

The copyright of this thesis vests in the author. No quotation from it or information derived from it is to be published without full acknowledgement of the source. The thesis is to be used for private study or non-commercial research purposes only.

Published by the University of Cape Town (UCT) in terms of the non-exclusive license granted to UCT by the author.

UNIVERSITY OF CAPE TOWN

FACULTY OF HUMANITIES

**THE ROLE OF AFRICAN TRADITIONAL RELIGION
IN THE PROMOTION OF HUMAN RIGHTS**

Thesis submitted in partial fulfilment of the requirements for the degree of

Master of Arts

in

Religious Studies

by

**Clifford Mushishi, DipRS; B.A.(Hons),(Z'bwe);
MPhil, (Cape T.); GradCE (Z'bwe).**

26 April 2002

Supervisor: Dr CV Kwenda

Dedicated to my late father

University of Cape Town

Declaration

I declare that this is my own work. It is being submitted for the degree of Master of Arts at the University of Cape Town's Faculty of Humanities. It has not been submitted before at any other institution for examination purposes.

Date: 26 April 2002

Signature:.....

University of Cape Town

Glossary

<i>Budja word</i>	<i>English equivalent/meaning</i>
<i>Sabhuku</i>	<i>kraalhead</i>
<i>Mambo</i>	<i>chief</i>
<i>Tenzi</i>	<i>chief</i>
<i>Makunahuna</i>	<i>incest</i>
<i>Shave</i>	<i>spirit medium</i>
<i>Dare</i>	<i>chief's court</i>
<i>Tete</i>	<i>aunt</i>
<i>Mhondoro</i>	<i>tribal ancestor/medium</i>
<i>Vari kumhepo</i>	<i>spiritual beings</i>
<i>Musha</i>	<i>homestead</i>
<i>Mukadzi</i>	<i>wife/woman</i>
<i>Mwari</i>	<i>God</i>
<i>Munyai</i>	<i>spokesperson/mediator</i>
<i>Vavengi</i>	<i>enemy</i>
<i>Ngozi</i>	<i>angered spirit</i>
<i>Mombe ye umai</i>	<i>mother's beast/cow in traditional marriage</i>
<i>Kugara nhaka</i>	<i>taking over the wife of a late husband</i>
<i>Manyambiri</i>	<i>twins</i>
<i>Vakomana</i>	<i>boys</i>
<i>Mudzimu</i>	<i>ancestor</i>
<i>Midzimu</i>	<i>ancestors</i>
<i>Mbuya Nehanda</i>	<i>spirit medium of Nehanda</i>
<i>Muroyi</i>	<i>witch</i>
<i>Varoyi</i>	<i>witches</i>
<i>Kuroya</i>	<i>act of bewitching</i>
<i>Uroyi</i>	<i>witchcraft</i>

TABLE OF CONTENTS

	<i>page</i>
<i>Acknowledgements</i>	i
<i>Abstract</i>	ii
<i>Abbreviations</i>	iii
Chapter 1 INTRODUCTION	1
1.1 Introduction	
1.2 Aim of the study and statement of the problem	
1.3 Research questions and definition of terms	
1.4 Methodology and brief review of literature	
1.5 Conclusion	
Chapter 2 ROLE OF RELIGION IN SOCIETY	15
2.1 Introduction	
2.2 Political conscience	
2.3 Protection of social rights	
2.4 Religion and economic rights	
2.5 Conclusion	
Chapter 3 AFRICAN TRADITIONAL RELIGION AND POLITICS	33
3.1 Introduction	
3.2 Traditional leadership	
3.3 Judicial administration	
3.4 Ritual adjudication	
3.5 Conclusion	
Chapter 4 TRADITIONAL ETHICS	55
4.1 Introduction	
4.2 Traditional marriage	
4.3 Protecting the rights of women	
4.4 Promotion of the rights of children	
4.5 Conclusion	
Chapter 5 JUSTICE	87
5.1 Introduction	
5.2 The avenging spirit	
5.3 Promotion of justice	
5.4 Reconciliation	
5.5 Conclusion	
Chapter 6 CONCLUSION	97
6.1 Summary	
6.2 Recommendations	
6.3 Epilogue	
REFERENCES	104

Acknowledgements

I sincerely thank the following for their assistance during the course of the study:

Dr C V Kwenda, for his supervision of my work with excellent encouragement, helping me to remain focused thereby avoiding embarrassing academic deficiencies. Along the way he provided me with helpful counselling especially during my most difficult times;

Prof J W de Gruchy for financial assistance at short notice without which this work could have been more difficult;

The Swiss Award through the Centre for African Studies for financial help towards research for the expenses involved in this degree;

My family for the great emotional support they gave me during the study without which I could have abandoned the work before completion;

Ministry of Education, Zimbabwe, for granting me study leave to be at the University of Cape Town;

United Methodist Church for allowing me to be away from the regular activities of the denomination to engage in study;

The Department of Religious Studies and all my lecturers: Prof David Chidester, Head of Department, Prof A Tayob, Prof J.W. de Gruchy and Dr C V Kwenda for their academic work that inspired me in many ways, out of which this thesis emerged.

Abstract

This study examines the role of African traditional religion in the promotion of human rights in Africa generally and among the Shona people of Zimbabwe in particular.

Data were collected from library resources on the said tribal grouping. The records researched reveal that African traditional religion carry an oral ethic that is significant for the protection of women's human rights as well as those of children. With regard to the right to life of both women and children it has been revealed that African religions and traditions have in essence great respect for human rights. Such a respect emerges from a strong sense of ethical or moral responsibility to one another by members of the community. As such life is viewed as sacred. Modern communities may learn an ethic of responsibility from African religions. Such lessons may include social harmony and tolerance with, and for one another, care and hospitality, some aspects of justice, patience and love which are vital for human rights protection and promotion. Also African traditional religion socially and spiritually integrates the Shona community in a more significant way than any other force in the community. Besides that, ATR inspired and positively influenced the politics of resistance in Zimbabwe's war of independence. The ancestors, spirit mediums, *n'angas*, in short, religious authorities among the Shona inspired or directed or both; the spirit of nationalism in Zimbabwe. In one way or another they fought side by side with "comrades" in the liberation war of Zimbabwe.

The study ends by recommending an in depth and more comprehensive study of the role of African traditional religion in the protection and promotion of human rights in the light of current socio-economic and political crises in Africa such as witchcraft, child sacrifice, ritual murder, Aids, civil wars, unemployment, crime, corruption and poverty. That religion still occupies an integral part of social life in Africa may be used as an advantage to be capitalised for an address of some of these social, political and economic problems.

Abbreviations

<i>ATR</i>	African Traditional Religion
<i>CRLP</i>	Centre for Reproductive Law and Policy
<i>HR</i>	Human Rights
<i>UDHR</i>	Unilateral Declaration of Human Rights
<i>UN</i>	United Nations
<i>WCC</i>	World Council of Churches
<i>WUS</i>	World University Service
<i>ZARD</i>	Zambia Association for Research and Development

University of Cape Town

INTRODUCTION

1.1 Introduction and background

The study of African traditional religion has been a subject of great interest for many scholars and researchers in and outside the continent of Africa. Widely, one can say that ATR is believed to be an oral religion. The culture within which it operates has a traditional oral orientation as well. This presents problems of analysis due to the fact that its operations though practical, are not documented. So follow up for certain claims made by practitioners is not easy to trace. But what makes ATR a prominent religion is its survival from extinction especially after the attack by missionary Christianity and Islam in Africa. Its members are initiated ritually from birth to death and even beyond. Thus one is born into ATR and initiation such as baptism into membership as in the case of other religions such as Christianity is alien to it. Of course there are some rites of passage that mark each of the stages from birth to death as each person strives to reach the ancestral stage which is believed to be most critical.

Across Africa many tribes practise ATR in many forms and patterns. Research has shown that ATR is a belief system that takes into account the existence of ancestors and a Supreme Being. There is a spiritual relationship between the living and the departed that is visible. Work on these aspects of ATR has been done by several African scholars such as John Mbiti, Bolaji Idowu and Victor Turner among others as will be seen in the literature review. As the main argument of this study aims to show, ATR has a prominent role to play in the ethics and human rights of African people. It

actually promotes human rights in a very special way.

1.2 Aim of the study and statement of the problem

The aim of this dissertation is to demonstrate the role of ATR in the promotion of human rights. For purposes of analysis, civil and political rights such as the right to life, equal treatment, individual freedom, expression and religion (Robertson, 1990:216), will be mainly focused on but with special reference to the rights of women and children. It seeks to identify those aspects of human rights which ATR as a belief system promotes and to what extent it does that sort of thing.

African religions, operating within a traditional culture have often been thought of as oppressive to women. For example it is often argued that:

“Custom and tradition told us it was normal for men to cheat and lie, to abuse and domineer, in the course of marriage. On the other hand, we women were told we were duty-bound to remain steadfast and faithful to our husbands no matter what they did to us or how undeserving they were... we were taught to consider men as our superiors the absolute rulers... of our lives... we were taught to see ourselves as incomplete without them...”

Mathabane, 1994:206.

This problem together with many other allegations and criticisms of African customs and traditions are examined in this thesis. The position of African traditional religion on the issue of the oppression of women and their abuse is also analysed in relation to human rights promotion. Together with this would also be such crises as the general degradation of women by both society or traditional culture and governments, moral adjudication of social injustice, the ethics of marriage, divorce and re-marriage, violence against women, child abuse, social and political crime,

reproductive health, inheritance, polygamy, symbolism and ritual, poverty and wealth. These crises in the perception of this study constitute a platform on which religion plays a role in public life. Apart from addressing crises of a human rights nature, ATR has positive aspects which in fact promote human rights. This submission aims to uncover and analyse these aspects in the process.

To avoid generalisation, Shona religion in Zimbabwe is chosen to represent broadly, and yet significantly, African traditional religion. Further, the Budja tribal household is focused on for the same purpose as later definition of the Shona people shall reveal. Shona religion promotes and protects fundamental and basic human rights in many concrete terms politically, socially and economically. Choice of this Shona grouping is deliberate. It is the tribe to which I belong. This thesis is indeed written from an insider's perspective. Throughout the thesis where the word Shona appears it is referring to the Budja house-hold.

The problem under investigation here is that African traditional religion has been often viewed as an oppressive religion. It oppresses women in all aspects of their life from birth to death. For example in most African traditional settings, a woman is not allowed to inherit her late husband's property. In peasant politics, she hardly owns land. In marriage, her children belong to the husband in the event of divorce. At the same time, while men are allowed (by culture) to marry more than one wife in polygamous marriages, she is not allowed to do the same. In any marriage that fails to biologically produce children she is often thought of being barren. She is then in most cases send back to her parents for this reason or another woman is brought into her marriage to bear children for her husband. Men are never blamed for anything that is unusual in the home or in the family. Even in cases where a man is

found in adultery the woman is not allowed by culture to divorce the man unlike if she is the one found guilty of adultery she would be divorced from home. In an instance where a family is given a choice between a boy and a girl in financially straining circumstances it is considered better to send the boy to school possibly because he will continue to be at home developing his clan, tribe and family unlike the girl who will get married and go away. In marriage the woman or girl is exchanged just like property from one man [the girl's father] to another [the girl's husband]. On charging "roora"(bridewealth) it is men [the father, uncles, brothers] who decide how much should be contributed by the son-in law. Women have little say on decision –making processes regarding this part of traditional African marriage. For these and other reasons ATR has been seen as oppressive to women. Such oppression is a serious abuse of women and their human rights promotion in which ATR engages in spite of these oppressive tendencies. Further, these problems have been blown out of proportion or in fact they have been exaggerated by other religions such as Christianity, claiming to set free African people from traditional cultural oppression. To some extent some missionaries have viewed ATR and everything it represents to be evil. The use of such terms as "religion of the savage" or "primitive religion" (Malinowski, 1940: 1-2) (1) say a lot about the negative attitudes towards African culture and ATR.

This study is concerned with such matters and views them as a problem for purposes of analysis. In fact most African traditional religious ethics have been viewed out of context by an unfortunate attempt by missionary Christianity to isolate bad aspects of ATR from good ones. For example among the Shona it is not evil to marry two or more wives. Missionaries would say that it is. They would not think it

necessary to consider why an African man marries more than one wife. If they did think about the reasons for doing so, one of them would be that the man is “selfish”. But we all know that that may or may not be the reason. In fact this may be too simplistic a reason for the existence of polygamous marriage institutions in Africa. It is very clear [to Budja culture for example] that one of the reasons for polygamy is that the first wife may be biologically incapable of bearing children or she may be having girls only, so the second wife will always fill in for that crisis. This may not always follow that the remedy will result as planned, but it is appreciated that an effort has been made to address what is considered a crisis in family life unlike simply divorcing because of reproductive incapacities or incapacities. There are many other reasons such as this one which are of a traditional nature. They must not be interpreted out of their cultural context.

1.3 Research questions and definition of terms

The main research question of this thesis is: what is the role of African traditional religion in the promotion of human rights ? Other sub-questions are what can African religions offer to civil society in terms of human rights? What ethics of responsibility does African culture offer to the global economy of justice ? What comparisons do we draw between ATR (as an oral religion) and other religions such as Christianity and Islam as “literate” faiths ?

There are three special terms which will be in frequent use in this study which merit some definition. These are human rights (HR), African Traditional Religion (ATR) and Shona. All these terms are important to define because of two reasons. First, they are critical for this study and second, they are too broad in meaning that use without defining them may result in unfortunate generalisations or may lead to misleading

conclusions.

By definition human rights mean, in broad terms, the fundamental rights of human beings to things such as life and freedom. Chirevo Kwenda defines them as "... the right to contribute to the survival of the human race through self-perpetuation". They are meant to ensure that there is order in the world as one community. The Universal Declaration of Human Rights adopted by the General Assembly on 10 December, 1948, Resolution 217 A (111), Article 18 defines human rights as everyone having a right to freedom of thought, conscience and religion including one's freedom to change religious belief individually or communally and publicly or privately (Vyver and Wittle, 1996:86). This declaration, at the formation stage, had no legal binding and policing authority and therefore states viewed it as interference according to the 1999 Annual Report of the Human Rights Watch. But even though it did not have provision for enforcement of its principles it is generally accepted that it provides a firm moral, political and quasi-legal framework to which member states have to adhere (de Villiers et al. 1992:1). Further, it is noted that the declaration refers to traditional, civil and political rights of individuals. In the same vein it contains provisions relating to economic, social and cultural rights. The declaration became an International Bill of Rights in 1966. Widely it is observed that this declaration emerged as a protest against the terrible atrocities which had occurred during the Second World War in which 6 million Jews were killed just because they were Jews (Mason et al. 1991:11). It was therefore a world or nations' critical response to the genocide. From then it was hoped that such gross human rights abuse would never happen again. It is within this context that human rights will be understood in this discussion.

The term African Traditional Religion is a very broad one. Bolaji Idowu has

attempted to define it in his work titled "African Traditional Religion: A Definition". The work was published in 1973. Since then and even before, there is no single definition of ATR or even religion in general. Idowu concludes that adherents of religion (ATR) practise it without bothering themselves about definitions (Idowu, 1973:70). John S Mbiti (1991:16) maintains that ATR evolved slowly through many centuries as people responded to the situations of their life and reflected upon their experiences. It is therefore a belief system that has no founder or literature and according to Mbiti, this religion "is written in the history, hearts and experiences of the people". ATR is therefore in this study understood as an oral belief system of the African people who believe in the existence of "Mwari" or "Musikavanhu" or "Nyadenga" or "Muwanikwa" and many other traditional Shona names. This belief also accepts that ancestors do exist and are in spiritual communion with us. Both beliefs in "Mwari" and ancestors are not "primitive" or "savage" or "superstition" as some early missionaries and colonial people appeared to think (1). The Shona people, who are the representative of ATR in this dissertation define their traditional religion in the way described above by Mbiti. From this point, ATR is discussed in this submission as personal and communal life experiences of the Shona people as they interact with the spiritual world beings they call "vari mumhepo". But who are the Shona people ?

The word "Shona" is an umbrella term whose origin came from the colonial administration of the 1890s. It was used to describe the people known as the Karanga whose language was somewhat the same. This point is made by local historians in Zimbabwe such as David Beach (1980) and Stan Mudenge (1988) who have attempted a fair construction of the origins of the Shona people. But earlier than them

were some pieces of Shona history patched together by Charles Bullock (1927), F.W.T. Posselt (1935) and Holleman (1952) among others. Mudenge says that the Shona are “breakaway groups or houses” of the Karanga people. Michael Bourdillon’s (1976:19) ethnographical study of the Shona reveals that they have originated from a Bantu settlement of the high plateau between the Limpopo and Zambezi rivers. Notably, the Zezuru in Murehwa, the Korekore in Mt. Darwin, the Ndau and Manyika in the Eastern Districts of Zimbabwe are part of the Shona. He contends that they were never one tribe called by the name Shona. Rather they were small and scattered pockets of tribal chiefdoms. Out of these came another tribe known as the Budja (Murphree, 1969). This tribe is found south of the Zambezi river and they cover a living space of 760 square miles of land in what is now called Mashonaland East Province as noted by Murphree. They fall under Chief Mutoko and their language is Chibudja (Chibuja) or Chitoko named after their chief’s name Mutoko. Murphree’s study of the Budja as an outsider and missionary is credible given his language and cultural limitations. However, he informs us that the habitat of the Budja is 486 000 acres and agreeably, their mode of subsistence is agriculture with “chibahwe”, “mhunga”, “mapfunde”, “matere” and “nyemba” as their cash and staple food as well. Their totem is “Shumba Nyamuzihwa”. This area belongs to the Budja. After Murphree’s detailed anthropological study of the “vaBudja” there has not been any meaningful research on them especially on their religion and their understanding of human rights. This current investigation is an attempt to fill that gap as has been mentioned in the aim of this thesis. The Budja are therefore part of the Shona people. Throughout the discussion I will use the term Budja but maintaining the word Shona in certain instances referring to the same people.

1.4 Methodology and brief literature review

Data collection is a very crucial operation in the execution of a good research, because the quality of the research rests on the quality of the data (Miller, 1970:64). Various methods are usable in the conducting of a research such as the current one. Miller (1970) points out that three methods are possible: 1) library, 2) field work and 3) laboratory observation. This appears to cover most of what meaningful data collection may entail. For social sciences this would seem to suffice as this may involve going out to participant observe people or to administer a questionnaire. In this study data was collected by consulting library resources on anthropological records on the Shona people. This was done to inform the current thesis on vital aspects of a human rights nature which ATR promote. The advantage of this method in the circumstances of the writer was the reduction of costs as no field work was involved. At the same time it is acknowledged here that the lack of field work evidence to some claims in this work may be viewed as a weakness. In some instances such as the claim that ATR is protective of women's rights are deficient of the perspective of Shona or Budja women themselves. However, generally the anthropological method has a disadvantage in that some of the recorded data may be outdated given that all cultures are dynamic.

However, anthropology, which means the study of mankind from a number of aspects (Pritchard, 1954:3), of the Shona appears not to have changed beyond recognition. Some researchers maintain that anthropology is talking about humankind, and such discussion about people is an aspect of sociology which studies society (Mair, 1965:1). The Shona people and how they interact with each other politically and socially, as well as how they relate themselves to the spiritual world in relation to human rights promotion can be looked at through such type of data collection. This method just like any other, has its own limitations as noted above. But apart from the above limitation, this method fails to address the historical aspects

of ATR because it has no documents or founder to account for its origins. Second, it falls short of the requirements needed to deal with critical aspects of human rights crises such as violence, although it can record instances of brutality. But these limitations do not militate against procedural investigation of the role of religion in the promotion of human rights in Shona traditional settings.

There are other methods that can be thinkable for executing this work. One such method could be the historical approach which deals with the collection of data from current events tracing them back using oral details from individuals or communities or groups of people. It is taken care of by reference to the library method noted above. In any case this method is inappropriate for this thesis because of the reasons already mentioned.

The sociological method is another possibility, where social analysis and the movement of classes of people can be used to measure religious activity. This method is not entirely divorced from the anthropological one as the above scholars have pointed out, except that "whatever religion maybe, the human material for it is probably similar in all men although ...differences in expression obviously occur" as Bernard, (1975:221) observes. May be as often stated, all study methods have things in common as no approach is completely existent on its own like an island. They continue to learn and borrow from each other.

Previous work in the area of ATR and human rights among the Shona has not been dealt with by many scholars (if any). This is therefore an area deserving some considerable amount of attention. However, David Lan (1983) has made a study of the role of spirit mediums in Zimbabwe's armed struggle for independence. In his

work we can force the conclusion that at least he dealt with the role of religion (ATR) in the military politics of Zimbabwe. In relation to that, historian Stan Mudenge, in his study of the political history of the Munhumutapa State has mentioned the role of religion in politics as that of uniting the people or the tribe at all crisis and light times. David Beach has studied and written an illuminating history of the Shona people dating back to around the year 900. Before him fragments of Shona history had been put together by Posselt in 1935 and Bullock by 1929 and 1952 as noted earlier. Hoyini Bhila (1982) has done some critical work on the Shona who now dwell on the eastern side of Zimbabwe known as the Manyika, who are part of the Shona people as already mentioned. Ngwabi Bhebe and Terence Ranger have also written substantive accounts of the history and traditional religion in some parts of Zimbabwe. In a nutshell historians have made a significant contribution to the study of Zimbabwe and the history of the people who live there. None of these historians has made an attempt to address the issue of the role of religion in promoting human rights. If they mentioned it in passing, it could well be that they were relating it to an historical detail.

Apart from historians' work on Zimbabwe, social anthropologists, missionaries and medical personalities have also made a contribution to the study of the Shona people. Notable work by medical practitioner Michael Gelfand comes to mind. His studies, though not primarily carried out for religious studies purposes relating to human rights, do shade some credible light on our understanding of the Shona people. He did not write about ATR and human rights, although something of this kind may be read into his work. Michael Bourdillon has written an ethnographic history of the Shona people. Credibly, his study which was published in 1976 by Mambo Press makes reference to the religion of the Shona. But his concern was not in fact the role of

religion in human rights. Marshall Murphree studied a Shona tribal grouping known as the Budja. Again his focus was not ATR and human rights. Crawford (1967) and Hughes (1954) have made some illuminating studies on the life of the Shona. It is noted that their work has not dealt (mostly directly) with ATR and its role in the promotion of human rights among the Shona or any of their tribal groupings. But one fact which should not be overlooked in the case of the contribution made by historians to the study of the Shona in relation to this thesis is that political injustice was met with tribal resistance, which was religiously inspired by ancestral spirits. The local population in the 1890s and even before and after these periods preferred listening to their ancestors than pay attention to the “people without knees” (Shona colloquial description of the white men who came to settle in Zimbabwe in the 1890s) who came to colonise them. Such injustice is typical of a human rights issue in traditional politics to be scrutinised here.

The current thesis is making an attempt to address the issue of the role played by religion in the promotion of human rights among the Budja people. It is hoped that this work will fit itself into the above framework, but slightly going beyond it by significantly tracing an omitted or never thought of dimension of human rights promotion role of ATR in Shona religious practice.

Outside Zimbabwe, but inside Africa previous work on ATR and human rights has also not been a subject of immediate attention. The studies carried out by John S Mbiti (1969 and 1990) have made important contributions to our understanding of African religions. Bolaji Idowu (1973) defined ATR as a religion recently attracting attention in many parts of the world. Work on African traditional religion by Victor W Turner on the Ndembu of Zambia as well as Evans Pritchard’s

contribution in a study of the Nuer around 1951 inform this thesis on how African people and their religious experiences shape an ethic and ethos of human relationships of which personal and communal rights are a critical aspect of existence.

Human rights in Africa have been an issue in most parts of the continent though without reference to ATR. Human rights conferences in Africa have talked about the oppression of women and children but without reference to the role of ATR on human rights. It is either avoided or forgotten that ATR has a great contribution to make in the cause of human rights promotion especially for women and children. The Human Rights Watch Annual Report (1999) only refers to traditional culture as oppressive to women. It does not see the role of religion as significant in the promotion of human rights. In this dissertation an attempt is made to say the fact that ATR has indeed a major role to play in the promotion of human rights.

Finally this review of literature only pays particular attention to ATR and human rights in Anglophone Africa with special reference to Southern Africa. Work in the same field done in Francophone Africa has not been done justice to because of linguistic limitations.

1.5 Conclusion

This study hopes that by the end of the work the point that ATR has a significant role to play in the promotion of human rights will have been made. Not only that, it will have been demonstrated beyond any reasonable doubt that for ATR the preservation of life and promotion of such a quality of life (2) of the human race is a vital human rights issue. Further, the accusation by some thinkers that ATR is an oppressive religion will have been explored at length and addressed.

As the next chapter attempts to indicate, religion has a role to play in public life. What it offers in the political, social and economic life of the people remains critical for the study of religions not only in Africa, but also in the world as a whole.

Notes

1. Malinowski views savagery as synonymous with absurd, cruel and eccentric customs, with quaint superstitions and revolting practices. The same in his opinion applies for primitive people or religion.
2. see Kwenda's paper on ATR and Human Rights.

University of Cape Town

Chapter 2

ROLE OF RELIGION IN SOCIETY

2.1 Introduction

The purpose of this chapter is to identify the role of religion generally in society as it relates to human rights. In his discussion of the role of religion in society, Wolfgang Huber, (1996:84-85) observed that religion may be used to support or justify political or nationalistic motives. For example on 17 January, 1991 President George Bush of the USA said a prayer of protection from God for all American soldiers, their families and the American nation as a whole in waging a just war against Iraq. He did the same when he announced the truce in the Persian Gulf. At the same time Saddam Hussein had already announced the invasion of Kuwait on 2 August, 1990 in the name of Allah, the Gracious and Merciful whom he called upon to help his nation to be victorious against "Satan Bush". From Huber's work it is notable that religion has some significant role to play in society. But then this is not the only role it plays. There are many others as will be discussed later in this chapter. It is therefore important to see religion in the light of what it offers to human rights as a phenomenon within most communities in the world in general and specifically.

Religion here will be examined from a broad perspective of the general role played by religions such as Christianity and Islam. African traditional religion will be discussed in later chapters in some greater detail. There will be some bias toward Christianity because of the author's familiarity with this religion with regard to the discussion on the general role of religion in public life. Other religions such as Judaism, Confucianism, Buddhism or Hinduism, may find themselves fitting into the

functional roles played by the religions described in detail, though with slight variance.

Comparative analysis of these will not be attempted simply because there is no basis for a meaningful comparison. For example ATR has no historical literature or founder which make it impossible to compare with for instance Islam or Christianity. Religion is therefore looked at as a belief system and what role it plays in public discourse.

Emile Durkheim (1947) defined religion as a unified system of beliefs and practices related to sacred things (1). Communication between the supernatural world and the living is connected through ritual practice. Earlier studies by some philosophers who had some kind of interest in the field of religion in the life of society indicate that religion is a significant aspect of life for human beings as it performs vital functions. For Max Weber and Karl Marx, religion is what the religious say it is and not what people generally think it is (2). They hold that it is belief and not behaviour. Notably some scholars (3) feel religion is better defined in terms of function rather than substance.

It could be said that religion is concrete experience accompanied by emotions especially of fear, awe or reverence characterised by sacred objects, pilgrimages and even ceremonies (4). Symbolism also plays an important role in religion as far as its functional definition is concerned. Religion, as defined here has several roles in society. Examples are drawn from Africa, Germany and the USA. International literature on the role of religion in these places indicate that religion goes beyond just being a social entity. It has to do with the innermost part of humanity, sometimes referred to as spirituality. The role of religion in relation to this aspect of life where

religion goes beyond mere social interaction of human beings in these particular areas will be discussed in some detail later in this dissertation when some focus on the role of African traditional religion in public life is discussed. In the case of the Christian religion in Africa, the role of religion is to be a watch dog of the government and “only church leaders have the freedom to criticise the government without risking detention” (Hansen and Twaddle, 1995:8). To say that the church has the freedom to criticise the government raises some problems of analysis. Hansen and Twaddle’s perception of the relationship between the church and the state appears too general here. For example we may ask: who gives the church this right of such freedom to criticise the government ? Is the church giving itself this freedom ? Or is it the government itself allowing the church to criticise it without any risk of reprisal ? Which church are they referring to and which government ? These questions are relevant in the sense that not all governments, especially in Africa, would open themselves up for such criticisms without having to clash with some religious faiths. Secondly, not all church denominations would have the courage to criticise some perceived dictatorial governments. Some military governments in Africa such as Uganda during the time of Idi Amin for example or Nigeria under Abacha would hardly have time or courtesy to listen to the voice of the church. This does not mean that some denominations have nothing to offer to the government in relation to ethics of responsible governance but its just that it may be difficult to do so for some denominations. In the context of Zimbabwe, for example, it is not always that the church does not risk detention. The government of this country in fact detained a United Methodist Church bishop, Abel Muzorewa for among other things, being critical of the government and making what were considered subversive statements in some of his sermons. When he was sent to jail at Chikurubi Maximum Security

Prison his denomination suffered emotionally on two fronts. First, the church was left without a leader. Second, the image of the church in general was misinterpreted by the government for an opposition force rather than an entity to work with in unison. So it may not always be that the church will not risk detention for criticising the government. However, at the same time this does not mean that some denominations such as the Roman Catholic Church may not be in a position to be critical of some governments in Africa such as Zimbabwe and even Zambia for example. As such these denominations may truly be a watch dog of the state as we shall see in some instances later in this dissertation.

2.2 Political conscience

Political theorist Aristotle once said that man is by nature a political animal (5). By political animal he may have meant both the ruler and the ruled. The word politics comes from the Greek word "polis" which refers to city and state suggesting the connection between citizens and cities in which they dwell (6). One of the most outstanding roles of religion in society is to be a political conscience of the world as well as the local community. In the case of world politics, there is a sense in which for instance the World Council of Churches has a role to advise the world on the importance of political justice. At the international level this world ecclesial body can in fact, with some amount of respect, address, perhaps even effectively, the world political body, that is the United Nations. Thus on matters of social justice and human rights the role of the church or rather religion in this instance becomes very significant for purposes of this discussion. It is not only on social justice that the Christianity can address the UN, but also on such crises as poverty, unemployment, foreign debt and the scourge of disease in Africa in particular and in the developing world in general.

As these crises affect the life and human rights of the people, the church or religion which has an interest in the soul, mind and body of a person: in fact the whole human being, cannot leave it to governments alone to solve the problems that affect society today. The church has an important role to play in the politics and conscience of society. The Papal office, representing the world-wide Catholic community and, in its view, Christianity as a whole, always encourages non-violence, pacifism and love. Thus in terms of role, the Christian religion acts as a political conscience of the people. But there are some authorities who think that it is not the role of Christianity to be involved in politics as Bishop Headlam of the Faith and Order movement says (7). In his opinion the task of the church is to convert the world, to Christianize men and women and to leave politics alone. But this appears to be a minority view. The World Council of Churches feel that the role of the church is to bring good news to the world, and to speak to the powerful on behalf of the poor and oppressed (8). In WCC's perspective, no matter how the church may shy away from political involvement and try to be neutral, it exists in political contexts which some times demand its involvement (9), though in ways that are critical as Paul Gifford (1998:28) says of African Christianity.

Religion is found through its leaders to be influential to politics of state governance. In certain instances it is involved in peace-keeping during times of political power transfer such as in the case of Malawi's transitional politics from President Banda to Muluzi as observed by Gifford. So the church actually deals with peace-making, mediation between conflicting political sides and reconciliation especially in some African countries where Christianity has played a major role to bring about the "enlightenment" of most political leaders through missionary education.

In some contexts the role of the Christian religion has been to speak and encourage political justice. In South Africa for example, the black and liberal church clearly played the role of being critical of the political system of apartheid. It thus confronted and at the same time appealed to the conscience of the oppressive regime to set itself free from the slavery of apartheid. It can be said that in the case of South African politics, religion had a moderating role where the right representation of blacks in government was an issue on the one hand, while on the other, violence against a “God ordained government” [?] was to be avoided (10). Further, in *Christianity and Civil Society*, Wuthnow (1996:26) maintains that the role of religion in society is to be “the salt of the earth” and even the light of the world. In matters of political violence and dictatorship, the Christian religion appears to have a dogmatic ethic that may be informed by its conscience to speak out with a moral authority. Salt of the earth here means to help states to make this world a politically peaceful place to reside. Peaceful place to reside means the church has to preach and influence society to be as at peace with each other as possible. This may include mediation of political conflicts without the church itself being “political” or taking sides with one system or the other, encouraging in every way possible each side to shun the loss of human life and the abuse of human rights as what is happening in some African countries such as the Democratic Republic of the Congo; Rwanda; Burundi; Somalia and many others. Thus the Christian religion plays a role of being a political conscience of the society.

Other religions such as Islam and ATR (11) have their own ways of ensuring that the political sacrality of human dignity is maintained. At the same time religion can supply some of the most positive, innovative and overriding values of a society just like the leaven of the spirit which redeems the sins of the flesh (Firth 1996:64).

Continually the role of religion in the world is to advise the state (rule and ruled) on moral matters which may affect the political life of the government (Sheldon, 1990:5). Both Firth and Sheldon here provide us with interesting observations on the role of religion in the public sphere. Thus religion addresses the state on matters of morality and innovation. This could mean that where the state is for example corrupt financially or ethically, religion has some say in this state of affairs with a view to redeeming society from drowning in corrupt predicament. Not only that, religion has a major role in public policy and politics. James Wood observes that the role of the Christian religion in the USA is notable:

“The beginning of the churches’ involvement in American politics antedates the founding of this nation... It was religion at least in part, which gave birth to America... New England clergy took an active part in government, in large measure they were the government... The clergy played a prominent role in the American Revolution not only as chaplains and pamphleteers, but in many sermons from the pulpits. They... used their pulpits to recruit men to bear arms in the cause of the American independence...”

Wood and Davis, 1991:2.

In America clergy dominated the Continental Congress as implied here in a very dramatic and yet meaningful way. One finds that in the same vein, the clergy and churches constituted an active pressure group during the American Revolution and the formative years of the new republic as it were. Also notably from the above it is maintained that clergy played a formative role in the “shaping of America’s public and national life”. This intertwining of religion and politics indicates to what extent each is inseparable from the other. In Zimbabwe the situation is pretty the same as it is in many parts of the world. *Zimbabwean nationhood is defined from the religious inspiration of those who spiritually and physically sacrificed their lives for freedom.*

As such national days and holidays are defined by this marking the intertwining of religion and the politics of resistance. ATR inspired the politics of nationalism in Zimbabwe. In the case of the American Revolution, Christianity played an important role as noted above (Wood and Davis, 1991).

By interpretation the above scenario is indicative of the role of religion in the politics of one's human right to political freedom in America and Africa where the "interpenetration of religion in public life" is visibly unquestionable. Both religion and politics are found to be in pursuit of values that are personal, social and transcendent as Reichley (1995:9) notes. This strengthens the relationship of the two entities. In Germany the situation is not different from that in America and Africa. Germanic religion and cult gave coherence to each tribe, which was based on the extended family (Eyck, 1998:6). In this framework tribal leadership was in the hands of certain men who were regarded as especially noble because of "some outstanding feat they or their ancestors had performed in battle in the past" as shown by Eyck (1998). In the same sense the Heroes' Acre in Zimbabwe's capital city, Harare signifies the nation's sacrificial defence of the black people's political right of freedom which has been made sacred by the blood, sweat and bones of lost lives. As some historians say in the case of Zimbabwe:

"Kagubi medium set the process of rebellion in motion by sacred injunctions to the paramounts to kill all white men...he [Kagubi] played a revolutionary charismatic role in ...rebellion...".

Blake, 1977:134.

Indeed as Blake notes here the spirit mediums in Zimbabwe influenced the armed struggle as noted above. The role of ATR in Zimbabwe's politics of protest and the entire patriotic journey from colonialism to liberation underlines the role of religion in

politics as very crucial for religion and public life.

It is not only the Christian religion which plays a major role in the public sphere.

Islam and other faith communities are helpful. In fact it has often been noted that:

“Islam is the only social religion whose viewpoints and systems harmonise with nature, and nature itself is the basis of human rights and Islam’s criterion... Islam has provided all the human rights to men, women and children in all the age groups, in all fields of activity such as the right to life, respect, freedom... security, justice including political social and economic rights...”

Naqavi, 1989:10.

This means that Islam has always been together with other religions in the most vital role-playing function with regard to the respect of human rights. The world then learns from Islam that “transgression and violation of these rights” is highly unacceptable to any morally sensitive community. For this religion human rights are critical as they are traced back to the Koranic texts (Donnelly, 1989:50-51). As such human rights are something which pertains to all people at all times (Cranston, 1973:23). Islam has a role to help society respect human rights.

Religion has the role to therefore support the international community in the “solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinions” (Haas, 1970:1). Although Haas does not bother to detail in what specific sense this happens, one can read into what he says. Encouraging the international community to respect human rights and fundamental freedoms may sometimes imply being involved in conflict with governments which do not entirely respect these. Criticising them for not showing

respect for human rights may in fact mean inviting unpopularity from some governments, which in any case may not be seeing the UDHR as a binding entity to go by. But that religion goes this far [encouraging the international community to respect human rights] is a significant role of religion in society.

2.3 Protecting social rights

The word “social” refers generally to “living together in communities” (Mason et al, 1991:60). Social rights are therefore human rights which give people social security as they live together in communities as families or even societies.

Patrick Wilmot (1985:54) has the view that religion has the role of socialising the human race. Religion thus is seen as a socialising agent in this perception. This view is also shared by Smith (1982:3) who sees religion as a conservative force in the process of social change. In this thinking, religion can influence or challenge the working class elite in respectful ways to win their favour. For example if the state wants to legislate a piece of law on maternity leave for working women religious authorities together with other civil rights groups can influence such legislation by seeking an audience with the government especially if this act affects negatively the fundamental freedom of working women. Where such a government respects the moral authority of the religious community, it may review the policy not in fear or grudgingly against religious authority, but in co-operation and understanding of the role of religion in society. Where, on the other hand, government may not respond positively in this case, religion will still have made an effort to participate with government constructively in public policy matters of importance.

In terms of role, religion has a role of integrating society in many ways as noted by Glock and Stark (1965:170). This generally refers to uniting society within a given set

of norms, values and beliefs. These scholars observe that religion plays a central role of effecting or supporting the effecting of social solidarity and cohesion (12). They maintain that religion is a primary force in the integration of society more than any other force that social scientists can think of and this is a necessary social condition for effective organisation (13). The absence of religion in society may result in the disintegration of the community (14). Religion therefore integrates society in that through its belief system it gives basic support to the creation and observance of social values and also in that through its ritual, it identifies commitment to these values (15). In the final instance, religion integrates society in that through its belief system of eternal rewards and punishment it helps to ensure the embodiment and acting out of values as maintained by Glock and Stark (1965). It must be said that although Karl Marx holds that religion is the spiritual aroma of the world, pacifying it to its advantage (16), it continues to be a critically unifying force as far as social integration is concerned. To say that religion is a tool for the manipulation and oppression of the subordinate class in society and an expression of protest against oppression and a form of resignation and consolation in the face of oppression is to limit the role and function of religion to social analysis. It helps to maintain social order which is a very crucial necessity for non-violence and peacefulness. This is a purely human rights point of importance.

Apart from the above functions, Hamilton (1995:120-121) has derived from O'dea (1966) some major roles of religion in society. First, it provides support and consolation to individuals and communities which helps to support the established values and goals. Secondly, it provides emotional security and identity as well as stability to social order through ceremonies. Third, it sacralises norms and promotes

group goals above individual aims. It also legitimises social order. Fourth, it provides standards which can be a basis for criticism of the existing social order, which may form a basis for social protest. Fifth, it provides a sense of identity. And sixth, it helps individuals to understand themselves better in times of crisis points of life and transitional stages from one stage to another.

These roles of religion in society are critical for this discussion because they have a direct bearing on human rights in the sense that they promote social integration.

Religious practice and social harmony make life manageable for most communities.

This means the absence of cruel and violent crime which is vital as a means of protecting social freedom and one's right to life. This means also the respect of individual liberty and the right of the society to life and none interference. In the absence of crime economic growth is also likely to be experienced as well as political stability. For this reason Hamilton's work is relevant here as it relates to this study.

However, the above facts appear to paint religion and its role in society as perfect.

This may not always be the case in every situation. Some wars have been sparked off by religious differences which spill to physical or political violence such as the case between the Irish Republican Army and the British government where religion appears to play a role in politics. I do not pretend to say that religious differences between these is the main reason for political conflict, there could be other reasons.

Even if Marx (1939) says that religion is the opium of the people (Argyle, 1958:145), the sigh of the oppressed creature (Birnbaum and Lenzer, 1969:94) and an adaptation to frustration, religion is in every sense quite "world – building" (Berger, 1967:29).

This could be with reference to peacemaking, human relations construction, non-violence and spiritual soul searching function of religion. This does not refer to

exceptional instances where religion is forced into supporting or engaging in violence. Functionally therefore religion remains a set of symbolic action that humankind relate to the ultimate conditions of its existence (Bellah, 1970:21). Further, religion has the crucial role of the development of human knowledge where for example people like St Augustine and St Thomas Aquinas creatively developed the ideas of Plato and Aristotle (Wilmot, 1985:54-55). They developed this aspect of human experience into the realm of other disciplines such as science and geography. Even to this day, religion plays a major role in the promotion of education as human experience which deserves one to have a right to access. Some religions such as Christianity and Islam have provided schools for this cause. Notably community and family life stability are given some amount of attention by religion as it integrates society. It is common knowledge that when family stability is realised in the world today, world peace and stability can be ensured. It may not be difficult to achieve since that which is the world today emerges from a family context.

Finally, to protect and promote the right to be defended and to have protection socially, the Christian religion's world organisation, the WCC in 1969 instituted the Programme to Combat Racism with a special fund that was devoted to the alleviation of racism and oppression in South Africa and many other parts of the world (WCC Study Document, 1992:49). This raised awareness in many parts of the world on the subject of racism as far as this went. Further, the WCC later established the Ecumenical Development Co-operative Society to provide investment funds to support the poor of society financially. This means religion has a role to protect humanity from hunger, starvation and poverty. All of these are human and social rights deserving an audience from religious communities.

In Zimbabwe and during the worst drought in living memory in 1992, the Christian religion represented by many churches such as the Methodist gave food to feed the poor whose life was threatened by starvation (Banana,1996:252-255). Not only that, the Christian religion brought a benevolent paternalism to bear upon the harsh realities of racial segregation in politics, education, health and religious institutions in Zimbabwe (Hallencreutz and Moyo,1988:448) and later in apartheid South Africa. In this way both church and missionary personnel were a human rights promoter in Zimbabwe as Plangger (1988:441) observed. For the South African search for reconciliation Christianity has a role to being instrumental in ensuring its receptivity by the general public because “we are ambassadors” as Bishop Desmond Tutu says (Allen,1994:160-161).

2.4 Religion and economic rights

The connection between religion and economics is not easy to discuss because of the distance between the two disciplines. However, whether one is religious or not, critical aspects of life such as the provision of shelter, health, employment and education can call religion and economics to a common platform since they both deal with human life existence (economics dealing with the material wealth or poverty aspect and religion dealing with the spiritual aspect).

“Economics” concerns itself with production, development and management of material wealth and the other necessities of life. In this sense economic rights involve material security and physical survival and how humanity can earn a living using the available resources. Therefore, the standard of living and conditions of work are part of what constitutes economic rights. What could therefore be the role of religion in economics ?

Nurnberger (1994:5) says that part of the role and mission of religion (Christianity) is to “address economic issues”. He further maintains that the church as a community of those who believe in Christ must have a role to equip the laity in its work to alleviate poverty.

In the context of Zimbabwe, the Christian religion had a critical role to play in the economics of the country when the government introduced the infamous “Economic Structural Adjustment Programme”. The church said that it rejected and denounced economic systems which fostered irresponsibility, greed, exploitation and uncontrolled plundering of the earth’s resources which contributed to massive hunger, poverty and socio-economic insecurity of the people (Banana, 1996:244). Religion in this sense was protective of the poor. The WCC has made this point on the role of religion in human rights that in the perception of the church economic issues are a matter of life and death (WCC, 1992). For this reason the Christian religion must act to alleviate suffering in order to preserve human life and human dignity. The worst thing that concerns Christianity as a religion in economic thinking is the “widening gap between the rich and the poor”. Global effort is required to fight this economic imbalance. What it implies is that the poor remain exploited by the rich. The rights of the poor to equitable distribution of any country’s wealth is at stake. The poor have no access to good schools, they have no qualifications to get jobs and often die easily for their lack of access to medical facilities as they would not manage minimum hospital fees.

Wealth is therefore exchanging in the hands of the rich and elite. The role of religion in the circumstances is then to “fight for economic justice” together with other organs

to liberate the wealthy from exploiting the poor and the poor to get their human rights to equality on course. Secondly, funding the poor and creating some form of employment remains a vital role religion can play in the economics of the poor and underprivileged. Giving and donating to the poor is a noble role for religions to engage in. Notably even if charity is not meant to mock the intelligence of the weak, alleviation of poverty is an economic concern for the world to which religion cannot turn a blind eye. That the distribution of wealth and income has shifted in favour of the rich (Stivers, 1989:xii) means the number of homeless families who cannot find or afford accommodation is a national disgrace throughout the world. Poor families are breaking at an alarming rate and refugee camps are threatened by disease. Religion as an institution must “influence” policy makers and legislation to be addressing the economies of their states with similar or better effort as they do with for instance military budgets to protect their integrity. Religion persuades the world to liberate itself from poverty and all forms of oppression (Wogaman, 1977:40-41). This remains a top role for all belief systems that have the well being of their people at heart. And as the Christian religion believes “the church is the economy of God’s household”, it must make every effort to alleviate economic poverty (Meeks, 1989). Religion therefore cannot afford the cost of silence in the face of starvation and general economic poverty because it is a human rights matter of great importance.

2.5 Conclusion

When religion helps the world to fight economic poverty it confirms the fact that the world was created to be taken care of by those who dwell and share its resources for their own good. For its protection and management, the spiritual and physical worlds must attempt to create a sense of responsibility for the world to sustain its

resources. This is done out of economic, social and political responsibility for the human race to enjoy the right to life and its perpetuation or procreation. Again these other aspects of social and political nature appear here with the economic realm because no economy is totally separate from the social, political and cultural structures of society, and this is true of both ancient and modern societies (Moxnes, 1988:28). The interdependence is a commonality of responsibility for a global well-being of the world community. In this approach, the world is given to humanity as an economic right to possess, and responsibility towards it is not an option, but rather significantly compulsory regardless of whether we are Christian, Moslem, Jew, Hindu, Buddhist, Confucian or traditionalist. Even if we may believe that religion provides, as a role in public life, the constitutional balance for the political cohesion of the state as maintained by historian Stan Mudenge (1988:65) as ancestors in African traditional religion were protectors of the land according to both Terence Ranger (1967:18) and David Lan 's thesis (1982) which was later published in 1985, responsibility over this world remains a challenge for many.

As has been shown religion has an important role to play in the public sphere. It takes many dimensions which are vital for life in society. Religion does play a role in for example politics providing emotional and moral support in times of crises such as war situations. The next chapter deals precisely with this aspect. As will be indicated in this dissertation the role of African religions in the political life of the people is critical for their national survival.

Ancestral powers are seen to play a pivotal role in political protests, national resistance and nation building. They are involved from start to finish inspiring the fight for political justice and economic freedom from the colonial administration.

Notes

1. Budd, p.6
2. Ibid.
3. Wuthnow in Smelser, p. 474
4. Young, p. 371
5. Wilmot, p. 121
6. Ibid.
7. Adler in Webb, p. 46
8. Ibid.
9. Ibid.,p. 49
10. Graybill, p.3
11. See Rouner's work, 1988
12. Glock and Stark, p. 170
13. Ibid., p.171
14. Ibid.
15. Ibid.
16. Firth, p.63 cf. McLellan, 1993 b.,88-89

AFRICAN TRADITIONAL RELIGION AND POLITICS

3.1 Introduction

In the previous chapter an attempt has been made to show that religion plays a significant role in the public sphere. This has been indicated in relation to the function of religion in the community as a part of traditional and cultural value in society. This chapter aims to argue that although the role of religion in traditional politics is important, the inseparability of religion from politics is a human rights issue. This is so in the sense that traditional leadership, which happens to be the political machinery of the people, functions to safe-guard the rights of the community. In every respect, the right to life and fundamental freedom are protected by legal authority from the chief who is given such a mandate by both the ancestral spirits and the tribal lineage elders of the community.

Among the Shona people religion is not separated from politics. Put in simple terms, religious life is not seen as divorced from the way people govern themselves. Thus Shona traditional culture views both religion and politics as comprehensively intertwined. Each cannot operate without the other as both are a vital entity in the daily life of the people. An illustration of this point may suffice. In typical traditional Shona setting the chief is a political ruler on the one hand, while on the other, he is the religious leader of the tribe as will be described in later sections of this chapter. The importance of this dual responsibility of the chief is that life is viewed as a sacred entity and for that reason it deserves “protection” at all costs. Also the right to life is promoted from “pregnancy up to, and beyond the grave”. Human rights, especially

the right to life, in traditional Shona life have therefore been a “respectful and the most observed of all rights”. The associational connection between the living and the dead is revitalised through ritual practice. Most traditional religions of Africa survive this way. Therefore “...the conventional view that the concept of human rights is peculiar to the West and therefore inherently alien to the non-Western traditions of third world countries to which it is being extended” (An-Na'im and Deng,1990:xi) is not only inaccurate, but also a long time fallacy. ATR had within its traditional ethics an unwritten code of conduct which regulated social life. It was an oral rule of law. Of course, human rights were not defined by Shona traditional religion as they are by the Western world or by Christianity or Islam, they were rather defined by their function and their naturalness. Apparently, to say that “human rights are a modern achievement” is ambiguous or difficult to understand for African traditional religion. We all know that the term human rights came from the natural law theory which led to the natural rights theory which gave rise to the modern documentation of the Universal Declaration of Human Rights. Even the follow up that was in fact made in 1981 by the Organization of African Unity to deal with regional development of human rights in Africa by adopting the Banjul Charter on Human and People's rights were noted attempts to be responsive to African needs, traditions and circumstances (Welch and Meltzer,1984:125-126). Well before then African traditions and culture had specific ways of dealing with human rights issues through traditional administration of the time. Particular forms of justice, moral conflicts and family crises such as divorce or incest as well as witchcraft are human rights matters which African traditional religion and customs handled with ethical wisdom, perhaps even better than what modern day courts would handle divorce for instance. What I mean is for example the case of a divorcing couple in modern days is dealt with by a

judicial panel which in most, if not all, cases have no family ties with the couple. The court is “completely detached” from the couple it is attempting to help. In brief, the case is handled by “foreigners” or “strangers” to the couple. Judgement and justice may in fact be flawed because of the court’s cultural remoteness from the couple’s marital relationship. Where as in African traditional set up the chief’s court convenes to handle a divorce case, and the whole extended family is involved emotionally [because it affects it as it will have to take care of the children (where applicable) after divorce]; morally [because the whole family (nuclear and extended) are involved]; and economically [because there was shared wealth (in the form of cattle or money or both) during marriage]. Most importantly, the ancestors are involved just the way they were during marriage to protect the couple and family from collapsing. Ritual addresses and representations to the ancestors may even be made in an effort to save the marriage. In short, the people who handle a divorce case in Budja traditional marriage for instance are “no strangers” to the couple which may boost its chances for survival from collapse. The latter may continue counselling long before or after the court sitting on the family level, unlike in the case where the problem is handled by “strangers” to the marriage.

3.2 Traditional leadership

In Shona traditional religion as noted above, the chief is the head of the family and his functions are religio-political in every aspect of life. He also possesses some vital cultural roles which make his position even more critical than often thought of. The chief performs his duties with a full knowledge that he has the support of the people placed under his jurisdiction by the ancestors of his tribe as well as the living themselves. Of course of late in Zimbabwe the chief’s role and status have gone

through many changes from the 60s to the 90s with some powers being given to District Administrators or Native Commissioners (Weinrich, 1971:9). But overallly the spiritual support given to the chief by the ancestors always made him to feel that both him and the people were under full protection from the “midzimu” as Thorpe (1991:53) observes. Such powers are protective, supportive and advisory in the delivery system of his political and religious adjudication of the tribe. He usually attains these powers at the nomination and ceremonial installation which are done by the elderly elite of that particular “dynasty”. In Budja tradition the appointment of a tribal leader is somewhat democratic, and yet not administered through the modern sense of a secret ballot. But very significantly, the rigidity of the concept of chieftainship and the confirmation of his office were and are matters of spiritual importance (Bullock, 1927:279). Tribal politics among the Budja carry a communitarian (Howard, 1986:17) pattern where the society itself is not removed from the electoral process. It happens this way. When a chief passes away, his death is announced many days after he is already buried by his closest family members and subordinates. Time comes for the appointment of a new one. It takes a long but traditionally professional procedure. The Budja senior ancestors are consulted in connection with this. The consultations usually are convened by most elderly men who would have been advisors to the late chief. The role of the mediums (mhondoro) is taken seriously in the succession process (Bourdillon, 1976:124-127). These and senior legal counsel would have been his right-hand men called “makurukota”. They are made up of the chief’s ruling house “imba”. Usually they will be his brothers and some times nephews “vazukuru”. The said consultations are usually convened at the tribal headquarters of the Budja at Charehwa where the medium of this tribe’s late original chief resided. The official oral records of the tribe are “housed” there. This

consultative meeting comes up with the “true house” which now has a turn for the chieftainship (umambo). Traditionally done properly, the consultative meeting finalises its deliberations and share the results of the meeting with the entire “tribal tree” which usually includes the junior tribal officials such as the headmen “mambo” and the kraalhead “sabhuku”. These are made up of the same tribe or blood lineage as the chief “tenzi” or “mambo”. When all these are fully informed and it is found that there are no traditional discrepancies, a day is chosen when the chief is installed to officially take the tribal office. The main role of the chief is to rule and to perform rituals and that way he in fact combines executive and judicial functions (Lan,1985:56). In colonial and mostly post-colonial days, after traditional consultations are completed, the government is called to bless the occasion. In some instances the district administrator would have been informed and even involved in the entire process.

What aspects of chieftainship are consistent with the discussion here on human rights?

First, every member of the Budja tribe from pre-colonial days to this day has the cultural right to belong to this tribe and has access to the chief on matters relating to justice, ritual practice, morality and tribal politics. The chief’s verdict in any controversy of tribal nature usually carries final word even if the case is taken for arbitration in the modern judicial system. This right extends to the right for one to be allocated a place to build one’s house and land to cultivate crops. This identification is embedded in the right to be culturally belonging to this particular tribe. This as well extends to the right to own property such as domestic animals and the land where they should graze. It is an entitlement which one can always raise when abused by a neighbour or an outsider to the Budja community. Ironically, this right of self identification stretches to the right to choose a place of burial. One has a right to

locate for himself a place to be buried without the chief's or anyone's interference. One makes this choice and shares it with a family which in turn must keep it as a secret. It is the chief who administers this cultural right and ensures that his "subjects" are not having it abused by anyone in any form. Second, there is freedom of participation in the choice of a tribal leader by members of the tribal grouping. As we have seen many are involved and broad consultations are made before coming up with the right person for the office of tribal chief. But of course this franchise is not accessible to none members of the tribal ruling class or royal family. Traditionally it is not seen as discrimination against other tribal groupings within the same area. The question of segregation as a modern concept does not rise at all. Consultations circulate around them as an "in-house" (zvemumba) or (zvedzimbahwe). Just like in modern politics where a non nationals of a country would not be allowed to vote in a foreign state, so would a none Budja blood lineage member be allowed to have a say in the appointment of a tribal chief. The point is this. Tribal democracy in African religions could be something which modern governments may learn to inform their conscience in terms of the dignity of broad involvement of the electorate before making major political moves which affect the life of the people. African traditional religion has often been criticised of offering nothing to human rights. From this study one can say that given a platform, ATR could offer the world, together with other world religions some valuable political ethics of responsibility along the lines of democratic governance. This refers to the issue of participatory democracy where by some kind of wide consultation and political involvement takes place in a free society with regards to the choice of the ruler who takes the input of the ruled in the electoral process. As Kwasi Wiredu (1997:305) notes, the head of a lineage is elected and the practice appears to show the importance of consensus in the political process of the

Ashant for example. For Wiredu (1997), this lineage head, the chief, is often seen as sacred as he is believed to link the living and the ancestors.

3.3 Judicial administration

Budja tribe is by nature a law-abiding community. The chief presides over cases related to house hold agriculture by allocating some portions of land for communal tillage and free patches for animal grazing. The chief's court administers disputes that emerge from land disputes, divorce and witchcraft accusation. Some times he handles family disputes which may not simply be divorce which are brought up from the lower level of the traditional judicial system such as the "sabhuku". However such cases are very few. His major task as far as judicial administration is concerned is to make sure that there is harmony among his people. In any community the absence of disputes is unthinkable. In the case of the Budja tribe, the chief has a vital human rights role to play as pacifist. He is a judge. He has powers to arrest, preside over a case, or to administer justice. In Budja traditional judicial administration of justice, the chief is helped by the "chief's council" known as "makurukota". These advise the chief on the course of action to take on matters pertaining to religion, politics and law. In the event of terrible cases such as incest (makunahuna), the judiciary is normally very harsh. They pronounce judgement which is normally extremely deterrent. In normal cases the man who sleeps with his daughter as such is punished by paying to the chief's court some pronounced number of a herd of cattle. "Makunahuna" is a grave crime among the Budja of which every member of the tribe is ashamed. It is almost the same as modern day rape of one's child. In traditional Budja life further punishment may be administered by refusing access to certain traditional rights as attendance to certain rituals of tribal significance. Of course by modern standards

asking a rapist to pay a herd of cattle or some large amount of money would not deter other would-be rapists with adequate alarm. But during the pre-colonial days a herd of cattle was worth a man's wealth and very highly regarded. Then it was thought of as one of the harshest sentences of the day. Notably the reason why incest was a serious offence against humanity was that it was traditionally thought of bringing about hazardous effects on human life. For example the Budja believed that incest caused drought in the entire Budja territory. To avert this the elderly members of the tribe would go with the herd of cattle to the chief and ask for an apology for the sin committed by the man who slept with his own daughter. The herd of cattle would be forwarded to the senior spirit mediums who would in turn ritually hand it over to their elders in order of seniority until it will be acceptable to the highest tribal authority. The handing over of the cattle ritually is believed to spiritually cleanse the culprit as well as his kinsmen who will have become defiled through the sin of one man. The abused child or daughter would also undergo such cleansing procedures to appease the ancestors and practically to get rid of the traumatic experience. For purposes of this thesis, this is one of the most outstanding roles ATR plays in the promotion of human rights. The raped victim is given emotional rehabilitation through ritual cleansing. The rapist is punished and his kinsfolk also cleansed from the sin of one man. This can be interpreted to mean that ATR from its operational framework has ever been committed to justice of a high calibre in terms of role in public life. At the same time the life of the woman was in this way given some amount of civil protection thereby promoting her rights as a human being. So in terms of human rights both male and female were given legal protection by the judicial system of the day.

In other judicial matters which portray the role of African traditional religion promoting human rights among the Budja, witchcraft (*uroyi*) comes to mind. One of the most hated and socially malicious individuals in Budja communal life is the witch “muroyi”. Dr David Lan (1985:35-36) describes a “varoyi” [if they are many] as follows:

“Witches kill people, including their own children, or rob graves to find human flesh to eat. They commit incest and adultery. They run about to do their evil deeds naked and at night. They ride on the back of hyenas. They can transform themselves into hyenas, crocodiles and snakes at will. The three animals... may also act as familiars For witches, as ...*zvidoma*, very small people the size of children who carry out the witches’ commands”.

There are many types of witchcraft among the Budja or even among other tribes of Africa as David Chidester (1991:44 points out. Michael Gelfand (1983), Bourdillon (1976), Crawford (1967) and Murphree (1969) all discuss the concept of “varoyi” with seemingly unqualified reference to women in the majority of cases. They seem to contend that the spirit of “uroyi” (witchcraft) is most peculiar to women especially cruel women who are lazy, jealous, quarrelsome, jittery and even envious. But there seems to be no convincing evidence to this study that most “varoyi” are women although it is generally accepted as so by most Budja people living in Mutoko. These academics can not be criticised for not going into reasons for such cultural and religious conclusions because their studies were not intended for such an objective. It is notable however, that this belief in witchcraft among the Budja exists within some both educated and illiterate, young and old people. The Budja say referring to a witch that “anobuda” [lit. *meaning she goes out, that is going out to bewitch during the night*]. It is believed that witchcraft is actually instilled into some

person some times in one's youth without the young person knowing. As such witchcraft training starts very early in one's life that by the time one gets married she will be an expert. The fear of "kuroyiwa" (to be bewitched) hypnotises (sometimes very seriously) both modern and old Budja people. Even other African tribes who share this belief have some ununderstandable magnitude of fear of "kuroyiwa".

Part of the reason for fearing "varoyi" (witches) is that they have potential powers to cause one to get sick or have misfortune or die mysteriously. Also that they have powers to follow some one after death to the grave to feed on his or her flesh is extremely frightful for most Budja.

When discovered or suspected, the witch is dealt with very severely. Some times one can say that:

"It is universally agreed that the punishment for a witch is death. It is common for the most inoffensive, not to say puny, individuals do declare themselves willing to kill any witch they might discover, however close a kinsman it might be".

Lan, 1985:36.

So the Budja are fearfully eager to know who a witch may be. Judicially, she is brought before a "court" (dare) to answer such allegations before a chief's tribunal which must be proved by the bewitched after having consulted more than three "witch doctors" (n'anga). That the bewitched go and find out the cause of family misfortune or death from a "n'anga" is an attempt to seek the "spiritual truth and well being" of the state of one's family. If it is confirmed that it was a witch responsible for the death of a member of one's family some more ritual fortification to one's homestead is done to prevent further "varoyi" from attacking. At the same time, some times legal proceedings against the alleged witch may be instituted by the bewitched family. But

this is very rare because of two things. First the witch may come and finish you or do more harm to you for defiling her name in the community. Second, one would be found on the wrong side of the law under the Witchcraft Suppression Act. However, in the event that both problems have been overcome a case may be made before the chief's council or the "sabhuku" (kraal head). If proved guilty (which is very difficult if not impossible because of the nocturnal operations of the witch) she is sentenced to death. She is hanged to die a violent death which perhaps is intended to match her level of malicious intentions on other people. In certain instances she is taken to a high mountain by the chief's police men or guards and tied to a large stone and rolled from a steep cliff or mountain. This in the view of the chief's court is deterrent to other witches. The process is meant to reduce or at least to eliminate them from the community. It is an attempt to adjudicate social justice. However, there are some cases where some ritual cleansing may be effected to remove the witchcraft spirit. A "n'anga" is usually used to get this done after some payment may have been made to the chief. There is in fact striking similarity between this Budja concept of "uroyi" and that described by Chidester (1991:44-45) within a Southern African context. Observably there are some very serious human rights problems that emerge from the subject of witchcraft in particular among the Budja, and the Shona in general. First, why does it have to be associated with women most? Second, we have the crisis of individual versus community justice in the event that a witch has been discovered involved in this antisocial behaviour. These two problems have a direct bearing on African traditional religion and the promotion of human rights among the Shona, which is the central concern of this dissertation.

The question of why it has to be always a woman who is accused of witchcraft and not a man is a problem. It is not clear, neither is there any convincing conclusive

evidence to suggest why only women make the majority of witches among the Budja. Generalisations only or even speculation mention that those who are cruel for example make the most number of witches. Traditional experience and live occasions and cases witnessed by the author of many “varoyi” brought before the court of the “sabhuku” [who happens to have been my late father] have shown that some of the women who were caught in the act of “kuroya” did so not because it was their choice, but it was the choice of the “shave” that possessed them unknowingly. This points generally to the fact that some cases of witchcraft being practised by women were believed not to be mere accusation. It is not clear why it is mostly women that are accused of witchcraft by comparison to men. Further research into this point may be needed to find out why less men are believed to be witches among the Shona or at least the Budja. However, it must be noted that witchcraft in Africa remains a critically difficult problem to an extent that many homes and families have been destroyed. In some instances it emerges from malice, jealous or envy. It can also be notable that witchcraft is a social problem operating under the guise of scapegoat, self – hate and rumours that are spread as a result of social crisis. That more serious research on this area can not be overstated in this work. Needless to say such serious and in depth work may empirically produce illuminating results that may add to the current body of original knowledge on witchcraft that contributes to the study of African traditional religions in general and witchcraft in particular among the Shona people.

I am not pretending, however, to ignore earlier studies by anthropologists among the Budja who have made collections of data of some court cases that have been brought to the chief’s “dare” on witchcraft. What I am referring to as meriting further studies to build on what already exists on this subject is actually data on witches caught in the act of bewitching, not just stories that have been told or retold many times after they are believed to have happened. If possible pictures of such witches should be shown by such a study.

Given the complexity of the problem of witchcraft in Africa, more work or study of this concept is required as noted already. Together with this a more conclusive probe is needed to really find out if indeed the concept of witchcraft is operating at the level of belief only or it is something substantially real. To that end, the witchcraft suppression acts in many African governments' constitutions must be visited with a visible amount of rigour.

In terms of human rights, the witch who is caught, tried and found guilty of the "kuroya" antisocial behaviour could hang for this crime according to Budja ethics of moral responsibility. "Uroyi" is as evil as murder. A death sentence appears justifiable and preferable for most Budja [though such justification seems not plausible in terms of human rights protection]. Indeed where the chief's court makes this ruling, and the community seeing any justice in this way, it would appear that there is no breach of human rights. The sentence is therefore carried on any witch male or female. At the same time the rights of the individual are protected within the constitution and definition of that particular country. Any deviant behaviour that fails to conform to this moral requirement may be found to be on the wrong side of the law. The right to life is therefore highly promoted as a human right at least for the Budja. Anyone who violates it is actually out of step with the expected norms of Budja people. In Budja culture a witch is officially proved so through what they consider legal channels. All this is done to protect the community as well as individuals from the wrath of social misfits. "Muroyi" is a permanent enemy of the community and every effort is made to either remove such an evil person from society or at least ritually cleanse her or him to set free the community from such a malicious human being.

This effort is made by both the society and the families concerned and this applies for male or female witches. Such a move is meant to clean up the society of evil or antisocial behaviour.

What about the individual rights of the witch as a human being? We then run into the problem of "whose rights" are more important than the other: those of the community or individual? Well, the same question can be asked for a murderer or rapist. Free a rapist to save his human right to be free or ransom the child victim to fall prey to his

selfish and demonic sexual desire ? If this is what individual protection means for human rights, then I would prefer to save the interests of the community than those of the individual whose life is deadly to the community. The point is remove antisocial behaviour from society to restore social order. This appears vital freedom that is in fact a human rights "right". Social order in this work is for the Budja some form of a free community where witches must be done away with by all means possible. The idea for the Budja is to deal with witches in a ruthless way to frustrate their malicious operations. The word ruthless here is understood from the perspective of the Budja's way of removing evil from their midst.

However, the comparison between a witch and a murderer or rapist is not most apt because in the case of the latter, clear scientific evidence can be found to prove one guilty, unlike in the case of a witch. But at least in Budja thinking, a witch appears to be looked at in almost the same shame and hate.

When the Budja say that all "varoyi" must have their heads roll over a steep cliff for their antisocial behaviour they are saying "get rid of the witch in order to free the community" from marauding "varoyi". They are saying this because they perceive "varoyi" as "breachers – par – excellence" of human rights of freedom and life [physical and spiritual].

But this does not mean individuals who just suspect each other of "uroyi" must just take the law into their hands killing at random [or systematically] those they suspect of being witches. When this happens a human rights issue is thinkable and those who perform such murders must meet the wrath of the law. To deal with this Zimbabwe has introduced a witchcraft suppression act. Its problem of course is that it only suppresses witchcraft accusation without dealing with the problem or addressing

its antisocial essence. It only assumes that witchcraft is a suspicion, which it is not of course. It is real. One of the best ways to address it is to acknowledge the guilty, ritually cleanse them of the “shave *rekubuda usiku*” and reincorporate the cleansed witch back into society, no longer a social outcast but a free individual.

The second problem I noted above was the issue of individual versus community human rights. Must we terminate the life a witch (an individual) to save the life of many members of the community? If so, are we not breaching the human right to life of the individual [the witch] at the expense of the community? The answer is yes, kill the witch to set free the community from the wrath of the witch. The justification to this termination of life legally is like the passing and effecting of a death sentence on a murderer or rapist because such a person is antisocial by all definitions and society can not stand him or her. The argument for the human right to life for a witch just like a murderer falls off simply because when he or she is allowed to go free, he or she is a deadly threat to society. What about sending him or her to jail for life? Well, that is fine, but then costly for the tax payer in terms of food, clothing and medicines for the inmate-witch. Perhaps on humanitarian grounds, the witch can be “locked away” where he or she is proved guilty. In traditional Shona custom he or she will be asked to pay some fine for her or his evil. She or he will then be ritually cleansed. This is even more lenient than removing her or him permanently from society by jailing. Smashing her or him to death appears too harsh though it would be deterrent a measure to take. What this effectively means is that the role of ATR in human rights on this aspect of witchcraft is that it is very protective to the right of the human being to life. Of course traditionally locking the witch away from society was difficult because of lack of jail facilities, so rather, the more respectful way was that of ritual cleansing and payment of cattle to obliterate the sin of “uroyi”. In this instance both

the community and the individual are protected in terms of human rights. This means ATR promotes human rights. In terms of human rights, this promotes harmony by eliminating malicious elements from the community in a respectable way. On the other hand the bewitched is given the freedom from fearful interference of marauding witches. It must be noted here that this practice of justice and belief in witchcraft is live among the Budja in particular and among the Shona and Africans in general. It is not primitive religion. Neither is it superstition..

It may be vital to mention that sometimes when a witch is found to be without substantial evidence to her or his "trade" he or she will be asked to put her palms in boiling water. If she or he burns it was believed that she or he was a witch. She or he was exonerated if no burning occurred. However, this method of proving one to be a witch or not remains scientifically unsound because a normal human being [whether a witch or not] would burn if she or he put his or her hands in boiling water. This belief does not provide the answer to the question of whether there were or would be cases of non-witches who put their hands in boiling water without burning to prove their supposed innocence. It is acknowledged here that this method of traditionally administering social justice among the Budja is the worst in terms of human rights norms and values although it is viewed in the opposite light in relation to traditional ethics of dealing with a witch. Usually such a method is administered with a view to deter would-be witches. So in terms of that perspective there would be no human rights abuse of such a human being who would be believed to be witch.

This method of administering social justice among the Budja has been attacked by missionary Christianity for its ethical unacceptability. But the question that remains is do we condone witchcraft to protect the individual rights of antisocial behaviour ?

The Witchcraft Suppression Act instituted by the colonial government has put an end to most of these methods of judicial management. It must be borne in mind that these methods were harsh by then in order to bring an end to witchcraft as a social evil in society especially to those people that are affected by it negatively.

The colonial administration has put a stop to this because of, in part, its lack of understanding of what the practice of a witch was. By calling it superstition and instituting a suppression act to it they have indirectly, in fact encouraged witchcraft.

The Witchcraft Suppression Act has rather reinforced the practice of witchcraft because now witches engage in their “trade” and get away with it as the law is in their favour by simply dismissing the idea or the practice or by instructing the judicial not to listen to such “crimes” against humanity. Indeed the Budja have a belief that more witches than can be imagined are said to have increased in large numbers forming cohorts and branches in almost every village among the Budja. However, there doesn't seem to be any empirical and conclusive evidence to prove this increase and belief in “varoyi” except to say that the Budja fear witches in such a way that their belief in witches being capable of harming the living cannot be dismissed as simply superstition without finding out the substance of what they believe to threaten their lives. The law protects their “legal” practice as I have mentioned above. It can be said that this way colonialism interfered with traditional Budja ethics and judicial system which was pro-human rights protection and promotion. Generally colonialism interfered with African traditional religion.

The final discussion of Budja judicial management concerns the adjudication of divorce. Divorce among the Budja traditional society is not an acceptable ethical practice as will be indicated later in this study. However, in the event that one finds out that his wife is either a witch or is unfaithful to him, traditional culture allows him

to divorce. Women would also be allowed to vacate their husband's homestead in the same proven circumstances. In some rare instances one may be allowed to divorce if your wife was found to be barren. In the latter, a solution to this problem would be found as long as it was a more acceptable option than to divorce. In the case of divorce being administered the matter would be brought before the chief or kraal head's court. The function of the tribal court in this case would be to bless the separation and supervise the sharing of property. If the case follows witchcraft or unfaithfulness on the part of the wife, she will be asked to go back to her parents (who will be in attendance to the court hearing) without any of their property except her clothes and may be kitchen utensils. If the couple had children they would stay behind with the husband. All the cattle paid as "roora" (bride price) would be returned by the wife's parents. Sometimes the "dare" will rule that since she bore children with this man, no cattle shall be returned to the "mukuwasha" (son-in-law).

Notably the position taken by the "dare" in the circumstances is one of ensuring that family life is protected in the interest of social integration and proper raising of children. In terms of this thinking, ATR has the greatest of respect for women and children's rights. For example in the case that a man wants to divorce his wife for trivial issues such as not being able to cook properly, the "dare" will reject the proposal and make recommendations that she goes to the "tete" (aunt) to be given some cooking lessons and return after some time. The recommendations are a very clear indication of traditional Budja judicial system's commitment to rights of marriage institutions and the sacredness of such institutions and the children born out of such unions as will be shown later in this discussion.

The claim that ATR is oppressive to women in that the wife has no right to divorce an

unfaithful man caught in adultery does not appear consistent with Shona traditional ethics of family union. Among the Budja, a woman who found her husband with another woman can go to the “dare” and report. In turn the “dare” at a hearing of both parties may rule that she be paid some compensation or she be allowed to divorce if she so wishes. She will be the one to give her husband what the Budja call “gupuro” (traditionally a hoe or lately some money to say to a spouse I am no longer interested in you what so ever). Of course in the majority of cases the “dare” would persuade her not to divorce especially if the marriage has children born out of it. The major concern would be protection of family integrity and children’s lives. Needless to say ATR has a softer spot for justice as a human rights virtue. This means that it views human rights protection and promotion from an empathetic perspective. The Budja are not the only case in point. The same applies for many other people on the continent. For example the Luo of Uganda as well as the Ganda of the same country and many other Nilotic religious traditions have a similar pattern. For instance among the Luo elders worked hard to ensure that divorce is the last thing that must be allowed to happen to any marriage. In the same strength if separation occurs all efforts are made to reconcile the couple (Obbo, 1980:34). It may not need to be overemphasised that protection of family life and the women’s freedom especially in African customary marriage were vital concerns for the ethics of marriage among the Shona people.

The main point about chieftainship made here in regard to judicial administration is that ATR is judicially sensitive to, and yet respectful of human rights. It promotes the right of fair treatment and judicial management. It has an empathetic approach to protection of family life and the rights of freedom of individuals in communal life. Thus the chief is viewed as an all-rounder in terms of ritual practice as well as the

political and social history of his people as implied by David Maxwell in his recent study of the Hwesa people who are also part of the Shona (1999).

3.4 Ritual adjudication

Shona traditional life is ritually expressed at every crucial stage of one's well being. The work by Bourdillon (1976) and Gelfand (1959) make this point succinctly. There are matters which require ritualisation administered by the chief as traditional and religious leader of a Budja tribe such as rain-request ceremonies. His role is thus not only judicial administration of the tribal state, but he administers religious ceremonies. This marks his function to mediate between humanity and the sacred world (Ray, 1976:103) as in other religions in Africa. One of these ceremonies is called "hwahwa hwekukumbira mvura" (the ritual beer for requesting rain from the ancestors). What happens is when there is continual drought, the Budja associate that calamity with the anger of the ancestral spirits about something done by the living members of the community such as incest. In Shona culture no misfortune just occurs without a religious explanation. And this shows us how deeply religious African people are. In the event of drought, senior or elderly folk go to the tribal "mhondoro" who is the tribal medium to request for rain. The medium then without raising doubts provides them with positive response. The "mhondoro" requests them to organise a rain ceremony in response to the request for rain. Between the ceremony and the request for rain confidential consultations between the "mhondoro" and the spiritual world "varikumhepo" will be going on with serious intensity because of the nature of the crisis. On the day of the ceremony ritual beer will have been prepared. The people who are charged with this preparation are those women well advanced in their menopause. They are given this respectful function because of the spiritual purity

attached to sexually none active women who will not “profane” the ritual beer by their monthly periods. Lactating mothers equally are considered impure. The emphasis to purity is for the Budja a matter they are extremely fundamental about and no compromises or risks or chances are thinkable. Things should just be the way they should be when it comes to ritual process. On the night of the ceremony the first taste of the beer is given to a “mhondoro” representative who will give it to the “varikumhepo” ritually, and yet humbly, requesting for rain and actually mentioning that “your children are thirsty and dying of drought”. The “mhondoro” says this pouring the water on the soil at the ritual spot. Pouring water on the soil symbolises revitalising the land to give rain and productive crop for the tribe. This constitutes the climax of the rain ceremony as it is followed by ritual dance and performance. While invocation of other spirit mediums may result from the ritual beat of the drum, it is in part a celebration of faith that “our prayers have been heard, we have done our part and the spirit world can now respond with mighty”. The following day as the elderly return from the ceremony to their homes the heavens respond by pouring some rain. The scientific explanation of phenomenal coincidence has no meaning for the traditional Shona. The connection between prayer requests and providence is live and not definable by either scientific or mythic orientation. It is not dismissable either for the traditional Budja find life in this phenomenon.

One wonders what role ATR plays in this religious phenomenon. Definitely, the Budja have a serious concern for the preservation of human life as evidenced by their ritual effort and engagement to request for rain which is a basic human need. That drought is life threatening is for the Budja a human rights concern for the spiritual and physical well being of humanity. Their fear to profane the ritual process is also interpreted as significant to their sensitiveness to the security and sacrality as well as

the dignity of human life. Most importantly, ritual activity unites Budja people socially.

3.5 Conclusion

It is notable from this discussion that the leadership of Budja traditional life is the chief. Leadership takes a dual pattern. The administration of ritual processes on the one hand constitutes a critical aspect of Budja tribal existence, while on the other political superintending demands a substantial share of the chief's time. This in terms of the role of ATR in the promotion of human rights means that tribal leadership among the Budja has a critical concern for the "spiritual and physical survival of human kind in a most sacral way". The right for survival is guarded by a quest for securing basic human needs such as water and food. The chief is the tribal physical guardian of the innermost needs of the people entrusted to him in wisdom by "the spiritual world". The right to life appears to be protected from the threat of witchcraft by attempting to deal with those who may be thought of as witches. Also rising to the occasion of calamity such as drought illustrates how ATR provides immediate attention to the right of protection from life threatening natural disasters.

The next chapter explores the role of African traditional religion in ethical life of the community. Religion operates within a cultural framework of a whole set of traditional ethics. For that reason its role becomes very important in many ways as the next chapter is going to show.

TRADITIONAL ETHICS

4.1 Introduction

This chapter deals with the role of ATR in Budja traditional ethics. There are critical oral codes of conduct which are human rights oriented in ATR which the modern world can draw to make the UDHR more meaningful in African societies. Most of these are found in marriage as well as traditional ethics where life is viewed with much respect as a sacred aspect of existence. In fact African traditional ethics are regulated by law based on sacred sanctions which had their origins in the world of the spirits and ancestors (Olupona, 1991:102). Most African tribes follow this pattern. Not only in Africa is marriage an important aspect of human existence, but the world over marriage life shapes what society becomes. Unstable couples make an unstable society and stable marriages help the community to reduce divorce rates by leading exemplary lives. I am not saying married life is perfect or the most ideal thing that perfects the world, but in some instances where partnership in marriage [for those who will have chosen it as a way of life] is not on the rocks, some amount of stability in society could be realised. Of course there could be some married persons whose lives may not be worth quoting as being exemplary. There could be single-parent families that are stable, though they may be few who lead exemplary lives which will be helpful for social stability. This may minimise prostitution, homosexuality and AIDS. In some circumstances where there is the absence of family stability, problems a social nature such as immorality may occur as a result of this instability.

Family stability is therefore very important in marriage. Many tribes even outside Africa such as the Kokkinia of Greece, value marriage and family stability as critical

aspects of social life styles that conform to generally accepted moral practice in communal life. The Shona appear to hold the same views as the Kokkinian Greeks who maintain that:

“... marriage is imperative for both men and women... a woman’s destiny is to bear children. Pregnancy is an achievement of womanhood and is viewed with pride... Thus female sexuality has a procreative end...”

Arder, 1993:53-55.

Both the above peoples view marriage in a somewhat similar ethical lens. They believe that “without the woman there can be no home, for it is the woman who warms the home, ... so she is essential”. In a similar thread of thought the Shona commonly say “musha mukadzi” stressing the importance of the woman in the home. Religion blesses this position immensely and in fact attaches family stability to be the work of ancestral spirits. Notably, in marriage children are born “safely” without death visiting the family because the ancestors are protective of their off-spring or descendants. In terms of role religion has a protective function to family life and morality. Traditionally, a woman has great honour in any home except if she is a witch, such honour vanishes away or some ritual to get rid of the “shave rekuroya” is performed to rectify the situation.

4.2 Traditional marriage

African traditional marriage among the Shona people is a very significant aspect of their life. Family life is sacred. It is significantly connected with the spiritual world. Ancestors must in all circumstances bless a marriage if it has to work other wise it would crumble without explanation. In typical Budja setting marriage between two

young persons is some times initiated by elderly family members. Even when they initiate it themselves, a more senior person is called into play. This will usually be also a married person chosen by the young man who is getting married (in consultation with an aunt; and there is someone known as “munyai” (mediator) (Gelfand,1959:170) who is asked to mediate the discussions between the two families. In the case of the former, if it is agreed by the couple-to-be, then it is formalised. The involvement of senior and elderly people in the relationship signifies two things of great importance. First, it is an attempt to show that it is not only the two people who are getting married, but the two families (the man’s as well as the woman’s). Second, it is to safe guard the process to make sure no religious or ethical breaches disrupt the engagement. Both show the importance placed on marriage by Budja religion. The Budja believe that every person must marry. This follows the idea that pro-creation is given as a blessing from “Mwari” who is the “mupi ve zvipo zvole” (God who is the provider of gifts). Pre-marital relations are not allowed (Holleman, 1952:123). If one gets to marriageable age and remains single the Budja have a religious explanation for the delay. If he or she does not marry for ever, they also have an explanation for this. The explanation for both may be that some ancestors of this particular person are not happy with something wrongly done by him or her; his or her parents or his or her kinsmen. It may, also, be that the unmarried person has been bewitched or “akapiwa munyama” (the unmarried person has been given with bad luck). Apart from this the “vavengi” (enemies) such as “ngozi”, “chikwambo” and “shave” may cause young men and women not to get married as the Budja firmly believe. This explanation is usually reached after the affected family will have consulted with a “n’anga”. The physician ordinarily prescribes some medicine to remedy the problem of none marriage. But in most families which have this problem of their sons and

daughters not getting married, the “n’anga” is believed to be herbally powerful to effect treatment. Ancestral help and guidance are sought for at every stage of effort to deal with the issue of none marriage. If it is a “n’anga” who is dealing with the matter, he or she diagnoses the “mhepo” (the spiritual wind which causes bad luck on the unmarried young person) and drives it away ritually. In many cases after the drive-away ritual has been performed the individual is asked to observe some traditional taboos called “miko”. These are more often than not some kind of prescriptive set of “dos” and “don’ts”. A breach of one or more of them means the “munyama” (bad luck) will come back. The single individual who observes these sets of ritual regulations simply finds someone to marry within so short a time after the drive-away ritual. This same pattern of dealing with “deficiency” applies when a couple marries and fails to have children. The couple or its parents must seek traditional help by “kumbofamba” (to consult a n’anga). Every aspect of Budja life is religiously explainable. The unexplainable aspects of life are mysteries. These are very few (if any). It must be mentioned that the effort to drive every individual to get married is not that marriage though viewed as vital, can not be escaped or avoided, it is because of the Budja concern for soul to attain adulthood and fulfil ancestral functions [which mark procreative powers and self-perpetuation]. In terms of human rights this desire for the Budja to “self-perpetuate” their kindred means they want to ensure permanent survival of the soul and body of every individual [from pregnancy to beyond the grave]. The Budja treat life as very sacred. And it must be preserved in whatever form it is found. This is part of the reason why the Budja still consult a “n’anga” even many months after the death of someone, even an old person. The human rights concern is to save life even in its spiritual and physical form.

Also, Budja traditional culture relates the above to their fear of the unknown spiritual

powers (mamhepo). Hence an effort to protect one's family from various forms of "minyama". All the efforts to involve a herbalist to drive away the "mhepo" is to provide protection to the individual's life and potential to bear children. The "kumbofamba" process is also interpretably meant to promote the human aspect of what Chirevo Kwenda refers to as the quest for "self-perpetuation". In relation to the above it is also notable that having no children is viewed as a curse (from Mwari or Vadzimu) among the Budja and every effort is made as we have seen to "redress the situation" to normalcy. Infertility or childlessness is one of the most "shameful" and yet sad things that can ever occur in the life of any Shona marriage. The ritual process is designed to make the life of the couple acceptable socially on the one hand. On the other, spiritually, the unmarried person or to some extent the childless (but married) person will find acceptability unrealisable in the spirit world where ancestors will take charge in welcoming new entrants into ancestorhood. It would appear that having offspring is one of the qualifications for one to have access to where other ancestors will be dwelling. Other qualifications are one must have lived a good moral life; attained a reasonably old age r adulthood and must not have died a violent death such as an accident, suicide, epilepsy or lunacy as noted in many African religions (Uka, 1991:47). The concern for normalcy and the natural order of things needs not be overemphasised.

Another aspect of traditional marriage which relates to human rights is the way the institution of marriage is protected by Budja society. When people get married they must not divorce or separate. They must stay together until death do them part. That is typical Shona traditional ethics. Separation could be thinkable in the case of adultery. Even in that instance, efforts will be made by the "tete" to avoid resorting to

separation as a solution to the problem on hand. The Shona ethical values teach (orally) that family life is sacred. Peacefulness in the family ensures lesser problems in the broader community. This may teach the modern global community that unless family stability is made a priority, efforts to mobilise respect for human dignity globally will not be realised. And, global violence against humanity and especially the vulnerable groups such as women and children will not end. There is a sense in which human rights groups could capitalise on this traditional ethical grounding to reach out for the honouring of the right to freedom. I have said that there is no room for divorce in the traditional ethics of Budja people. This does not refer to exceptions. In the event of critical marital problems that threaten marriage, there are always alternative solutions for the couple to resort to. For example if the couple is childless, a break up would be likely. But in traditional Budja life, the case is thoroughly investigated with utmost diligence by the “inner circle of the husband’s family”. A lot of thought and care as well as time are given into the study of this marital crisis. Some times it takes many months to orchestrate a solution. The human rights matter here is to ensure pro-creation is on course to fulfil continuity of the human race in an undisturbed pattern. The family of the husband may arrange that his wife has sexual intercourse with his brother, if it is confirmed that he is the one “at fault”. Family life ensures acceptance into ancestorhood. If this (bearing off-spring) is not fulfilled the impotent man may risk ancestral rejection (unless another ritual is performed to take care of this problem). Children born out of this type of “secret bond” will belong to the impotent man who will continue to sleep with his wife as usual without any knowledge of the new “outsider” arrangement. A family could be raised this way. However, this arrangement, though intended to raise the impotent husband’s family, it may be seen negatively as a way of covering up for the crisis of impotence. Indeed, it

is a cover up for this problem. But at the same time, it is traditionally viewed by Budja as in fact remedial action to the problem of childlessness. Yes, it also appears this is organised adultery [again to cover up for impotence of the man]. But as noted here, the problem of impotence is according to Budja, traditionally not the man's problem alone, it is his problem as much as it is for his wife [who will be in need of children, to look after her in old age and to qualify her for ancestorhood as well]. The extended family will also view childlessness as their problem where it will be a requirement for parents of the barren [or impotent] individual to consult with a "n'anga". So traditionally, the question of her rights being abused does not rise. But suppose that she objects to this "secret marital relationship" with her husband's brother [*adultery* ?], the Budja do not ethically view her objection as unusual. She will not be forced to engage into this sexual act. If they force it on her against her wish, it is believed something bad will happen to her or this particular family. For example, she may give birth to a disabled child or the baby will simply be abnormal or she may have a miscarriage.

Another dimension of the same crisis is that the same arrangement, though with slight variance may be made in circumstances where it will be the wife who will be unable to bear children. The Budja find it acceptable for the man to be given a "bombwe" [your wife's young sister or your wife's brother's daughter to marry in order to bear children]. The only variation with the former case is that in the latter the arrangement is rather public. Also, the barren woman may consent [or in some cases initiate the arrangement]. Again, where she does not like this arrangement, she will not be forced to accept it. She has a right to refuse. The refusal is acceptable among the Budja. At the same time, the young girl to be asked into this marital relationship's objection is traditionally sustained. Where a young girl objects to be involved in this

relationship, she will not be dejected. Yes, she [the young girl or the barren woman] may be given some kind of pressure by the “tete” or other relatives to accept the arrangement, but this does not constitute the normal Budja traditional ethics. Notably, in the case of the woman’s inability to bear children, polygamy is the result. I am not saying that this is the only reason for polygamous marriages among the Budja. It must be stressed that in both cases, traditionally the Budja **do not view such marital arrangements as adultery**. Neither do they, in general, view women as being oppressed in these marital arrangements. This is because where the women themselves do not consent, they are not forced to accept such practices. The arrangements, however, are confidential marital matters for families who define and design them to suit their own crises. And, as such, taking the above marital arrangements in the perspective of the practitioners themselves may be helpful for us to understand why certain traditional practices of the Budja are practised the way they do.

The above arrangements are part of African traditional confidential ethics of marriage. Sometimes a “muzukuru” may be used for this type of arrangement where a brother does not exist or declines to engage in the family plan. But it is noted that in the majority of cases he would agree. The wife would consent to keep this a top secret, so will be the “tete” (aunt, the man’s sister) who will usually be, perhaps the most instrumental personality in the marital crisis and chief negotiator between the “new couple”. It remains most intriguing that all this effort is meant to make sure marriage develops itself into its fullest potential of bearing visible fruit which fulfils one’s ultimate aim of accessing the ancestral membership. Also the couple is saved from divorce. Some religions such as Christianity have always condemned this as

institutionalised sin and unacceptable. Traditionally it was done to save the crisis of marriage breakdown. Also it would help the childless couple to achieve social acceptability and emotional dignity of parenthood. It must be noted here also that the way Christianity has looked and reacted to this traditional practice has somewhat been quite biased. One finds that Christianity has significantly allowed itself to be judgmental on ATR in this aspect and many other traditional and cultural practices of the African people. This never gave ATR a chance to show its positive aspects of a moral or ethical nature which, in fact, as an evangelistic religion, Christianity could have used more productively for better results than it eventually had given its errors in approach to African culture, traditional religion and way of thinking. Notably in many ways and from the point of view of ATR this attitude was problematic and in fact prohibitive, and in some cases negatively instructive to other cultural practices of ATR which were better scrutinised than condemned. It is also vital to note that religious practice of the African is better viewed from the perspective of the practitioner to appreciate the positive aspects of its reality and meaningfulness. This could equally be true of all other so-called world religions that had problematic approaches to indigenous religions and people of Africa.

4.3 Protecting the rights of women

One of the most debated topics concerning human rights and their breaching is indeed the issue of gender. The debate falls into problems of analysis most often because roles are mixed with rights. Secondly, traditional values are interpreted with modern hermeneutical instruments thereby risking the flaw of traditional ethics in a most miserable pattern. Some feminists have been fond of this. While there is some fact and respect in their views, putting ATR into its world view when criticising its

functional practice would work better than mixing it with something, or anything that is not ATR . Worse, if the mixture is being done by one whose religion is not ATR. This is not suggestive of the fact that ATR has no weaknesses of its own which are enshrined within its cultural framework. It has, just like any other religion. So a defence of ATR is not the attempt of this thesis. What is at issue here is what role and contribution does it offer, if any, to human rights. But before this can be examined, a review of what some scholars are saying about women's rights is attempted.

Elsewhere in Africa women have never been happy as is shown clearly by oral literature according to Kabira and Nzioki (1993:27-29). They observe that women's marriage songs demonstrate how women complain about arranged marriages in the case of the Gikuyu, Meru, Kamba and Maasai of Kenya. [The Budja have had largely the same traditional or customary practice called kuzvarira]. In the same view these women also complain about female circumcision and other forms of oppression. Kabira and Nzioki (1993) conclude by saying that women's struggle for freedom has been left out of official historical records and in fact: "...they have never been seen nor heard ...". Apart from this women work hardest when compared to men. So they are oppressed by both labour and culture. This perception is shared by some scholars who hold the view that the burden and production of food in most parts of Africa falls on women generally (Snyder and Tadesse,1995:21). In the case of Nigeria women constitute the backbone of rural farming. While this can be said of many other tribes in Africa "a woman owned virtually no property, she was even unable to sue anybody who tried to take her late husband's property because she was an outsider to the family descent" (Obbo,1980:34). This basically dehumanised the African woman thereby breaching her human rights. At the same time as Obbo (1980) observes high *brideprice* in the form of cattle and money was given to the bride's people in

exchange for the woman's sexual and reproductive powers which were then surrendered to the man and his lineage. This put women in a completely dehumanised position with their rights breached as even in divorce they would leave their children behind in the case of the Ganda of Uganda and even the Budja. This being vital to the woman's freedom, the vitality of femaleness in terms of labour and productivity to the health and nutrition of the household must be stressed (Nelson, 1981:6). In all these oppressive tendencies within traditional settings of African culture and religion the church did not offer women any better leverage with the men as in fact the church was hypocritical on matters such as adultery and illegitimacy in the sense that most its people practised the things they preached against (Obbo, 1980:36). Religion is **oppressive to women** according to this thinking. Oppression of women this way breaches the rights of women as human beings who need freedom. In South Africa cultural taboos have been reinforced by religion in regard to widowhood as noted by the World University Service conference held in 1992. It was thus highlighted during the conference:

"If you have lost your husband, you have to go through all rituals...you must be cleansed...who says you must be cleansed ? Why is it that only women are always guilty ? Widows are isolated...[men are not, where is the justice?]...The church allows this...and is aware that these things are happening..."

WUS, 1992:36.

This complaint extends to the feeling that "...the church is **dangerous**...and religious teachings are dangerous..." because its teachings reinforce oppression of women in the sense that religion (church) helps women to internalise their inferiority.

Current laws in Zimbabwe are oppressive to women and the colonial administration

has even not worked hard enough to redress the matter. The modern government has made an attempt. For example women's rights to own land and property remain inadequately addressed as noted by the Centre for Reproductive Law and Policy published in 1997. According to this observation the only property a married woman can firmly have is the "mombe yeumai" while her clothes, at death will be shared among her daughters, sisters and relatives. A similar report notes that violence against women remains widely unreported because economic dependence upon men who abuse them prevents them from reporting (Sweetman, 1995:23). This further means that violence against women is not accidental or random or a private matter, it is structural and a manifestation of the power imbalance between men and women. In this perspective, violence against women is an international problem (1). It has been noted that traditional and cultural assumptions about gender roles within society are "used to justify continued oppression and subordination of women" as are various religious doctrines (2). Challenging these is seen as socially destabilising and as a threat to family and social cohesion (3) and "women accept violence as part of life" (4). It is not only violence that constitutes the critical problems of women. They work harder than men at least in Africa where agriculture is the mainstay of livelihood. In Sub-Saharan Africa women have a dual load of productive and domestic labour while men have the single load of productive labour "only" (Welch and Meltzer, 1984:52). Indeed according to the Economic Commission for Africa, supply and distribution of food, water and fuel, women do at least 70 % of every major chore except food storage and animal husbandry (5). Moreover they do all the child rearing, cooking and cleaning as well as most of the "community self-help work" (6). Welch and Meltzer (1984) agree with Anker et al. (1982:32) who observe that women play an important part in addition to their non-wage earning house-hold and family activities. It is

further noted from the same perspective that in most parts of the world this contribution to the family's well being is non-monetized and it frequently goes unrecognized and unrecorded by governments and social scientists. For Anker et al (1982) these tasks contribute greatly to the family's economic well-being in the sense that many of them would need to be bought if they were not provided by the women as it were. This perception appears to point to the fact that women work hardest at home while men do the least in house-hold chores. In fact women are slaves of house-hold chores by comparison to what men do with their time. It is viewed as a crisis as such especially in Africa where:

“...women often gather sticks for firewood, help care for domestic animals such as cows, and goats; and chickens... walk long distances for water and arduously prepare food... as well as work on the family farm...”

Anker et al.,1982:32.

Apart from the above crises facing women in general, and those in Africa in particular, genital operations (female circumcision) are perceived as guaranteeing virginity and marking entrance into adult life ensuring cleanliness and enhancing ability to bear children (7). Widows as noted elsewhere in this dissertation face humiliation and potential dispossession of their late husband's property to the relatives of the husband (8) making life very difficult for the woman. Childless women are humiliated and barrenness is ground for divorce and in fact barren women are often considered victims for witchcraft accusation (9). It would appear that the subordination of women is universal in that the Patriarchal control over the reproductive and productive activities of the females of the family: wives, daughters, sisters and female slaves [or maids] is entrenched by law as one of the earliest forms of property (10). Even outside the context of Zimbabwe and Shona, but still in Africa

women's plight is felt as it is astonishingly said that:

“Within the context of the home, paying of lobola (dowry) gives a man the impression that he owns the woman, while the teaching that a young bride must keep marriage problems confidential ensures that ‘home is a dangerous’ place for women”

ZARD, 1996:76.

In this instance women are viewed as second class citizens with very few, if any, rights at all. Life in general is therefore thought to be favourable to men all the time of their lives. The same is what appears to be the argument in the case of Algeria where:

“... a woman is defined in relation to a man, as his sister, daughter, wife or mother; her social status is mainly derived from his [the man] social status. The man theoretically protects and guides her, and provides her livelihood...”.

Jansen, 1987:1.

This view points to the fact that women themselves have no status of their own in the traditional African society. It reinforces the fact of their inferiority – complex position. Tradition then is seen as dehumanising them by not recognising their humanness as people. In fact as Adam Jukes, (1994:5) puts it men hate women and this is a universal phenomenon. In this view men exist in a state of perpetual enmity towards women which they express overtly and covertly, by controlling and dominating them. Notably men decide everything for women including abortion whose pain they have no idea and they “ have the support of the world – entirely male-religions”. The same is true of the life of Tanzanian women. The ownership and acquisition of property is the monopoly of men “... and women are deprived of their rights” (Tesha, 1999:17). Tesha agrees with Brenda Gourley who observes that:

“... there are millions of girls who are not in school and never will be. **Customs and traditions** mean most African countries do not consider women as important as men and so habitually do not send their girls to school...”.

Gourley, 1999:9.

Both views agree well with Stucky (1999:3) who writes that cultural and religious mores that define women's traditional roles in families and society exert pressure such as early pregnancy, motherhood, domestic work on women that there will be little time for energy to learn or study formally. This may combine with traditional tribal mores in Uganda for example where decrees demand that the king sleeps with a 13 year old virgin on the eve of his wedding among the Buganda for religious or in fact African traditional reasons (Tesda, 1999). This points to the fact that the abuse of women and their human rights is immensely frightening as far as human liberty is concerned.

All the above human rights abuses of women appear to point to African culture and tradition as either instrumental or condoning the oppression of women by men and culture. Thus in all spheres of life men and culture are superiors while women are by all human standards inferior with no say in all decision making that matters most [for the family or community or society at large].

Discrimination and oppression of women are obviously human rights breaches whether they are done by states or individuals or cultures. In the above generalisations it has not been observed that African traditional culture had a “sympathetic” perception of women's place in religion and society. Yes, polygyny (barika), the traditional practice of betrothal (kuzvarirwa), circumcision (kugadzirwa or kuchekwa) (Turner, 1967:151-154), killing of twins (kuuraya manyambiri) and many other

African traditional practices are by **modern moral standards** “primitive” and “unethical”. [The debate of whose standards or who defines standards in this case is not viewed as the focus of this discussion]. But the ethical and religious contexts of these traditional practices may need to be examined before any meaningful judgement on them can be made by especially a none practitioner of ATR or in fact a stranger. It would appear that not much (if any) has been researched and written at least among the Budja on how and for what practical religious reason the ritual practice of killing twin children takes place and what ethical dimension its religious form takes at least from the perspective of the Budja themselves. Generalisations on this matter causes problems of analysis as well as religious or spiritual misconceptions of ATR. More research into this area may be a worthwhile thing for scholars to think about. Without such work being carried out, any or some critique of Budja on this matter may not only be misleading, but also uninformed or even inaccurate.

The Budja perception of a woman, put in proper and traditional context, is that she is a “**very important person**”. Very important means she has power to bring about life into the world through birthing which, needless to say, a man cannot do. Man is vital; but not as equally important as the woman in regard to the extra burden of carrying and delivering the baby many months after conception will have taken place. The labour itself is a difficult process to go through. For this reason Budja traditional religion greatly respects women. Traditional Budja culture is **not always oppressive to women as some people may want to believe**, in fact it respects them. For example most Budja men listen to their wives than to anyone else in a manner that is notably significant. In traditional Budja culture or life you can not marry your daughter or son without the mother of the young adult consenting. Also you would never imagine selling any of your property such as a plough or a cow without her “approval”. The

word approval must not be mixed with “consultation”. After ATR became corrupted by Christianity and Western culture, the latter became more common than the former. The Budja family unit is not individualistic like the Western type of family whose emphasis does not appear to be on the extended family. Also, decision-making is generally at the nuclear family level, but at the extended family level in most cases. The reason for seeking the consent of wife at every stage of family life is to honour her rightful place in the marriage institution. Further, most decisions ruled by men at their “dare” would be sanctioned, vetoed, censored or reversed automatically after men went back to be in conference with their wives. And then if this is oppression of women, then perhaps the definition of oppression needs to be broadened to include this aspect. However, it is notable that in terms of traditional leadership, women have been sidelined by Budja traditional culture. But it is always vital to define leadership within which it may be said that they were overlooked or sidelined or left out completely. This is important because they have always had their roles [some times leadership ones]. For example in ritual practice such as *kurova guva* among the Budja, women have their own specific and special leadership roles. In the same line of thought, Ursula King in her article on **Women and World Religions** in a book edited by Angela Wood (1989:98-100), says that “...it has been shown that generally women hold higher positions in archaic, tribal and relatively non-institutionalised traditions...”. She continues to cite the importance of women in religion as magicians, shamans, healers, visionaries, priestesses and prophetesses. Among the Budja, these religious functions constitute in part, some prominent religious leadership roles played by women.

The other most talked about issue concerning women’s rights is violence against

them. Some think this emerges from oppressive African traditional culture and religion, which happen to see women as subordinate to men, [which is of course not true and misleading too]. It is more sensible to talk of violence against women as a global problem than to continentalize it. Notably, there is no region or country in the world today where women are exempt from different forms of violence (Leone et al., 1994: 200). For example, 60% of people murdered in Papua New Guinea in 1981 were women and the majority of them by their spouses; in France 95% of the victims of violence are women and 51% at the hands of their husbands; one in every 4 girls in Peru is sexually abused before her 16th birthday; in the Philippines half of the women arrested by soldiers are forced to undress; in the United States of America a woman is raped in every 6 minutes while 4 women are killed by their batterers everyday; and India leads the world in “custodial rape” where male officials such as policemen, soldiers and hospital staff abuse the public put in their custody as reported by Leone et al. (1994). The same documentary notes that in 20th century America women traditionally remained with an abusive husband because the law provided little means of escape. Further, as a wife, the law subsumed her legal identity into her husband’s, transferred title of her property to him, restricted her access to divorce and denied her the right to sue the abuser for tortuous actions. It is also notable that Biblical texts including St Paul’s ‘letter to the church at Ephesus instructed women to be submissive to their husbands as family heads. It would appear that such texts and many others have been abused by some religions such as Christianity to oppress women. But perhaps quite uniquely on the contrary, Budja traditional ethics do not “allow a man to beat his wife”. It is considered very uncultured and unmanly or even cowardly to do that “even if the wife is the one who is wrong or very silly”. In Budja tradition a man who beats his wife is considered to be a bad person.

If this happens for any reason, in fact such a bad husband is taken to the “dare” where he is questioned and cautioned as well as being recommended for marriage counselling by the “tete”. Notably after the “dare rekuenznisa murume ne mukadzi” (the court to counsel with a man and his wife or to settle their marital problems), what follows is an in-house marriage counselling session. The “tete” is asked to monitor the relationship from a distance (without interfering) to make sure the couple sails through the crisis period without further tension. The couple will also be encouraged to keep in touch with the “tete” in case of further harassment from the husband. Budja traditional culture is **highly protective** of women. Thus they are not supposed to be beaten. Shona cultural ethics teach that “you must treat every woman and any woman as your own mother”. In every day operation, all married or elderly women are addressed as “amai” (mother) or “ambuya” (your wife’s mother). It is extremely common to hear the usual Shona greeting to a woman during any part of the day especially if you do not know her or where she comes from such as “makadii amai” (how are you mother)? She will not be your real mother neither will you be knowing her. Her usual response is often “ndiripo zvangu mwanangu...” [lit. I am well, **my child**]. You will not be her own child, but it is a highly reciprocal response to the respect that she will have been given by society which is orally taught this code of ethical respect.

Both traditional ethical constructs of “amai” and “ambuya” to all, even women who are strangers carry loaded respect and honour for women in Budja traditional thinking and culture. The latter signifies more respect than the former. This respect accorded to women carries them through from adulthood into ancestorhood. In fact at the ancestral level, the spirit of a late mother is respected or even feared more than that of

a man or father. It derives from the actual physical life where in marriage of her daughter, the mother's cow is the "most sacred" of all cattle while her clothes are supposed to be contributed without delay as may happen to those of the father. This oral code of ethics is taught to all generations of Shona culture. It is a taboo to call any woman in Budja culture by her first name or second or surname in general. It would even be impossible to know women's names. Given this scenario, it is very difficult to understand how the conclusion that "... African culture is oppressive to women... and violence against women has remained concealed..." as noted by (Sweetman, 1995:23-24). In this case even the question of the so-called "power imbalance between men and women" is a myth. The issue of subordination may be refers to roles found between men and women. But even then, that does not go far enough to be called "oppression of women" or "violence against women". I am not referring to isolated instances where certain men oppress women or are violent against them for some emotional or traditional problems or even sexual reasons.

From the way women are seen and respected among the Budja it would be unthinkable for men to be both oppressive and violent to women [your own mother or anyone's]. How do you become violent to "your mother" if you are not insane? There are some exceptional cases where a son out of his senses may become violent to his mother, but this does merit the amount of gross generalisation about African culture and religion being oppressive and violent against women to the level it has been stretched. Even the allegation that "women accept violence as part of life" (Sweetman, 1995:24) is perhaps generally and emotionally out this world as far as ATR is concerned. Yes, some modern men do it. But the assumption that it has its roots in African culture and tradition, which are oppressive to women is too general

and hopelessly misleading.

The fact that women in Budja culture are regarded highly and protected by an oral code of ethics is also evidenced by the honour society gives them for their responsibility of birthing as already said. This is one of the most visible instances where a man in Budja culture takes care of his wife. He gets the best food for her. He does most of the work for her taking into account her biological positioning. In fact he takes care of both his wife and the baby. This is in the event that she has given birth at his home. In Budja culture, when a daughter is giving birth for the first time, she goes to deliver from her parents' home. This is done to ensure that she gets all the care she needs from her parents especially her mother. Violent men, oppressive cultures and traditions do not behave this way. Do they ? After giving birth the woman stays with her parents for further nursing. When this particular period is over, her parents get her back to her husband who then provides a token of appreciation. The care with which all this is handled is indicative of the importance and special place of women in ATR. There are some instances where for example in the "flight type marriage" (kutiza mukumbo or kutizira), (Holleman, 1967:123) the pregnant girl is given a lot of attention by elders and homes of the "tete" or the parents or relatives she can put her shoulder on for sympathy, emotional support and moral protection. In traditional Budja life even if the young man no longer wants to take this woman for marriage, she is never left alone. Her own parents or the fugitive man 's parents always take care of her in all circumstances.

The "mombe yeumai" (the motherhood cow) earlier referred to in Budja culture is very significant. (CRLP, 1997:142). It is meant to "thank your wife's mother for bringing about and raising of the woman who has now become your wife". It is a

particular honour especially to her. This animal is “always” the first to be contributed by the “mukuwasha” (son-in-law). It goes to the “vatezvara” (your wife’s parents) together with other cattle as part of the entire “roora” (bridewealth). This contribution of wealth has special importance for Budja women. Wealth is given to one’s in-laws and never vice versa. The “mombe yeumai” is never given to the husband’s mother even though she would have equally gone through the same pain of labour and raising up of her son later to marry this particular woman. Shona culture does not consider raising a boy child deserves any or some honour or recognition at all of which his mother can be thanked for. It is always a wife’s mother’s right to be honoured this way, first as a daughter and second as mother. It is very important to note here that the issue of equal rights has not been raised by those who think African culture and religion are oppressive to women. At this stage it will not be considered making sense to say that African tradition within which ATR operates enjoys the subordination of women. Some justification may also be helpful to such claims as “women are expected to be subservient to their husbands in all times” (Rosette, 1977:160). Women occupy a very special social status in Budja tradition. Their role is equally special. ATR considers women to be a stability to many if not all homes. This does refer to exceptional cases where some deviant women beat or bully their husbands or leave them for various reasons. At the same time this does not mean that all men in Budja culture are not involved in abusive behaviour. What this is saying is that Shona tradition has a soft spot for women’s rights. It is not oppressive. Religion protects them against male domination or subordination or oppression. Violence against them is not thinkable. All this is because Shona culture and religion respect women’s rights as human beings. Shona ethics orally teach that “amai havarohwe” (a mother must not be beaten in whatever circumstances). It is very firmly believed that if one beats his

mother, that person will go out of his senses. It is taken seriously that beating one's mother angers the ancestors. They are the ones who will cause the man who beats his mother to become mentally disturbed. Clearly this indicates that the role of ATR in human rights is to promote the protection of women's rights against abuse. Women have their own roles which only now are being mixed with the so-called equal rights.

There has been some instances where the practice of polygamy has been tightly linked with the oppression of women by African culture. It is argued by this view that women in married life are abused by being "forced by traditional circumstances" to share a husband (barika or pari) against their will. The point is stretched further by saying that even in the event of one's husband's death, women are "forced" to be remarried by a man they may not be in love with (kugarwa nhaka) and they (women) have no voice to protest against this **oppressive tradition**. This is a situation where a late husband's wife is remarried in the same family by the deceased's brother to take care of his brother's family. Some people have interpreted this to mean that husbands who get involved this way just want the property of the late man without any interest in the welfare of the family. Instances as this can not be ruled out. At the same time this only happens now, and not because the greedy man has anything to do with African tradition and culture. It has to do with selfishness. But clearly Budja culture teaches that if one has to take responsibility for his late brother's family "kugara nhaka", he may have children with her and indeed take care of the children of his late brother. If he takes possession of this and forgets about this "new" family, the late brother's spirit will deal with him accordingly. "Deal with him accordingly" means he can cause him to be seriously ill or effect some bad luck on him. The late husband has potential to do this as he will be now an ancestor dealing with this matter in consultation with a host of other ancestors in the spirit world. They will help in fixing

the “wealth greed”. Notably this is a human rights issue. The late husband and indeed the other ancestors will come and punish the man who will have run away with the wealth of this new family without taking care of it. The fight is in fact a protective measure to the robbed late husband’s wife. Thus her right to own property, that which she has worked for with her late husband, will be spiritually protected by the ancestral world. In traditional Budja life this fiasco will not be a matter for the courts to settle justice. It will be a spiritual matter where protection of the women and her children will be a fight of the late husband. So polygamy is meant to protect the human rights of the children and the wife to life and protection from starvation. The view of this thesis is that polygamy has got some positive elements within itself as well as negative ones. In relation to human rights polygamy is largely according to Budja culture a helpful practice for purposes of family emotional support in times of crisis such as hunger or death or any other misfortune. The large polygamous family adopts what John Mbiti calls “corporate existence”. The family helps each other in good and bad times. It is viewed as vital to stand together in such times. In fact:

“Polygamy raises the social status of the family...
It is a sign of wealthy... when one wife gives birth
there are other wives to nurse her and care for
her other children during the time she is regaining...
vitality. If one wife dies there are others to
take over the care of her children. In case
of sickness, other wives will fetch water
from the river, cut firewood, cook and do
other jobs for the family. If one wife is
barren, others bear children for the family,
so that the torch of life is not extinguished”.

Mbiti, 1969: 139-140.

According to this thinking therefore polygamy is traditionally not an oppressive practice, but rather an attempt, a successful one, to complement one another in family life from birth to death and even beyond as these relationships continue into the

spiritual existence. For the Budja, if the woman does not submit to the “kugarwa nhaka” marriage she in most cases shows her discontent during a ritual by giving her own child a hoe or a calabash of beer or water or a dish of water or even a “tsvimbo”. This will then mean a nominal care-taker will be appointed in relation to what the late man will have said before his death [if he had a chance to do so]. If there was no prior arrangement to this, the relatives of the late man will organise this in consultation with the wife. In most if not all cases she will not be asked to vacate her homestead and therefore will continue to “own” land that belonged to her husband. The allegation that “widows are dispossessed of property at the death of a husband” as “traditional culture demands this” are not a matter to be taken seriously according to ATR where qualification of such claims will not have been given. Generalisations on the matter will need to be qualified to avoid problems of analysis.

However, in terms of human rights abuses against women, all cultures and traditions in the world, not just ATR, have not been immune. On the part of ATR the practice of killing twin children (manyambiri) among the Budja simply because it was thought that the ancestral spirits were angry about something can not escape criticism. Looked at with modern eyes and ethical interpretation, it is not only wicked, but unthinkable. But traditionally the fear of the spirit world and its anger explains the ritual death of twins. In some cases both would be killed while in others one would be spared. Ritual murder in ATR is a matter of spiritual sacrifice. It was not traditionally and ethically seen as evil. It may even take the spiritual dimension and explanation often to justify the murder of Jesus in the Christian religion. He dies as a ransom for many to set free all those who are or would be affected by the sin of one man called Adam as the story in Genesis’ book records it. Twin children were then thought of as a result of the

anger or unhappiness of the spiritual world. To fix the situation, some sacrificial death had to be effected to avoid getting the rest of the people affected by the sin of one or a few people. Protection of the rights of many at the expense of one person was the emphasis. The question of individual versus community human rights abuse in this aspect is discussed elsewhere in this dissertation.

4.4 Promoting the rights of children

The Fourth World Conference on Women in Beijing, China held on 4-15 September, 1995 had this to say on strategic objectives and action on human rights:

“Human rights and fundamental freedoms are the birth right of all human beings; their protection and promotion is the first responsibility of Governments... The human rights of all women and the girl-child must form an integral part of the UN activities”

Beijing Report, 1996:121-123,146.

The promotion and protection of women and children’s rights featured very prominently during this particular conference. It even went further by noting the discrepancy in cultural attitudes that discriminated women from men in society from their youth. Thus they maintained in the above quoted conference session:

“Girls are less encouraged than boys to participate in and learn about the social, economic and political functions of society, with the result that they are not offered the same opportunities as boys take part in decision-making processes...”

The expressions found here appear to indicate the extend to which most women around the world feel insecure about male domination in all aspects of life. Culturally they feel their human rights are eroded by patriarchal structures which are oppressive to them. This allegation implies to a certain extend that traditional religion which

operates within a cultural framework does not appear to be sympathetic to degradation of women in most communities. The implication of this complaint is that boys are better trained to make critical decisions in life while girls are left in the periphery in regard to the same process. That is in terms of human rights a problem in the sense that traditional culture dictates for the girl-child an inferiority complex which she will internalise into adulthood. To a boy, superiority complex is also instilled.

The brief discussion above on the killing of twin children among the Budja for religious reasons as well as the feelings sounded during the Beijing Women's conference open up a whole range of abuses many traditions inflict on young children because of their vulnerability. Another is the giving in of young girls to be compensation for the sin of the elderly in a "ngozi" situation. But it is always vital to see how ATR made an effort, sometimes effectively, to promote the human rights of children. As Maquet and Rayfield (1972:55-60) put it, the African child is more protected than a European or American one by general comparison in terms of human and physical environment. They note that some months after birth the African child is in constant physical touch with the mother by carrying him or her on her hip or back often skin to skin. She breast-feeds him or her when ever hungry. The child is given, and accepts a sense of adequate security by the mother who in this regard is the source of life: food, protection, warmth, comfort and support. The child this way 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 the 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 formulas. Such a child is confined to the nuclear family such as brother and sister as well as mother and father. Relatives are often distanced whereas the African child

only walks some metres in his or her village to visit several people who “substitute” for his or her parents. They will in turn treat the child accordingly. The child has many homes in his own locality and he or she is receiver and giver of widespread attention. I would agree with Maquet and Rayfield in their comparative analysis of the African and Western child because in this way child abuse and neglect are in fact alien to traditional African ethics. Also the interconnectedness of the African family makes it difficult for a breach of children’s rights. This is so because socially and biologically the child is gradually wanting to know and being schooled about his or her origins through a trace of his or her blood lineage and ancestors. The oral teachings and quest for knowledge along these lines gives very little room (if any) for him or her to be abused. So it can be safely concluded that child protection is [which promotes children’s human rights] guaranteed in African traditional religion as an aspect of human rights. Religiously ancestors are protective to children. Budja oral songs and ethical teaching say that:

“When you are hunting in a thick forest, far away from home, when parents are so removed from you... always remember that in your greatest fear and threat... of lions, jackals, hyenas and leopards... or snakes, run for shelter at the sacred place where your ancestors are buried... they will give you protection, they will smash the enemy for you... The spiritual sites are therefore protective centres for the living. They are a source of spiritual shelter and physical convenience...”.

These religious teachings of the Budja not only instil a sense of security, they also help children to grow with a feeling of religious belonging to the spiritual world that stretches far beyond their nuclear and extended family. They develop within themselves a sense of being adequately protected by their physical as well as spiritual parents. This is the human rights protective reality of African traditional religion

among the Budja. In terms of the role of ATR on human rights one can find that spiritual protection to the living is one of the most primary functions on site.

Shona traditional ethics orally teach that every child must be treated as one's own. Also, all children must see all adult persons as their own actual parents and this helps the Budja ethical oral code of conduct in two ways. First, the child in fact develops an acute sense of moral and emotional protection from those surrounding him or her. Second, the chances for adults to abuse children in general were largely very minimal. Budja community is made in such a way that life is not lived in isolation. The intertwine of the family kindred is so connected that human rights abuses are not likely given the emotional value attached by parents to children of their own or others. Child protection, speaking from a human rights point of view, is everyone's concern in Budja life. Every effort is made to ensure children are safe. This means that every parent must protect and discipline any child to make him or her a better person. When every child is born it is every adult's duty to make sure that he is or she is raised in good manners. Also the community takes responsibility that his or her rights are given a priority without spoiling the child. Death is not expected to visit the child unless a witch or the ancestors cause him or her to die. Thus there is no doubt that African traditional culture and religion are protective to children's rights. In the event of a marriage falling apart through the loss of one or both of the parents, children become the source of the community's concern. If it is a decision by the parents to divorce the community and the extended family actually plead with them not to divorce. When this fails completely, child protection does not fail as the marriage relationship does. The extended family comes in to take care of the children. The extended family is in fact a refuge or child protection central point. At the same time it provides shelter for the child whose parents are divorcing. Indeed the human

rights role of the extended family in Budja religion is to provide physical and spiritual protection to the child by giving him or her moral and emotional support in his or her psychological predicament. Spiritual protection here refers to the extended family becoming the “mumvuri” (shade) of the child to shield him or her from the “scorching heat of his or her life”, that is the unfortunate situation for example falling prey to the wrath of enemies such as “varoyi” or “ngozi” in which he or she may find him or herself. It is even recognised that the extended family calls upon their ancestors to protect the child in every way they can. This can be interpreted to mean that ATR is very sensitive to the rights of children as human beings who must be helped to grow up to full potential and fulfil their adulthood and ancestral roles in the community. This role by the extended family is one of the strongest traditional practices by the Budja that has generally survived many years of negative influence by the Western culture whose emphasis on family life appears to be individualistic. Shona tradition therefore does not believe that there is wisdom in sending orphaned children to an institution to stay with “strangers” or care-givers who the child is not related to. Even the children themselves appear more homely with the extended family than the orphanage where comfort and freedom are sometimes not only restricted but also compromised by either or both the numbers or the alienation of the “children’s home”. African culture is thus sensitive to child protection. It is notable that as African traditional religion protects the rights of children with all effort, their security appears to be near what the modern world could learn from Africa.

4.5 Conclusion

ATR emphasises the ethic that social acts which offend the spiritual world such as stealing, cheating, murder, incest and many others constitute “sin” and invite punitive

displeasure unless some ritual of atonement is performed (Olupona, 1991:102). Failure to do this will cause bad luck or invite calamity into the community. The emphasis is very much on the side of social conduct that is beyond reproach. This tendency is true for the Shona. Traditional life and ethics orally instruct that for instance marriage is sacred and all effort must be made to protect it from falling apart. Women have a special place in the community and they deserve respect from all. Violence against them is not allowed. Their human rights are well protected so are those of children. Those that abuse both women and children are considered evil and may ethically be dealt with by the spiritual forces of the family or the community. Allegations contrary to this thinking may need due qualification and specificity as ATR is extremely a vast range of traditions and religions that any generalisation may easily cause analytical problems.

The next chapter deals with the concept of justice in African traditional religion as it relates to human rights. Whether approached from a political or social or economic perspective, justice is a vital aspect of human existence. And, for African traditional religion this form of justice has always been viewed in, and given a special place among the Budja people. It therefore must not be under-stated that African traditional religion has a lot of lessons to offer to other modern societies in regard to the ethics of justice.

Notes

1. Sweetman, p.24
2. Ibid.
3. Ibid.
4. Ibid.

5. Welch and Meltzer, p.52
6. Ibid.
7. Welch, p. 95
8. Ibid.
9. Cohen, Hyden and Nagan, p. 122
10. Ibid., p.23

University of Cape Town

Chapter 5

JUSTICE

5.1 Introduction

This chapter attempts to proceed from ethics of responsibility with special reference to human rights for women and children to the Budja concept of justice. Traditional Budja culture is respectful of an oral code of ethics for human justice in all aspects of life. Political, social, religious and economic justice all have their share in this realm. Only political, social and economic justice are attended to here, not in isolation from each other.

5.2 The “ngozi” (avenging or angered) spirit

The origin of the word “ngozi” is not clear for most Budja people although it is one of the most feared of all Shona spirits. Studies by Gelfand (1959) and Bourdillon (1976) have shown that this spirit is considered deadly and most Shona in general dread it with unprecedented hysteria.

Gelfand identifies four types of “ngozi” namely: the spirit of a murdered person which comes back to seek justice, the spirit of a dead servant who was not paid his dues during his working period, the spirit of a wife or husband who dies unhappy about a deep or serious concern and the spirit of a parent whose child mistreated him or her or simply the child’s unkindness to a parent (Gelfand, 1959:153).

The “ngozi” spirit’s major concern is **justice** which is purely a human rights issue. What it does is to come back to the family of its victim and fight for justice. The modality of its fight for justice is such that the attacked family will seek the assistance

of a “n’anga” (medicine man) who will diagnose the problem and make an attempt to address the matter. The “ngozi” spirit causes the family of its victim to fall ill or it can cause in-explainable death (Bourdillon,1976:270) in the same or different family but same blood lineage. It will be seeking vengeance thereby addressing the question of justice. Shona religion believes in the sacredness of human life. Budja traditional ethics teach this. The right to life is therefore an ethical preserve for every Budja. The spilling of blood is strictly forbidden. It is clear that ATR has the **greatest respect for the human right to life**. That way it promotes human rights. When a breach or abuse of this right is committed, the crime is dealt with by the spiritual world or the ancestors some times many years after the murder of such a person. In modern days the family may in fact go and seek justice from the courts. In traditional Budja culture it is a matter for the “**spiritual courts**” and justice would be administered by the ancestral spirits of the murdered person in the case of this type of “ngozi”. If the victim murdered was a child his or her fight for justice would be fought by the senior spirits or ancestors. Avoiding the “ngozi” would be difficult, so would be challenging it. Some scholars have tried to follow through what possibilities there were to get rid of the avenging spirit so that the victim’s family may be set at liberty. These include Crawford (1967:88) who notes that :

“Amongst the Budgja of Mtoko district ways of avoiding the *ngozi* includes eating the victim’s muputu (string worn round the waist), and the eating of the blood or flesh of the victim taken from the private parts, the little fingers, the little toes, the ears, the tongue or heart... Only little blood or flesh is taken”.

The effort to drive away, or better still, avoiding the “ngozi” spirit is the aim of every affected Budja family. It must be emphasised here that the reason why Budja people want to avoid or drive away the angered spirit from affecting them is not

because it is a bad spirit. It is in fact a good spirit. If for example my father was innocently murdered by a gang of brutal thieves and robbed of all his belongings, he will come back in the form of “ngozi” to seek justice by fighting those that killed him. He will use all methods at his spiritual disposal to wipe out every member of the brutal thieves that killed him, and if need be, finish the whole family lineage of the murderers. He, together with the spiritual world of my ancestors and indeed all of us the living kindred of his, will support the revenge for the simple reason that justice will be seen to be visibly on course in this instance. This will also teach the living a lesson that if you murder someone this quest for justice will always follow you. In fact ethically the concept of “ngozi” is a traditional deterrent measure for antisocial behaviour such as taking someone’s life especially for malicious reasons. Justice will in this case be administered by the spiritual world and no errors will be made in terms of tracking who the murderer and his or her family are as visible vengeance will be witnessed by the community. So, the reason why a “ngozi” spirit is viewed as good is not because what it does, that is to destroy life, is good, but that it is interested in seeing justice being done qualifies it to be in fact a good spirit. In any case, the people in general, are fearful of the “ngozi” spirit in such a way that they avoid killing some one under what circumstances. The havoc and physical damage that the “ngozi” causes to its murderers in itself announces to the public that “you should not murder some one, if you do, you will not get away with it even if you do it in secret”. Ethically it teaches that life deserves respect. Also secret murderers will be tracked and though they will not be brought to book, they will certainly be brought to justice. This also helps the Budja to see life as sacred. Thus spilling of blood in such a way that invites “ngozi” will always be avoided or where it is too late to avoid it, driving it away is always the next best option though often difficult. It must be

underlined that the main concern for a “ngozi” spirit is justice and as such it can not be thought of as a bad spirit. Those who have erroneously classified it as such miss its ethical intention: **seeking justice**. Among the Budja it is often administered very effectively by the spiritual world.

However, some people have maintained that the “ngozi” spirit is a bad spirit because it destroys life including that of innocent people in the blood lineage of the murderer who may not in any way be involved in the killing of the victim. So for the family that is being attacked by the “ngozi” it becomes a bad spirit. This argument is often weakened by the fact that no “ngozi” attacks a family of individual for no reason or by mistake. The wrath of “ngozi” comes to some one or some people who have wronged some one. And it comes seeking revenge as part of the Budja traditional justice system. The entire concept of “ngozi” must therefore be seen in this perspective.

There are some ritual processes in some cases involved in the drive-away ceremony of a “ngozi” spirit depending on the intensity of aggression and amount of destruction of lives and homes or livestock by the angry spirit and which part of the Budja community one will be. The above method of driving away or avoiding the angered spirit noted by Crawford is **inaccurate** and of course **not true** of Budja traditional religious ethics. The effort to drive away the angered spirit is some times done through a “n’anga” who will communicate with the angered spirit and get his or her victims to compensate him or her by paying a herd of cattle or to replace the murdered person with another human being such as girl child (Gelfand, 1966:71-72). The child is by modern standards being abused by the tradition. Child protection at this stage is at stake. But put in its context, the girl child is given in compensation as cultural or

traditional “sacrificial lamb” to save the rest of the family from further attacks by the angered spirit. This fear of extinction through the destructive forces of the “ngozi” spirit leads them to surrender to the demands of the spirit, hence compensation in the form of a human being to replace the one they have murdered. One can say that child protection is superseded by the family’s quest for survival. It was a way of averting further destruction by the angry spirit. The logic of sacrificial death is therefore traditionally justifiable in terms of its rationale to save many by “trading one soul” to the family of the late angered individual. Child protection from such an “abuse” of the child’s right to life and freedom to choose a life style of hers remains a human rights issue. We also run into the earlier on sited problem of individual versus community human rights. In this particular case where usually a girl child is sacrificed to save the entire family lineage from perishing from the wrath of the “ngozi”, it is argued that all effort is ensured that the child who is given in a “ngozi” compensation is safe in whatever home she will stay as a minor. If this does not happen or if the child is murdered it will be another “ngozi” case for the family with which she was staying. If she is mistreated, she is given instructions to report such cases or even to leave the homestead as soon as this happens and “dare” will be convened to settle the matter. In such instances the ruling of the “dare” usually at the home of the chief is final in the case where the host family of the “mukadzi we ngozi” will be asked to go back to her home because of established cruelty on her. Some herd of cattle or money or both may be ordered by the “dare” in session at the chief’s homestead. In fact, the ngozi may actually ensure her safety and security by turning on her persecutors.

5.3 Promoting justice

African traditional religion for a very long time has never been separated from the

politics, economics and social life of the people. In Shona traditional life the chief has always been culturally regarded as the religious leader of the community. He is actually viewed as mediator between the people and the ancestors when it comes to matters of religion and politics. Where tribal feud occurs the chief is charged with the responsibility to ensure that justice is administered. In instances where his subjects are under political or economic or social threat, the chief is the one who takes measures to give the people the confidence they deserve as well as the protection they may need. Settling conflicts between families on matters related to land distribution is also part of what the chief is charged to do to administer justice within his land.

In terms of political justice the Budja traditionally believe that their land is taken care of in every particular sense politically by their ancestors. This belief is typical of all Shona traditionalists. For instance in the liberation war which ended around 1979 in Zimbabwe, the freedom fighters, commonly known as “vakomana” (the boys) or “comrades” and the civilians believe that the success of the war was due to the spiritual help of the “midzimu” (ancestral spirits) (Lan, 1985:xvi). In Lan’s work it is indicated that white oppression as a political injustice to black people in Zimbabwe was resisted by Shona ancestors who later inspired young men and women to join the armed struggle in large numbers to free the country from colonial rule. Political action was religiously inspired and the “midzimu” would ensure that military success would be inevitable in this manner (1). ATR in this context is seen supporting the effort of political activity to restore political justice. Lan (1985) further argues that spirit mediums helped give the “vakomana” spiritual and strategic military guidance and intelligence as well as moral support in their protracted war. They would advise the comrades about critical life decisions to make to save themselves from being captured

by enemy military personnel. Thus religion was never separable from politics in Zimbabwe in a very succinct way.

The right to be socially free and economically repossess the land which was taken forcefully by the settlers was one of the major concerns for ATR during the armed conflict in Zimbabwe. Traditionally the Shona ancestors had always resisted the colonial advance of the white men to their territory. This resistance resulted in the imprisonment and subsequent execution of the spirit medium known as “Mbuya” (grandmother) Nehanda (2) in 1897. From the time she and other spirit mediums encountered the settler domination of the British colonisers, they have always resisted any form of foreign domination. Also from her earlier prophecy that “my bones shall rise” (meaning young men and women shall take arms to fight the white men in order to free Zimbabwe), Nehanda inspired the struggle for Zimbabwe’s political independence. ATR therefore played the role of both fighting for and supporting the cause of political and economic justice. In terms of political rights religion (ATR) inspired the freedom fighters in their fight for political justice. It further provided moral and spiritual support as well as emotional hope for success during the actual political and military engagement. For the Budja therefore it is very clear in their thinking that religion played the role of “helping us win our war of independence”. It (religion i.e. ATR) functionally united the black people as an oppressed entity against colonial domination, it also socially gave them military as well as spiritual and political hope for human survival. Further belief in the ancestral instruction and protection during the war and in the actual battle front were vital for the success of the war. This was so in the sense that the ancestors actually inspired the freedom fighters. Not only that, they (ancestors) gave strategic logistics in relation to the entry and escape routes of the fighters. These instructions were taken very

seriously and unanimously followed. This only was indicative of the seriousness with which religion was taken by war participants, that is the fighters on the one hand and the civilian population on the other as noted before.

5.4 Reconciliation

The conception of human rights is of central importance in the development of the modern world (Kameka and Tay, 1978:vii). Modern societies may, in a fundamental way learn from African traditional religions and communities matters especially related to moral life. As Kwenda (1999:6) correctly observes that in fact “ancestors are the guardians and guarantors of morality”, one finds that among the Budja reconciliation is a critical aspect of the ethics of justice. The concept of reconciliation among the Shona is one such case which is very common. In family conflict such as in the case of the “ngozi” I earlier discussed reconciliation has become a very important aspect of life where religion plays the role of “pacifier” most often successfully. The payment of cattle or money or both that is effected as compensation for a murdered individual or the handing over of a child for the same reason is a very strong reconciliatory process between the two families that will be involved in the feud. This is one of the only times when Budja traditional ethics show some respect for human rights promotion where the right to life of some human being whose life was deliberately terminated is compensated by the replacement of another human being. For all Budja this is justice at its best at least in the context of such a traditional ethic of responsibility.

In other moral conflicts or problems involving families or individual members of families reconciliation is often sought. Spiritual counsel may also be sought through

the involvement of a tribal leader or his representative. Such cases may include incest or geographical boundary locations and many others. When disagreement occurs there is always a way forward. The role of religion in politics and social life among the Budja therefore has been to help in the process of social harmony and “conflict-bridge-building” through an ethical oral code of responsibility and concern for one another reconciling fighting or antagonistic forces. In family crisis if stability is threatened by calamities a “n’anga” is consulted to find out why. He or she should uncover the problem and treat it forthwith that even divorcing couples will be made to reconsider coming back to each other. The ancestors are also consulted in the case of family instability as noted above. At the level of the entire community ancestors are believed to be the ones that help people to live peacefully. Inter-tribal conflict can also be put to rest by the consultation of the “mhondoro” who will more often than not advise accordingly.

In judicial administration as well as political life of the Shona ancestors advise the minimisation of the spilling of blood. ATR therefore remains instrumental to peace-making and harmonisation of society as ancestors are opposed to conflict in many cases. And, peacefulness is a human rights requirement for family and social stability. Religion helps society to respect the right of freedom and dignity for one’s life.

5.5 Conclusion

African morals and ethics belong to a domain which Western researchers have scarcely explored for example fidelity, hospitality, sense of justice, love and respect for relatives and traditions, modesty surrounding relations between sexes, unselfishness and self-sacrifice are qualities of the African soul observable in oral literature used by people for education and moral formation (Zahan, 1979:110).

Some modern communities may learn from ATR how these virtues become critical for the survival and self-perpetuation of the human race. They are, for the most part, human rights issues which all societies find to be vital for the sake of harmony. More may need to be done to fill in such gaps for the good of human relations. Shona ethics have a strong oral doctrine on justice. The right to life and freedom of speech and dignity of human kind are matters related directly to human rights which ATR provides respect and support. Justice is therefore promoted when the human rights of individuals are recognised and given moral and emotional support. For a typical Budja community justice reigns and any political, social or economic abuse of individuals is not only a matter for the physical courts, it is also a matter for the **spiritual judiciary** to deal with in times when even perpetrators would have forgotten their crimes. This spiritual judiciary has amazing memory; effective follow up methods and punishes a culprit with deserving penalty [without limitations of time, geographical boundary, or blood lineage]. It will always retain oral records for all murder crimes as well as others of such breach of justice like taking someone's wife and incest. These oral records will as it were never go missing, as some times what embarrassingly happens to modern dockets containing deadly crimes.

The next chapter concludes the discussion on the role of African traditional religion in the promotion of human rights. The summary carries most of what remains critical for our understanding of the role of ATR in protecting human rights thereby promoting such rights as life and freedom in society.

Notes

1. Lan, p.100
2. Ibid., p.119

CONCLUSION

6.1 Introduction

The purpose of this study was to find out the role of ATR in the promotion of human rights. The main research question was: what is the role of ATR in the promotion of human rights? The oppression of women and children by African traditional culture were also matters to be answered by this dissertation in relation to human rights. In terms of ethics of responsibility, ATR was being questioned to respond to what it offers perhaps in relation to other religions. Much of what this research set out to do has been done, though in a limited scope as expected. As will be shown in the summary below, religion has a role to play in public life. In terms of the politics of protest and ethics of responsibility, religion has a specific role to play in the public sphere. This is in a very general sense. In particular, African religions have played a major role in inspiring nearly all armed struggles against colonialism in Africa from the liberation of Ghana in 1957 under Kwame Nkrumah to the freedom of South Africa in 1994 under Nelson Mandela. In the fight against the abuse of humanity, African religions have been found to be protective to the plight of the oppressed, standing to shield the vulnerable groups of the community such as women, children, and many others. ATR exceptionally was never sympathetic to the people who abused the privilege of good neighbourliness such as witches and child molesters, a thing that has continued to be condemned to this day.

6.2 Summary

This research has revealed some of the following issues in relation to tasks set out.

First, religion plays a critical role in politics as we have seen in the case of the founding of the American nation where clergy took part in recruiting young people for the war of independence. That participation of religious personalities in political emancipation of the people in defence of their political right was the same in the case of Zimbabwe's liberation struggle where spirit mediums inspired and even instructed young people in the war against colonial domination as noted by David Lan (1985). ATR promoted the political human right of freedom in Zimbabwe's politics of protest. In some instances spirit mediums such as Nehanda and Kagubi actually influenced the original stages of both the first *chimurenga* [Shona word for revolution, war or protest] and the last stages of the second stage of the liberation war in Zimbabwe. In fact as we read, African traditional religion played a significant role in the politics of colonial resistance. The historical evidence to this was when the woman spirit medium of Nehanda refuted the white settlers' colonial advance into Zimbabwe. Before she was hanged by the white settlers for her involvement in the political uprising against colonialism. She refused to be baptised into the religion of the white men [Christianity] as well as her defiance on the scaffold and her prophecy that her bones would rise (Lan, 1985:6) have been thought of as both politically and religiously inspirational. This prophetic [religious] and political statement that "...my bones shall rise" which is interpreted widely, and yet significantly, by many Zimbabweans to mean an inspiring nationalist instruction to the young men and women who later took up arms against colonialism illustrates among other things the role of religion [ATR] in politics [of liberation]. Thus the role of ATR in human rights in this case is seen to be that of a political defence [of Zimbabwean political right to be free] and nationalist resistance of colonial oppression [from the white settlers] by the black people.

Second, ATR plays a role in the promotion of human rights especially the right to life. It does so by resorting to its oral ethics of responsibility. It protects the right to life. Spilling of innocent blood is forbidden. Where this ethical rule has been deliberately ignored, serious religious consequences have been witnessed in the case of the “ngozi” spirit coming back for vengeance or justice (Bourdillon, 1976).

Third, life for ATR is a right for humanity and its preservation as a sacred gift from “Mwari” (the Supreme Being) is highly honoured and respected. The abuse of women and children have been noted as ethically evil and forbidden by traditional ethics and culture of the Shona people. Women and children are promotionally protected by society and African culture at all costs. Thus, promoting their collective and individual freedoms has remained vital for Budja ethics of protection of the rights of women and children. And this protection is quite visibly observable. Of course in many circumstances one may in fact conclude that ATR has not been largely sort of allowed by “infiltrating” western cultures to show anything positive about itself. The attack by missionary religions on it was overwhelming given its very weak defence which is naturally caused by its lack of missionaries, documentary literature and founder, and especially its inherent tolerance towards other traditions.

However, because of the fact that African traditional religion is ingrained in the hearts of African people as Mbiti correctly maintains, its survival from the missionary era to this day is a remarkable phenomenon for the history of religions in Africa. Both Christianity and even Islam could have taken advantage of this stronger position of ATR to plant more meaningful faith communities within Africa than the nominal ones that we see to this day. Nominal refers to the religious scenario that it appears that more than half the total number of all black people who call themselves

Christians in Africa practice ATR while they profess to be Christian without any assumed problem.

Also one can say that the superiority of maleness in ATR did not in all circumstances look down upon women as the Bible and perhaps the Koran have done in some cases. In fact in most cases ATR has an honour for them and children especially in terms of religious and cultural roles such as taking care of sacred places and life-preservation rites of “kurova guva”, birthing and rain ceremonies. It is in fact, in some instances, Christianity which has taught or reinforced (through some missionary dogma) ATR to oppress women by its reference to them as “having emerged from a man’s rib or created to help the man or be submissive to men” according to the biblical accounts of the creation myths and St Paul’s letters to some congregations in Ephesus. I do not pretend to think that ATR is traditionally and culturally without weaknesses in its ethics which could be interpreted as oppressive. Certainly there are, but I do not see the reason why for instance feminists can blame it for every strand of oppression against women. *Fourth*, ATR provides society with a deep sense of cultural and traditional identity. Because of one’s religious affiliation to the ancestors it conveys a sense of belonging to one another through ritual and belief. Harmony and social unity are therefore lessons African traditional religion does sell to the world as important components of human rights. This provides an emotional sense of social security (Hamilton, 1995) to the people such as the Budja. Social conflict and tribal wars and civil strife are therefore minimised by what ATR offers as a human right to freedom of existence. But what about the civil wars that are taking place elsewhere in Africa ? Well, those are a result of political selfishness on the part of some modern African leaders. Traditional Africa is used to social harmony, generally speaking, while

politically tribal wars were some times a result of ethnic movements. Tribal wars in pre-colonial Africa in general and Zimbabwe in particular still had great respect for human rights and sacrality of life. The shading of blood was therefore minimised, hence the wrath of the “ngozi” spirit as an attempt to administer justice. Thus it may promote peacefulness through social cohesion (Glock and Stark, 1965:172).

Fifth, it promotes moral values of society. The sanctity of life is viewed as critical. The world can learn from ATR how sacred life is by revisiting in any way possible the traditional treasure of its respect of human rights to life and justice. Aspects of traditional ethics such as justice could be instilled in young people by a reordering of cultural values of life into present day moral ethics. This way instances of rape, homosexuality and other largely human rights abuses could be minimised, if not eradicated. In terms of justice religion is a “world-building force” (1) with regard to human relations. The religious wars recorded in some history books are an exception to this perception in that in their own contexts, the wars were largely politically, not religiously oriented or inspired as far as African traditional religion is concerned. In fact one can safely say that pre-colonial Southern Africa never had religiously motivated wars between African black people.

6.3 Recommendations

The current study has not been able to link available library resources to the actual practical scenario of what ATR offers to human rights. This is due to the fact that the possibility of some field work to confirm some of the claims on for example the rain making ceremony or the killing of twin children or “ngozi” compensation ritual and many others to practically assess the impact of such rituals on human rights among the Budja was limited by time and finance [on the part of the writer]. Also field

work on witchcraft and current findings by Zimbabwe Traditional Healers' Association could provide some critical data for our further understanding of African traditional religion in the realm of the role of religion in public life especially human rights. In the light of these gaps, it is therefore recommended that a more thorough investigation into the role of ATR in human rights be engaged.

6.4 Epilogue

The most basic human right of all is the right to life for without it all other rights are meaningless (Mason et al. 1991:15). This right ATR regards highly by both observing and promoting it. The emphasis for the respect of human life is not only spiritual, but also physical. This is because an African traditionalist knows that a human being is compact of a physical body that perishes, and a part that survives death (2). And as Idowu (3) maintains ATR is not primitive religion or superstition. The role of ATR among the Budja is to promote spiritual and physical existence through ritual processes such as the home-bringing ceremony. This means that when it comes to ritual practice for example "kurova guva", [in terms of kurova guva; the Budja believe in taking care of not only living elders, but also the "living-dead" (Mbiti, 1969) . The human right of the human being in spirit form or physical form is respected, consulted in joy or crisis, settled if unhappy] where the spirit of deceased person is brought back into the home to look after the living members of the family. It and many others are expressed in ritual ceremony and in sacred places (4). Thus taking care of the living and the dead is a fact which points to the importance of the role of ATR in the promotion of human rights especially that: **humanness should be preserved [dead or alive] because it has direct influence on the life of the living.** Elderly women are given the honour of taking care of the sacred places and shrines as

well as the ritual beer involved in all religious activities. The role of African traditional religion in the Budja public sphere must not be underestimated. It socially integrates the tribal community.

The family ties that unite people are also enhanced in a much concrete way as it were. All this poses some vital pointers to the importance with which ATR promotes human rights in Budja community. Most of other tribal groupings in Africa have the same pattern of life style.

As religion constitutes a substantial amount of influence in civil society, its place in the wider community may need to be more significant. For that reason a continual search of what religion in general and ATR in particular can offer for human rights is always overdue.

Notes

1. Berger, p.29
2. Smith, p.137
3. Idowu, pp.18-19
4. Mbiti, p.20

REFERENCES

- Afshar, H., (ed.), (1996), **Women and Politics in the Third World**, Routledge, London.
- Allen, J., (1994), **Archbishop Desmond Tutu The Rainbow People of God: South Africa's victory over apartheid**, Skotaville, Johannesburg.
- Anker, R, Buvinic, M. and Youssef, N.H., (eds.), (1982), **Women's Roles and Population Trends in the Third World**, Croom Helm, London.
- An – Na`im, A.A. and Deng, F.M., (eds.), (1990), **Human Rights: Cross – Cultural Perspectives**, The Brookings Institution, Washington DC., USA.
- Arder, S., (ed.), (1993), **Defining Females The Nature of Women in Society**, Berg Publishers Ltd., London.
- Banana, C.S., (1996), **Politics of Repression and Resistance: Face to face with combat theology**, Mambo Press, Gweru.
- Beach, D.N., (1980), **The Shona and Zimbabwe An Outline of Shona History**, Heinemann, London.
- Bellah, R., (1970), **Beyond Belief: Essays on Religion in a Post-Traditional World**, Harper & Row Publishers, New York.
- Berger, P.L., (1967), **The Social Reality of Religion**, Faber and Faber, London.
- Bernard, H.R., (1975), **The Human Way: Readings in Anthropology**, Macmillan Publishers Co., New York.
- Bhila, H.H.K., (1982), **Trade and Politics in a Shona Kingdom The Manyika and their Portuguese Neighbours 1575 -1902**, Longman, Zimbabwe.
- Blake, R., (1977), **A History of Rhodesia**, Eyre Methuen, London.
- Birnbaum, N. and Lenzer, G., (eds.), (1969), **Sociology and Religion A Book of Readings**, Prentice Hall, USA.
- Bourdillon, M.F.C., (1976), **The Shona Peoples an ethnography of the contemporary Shona with special reference to their religion**, Mambo Press, Gweru.
- Budd, S., (1973), **Themes and Issues in Sociology: Sociologists and Religion**, Collier-Macmillan Publishers, London.
- Bullock, C.,(1927), **The MaShona (The Indigenous Natives of Southern Rhodesia)**, Juta and Co.Ltd., Cape Town.

Centre for Reproductive Law and Policy, (1997), **Women of the World: Laws and Policies Affecting their Reproductive Lives Anglophone Africa**, CRLP., New York.

Chidester, D., (1991), **Shots in the Streets Violence and Religion in South Africa**, Beacon Press, Boston.

Cohen, R, Hyden, G. and Nagan, W.P., (eds.), (1993), **Human Rights and Governance in Africa**, University Press of Florida, USA.

Colson, E., (1958), **Marriage and the Family among the Plateau Tonga of Northern Rhodesia**, Manchester University Press, UK.

Cranston, M., (1973), **What are Human Rights**, Taplinger Publishing Co., New York.

Crawford, J.R., (1967), **Witchcraft and Sorcery in Rhodesia**, Oxford University Press, UK.

Davies, M., (ed.), (1983), **Third World – Second Sex Women’s Struggles and National Liberation *Third World Women Speak Out***, Zed Books Ltd., London.

De Villiers, B, Vuuren, D.J. and Wiechers, M., (1992), **Human Rights: documents that paved the way**, HSRC Publishers, Pretoria, South Africa.

Donnelly, J., (1989), **Universal Human Rights in Theory and Practice**, Cornell University Press, Ithaca & London.

Eyck, F., (1998), **Religion and Politics in German History**, Macmillan Press Ltd., London.

Eze, E.C., (ed.), (1997), **Postcolonial African Philosophy: A critical reader**, Blackwell, Cambridge, Mass.

Firth, R., (1996), **Religion: A Humanist Interpretation**, Routledge, London.

Gelfand, M., (1959), **Shona Ritual With Special reference to Chaminuka Cult**, Juta and Co., Cape Town.

Gelfand, M., (1966), **An African’s Religion: The Spirit of Nyajena Case History of a Karanga People**, Juta and Co., Cape Town.

Gelfand, M., (1967), **The African Witch: with special reference to the witchcraft beliefs and practice among the Shona of Rhodesia**, E&S Livingstone Ltd., Great Britain.

Gelfand, M., (1973), **The Genuine Shona: survival values of an African culture**, Mambo Press, Gwelo.

Gelfand, M., (1977), **The Spiritual Beliefs of the Shona**, Mambo Press, Gwelo.

- Gelfand, M., (1981), **Ukama**, Mambo Press, Gweru.
- Glock, C.Y. and Stark, R., (1965), **Religion and Society in Tension**, Rand McNally & Co., USA.
- Gifford, P., (1998), **African Christianity: Its Public Role**, Hurst & Co., London.
- Gourley, B., (1999), **Hope in a ravaged continent**, *The Times Higher Education Supplement*, 3(9), No.1 400, London.
- Graybill, L.S., (1995), **Religion and Resistance Politics in South Africa**, Praeger, London.
- Haas, E.B., (1970), **Human Rights and International Action: the case of freedom of association**, Stanford University Press, California, USA.
- Hallencreutz, C.F. and Moyo, A., (eds.), (1988), **Church and State in Zimbabwe**, Mambo Press, Gweru.
- Hallencreutz, C.F. and Palmberg, M., (1991), **Seminar Proceedings Series 24**, The Scandinavian Institute of African Studies, Uppsala.
- Hansen, H.B. and Twaddle, M., (eds.), (1995), **Religion and Politics in East Africa The Period since Independence**, Ohio University Press, Athens.
- Hamilton, M.B., (1995), **The Sociology of Religion**, Routledge, London.
- Holleman, J.F., (1969), **Shona Customary Law with special reference to Kingship, Marriage, the Family and the Estate**, Manchester University Press, UK.
- Howard, R.E., (1986), **Human Rights in Commonwealth Africa**, Rowan & Littlefield Publishers, USA.
- Huber, W., (1996), **Violence: The Unrelenting Assault on Human Dignity**, Fortress Press, Minneapolis, USA.
- Human Rights Watch, **Events of December,1997 – November,1998**. World Report, 1999, USA.
- Idowu, B.,(1973), **African Traditional Religion A Definition**, SCM Press, London.
- Jansen, W., (1987), **Women Without Men Gender and Marginality in an Algerian Town**, EJ Brill, Leiden , The Netherlands.
- Jukes, A., (1994), **Why Men Hate Women**, Free Association Books, London.
- Kabira, W.M. and Nzioki, E.A., (eds.), (1993), **Celebrating Women's Resistance**, New Earth Publications, Nairobi, Kenya.

- Kamenka, E. and Tay, A.E.S., (eds.), (1978), **Human Rights**, Edward Arnold Publishers, London.
- Kwenda, C.V., **African Traditional Religion and Human Rights**, Unpublished Paper, University of Cape Town.
- Kwenda, C.V., (1999), **Affliction and Healing *Salvation in African religion***, *Journal of Theology for Southern Africa*, 103, (March), pp.1 – 12.
- Lan, D.,(1985), **Guns and Rain Guerrillas & Spirit Mediums in Zimbabwe**, James Currey Ltd., London.
- Leone, B., *et al.* ((eds.), (1994), **Violence Against Women *Current Controversies***, Greenhaven Press, San Diego.
- Mair, L., (1965), **An Introduction to Social Anthropology**, Clarendon Press, Oxford.
- Maquet, J.and Rayfield, I .,(1972), **Africanity: The Cultural Unity of Black Africa**, Oxford University Press, UK.
- Mason, D.M., Obrien, E.L. and Green, E.,(1991), **Human Rights for All: Education towards rights culture**, Juta and Co., Cape Town.
- Mathabane, M., (1994), **African Women *Three Generations***, Harper Collins Publishers, New York.
- Maxwell, D.J., (1999), **Christians and chiefs in Zimbabwe: a social history of the Hwesa people c.1870s-1990s**, Edinburgh University Press.
- Mbiti, J.S., (1969), **African Religions and Philosophy**, Heinemann, England.
- Mbiti, J.S., (1991), **Introduction to African Religion**, Heinemann, England.
- Miller, D.C., (1970), **Handbook of Research Design and Social Measurement**, David McKay C., New York.
- Moxnes, H., (1988), **The Economy of the Kingdom: Social Conflict and Economic Relations in Luke's Gospel**, Fortress Press, Philadelphia, USA.
- Mudenge, S.I.G., (1988), **A Political History of Munhumutapa, c.1400-1902**, Zimbabwe Publishing House, Harare, Zimbabwe.
- Murphree, M.,(1969), **Christianity and the Shona**, Athlone Press, London.
- Naqavi, S.K.H., (ed.), (1998), **Human Rights in Islam**, IPO., Iran.
- Nelson, N., (ed.), (1981), **African Women in the Development Process**, Frank Cass & Co. Ltd., London.

- Nurnberger, K., (1994), **An Economic Vision for South Africa**, Encounter Publications, South Africa.
- Obbo, C., (1980), **African Women Their Struggle for Economic Independence**, Zed Press, London.
- Olupona, J.K., (ed.), (1991), **African Traditional Religions in Contemporary Society**, Paragon House Publishers, New York.
- Posselt, F.W.T.,(1935), **Fact and Fiction: A Short Account of the Natives of Rhodesia**, The Rhodesian Printing and Publishing Co. Ltd., Bulawayo.
- Pritchard, E.E.E., (1954), **Social Anthropology**, Cohen & West Ltd., London.
- Ranger, T.O., (1967), **Revolt in Southern Rhodesia 1896-1897 A Study in African Resistance**, Heinemann, London.
- Rai, S.M. and Lievesley, G., (eds.), (1996), **Women and the State International Perspectives**, Taylor and Francis Publishers, London.
- Ray, B.C.,(1976), **African Religions: Symbol, Ritual and Community**, Prentice Hall, USA.
- Reichley, A., (1995), **Religion in American Public Life**, The Brooks Institution, Washington DC., USA.
- Robertson, M.(ed.),(1994), **Human Rights for South Africans**, OUP., Cape Town.
- Rosette, B.J.(ed.), (1977), **The New Religions of Africa**, Ablex Publishing Co., New Jersey, USA.
- Rouner, L.S., (ed.), (1988), **Human Rights and World Religions**, University of Notre Dame Press, USA.
- Smelser, N.J., (ed.), (1988), **Handbook of Sociology**, Sage Publications, USA.
- Smith, B.H., (1982), **The Church and Politics in Chile: *Challenge to Modern Catholicism***, Princeton University Press, USA.
- Smith, E.W., (1929), **The Secret of the African**, The United Societies' Press, London.
- Smith, J.H. and Spring, A., (eds.), (1978), **Women in Ritual and Symbolic Roles**, Plenum Press, New York & London.
- Snyder, M.C. and Tadesse, M., (1995), **African Women and Development**, Zed Books, Ltd., London.
- Stivers, R.L., (ed.), (1989), **Reformed Faith and Economics**, University Press of America, USA.

Stucky, C., (1999), **The struggle for education changes the way women are seen**, *The Sunday Independent*, 12 (9), Cape Town.

Sweetman, C., (ed.), (1995), **Women and Rights**, Oxfam, UK & Ireland.

Tesha, L., (1999), **Tanzania's Women MPs Cheer Land Rights Victory**, *The Sunday Independent*, 12 (9), Cape Town.

Toubia, N., (ed.), (1988), **Women of the Arab World The Coming Challenge**, Papers of the Arab Women's Conference, Zed Books Ltd., London.

Thorpe, S.A., (1991), **African Traditional Religions *An Introduction***, Unisa, Pretoria.

Turner, V.W., (1967), **Forest of Symbols: Aspects of Ndembu Ritual**, Cornell University Press, ITHACA and London.

Turner, V.W., (1968), **Drums of Affliction: A Study of Religious Processes among the Ndembu of Zambia**, Clarendon Press, London.

Uka, E.M., (ed.), (1991), **Readings in African Traditional Religion Structure, Meaning, Relevance, Future**, Peter Lang, Germany.

UN., (1996), **The Beijing Declaration and the Platform for Action**, 4 th World Conference on Women, Beijing, China, 4-15/9/95.

Van Velsen, J.,(1964), **The Politics of Kingship: A study of Social Manipulation among the Lakeside Tonga of Malawi**, Manchester University Press, UK.

Vickers, J., (1991), **Women and the World Economic Crisis**, Zed Books, London.

Webb, P.,(ed.), (1994), **A Long Struggle: The Involvement of the World Council of Churches in South Africa**, WCC Publications, Geneva.

Welch, C.E. and Meltzer, R., (eds.), (1984), **Human Rights and Development in Africa**, State University of New York Press, Albany, USA.

Welch, C.E., (1995), **Protecting Human Rights in Africa**, University of Pennsylvania Press, USA.

Weinrich, A.K.H.,(1971), **Chiefs and Councils in Rhodesia: Transition from Patriarchal to Bureaucratic Power**, Heinemann, London.

Wilmot, P.F., (1985), **Sociology A New Introduction**, Billing & Sons Ltd., Worcester.

Wogaman, J.P.,(1977), **Christians and the Great Economic Debate**, SCM Press, London.

World Council of Churches, (1992), **Christian Faith and the World Economy: A Study Document from the World Council of Churches**, WCC Publications, Geneva.

Wood, A., (ed.), (1989), **Religions and Education Shap Working Party 1969-89**, BFSS, National RE Centre, Middlesex.

Wood, J.E. and Davis, D. (eds.), (1991), **The Role of Religion in the Making of Public Policy**, J.M. Dawson Institute of Church-State Studies, Baylor University, USA.

Wood, J.E., (ed.), (1990), **The First Freedom: Religion and the Bill of Rights**, Baylor University, Texas, USA.

Wuthnow, R., (1996), **Christianity and Civil Society**, Trinity Press International, USA.

WUS., (1992), **Women and Power Implications for Development**, *World University Service Conference*, 8/13-15/92, Johannesburg, South Africa.

Young, K., (ed.), (1949), **Sociology A Study of Society and Culture**, North Western University, USA.

Zahan, D., (1979), **The Religion, Spirituality and Thought of Traditional Africa**, The University of Chicago Press, USA.

ZARD, (1996), **Zambia Today A Gender Perspective Analysis of Public Views**, *Zambia Association for Research and Development*.