1979, p. 116.

⁴³⁶ Jack Donnelly, "Human Rights and Human Dignity: An Analytical Critique of Non-Western Conceptions of Human Rights". *American Political Science Review*, 76 (June 1982).

values and religious practices of political leaders in Zimbabwe to an extent that what we assume these aspects of Budya traditional religion could do to solve our current human rights problems may not be as we expect.

Secondly, African traditional religion is an oral religion to an extent that the cultural values that have been perceived in this study as aspects of Budya traditional religion which promote human rights are not documented or legally enforceable. So, no matter how we may want these cultural values or sets of values within one's African upbringing to influence political leaders' ethical thinking or make a meaningful impact in their management of Zimbabwe's current human rights problems today, we fall short of any instrument that can be used to appeal to their conscience. This is vital because the cultural values to make an impact on contemporary management of political events and crises there has to be a conscience that can appeal to one to apply them (the cultural values and aspects that promote human rights) to effect a positive impact on people's lives without being forced by any form of legislation. However, every effort needs to be exerted on political leadership to use cultural values of *ubuntu* to construct a better understanding of life for a new framework of human rights.

7.4. How can our knowledge of aspects of Budya religion that promote human rights help solve current problems in Zimbabwe?

7.4.1 Creation of a Truth and Reconciliation Task Force

In South Africa there was the creation of a Truth and Reconciliation Committee that was necessitated by political events obtaining after the apartheid era. Violent crimes against humanity were committed by individuals and authorities in political power. The truth about the crimes committed was to be revealed. Forgiveness and reconciliation were to follow these truths hence the institution of the Truth and Reconciliation Committee. Lessons from the South African political context can be drawn here to help Zimbabwe solve its problems of a battered human rights record.

Zimbabwe has come to be known in recent times as one of the worst African countries in terms of human rights abuse emanating from what the press has often called a lack of respect for property rights in particular and the erosion of the rule of law in general. The most critical source of racial tension in Zimbabwe today is about the land issue. Land and property ownership are human rights issues in Zimbabwe. Land is the economy as agriculture is Zimbabwe's backbone in terms of family income and national economic stability. The white farming community and the independent press in general refer to the recent attempt to re-allocate pieces of land between white and black people in Zimbabwe as "farm invasions" on the one hand; while on the other, government and the public media refer to it as "redistribution" or "repossession" or "sharing". The independent press describes the exercise as "chaotic" and "haphazard" while the government views it as "systematic" and addressing historical imbalances. Whichever way one looks at it, it is clear that race relations in Zimbabwe are strained because of the way the land crisis has been handled. This race conflict has to some extent influenced political events in

Zimbabwe that have seen opposition politicians and human rights groups supporting the plight of the white farmers and their poor workers, whose pieces of land have been designated and re-allocated to black farmers. At the same time the government, insisting on the path of designating white farm land without paying compensation, has repeated the land occupation of the 1890s. Tension has always been mounting since independence in 1980 when the white regime grudgingly gave in to black majority rule which brought Robert Mugabe as Zimbabwe's first democratically elected political leader. These events have caused political tension which of late spilled into the June 27, 2008 run-off elections boycotted by the opposition and won by Mugabe in a one-man race. The results were widely condemned by the international community. These elections left most people especially women in Zimbabwe highly traumatized by the rape, destruction of human life and property in political violence, that urgent action to heal the wounds is an important national responsibility for everyone. For that reason a truth and reconciliation task force must be put in place to deal with this national trauma and healing. But then the task force must draw its efforts from the cultural aspects of traditional religion such as the emphasis on *ubuntu*, as a baseline from which the idea forgiveness and reconciliation can be derived. Build on the cultural understanding of *ubuntu* and extend it to the concept of *ukama*, (relationships) to deal with this social, psychological and emotional trauma. This exercise can bring about a renewed culture of human rights that is premised on truth-telling, forgiveness and reconciliation.

The basis of the South African TRC process was the acknowledgement that something went wrong. Those who were wronged got the opportunity to tell their stories, and those

who committed atrocities also told their stories. The political climate was different as those in power were the ones who supported the process. The current government has been blaming the United Kingdom, United States of America, European Union and other international agencies for the crisis in Zimbabwe. The opposition has been intimidated to a point of despair.

The South African case has also been criticized a lot for not going far enough to set a realistic base for true national reconciliation. In thinking about this issue, it must be taken into account in terms of the complexities of the Zimbabwean situation and the power dynamics involved. It is important to say that African values on truth and reconciliation have to be at the centre of any attempt. Such an approach will also begin to critique the concept of democracy. The idea of the winner takes all has led to the current situation in Zimbabwe

7.4.2 Human rights awareness

The respect of a human rights culture that derives from African traditional cultural values of the as discussed under the list of aspects that promote human rights could be publicized through the media and the formal school system. For this culture of human rights to be successful, massive human rights awareness campaigns can be done at family and national levels through mass media such as the print and electronic communication. At the formal school level, the curriculum could be tailored to include human rights courses that take into account some of the African cultural values and practices that derive from an African philosophy of *ubuntu*.

However, it may remain a challenge to convince those in political positions to recapture the cultural values that characterized the importance of *ubuntu* and sacredness of human life from their early childhood days. The challenge is caused by the fact that these values have been politically influenced by colonization and racism at the advent of political occupation which saw the seizure of African prime land by whites and pushing black people to sandy unproductive soil. This political and economic occupation of 1890 which gave title of this country to Cecil John Rhodes who gave it his name Rhodesia gave rise to the war that brought Zimbabwe's independence in 1980. That time, it seems, there were no human rights to talk about. Now a reverse of that process in the spirit of sharing prime land between whites and blacks, and thereby correcting historical imbalances caused by imperialist expansion forces of the 1890s has caused a human rights crisis? Perhaps one needs to be in the actual political, economic and social context of Zimbabwe to appreciate the implications of what this is all about. Nevertheless, aspects of Budya traditional religion which promote human rights discussed in this thesis can help remind our politicians the importance of sharing our God-given resources in a responsible and non-violent way, and above all, the preciousness of respecting human life, security and freedom for all races in Zimbabwe. From a philosophy of *ubuntu* we can construct an active sense of communal and national harmony to foster a culture of peace. This is what the world can learn from aspects of African Traditional Religion which promote human rights. From a positive understanding and perception of these aspects the world can morally be transformed into one village that develops itself into a community that is

characterized by social relationships that help the human race to create peace, love for one another and justice for all.

7.4.3 Incorporation of cultural values in the Zimbabwe Human Rights Commission

The government of national unity in Zimbabwe today constituted by three major political parties is working on instituting the Zimbabwe Human Rights Commission to be enshrined in the forthcoming constitution of Zimbabwe. It is envisaged to contain the same powers as other commissions being proposed such as the Zimbabwe Electoral Commission, Zimbabwe Media Commission and several others. The Human Rights Commission will have the responsibility to monitor human rights violations and to guarantee personal security and liberties of individuals and communities in Zimbabwe. It is expected to be a human rights watch dog.

How can then our knowledge of the aspects of Budya traditional religion be used to enhance a sustained culture of human rights in Zimbabwe? Perhaps what could be done, I suggest, is to incorporate some of the aspects such as the concepts of *chiredzwa* and *sara pa vana*, within the instruments of the commission to help sensitize the community on the need to respect these cultural practices that attempt to guarantee the rights of both children and women. These are important aspects of a cultural nature as they have to do with women and children's rights. When these are incorporated into the instruments of the commission, it is envisaged that it becomes relatively easy to monitor conflicts of a violent nature such as domestic or political violence.

7.4.4 HIV and AIDS crisis and the ethics of care

From the research carried out by Sophie Chirongoma regarding HIV and AIDS in Zimbabwe one can say that she raises critical concerns about the welfare of women and children especially those pervasive practices and violence that affect their ability to enjoy a healthy, safe and stress free existence.⁴³⁷ With the current problem of HIV and AIDS affecting most households, communities and the labour market in Zimbabwe the cultural aspects of Budya traditional religion discussed in this study can be used to foster a sustained sense and culture of social care for children orphaned by this pandemic. A re-emphasis of the importance of *ubuntu bethu* (our moral values) among the youth, men and women in the sexually active age range might at peer group level help reduce the prevalence rate of infection.

To the affected, the *sara pa vana* and *chiredzwa* cultural concepts can be used to construct and sustain a culture of care for the children whose parents die of HIV/AIDS. Further, the *sara pa vana* idea can be used to foster a sense of care for the widow who remains taking charge of the children left by her deceased husband. These aspects provide a lesson for the world to appreciate African aspects of traditional religion that seek to protect, sustain, secure, perpetuate and promote human life. These values can be incorporated in the constitution of Zimbabwe in more specific ways through social welfare regulations that govern family life and sustenance. This is perhaps where aspects of the child maintenance Act have come from.

The aim is to find ways of restoring human dignity to people whose dignity had been eroded by circumstances beyond their control.

⁴³⁷ Chirongoma, p. 49.

7.4.5 Instilling *ubuntu* as a cultural resource for promoting human rights

The position adopted by Susan Moller Okin that in many countries, at least during peace time, a woman's most dangerous environment is the home she lives in,⁴³⁸ makes all of us sad about our home environments especially in view of the common saying that 'home is where the heart is'. She further paints a gloomy picture of 'home' as a dangerous environment for women by saying "the fact that respecting cultural differences has increasingly become euphemism for restricting or denying women's human rights." She advances these arguments in relation to the way women are treated in many cultures in regard to divorce, custody, and inheritance issues. But among the Budya, and perhaps in most parts of rural Africa, 'home' in relative terms, is the most comfortable environment for women, children and men. I say so because home in traditional Africa is community based. We belong to each other by totem and *ukama* (network of relationships). There is no home that exists in isolation from other homes. The extended family makes the idea of home communitarian and secure. In cultural perspective children belong to us all. A parent is not a parent to his or her own biological children. Children owe it to all adults in the community for their safety. Culturally a married woman is not married to her husband only. She is married to the entire family. She is married into the home of the entire household. If she is beaten, or battered she has access to an aunt (*tete*) who is her husband's father's sister. There she has a shoulder to cry upon if need be. Secondly, she can also go to the *munyai* (the man who represented her husband at the initial stage of the marriage). There is another point of re-course. Thirdly, she can go to her own father's sister (*tete*). All these people are culturally well placed relatives to listen and address

⁴³⁸ Okin, p. 37.

marital concerns of the woman with a relatively fair sense of justice. At these three levels, the troublesome husband can be cautioned, rebuked or counselled. In a cultural setting this approach to solving marital problems has worked. Of course it does not work all the time in all situations. But these three levels are what constitute “home.” So I don’t see how home in this cultural setting can be a ‘dangerous environment for women’ as asserted by Okin. The real question is where did it go wrong? How did the home in an African village become a dangerous place? How, through the values discussed, can there be restoration of a home to a vibrant and comfortable environment for growth and development? These challenging questions are vital for this discussion. This is what went wrong. Four problems are identifiable. The influence of urbanization, the impact of colonization, the unavoidable acceptance of the force of modernization, and the devastating militarization of the African village by warring factions during the armed struggles have destroyed what “home” used to be in the African village. African values of *ubuntu* have been compromised or even replaced by an emerging culture of individualism and violence.

In the case of inheritance, the Budyas say that the eldest child (*danje*) or the last one (*goswe*) will take responsibility of the widow if it is the husband who has died. The same principle applies if it is the wife who has died. Property of the deceased will be shared equally among the surviving children (if they are available). If there are no children the surviving spouse will take the property if she is not prepared to re-marry in the same family. If she is re-marrying in the same family, the *sara pa vana* will take the property which implies taking responsibility of the family left by his relative. If all this and many

other African cultural practices of the Budyia have held African communities together for a long time, the world could learn something from them. The Western world and other religions including Christianity and Islam have failed to break these oral traditions and cultural practices, which means there is something intrinsic about them. Probably they are part of what it means to be African or a human being rooted in Africa.

The emphasis on *ubuntu* has helped African communities to live together. The African philosophy of *ubuntu* can be applied in promoting a positive sense of human rights from an African perspective. This knowledge that we belong to each other as human beings, and that we are interdependent, can be used to advance the cause for a better understanding of each other, and the respect for one another as individuals, families and communities remains central to the African. With an emphasis on the importance of those aspects identified above as vital pillars for perpetuating human life and security, *ubuntu* stands out as another resource of African Traditional Religion which could be used to promote human rights. If we depend on each other, then it is appropriate to protect the liberty, security and life of other people as their rights. They too will do the same. This will always show a high level of *ubuntu* which is in this study understood as an aspect of African Traditional Religion which promotes human rights.

However, there are cultural practices and instances elsewhere in Africa, for example in Mali, where genital mutilation , or in Zimbabwe where the grabbing of property left to a deceased man's family by greedy relatives, or child rape for ritual purposes, or where domestic violence has been dismissed by police simply as a private affair. These practices

undermine human rights and downplay the philosophy of *ubuntu*. Western culture, Christianity, feminist perception and modernity in general have continued to play a significantly positive role in changing these negative aspects of African culture that undermine human rights. The concept of *ubuntu*, if globalized, can go a long way in changing negative cultural attitudes that do not promote human rights.

7.4.6 Relationship between African Traditional Religion and human rights

In a paper delivered to the Dutch Association for the Study of Religions in Amsterdam on June 2, 2000, titled *Political and Moral Responsibility of Religion in Africa*, Simeon Ilesanmi made three points towards the end of his presentation in which he felt some optimism about a fruitful relationship between religion and human rights.⁴³⁹ Firstly, he says that every human being is sacred and has an intrinsic worth, and every religion subscribes to this moral capital which sees human dignity as a basis for all rights. Secondly, he says that the religious principle of a universal God who is related to all creatures regardless of their status or social location is an important cultural resource for promoting human rights as a universal moral principle. Thirdly, he says that the central goal of human rights morality is to transform the world along new and more equitable patterns of social relationships. This is the business of religion especially in relation to a world scarred by cruelty, exploitation poverty and injustice, in relation to the protection of personal security, elimination of injustice and discrimination. Ilesanmi's paper was premised on Christianity.

⁴³⁹ Ilesanmi, p.76.

There is a special way in which these three positions relate to the relationship between African traditional religion and human rights. The concerns of African Traditional Religion on the fact that every human being has an intrinsic worth or dignity; and that all creatures (*zvisikwa*) have a relationship with the creator (*musiki*), and that all social relationships (*ukama*) must make the community a better place to live are vital in all respects. These are also the concerns of human rights. Notably the aspects of Budya traditional religion discussed here address these important concerns. For instance from an African cultural point of view the *zunde ra mambo* practice aims at poverty reduction; the *chiredzwa* and *sara pa vana* traditions attempt to address the problem of exploitation of widows and children of a deceased man; the rituals home bringing (*mhinza mumba*) addresses the importance of personal and family protection of security; and the *mombe youmai* improves social relations (*ukama*) and *ubuntu*. These aspects of African Traditional Religion can be used to construct a reservoir of cultural resources that can be mobilized to promote human rights. Thus there is a positive relationship that exists between African traditional religion and human rights. Both seek to sustain life, secure its full potential, and protect human dignity. So, this positive relationship can be used promote peace, justice, and freedom which all nations of the world desperately need today. But this relationship is not without problems because culture both complicates and enriches⁴⁴⁰ that which it offers to human rights theory and implementation as each religion attempts to seek cultural legitimacy through dialogue with human rights on the one hand, and other religions on the other. I presume that in the process of dialogue, new or alternative knowledge or thinking or perception or attitude about the role of African traditional religion for example in promoting human rights gets revealed to the advantage

⁴⁴⁰ Hackett, p. 9.

of further dialogue or scholarly debate between religion and human rights such as what the current thesis in its investigation of aspects of Budya traditional religion which promote human rights has attempted to do.

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 Mrs Mutize
 Mrs Mutonganhau Beauty
 Mrs Muzarabani Joyce
 Mrs Mwedzi Beauty
 Mrs Nyakatsveya Esnat
 Mrs Nyakudanga
 Mrs Nyamukapa
 Mrs Nyamukoho
 Mrs Rutsito Jane
 Mrs Rutsito
 Mrs Takaitei Everest

Chief Nyamukoho

Anonymous⁴⁴²

⁴⁴¹ All interviews took place in one area of Chief Nyamukoho's village. The dates are recorded in the text. A map to show the location where the research took place is shown as appendix at the end of the thesis.

⁴⁴² Five women interviewees requested that they be recorded as anonymous due to the prevailing political situation in Chief Nyamukoho's village.

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