



**ALTERNATIVE RITUALS OF WIDOW CLEANSING IN RELATION TO
WOMEN'S SEXUAL RIGHTS IN ZAMBIA**

By

**EDWARD SAGUTI
215074907**

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(Pietermaritzburg Campus)**

SUPERVISOR

DR. JANET MUTHUKI

PIETERMARITZBURG

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DECLARATION

I, Edward Saguti, declare that:

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2. This thesis has not been submitted for any degree or examination at any other university.
3. This thesis does not contain other persons' data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.
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Signed: Date:

Supervisor

Sign: Date:

DEDICATION

I dedicate this work to my mother Katarina Saguti and all women in sub-Saharan Africa, especially the women in rural areas who are subjected to various forms of traditional practices.

AKNOWLEDGEMENTS

I would like to express my sincere gratitude to my supervisor Dr. Janet Muthuki. Had it not been for her intellectual guidance, advice, and motivation, I would have not been able to accomplish this thesis. *Asante Sana!* (Thank you very much).

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ABSTRACT

One cannot understand the alternative rituals of widow cleansing without having a full understanding of the ritual of widow cleansing itself. Widow cleansing is a ritual which demands a widow to have sexual intercourse with another man, normally one of her brothers-in-law in order to let the spirit of the deceased rest in peace among the dead. The rationale behind this ritual is the belief that the spirit of the deceased husband still recognizes the widow as his wife, hence interfering with any relationship the widow might establish. The ritual of widow cleansing was however challenged by various groups especially at the dawn of the HIV and AIDS pandemic. Through increased awareness about the HIV and AIDS malady and its widespread effects on human health, communities in Zambia have adopted alternative cleansing rituals to cleanse widows without the act of sexual intercourse. While many scholars have hailed the alternative rituals to the extent of encouraging them, the question about women's sexual rights seem to have been ignored. Studies have shown that although the alternative rituals do not involve sexual contact, some of them are done in a manner that comprise the sexual rights of women. The disregards for and of women's sexual rights causes the marginalization and denial of their social, political and economic rights.

This thesis explores the alternative rituals of widow cleansing in relation to women's sexual rights in Zambia. In this light, the study draws attention to the fact that women in Zambia are born and nurtured in the context of African culture and as such possess rights to live in a society that does not oppress or discriminate against them. Thus, it asserts that the government and citizens of Zambia have an obligation to make sure that women are not subjected to any traditional practices that undermine their sexual rights. However, the study recognizes that despite the presence of laws and legal structures aimed to protect the rights of women in Zambia, their lack of implementation especially in rural areas continue to be a challenge to women's rights. Besides this, the study notes that since cleansing rituals have been practiced for a long time in Zambia and are embedded in the cultures of people, they cannot just be addressed through legislation. The most suitable way of addressing such practice is through education, negotiation and dialogue. This strategy for redress as proposed by this study is rationalized on the basis that negotiation comprises the process of compromise, which is give and take, and is inclusive of the local people in the dialogues and context of problem solving and the practice of cleansing rituals that contravenes the rights of women. Likewise, negotiation gives room to cultural transformation where men and women can live in communities free of practices that are not life-giving to women.

Key Terms: Widow cleansing, alternative rituals, sexual rights, negotiation, cultural transformation

ACRONYMS

ACHPR	African Charter on Human and People’s Rights
ACHPRW	African Charter on Human and People’s Rights on the Rights of Women
ADF	Africa Development Fund
AIC	African Independent Churches
AIDS	Acquired Immunodeficiency Syndrome
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
FBO	Faith Based Organizations
HIV	Human Immunodeficiency Virus
NGO	Non-Government Organization
SADC	Southern African Development Commission
TACAIDS	Tanzania Commission on AIDS
WHO	World Health Organization
YCWA	Young Christian Women Association
ZNWL	Zambia National Women Lobby

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CHAPTER ONE

1. INTRODUCTION

1.1. Introduction

This thesis explores the alternative rituals of widow cleansing in relation to women's sexual rights in Zambia. This subject of alternative rituals cannot be discussed in isolation from the ritual of widow cleansing. The focus on widow cleansing in this thesis, does not imply that widowers are exempted from undergoing similar sexual cleansing rituals in Zambia, but to elucidate that the practice of the sexual cleansing ritual is highly gendered. Ritual cleansing is a cultural practice in Zambia monitored by elders, mostly comprising of men¹ whose charge in the context of upholding the ritual is to oblige and pressure widows to undergo sexual cleansing. While widowers are also expected to go through sexual cleansing, the manner in which the ritual is performed is so patriarchal and favours the men more than the women. Men are advantaged because of the polygamous culture practiced in many communities, wherein they are allowed to have more than one wife. In case of the death of a wife, a man can cleanse himself with his other wife or wives, and if not in a polygamous marriage, he can easily get another wife. Widows on the other hand cannot remarry, but are expected to be cleansed and inherited. The term alternative rituals in this study therefore is taken from the perspective that sexual cleansing is normative. Only in certain circumstances where the sexual act could not be performed because of some kind of social and religious obligations, were non-sexual cleansing rituals used. It is important to note that the ritual of widow cleansing did not only involve the mere act of sexual intercourse, but was also accompanied with other ritual practices such as using herbs to make it complete.

1.2. Background to the Study

The discourse of alternative rituals necessitates an examination of the ritual of widow cleansing, given that the practice of the latter and its resultant consequences led to the consideration and introduction of the former. The ritual of widow cleansing is widely practiced in Africa, and requires a woman whose husband has died to have sex with someone else, usually a male relative of her deceased husband (a brother or cousin) after the funeral. In some communities the person

¹ Sometimes even women especially the elders tend to pressure young widows to keep the traditions.

who cleanses the widow is expected to inherit her as well. However, in some communities, the widow is allowed to have a commercial cleanser who is not necessarily the relative of her deceased husband. The commercial cleanser does not need to inherit the widow (Ayikukwei 2007; Lomba 2015). This ritual is one of the very old practices which is still exercised by many communities, especially in rural areas in Sub-Saharan Africa. Some of the countries where the ritual of widow cleansing is common include: Angola, Botswana, Democratic Republic of Congo, Ghana, Ivory Coast, Kenya, Malawi, Nigeria, Tanzania, Uganda, and Zambia. The ritual of widow cleansing is both a cultural and religious practice that is viewed as being reflective of the faith, beliefs, and the worldview of the people who practice it. The religious aspect of this ritual relates to and is perceived in the context of African religion.

The ritual of widow cleansing has been challenged by various groups of people (like feminist scholars, women's rights activists, Christian churches in Zambia, HIV and AIDS activists, just to name a few). Some consider it as a tradition which is opposed to the Christian faith, as a vector for the spread of HIV/AIDS in the community, and others consider it to be a practice oppressive to women. Whereas abandoning this ritual of widow cleansing has been met by some contestations and hesitations from elders in most African communities, the spread of HIV/AIDS has forced many communities to adopt alternative rituals. There are many alternative rituals, but they differ from one community to another. In the case of Zambia, some of the common alternative rituals of widow cleansing include sliding over, thigh-brushing, skipping over, anointing method and using herbs, to mention but a few.

Against the backdrop of the above, this study, through the use of a qualitative desktop research methodology, examines the practice of alternative rituals of widow cleansing in relation to women's sexual rights in Zambia. This thesis does not intend to analyse the experiences or probe the views and thoughts of the widows about the alternative rituals of widow cleansing. Instead, the study focuses on how the alternative rituals of widow cleansing have been reported or presented by various scholars with regard to women's sexual rights. This study considers women's sexual rights as a door to other political, social and economic rights. To achieve the objective of this research, I purposively choose Zambia as a case study. This is due to the fact that most of the extant and available literature and scholarship on alternative rituals of widow cleansing is from scholars who have written about Zambia. Therefore, Zambia is a relevant choice for this study

because there is enough information on this subject. It is my expectation that this study will benefit from rich insights of various scholars who have conducted empirical research on the ritual of widow cleansing and contributed greatly to scholarship on alternative rituals in Zambia. As a Tanzanian citizen who has worked in Zambia for three years in the Northern and Copperbelt provinces, I am also familiar with some of the Zambian cultures. However, the data in this study relies on the information that had been gathered from the literature only.

Given that this research is carried out under the auspices of the Gender, Religion and Health programme, it is therefore taken that religion has a significant influence on the way people respond to the alternative rituals of widow cleansing in Zambia. It is believed that almost 80% of Zambians are Christians of different denominations. According to Moyo and Muller (2011:2), the Church in Zambia played a part in the dialogue to alternative rituals of widow cleansing. Scholars have observed that although many people distinguish themselves as Christians in Zambia, there are some who practice the ritual of widow cleansing secretly due to the fear of being attacked by the spirits (Malungo 2001; Siwila 2011). Cognizant of this fact, the study as well examined the influence of Christianity and African religion on the alternative rituals of widow cleansing. In the framework of sexual and reproductive health rights (SRHR), the study sought to understand how various scholars addressed alternative rituals in relation to women's sexual rights in Zambia. Sexual rights in this study are understood in terms of the international laws that relate to human sexuality (Glasier et al. 2006; Klugman 2000; Mattar 2008; Tamale 2008). They include rights to bodily integrity and privacy, rights to engage in sexual relations without intimidation or bullying, violence or discrimination, and the rights to decide when, where and with whom to engage in sexual relations.

1.3. Rationale of the Study

The major concern of most scholars who have written about the alternative rituals of widow cleansing in Zambia, is the spread of HIV and AIDS. Coming from medical backgrounds (Malungo 1999 & 2001; Day and Maleche 2010; Kalinda and Tembo 2011) and theological backgrounds (Moyo 2009; Moyo and Muller 2011; Siwila 2011), scholars treated sexual cleansing as one of the harmful practices that needed to be stopped. The sexual cleansing ritual which has a close connection with the practice of widow inheritance was considered unchristian by theological scholars (Moyo and Muller 2011). The scholars approached the ritual of widow and widower

cleansing (sexual cleansing) as a cultural practice. They did not consider much of its religious perspective in the context of traditional African religion(s). In their presentation, Kalinda and Tembo (2011); Day and Maleche (2010); and Malungo (1999 & 2001) agree that the alternative rituals of widow cleansing should be adopted in Zambia because they do not involve penetrative sexual intercourse. Scholars who have written from medical perspectives accept and encourage alternative rituals on the basis that it reduces the infection of HIV and AIDS. Scholars writing from theological perspectives also argue for alternative rituals because they do not encourage sex outside marriage or widow inheritance, which leads to polygamy. Available literature on the thesis subject bears some negative connotations about traditional African religion(s). Scholars are comfortable using the term African culture even when they are talking about traditional African religious practices.

The available literature on the subject does not however dwell much on the widow who has to go through the alternative rituals of sexual cleansing. Widows in Zambia and elsewhere in Africa have rights to live in a positive culture that does not discriminate, segregate or undermine them. Since scholars have not focused much of their discussions on the widows, it is in the interest of this study to examine from the relevant literature how the alternative rituals of widow cleansing address women's sexual rights. The study draws from and agrees with the Beijing Platform of Action² (1995) that women's sexual rights are their human rights. The study also agrees with feminist scholars that women's oppression has a direct relationship with their sexual rights. The rationale of this study echoes Siwila's (2011:82) call that the alternative rituals of widow cleansing is an issue that needs to be addressed due to its 'gender sensitivity and its position in the understanding African cultures.' While available literatures have approached this subject from theological and medical perspectives, this study advanced the subject from the perspective of African traditional religion(s). Even though this study reflects on the Zambian context, the expectation is that the views and discussions presented will benefit other communities concerning

² The United Nations Fourth World Conference on Women, Beijing, China - September 1995. Action for Equality, Development and Peace. [Online.] Available from: <<http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm>> Accessed January 2017.

the alternative rituals of widow cleansing. It is also hoped that the study will contribute to the already existing body of knowledge about the alternative rituals of widow cleansing.

1.4. Research Problem

The ritual of widow cleansing is still a reality in Zambia. To date women are being forced to engage in sexual activities that endangers and exposes them to HIV and AIDS infections. However, studies have shown that with the increased awareness of the danger of HIV and AIDS, many people are opting for the alternative cleansing rituals. The alternative ritual was and is supported by various campaigns from the NGOs, the government and faith based organizations (FBO). Although there is an increasing call for the adoption of alternative rituals of sexual cleansing, a critical examination of the alternatives among the scholars is scarce. This study outlines some of these alternative rituals of widow cleansing, discusses why and how they are practiced, who is involved, and their implications for women's sexual rights in Zambia. This study adopts Nnaemeka's concept of nego-feminism, as it suggests the continuation of the dialogue with African cultures' halt of all traditional practices that undermine women. There is an understanding that widow cleansing had been practiced for a long time and internalized by people. As such, it cannot be easily uprooted by using the force of law only. It is from this perspective that negotiations are important. Following the Maputo Protocol, the thesis does not undermine African traditional practices, and it acknowledges that African women born in African culture have the same rights as African men to live in a positive African culture. The thesis acknowledges the legal approach towards protecting women's rights in Africa as suggested by the African Charter on Human and People's Rights (ACHPR)³. Legal feminists have affirmed that the implementation of the laws that protect the rights of women is lacking, especially in many rural areas where women do not know about the existence of those laws, and the legal systems still reflect the patriarchal structures that undermine the public appearance of women. The thesis recommends a process that allows assimilations, accommodation and adaptation of cultural changes that will allow men and

³African Charter on Human and Peoples Rights Adopted in Nairobi June 27, 1981 Entered into Force October 21, 1986. [Online.] Available from: <<http://www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf>> Accessed January 30, 2017.

women in Zambia and Africa in general to live in a culture that respects the dignity of every human person and provides equal means for a happy life for all.

1.5. Objectives

In this study I argue that the current debate about the ritual of widow cleansing has neglected the widow as a person. The attention has been on formulating the alternative rituals, which aimed at replacing the act of sexual intercourse. However, alternative rituals still remain in a patriarchal structure constructed in a manner that favours men more than women.

The objectives of this study are:

1. To examine the historical background of widow cleansing in the *Zambian* context.
2. To investigate the influence of religion in the emergence of alternative rituals of widow cleansing in *Zambia*.
3. To explore the various alternatives to widow cleansing in the *Zambian* context
4. To analyse the implications of these alternative rituals on *Zambian* women's sexual rights.

1.6. Research Questions

Much has been written about the ritual of widow cleansing and the emergence of the alternative rituals in *Zambia*. While the alternative rituals according to scholars are celebrated as a solution to stop the spread HIV/AIDS and abiding to Christian values (Kalinda and Tembo 2009; Malungo 2001; Moyo and Muller 2011), little attention has been paid to sexual rights of widows who suffer pressure from the community to be cleansed. This study poses a central research question:

How do alternative rituals of widow cleansing in *Zambia* address women's sexual rights?

In attempting to answer this question, the study also sought to address the following:

1. What is the historical background of widow cleansing in the *Zambian* context?
2. What are the factors that have led to the emergence of the alternative rituals of widow cleansing in *Zambia*?
3. What are the alternative rituals of widow cleansing in the *Zambian* context?
4. What are the implications of these alternative rituals on *Zambian* women's sexual rights?

1.7. The Scope of the Study

This study focuses on alternative rituals of widow cleansing in Zambia. Zambia is located in Central Southern Africa. It borders Tanzania, and the Democratic Republic of Congo to the north, Malawi, Mozambique and Zimbabwe in the east, Botswana, and Namibia in the south and Angola in the west. Zambia attained her independence on 24 October 1964 under Kenneth Kaunda. In 1991 Christians in Zambia played a very important role in transforming the political landscape from a one-party to a multiparty democratic system. In the 1991 general election, the opposition party: Movement for Multiparty Democracy (MMD) under Fredrick Chiluba, won the election (Phiri 2003:205). On 31 October 1991 Fredrick Chiluba was sworn in as the second president of Zambia. On December 29 December 1991 Fredrick Chiluba declared Zambia a Christian nation (Phiri 2003:401). Christianity in Zambia still plays a very important role in the day to day lives of many Zambians, especially in cities. Scholars have noted that sexual cleansing and widow inheritance is common in almost all 73 tribes in Zambia (Malungo 1999, 2001; Moyo 2009; Siwila 2011). However, this study will focus more on the communities such as the Tonga, Bemba, Aushi, Lenje Soli, Tumbuka, Chewa, Chikunda, Kaonde and Lunda, to mention but a few, that practice widow cleansing and have been widely mentioned by scholars (Moyo 2009:102).

1.8. Positionality

I take my position as a Tanzanian man researching about the alternative rituals of widow cleansing in Zambia. Being a man and a Tanzanian, one might ask why study or research alternative rituals of widow cleansing in Zambia? Why focus on widows and not widowers? Why Zambia and not in Tanzania? I was born and grew up in rural north-eastern Tanzania among the Shambala people of the Masange village in Lushoto district. Just like many other Bantu speaking ethnic communities, the Shambala practice the ritual of widow cleansing and widow inheritance. In 1991, August 25, when I was only 11 years old my father died. Following the norms and tradition of the Shambala community, our family was inherited. We were put under the care of my uncle, the elder brother of my father. My widowed mother was forcibly inherited. As a young boy I saw how my mother struggled with rituals which she was forced to undergo against her will. Having gone through widow inheritance, my mother was not allowed to receive the Holy Communion⁴ in the

⁴ The body of Christ which is in the form of bread and wine as it is believed in the Catholic Church

Church. To see my mother being taken through this painful experience against her will, aggrieved me. After a very heavy battle with my uncle (stepfather) for almost three years she was able to end the inheritance status after her request for a symbolic divorce was accepted. After that, she became free and was readmitted to the church. The story of my mother is one of the many stories among the Shambala widows.

Upon completing high school, I joined a missionary congregation called the Missionaries of Africa in 2005. The Missionaries of Africa society is one of the religious congregations in the Catholic Church. It includes priests who are willing to live and work in Africa, especially in rural areas. On August 2008, after completing my first degree (BA. Phil), the congregation sent me to Zambia, where I worked for three years in Kasama (Northern Province) and Kitwe (Copperbelt Province). While in Zambia I worked with the local people, mostly the Bemba people where I was able to learn their culture and speak their language. Although the Bemba people practice a matrilineal system and I come from a patrilineal system, I was able to adapt well to their culture, as both cultures though different, still hold some similarities. While in Kasama and Kitwe, I assisted the priests in their daily responsibilities. In my daily contacts with women, more especially widows, I encountered many similar stories to my mother's. I realized that many widows are forced into practices that are not only against their will, but also against their faith, and this reminded me of the experiences of widows in Tanzania. This situation motivated me to undertake gender studies for my post-graduate degree. In 2015 when I was pursuing my Honours degree, I wrote about sexual cleansing as my first semester research paper. While searching for more literature about the ritual of widow cleansing, I found that there are many alternative forms to sexual cleansing rituals in Zambia which I did not know about. This caught my attention and I decided to embark on my Master's study on the alternative rituals. Building on the context of sexual and reproductive health rights (SRHR), my interest focuses on understanding whether alternative rituals of widow cleansing have addressed the issue of women's sexual rights which are the foundation of other rights of women.

1.9. Structure of the Study

This study is divided into eight chapters

Chapter One: Introduction

This chapter provides the overview of the study. It covers the background of the study, rationale, research problems, objectives, research questions and sub questions, the scope of the study, the positionality of the author, and the structure of the study.

Chapter Two: Literature Review and Theoretical Framework

This chapter focuses on the review of literature and theoretical frameworks. The literature review starts by presenting research on the ritual of widow cleansing as traditional African religious practices. It also presents the debates about sexual cleansing and the alternatives in other African countries and the debates in the context of Zambia. The theoretical framework includes African feminism by Nnaemeka, social construction and religious functionalism.

Chapter Three: Research Methodology and Methods

Chapter three covers the research methodology and methods employed by the study. The chapter speaks to the fact that the study is a desktop qualitative research, which relies on the secondary data produced through a systematic literature review. It also presents qualitative content analysis as a tool for analysing the data. Delimitations and ethical considerations are also discussed in this chapter.

Chapter Four: Root Perspectives Associated with the Ritual of Widow Cleansing

This chapter discusses the historical development of the ritual cleansing. It starts with an understanding of African religion, rituals and rituals for the dead, the death of a partner, the beliefs about ancestors, spirits and the place of community. The meaning associated with widow cleansing and the practice of widow inheritance is also reviewed in this chapter.

Chapter Five: Contestations around the Ritual of Widow Cleansing

This chapter focuses on the contestations around the rituals of sexual cleansing. The chapter covers four major challenges of the ritual of sexual cleansing. Building on historical analysis, the chapter starts with Christianity, the advent of HIV and AIDS, feminist activism, and the government of Zambia. The chapter further discusses the reaction to the challenges of practicing the rituals and the call by local communities to adopt the alternative rituals of widow cleansing. It also examines the consequences of widow inheritance in relation to the alternatives.

Chapter Six: The Alternative Rituals to Sexual Cleansing in Relation to Women's Sexual Rights in Zambia

This chapter provides an in-depth discussion about the alternative rituals of widow cleansing in relation to women's sexual rights. The Chapter defines sexual rights and analyses various alternative rituals of widow cleansing in Zambia. It also discusses the implications of the alternative rituals to women's sexual rights.

Chapter Seven: African Women's Right to Live in Positive Cultural Environments

This chapter examines the rights of African women to live in a positive African culture. The chapter draws on the Maputo Protocol, which confirms CEDAW in the African context, complements, affirms, and adds to the provisions of the African Charter for Human and Peoples' Rights (ACHPR). It affirms that governments have international obligations to protect women against abusive cultural practices. The chapter concludes with a call to negotiation for meaningful cultural change.

Chapter Eight: Conclusion and Recommendations

As the concluding section of the study, this chapter summarizes the study, and suggests some recommendations to the challenges discussed, and makes calls for further study. The chapter notes the following: alternative rituals of widow cleansing compromise women's sexual rights; scholarship on the subject has mostly focused on only one aspect of widow cleansing, which is the act of sexual intercourse forgetting other elements of the rituals that undermine sexual rights of women; and the sexual rights of women are a doorway for other political, social and economic rights. The chapter affirms the power of negotiation within Africa and calls for continued dialogue in order to end all traditional practices that oppress women in Zambia. The rights of women to live in a positive African culture is also mentioned in this chapter. The chapter concludes with a call for an empirical study on the alternative rituals of widow cleansing in Zambia.

1.10. Chapter Conclusion

The aim of this chapter was to introduce the study. As such, the chapter presented the background of the study. The study's rationale was also presented with the assertion that the available literature on alternative rituals to widow cleansing has been silent about the issue of women's sexual rights. Likewise, the chapter identified the research problem, the objectives of the study, the research question and the sub-questions, the scope of the study as well as the positionality of the researcher. The chapter also outlined the structure of the study as comprising of eight chapters. The next

chapter reviews relevant literature on the subject under consideration and presents the theoretical framework of the study.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. Introduction

This chapter reviews relevant literature on the thesis subject and presents the theoretical framework of the study. The literature review starts with the ritual of widow cleansing as a traditional African religious practice, with the aim of presenting the religious aspect of the rituals of widow cleansing. It defines the term rituals and expounds on the meaning of rituals in the context of African traditional religions and culture(s). It also shows how Western scholars have viewed African religion and culture. The second section deals with the alternative rituals of widow cleansing in other African countries. The scope of this section is Uganda, Kenya and Tanzania. It covers the study by Nyanzi (2011) who writes about Uganda; Ayikukwei et al. (2007) on Kenya; and Dilger (2006) whose research focuses on Tanzania. The literature review section concludes with debates about sexual cleansing and the alternative rituals in Zambia, which is the focus of this study. Departing from the review of literature, the chapter delves into presenting the theoretical framework that underpins the study. The study in this context adopts nego-feminism as its main theoretical framework, as well as two other theories, namely: social construction and religious functionalism, to respond to various research questions.

2.2. Literature Review

2.2.1. Widow Cleansing: A Traditional African Religious Practice

Most literature discussing alternative rituals deals with the rituals within the context of the ritual of widow or sexual cleansing. This is to say, to better understand the former, one must first understand the latter, since the meaning and logic around the ritual of widow cleansing is the basis for the introduction of the alternative rituals. Very few scholars have devoted their work to alternative rituals of widow cleansing. The ritual of widow/widower cleansing is a religious practice. It is practised within the framework of African traditional religion. There are many definitions of religion. In the context of this study, religion can be understood to mean 'human enterprise by which the sacred cosmos is established' (Madiba 1996:270). The term tradition is also used to mean the deposit of faith and beliefs, which has been handed down, preserved, and transmitted from one generation to the other. Talking about African traditional religion(s), Madiba (1996:272) maintained that 'we look into African traditional religions as Africans and as blacks.

We try to answer those questions that arise out of a particular context: African traditional religions in Africa.’ Looking at African religions as Africans entails that we recognize and acknowledge African culture(s) and its values. If one remains faithful to this approach, she or he will be able to move from the negative colonial approach to African religion(s). Madiba further noted that we can only appreciate the relevance of the African religion ‘when we realize that the notion of culture as an act of liberation is at the heart of a progressive understanding of these religions.’ According to Naaman (2015:53-54), ‘African religion can hardly be separated from African culture, since the whole world of the African is said to be holistic and is constantly animated all round by religion.’ Culture reflects the shared beliefs, attitudes, practices that characterize a given community.

The perception that African religion is not a true religion is a reality for some African who have adopted Islam and Christianity. Many Western scholars, most of whom had never been to Africa regarded African religion(s) as primitive practices (Lugira 2009:107). Their consideration of Africans as people without religion owes greatly to their failure to establish the concept of religion which they had, such as the holy text or a founder. This poor understanding of African religion prevailed during the period of colonialism in Africa where the western religion was used as a tool to gain control and power over Africans. Since the colonialists refused to recognize African traditional religion, they barred all African traditional cultural practices, with the aim being to Christianise and colonize Africans (Mndende (1996:242). Taking South Africa as a point of reference, Mndende argued that ‘African traditional religion has not been regarded as a religion by the white government in South Africa.’ In same manner, Naaman (2015:20), observes that the early missionary approached African religion and cultures with a superiority complex. Their major aim was to have control of Africa and its people. This point can further be expounded through their approach towards African sexualities which they used as a tool for gaining power and control over Africans (Nyanzi 2011:477).

African religion according to Oduyoye (2006:11), ‘plays a major role in the rites of passage, in that an individual’s path through life is monitored, marked and celebrated from even before birth to death and thereafter, and the events in the life of a community echo this same cycle.’ Moyo (2009:54) also highlights that in many traditional communities, there are rituals that are observed from the birth of an individual until death. The rites of passage introduce an individual moving from one stage of life to another stage of life (Nyanzi et al. 2011:568). Some rites of passage

require the parents to have sex as a ritual in order to celebrate significant stages of the life of their children, such as birth, naming, ending of breastfeeding, puberty, marriage, and death. Death can happen at any stage of one's life and it is associated with many rituals of which sexual cleansing is among them.

Rituals play a very important role in African religion(s). According to Crawford (2002:35), rituals 're-enact past events which are important to one's faith, and with care and attention can foster the inner spirituality of the worshipper.' A ritual is a prescribed religious practice that is repeatedly performed in a specified pattern of actions or words. Rituals are aimed at bringing coherence and harmony in a community. They are reflective of the identity of the said community and create a sense of belonging among its members. The term ritual was derived from the Latin word *ritualis*, which originated from a verb *ritus*, which means to rite. The Romans used this word as a precise way of showing their customs. To Shorter (1974:123), rituals can be divided according to their capacity to make an appeal to spiritual beings or ultimate reality. Rituals which appeal to spiritual reality are called religious rituals and those that do not are called secular rituals. Many rituals as noted by Shorter (1974), combine both religious and secular elements and sometimes it is hard to draw a line between them. Rituals use the mystical language of faith and they serve as a focus for religious experience. Rituals are products of human social and religious experience (Shorter 1974: 125). Some rituals are instrumental and can be used to make things happen or prevent them from happening. So, rituals can be socially instrumental in terms of social sanctions, wherein people may be prevented from planting or harvesting until some rituals have been performed (Shorter 1974:125). Pals (2006:96) in his analysis of *The Elementary Forms of Religious Life* by Durkheim, argues that religious rituals and beliefs reflect what the community have in mind. Rituals normally focus on the sacred function as a focal point that affects the whole community. In African traditional religion, each individual is bound in secret to observe taboos and rituals. White (2015) asserts that the astounding part of many of these taboos is that when one violates any of them in secret, secretly, the violator or the person does not go without punishment. The consequences as further noted by White (2015), are always manifest either on the person(s) concerned or on the entire community in the form of disease, and even death in some cases. This point was also observed by Magesa (1997:51-52) when he noted that good or moral behaviour keeps and maintains one's life force, while disobedience or immoral 'behaviour towards traditions that were passed on by the ancestors will weaken the life force' leading to punishments from the ancestors,

exhibited either in the form of diseases or misfortunes. The ritual of widow cleansing is therefore aimed at healing the community from death and bringing harmony between the living and the ancestors.

2.2.2. Sexual Cleansing and the Alternatives in Other African Countries

In the study, *'African sex is dangerous!'* Renegotiating 'ritual sex' in the Contemporary Masaka district in Uganda, Nyanzi et al (2011:573), noted that alternative rituals of widow cleansing existed even before the coming of missionaries to Africa. They also argue that though some scholars have maintained that HIV was responsible for the emergence of the alternative rituals for widow sexual cleansing, the literature published before the advent of HIV indicates the existence of symbolic cleansing rituals such as 'jumping over the legs of a spouse, or jumping over a husband's walking stick or hunting spear. In the jumping over ritual according to Nyanzi et al (2011:563), the widow is asked to sit down on the floor in the main doorway of their main house with her legs outstretched. Then, the cleanser who is normally a brother or cousin of the deceased jumps over the outstretched legs of the widow three times to symbolize the sexual act. If the situation of the widow does not allow her to sit for the jumping over ritual, an alternative ritual which uses the inner-cloth belt⁵ is performed. The inner-cloth belt from the widow is spread on the floor in front of the main door, and the cleanser jumps over it three times. The inner-cloth belt is supposed to be warm, directly from the body of the widow. Nyanzi et al. (2011) recounts another form of alternative ritual for widow cleansing that was reserved for young widows. This ritual, according to Nyanzi et al (2011:563), is organized by the elders who give the young widow lots of liquid to drink the night before the ritual without telling her their plan. Very early in the morning, they direct the young widow to urinate at a certain spot. As soon as the widow finishes, an unmarried young brother or cousin of the deceased is also asked to urinate in the same spot while the urine of the widow is still warm and undissolved into the earth. This act of urinating in the same spot was done in order to symbolize the sexual act. The unmarried young brother of the deceased or cousin was regarded as the potential husband of the young widow. These symbolic cleansing rituals according to Nyanzi et al. (2011:563), were used in pre-colonial Buganda by warriors and hunters during the time of collective abstinence while on duty. An important point to

⁵ According to Nyanzi, (2011:576) this is the belt used by Baganda women to wrap the inner dressing or underwear.

note in these rituals is the emphasis of the sex act. These rituals still maintain hetero-normality, whereby people of different sexes are involved. While these rituals were used during the time of collective abstinence in the pre-colonial epoch, nowadays they act as an active alternative to complete the cleansing rituals without performing any actual sexual intercourse (Nyanzi et al 2011).

The Luo of Kenya catalogue another form of alternative rituals for widow cleansing. A study by Ayikukwei et al (2007:40) among the Luo of Kenya indicates that there was an alternative ritual for widow cleansing that was reserved for women who became widows after their menopause. Upon the advent of HIV and AIDS, the ritual was adopted to be used by all members of the community. Ayikukwei et al. affirms that the overwhelming number of deaths due to HIV/AIDS challenged the community to think about other means of cleansing widows without engaging the sexual act. It was also reported that due to the fear of HIV and AIDS, some male members of the families refused to cleanse widows whom they suspected to be HIV positive. In a separate study by Dilger among the Luo of Tanzanian (Mara region), women were reported to be discouraging their husbands from performing sexual cleansing for the fear of bringing HIV into the family (Dilfer 2006:114). This situation forced the elders to advocate for the adoption of the symbolic cleansing ritual that was reserved for the elderly widows (Dilger 2006:114). Talking about symbolic cleansing, Ayikukwei et al (2007:40) describe that ‘the potential inheritor hangs his walking stick, coat and hat in the house of the widow and spends the night in the widow’s house, but there is no sexual act involved. In the morning he lights a fire in the fireplace, the widow prepares some breakfast for him and gives him the clothes of the deceased.’ The inheritor thereafter continues with other inheritance process of the Luo community, which includes laying a foundation stone for a new house or hut’. Among the Luo, the inheritor is expected to build a new house for the widow and destroy the old one. However, if the old house is a permanent building with corrugated iron sheets, the cleanser will symbolically ‘replace a few of the old ones with new ones’ (Ayikukwei et al 2008:589).

The Luo have another symbolic cleansing ritual for widows who die uncleansed. According to Ayikukwei et al (2007), when an uncleansed widow dies among the Luo, she must be cleansed before the burial. An uncleansed widow among the Luo is considered a disgrace to herself and to her family. The Luo consider it as ‘an abomination for a widow to die and be buried uncleansed.’

They believe that if the widow is buried uncleansed, she will leave behind an irreversible curse of death in the family (Ayikukwei et al. 2007:39). In this case the widow must be cleansed sexually or symbolically before she can be buried. In symbolic cleansing, the brother-in-law of the widow buys new underwear for the deceased, goes into the house of the widow where the corpse is laid, and speaks to the corpse in a loving language and manner' (Ayikukwei et al. 2007:41). It is believed that the corpse will relax its limbs and thereafter he dresses it. He spends the night there and leaves the house at daybreak. ...and if the corpse refuses to relax the legs, another brother-in-law goes in to try. If the symbolic ritual does not work or if the widow is suspected to have died of HIV and AIDS, the brothers-in-law may hire a commercial cleanser to cleanse the corpse sexually.

The afore-discussed shows the capacity of African culture to dialogue in order to handle its challenges without any external interventions. Alternative rituals were known even before the advent of HIV and AIDS, and were used in specific situations and times. Due to the challenge of HIV and AIDS, the community was able to adopt the existing alternatives in most, if not all circumstances and situations. Dilger (2006), Ayikukwei et al (2007) and Nyanzi et al (2011) do not make mention of any external influence on the decision of the community to adopt the already known alternatives to address issues that relate to the spread of HIV and AIDS. This is evidence that when faced with challenges, Africans are able to negotiate within their cultural setting to find solutions. However, alternative rituals remain and continue to be practiced within the context of cultures that are patriarchal and undermine the voices of women. So, even in the context of the alternative rituals, the voices of widows are silenced and are not heard in the composition of the alternatives, as the elders who in most cases are men, give the directions for the alternatives. The alternative rituals reveal a patriarchal construction of the body of women in the community. Another astonishing element is that, if the uncleansed widows dies and is suspected to be HIV positive, her corpse can be sexually cleansed by a stranger who is normally told the situation of the widow. While this practice compromises the dignity of the body of women among the Luo, it endangers the health of the stranger who is asked to sexually cleanse a HIV positive corpse.

2.2.3. Debates about Sexual Cleansing and the Alternatives in Zambia

Many scholars have not examined or focused their research on the alternatives to sexual cleansing. Most of the literature about alternative rituals of sexual cleansing have been discussed merely as

sections within main research in different studies. This is an indication that the subject of alternative rituals of widow cleansing has not been widely explored in Africa, particularly in Zambia, as compared to the ritual of sexual cleansing. Sexual cleansing attracted the attention of many scholars due to its direct connection with the spread of HIV and AIDS. The alternative rituals in many studies have been treated as substitutes to sexual cleansing. One scholar who devoted his work to researching about the alternative rituals of widow cleansing is J.R.S. Malungo (2001). Writing from a social science and medicine perspective, Malungo undertook his empirical study in Southern Zambia. He included in his study some information which he gathered from almost all the provinces in Zambia. Malungo's study is quite comprehensive, whereby he sampled about 3500 household members and 1000 respondents, of whom 524 were from rural areas and 476 from urban areas. In his work, Malungo examined the ritual of widow cleansing and the practice of widow inheritance in Zambia amid the spread of HIV pandemic. This study, which he published in 2001 was an upgrade of his 1999 master's thesis, titled *Challenges to sexual behavioural changes in the era of AIDS: Sexual cleansing and levirate marriage in Zambia*.

Malungo noted that in Zambia as well as in most African communities, there are beliefs that when people die they become spirits, referred to as *luwo* (wind) or *mizimo* (*muzimo* in singular)⁶. As noted by Malungo (2001:371) in his work, when a person dies, he leaves two spirits, *muzimo* and *ceelo* or *musangu* (*Zyeelo* or *Basangu* in plural). *Ceelo* according to Malungo is associated with the dying breath. Malungo is in agreement with many scholars on African Religion(s)⁷ such as Mbiti (1974), Magesa (1997), Lugira (2009), to mention but a few. Lugira (2009:50) for example, asserts that when a person dies, according to African traditional religion his or her soul is believed to separate from the body and changes from being a soul to becoming a spirit. In a similar way, Nwonkoro (2014:5) contends that spirits differ in nature and activity, there are some good spirits and bad spirits. To become a spirit in African religion is a social elevation to enter the state of immortality and become a superhuman. It is believed that when a person loses a partner, she or he must practice the cleansing ritual by having a penetrative sexual intercourse with someone else, normally the relative of the deceased. This ritual is done in order to stop the spirit of the deceased partner from wandering around (Malungo 2001:371). Malungo further maintains that the practices of sexual cleansing and widow inheritance have been challenged by various groups, some of whom

⁶ The vernacular is Tonga language spoken by the Tonga people of Southern Zambia

⁷ The details about African religion in relation to rituals will be dealt with in chapter four

called for an end to the practice (Moyo and Muller 2011). Day and Maleche (2011:3) affirms this by explaining that several campaigns were conducted countrywide in Zambia, calling on local chiefs to discourage people from practicing sexual cleansing. As a result, many people started to abandon the ritual of sexual cleansing and adopted the alternative means (Day and Maleche 2011:4; Malungo 1999, 2001; Moyo and Muller 2001).

Malungo's views are supported by Kalinda and Tembo (2010) who conducted a similar empirical study in the Mansa district in Luapula Province, Zambia. Taking on the perspective of human sexualities, Kalinda and Tembo also researched the *sexual practices and levirate marriages among the Aushi and Bemba speaking people of Mansa district*. Their study investigated sexual practices among the Aushi and Bemba speaking people of Mansa in the context of the HIV and AIDS pandemic. Through their research, Kalinda and Tembo (2010) found that the Aushi and other Bemba speaking tribes of Mansa believe that it is necessary for a woman to be sexually cleansed after the death of her husband, because if the widow is not cleansed, any intercourse with another person is dangerous on the basis that it angers the spirit of her deceased husband. Kalinda and Tembo's (2010) research is in line with Malungo's (2001) and Moyo's (2009), which noted that the person who cleanses the widow is expected to inherit her. They also agree with Malungo (1999) and Moyo and Muller's (2011) views that sexual cleansing and levirate marriages have contributed to the spread of HIV and AIDS in Zambia. Accordingly, Ayikukwei et al (2007) and Dilger (2006) bring to fore the point that given the danger of acquiring HIV and AIDS through the ritual of sexual cleansing, some men refused to cleanse and remarry widows whom they suspected to be HIV positive. As a result of this challenge, the community devised alternative cleansing rituals that do not involve the act of sexual intercourse. This argument by Kalinda and Tembo (2010) contradicts Malungo's (2001:373) assertion that the alternative rituals were known in Zambia even before the dawn of HIV and AIDS. However, Malungo's argument has been supported by other scholars such as Day and Maleche (2011), Moyo (2009), and Siwila (2011). Kalinda and Tembo (2010) agree with Malungo (2001) and Day and Maleche (2011) that many people in Zambia currently do not undergo or perform sexual cleansing as before, because they have adopted alternative rituals for sexual cleansing.

Coming from the lens of Practical Theology, Nolipher J. Moyo (2009) conducted her study on *The Influence of Cultural Practices on the Spread of HIV and AIDS on Zambian People*. She studied

the ways in which the church in Zambia participates in the fight against HIV and AIDS in relation to the “harmful cultural” practices such as sexual cleansing. Malungo (2001), Moyo (2009), and Siwila (2011), assert that the ritual of widow cleansing and levirate marriage is common in almost all tribes in Zambia. While her empirical study focused on the ritual of widow cleansing among the Tonga of Zambia, Moyo (2006:206-7) however notes that although people were aware of the existence of the alternative cleansing rituals, many still preferred sexual cleansing. This preference of sexual cleansing as she argues, occurs in spite the growing awareness of the danger of HIV and AIDS infection. From this point of view, Moyo disagrees with Malungo (2001) and Kalinda and Tembo (2010) that sexual cleansing and levirate marriages are declining in Zambia, just because people are now opting for the alternative rituals of widow cleansing.

Coming from the same theological background as Moyo, Lilian Siwila (2011) also presents her perspectives about the alternative rituals of widow cleansing in Zambia through her study titled: *Culture, Gender, and HIV and AIDS: United Church of Zambia's Response to Traditional Marriage Practices*. Siwila (2011) carried out her empirical qualitative study in the Copperbelt Province - Kitwe. Through contextual Bible study, she examined the response of the United Church of Zambia (UCZ) to traditional marriage practices which she considered “harmful” in the context of HIV and AIDS (Siwila 2011: i). In her work, she dedicated a chapter to sexual cleansing and widow inheritance. According to Siwila (2011), sexual cleansing is one of the harmful practices that contribute to the spread of HIV and AIDS in Zambia. In agreement with Malungo (2001) and Kalinda and Tembo (2010), Siwila notes that many people in Zambia are increasingly turning to the alternative rituals due to the risks of contracting HIV and AIDS through sexual cleansing. She further maintains that the Church (UCZ) recognizes the cleansing ritual as a cultural practice and encourages people to rather adopt the alternative rituals (Kalinda and Tembo 2010). In agreement with Malungo (2001), Siwila (2011) avers that the Church gives heavy punishments, including excommunication of its members who still practice sexual cleansing. This notwithstanding, Siwila also notes some Christians still practice sexual cleansing in secret, and the practice remains common among the people.

Siwila’s (2011) finding poses a challenge to the views of Malungo (2001) and Kalinda and Tembo (2010), who argue that sexual cleansing is declining in Zambia because many people are now opting for the alternative rituals. On the contrary Siwila presents the dilemma of widows in relation

to the alternative rituals of widow cleansing noting that even after some widows have gone through the alternative rituals, they are not sure if the cleansing has taken place, while others are forced to still undergo sexual cleansing even after the alternative rituals have been performed. Siwila also raises some concern about some alternative rituals that undermine the bodily integrity of the widows. She notes that even when the widows have gone through the alternative rituals, they still face intimidation and threats from the community members who continue to pressure them to likewise undergo sexual cleansing.

2.3. The Study's Point of Entry

Scholars have noted that sexual cleansing and levirate marriage is declining in Zambia and the alternative rituals of widow cleansing are becoming popular among the people. The increase of the use of the alternative rituals to sexual cleansing has been attributed to the increased awareness of the danger of HIV and AIDS infections. The awareness among the people has thus far been made possible through mass campaigns conducted throughout the country by NGOs, the Church, the government and the local chiefs. While scholars have written to encourage the use of the alternative rituals of widow cleansing in Zambia, the critical evaluation of these alternative rituals in relation to women's sexual rights is lacking. The attention of most of the scholars has been on the issues of the spread of HIV and AIDS which touches several aspects of women's sexual health. Coming from the context of sexual and reproductive sexual rights (SRHR), this study looks at how scholars have addressed issues of women's sexual rights in Zambia. The study analyses the alternative rituals within the framework of its consideration by scholars as a preferred practice in comparison to sexual cleansing. The study also aims to contribute to the already existing debate concerning the alternative rituals of widow cleansing in Zambia.

2.4. Theoretical framework

A theoretical framework can be defined as a 'systematic ordering of ideas about the phenomena being investigated or as a systematic account of the relations among a set of variables' (Camp 2000:10). Camp advises researchers to consider the theoretical framework in research as a means of focusing design and analysis procedures as well as providing 'structure and meaning to the interpretation of findings' (Camp 2000:11). This study has adopted the African feminist approach. It draws from the nego-feminism approach as suggested by Obioma Nnaemeka (2004). This theory

is relevant to this study because it is presented as an approach to alternative rituals of widow cleansing in the context of African culture(s) and religion(s). As the topic itself suggests, there is already ongoing dialogue within African culture that underscores the alternative rituals. Apart from nego-feminism, the study also adopts social construction and religious factionalism theories to respond to the various objectives of the study.

2.4.1. African Feminist Theory

This study adopted the African feminist approach as suggested by Obioma Nnaemeka (2004) as its main theoretical framework. Nnaemeka coined the term *nego-feminism* for African feminism. Nego-feminism is the feminism of negotiation. Nnaemeka (2004:377-8), notes that ‘in the foundation of shared values in many African cultures, are the principles of negotiation, give and take, and compromise and balance.’ The approach is supported by Malungo his assertion that in order to break up such cultural practices which are very much connected with traditions of the people, ‘discussions and negotiations need to be established with the people involved, including traditional rulers’ (Malungo 2001:381). This theoretical framework is relevant to this study because it seeks to cover the aspect of cultural transformation through negotiation within African culture. The ritual of widow cleansing is embedded within African religions and cultural practices (Siwila 2011). Since this study examines the alternative rituals of widow cleansing, it affirms that there are already existing negotiations within African culture which have prompted the communities to move from sexual cleansing to the alternative cleansing rituals. Literature also alludes to the fact of communities adopting the alternative cleansing rituals instead of sexual cleansing due to the dangers posed by HIV and AIDS. While the alternative rituals of widow cleansing have replaced the act of sexual intercourse with other forms of cleansing, scholars have shown that widows are not free to engage in any sexual relations before alternative rituals. In other words, the right of the widow to engage in any sexual relations are determined by some members of the community who decide when to cleanse the widow. It has been revealed that the denial of a widow’s sexual rights goes hand in hand with other forms of oppression such as isolation and property grabbing. Sexual rights, as earlier mentioned, are understood in the context of women’s human rights such as rights to bodily integrity and privacy; rights to engage in sexual relations without intimidations or bullying, violence or discrimination; and rights to decide when, where and with whom to engage sexually (Klugman 2000; Tamale 2008). The study takes note of the

Maputo Protocol, which emphasizes that African women have the right to live within their culture. Article 17 (1) of this protocol states that ‘women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural practices’ (Klugman 2000). With an understanding that culture is not static but dynamic, negotiation can therefore help to bring about cultural transformation. In order to bring change in an African community, according to Nnaemeka (2004:377), there must be a dialogue involving the indigenous people taking into account their own ways of solving problems. The involvement of the indigenous people in dialogue helps to create the sense of belonging to the whole process of changing the customs of the community (Nnaemeka: 2004). Opening a dialogue with the elders in the society could pave the way for social change and eventually doing away with some cultural practices that are oppressive to women. Elders are considered important in any African community and are respected for their wisdom and life experiences (Sibiya 1990:23). Any engagement with them is therefore crucial to social transformation

2.4.2. Social Construction Theory

In this study, rituals are understood as a social construct. This study also adopts the social construction theory. According to Jackson and Penrose (1993), this theory is concerned with the ways we think, structure our thoughts, and use our experiences to analyze the world. Jackson and Penrose, also note that social construction theory makes us understand that what we know has been constructed by the society. The values and the meaning of things exist because the society exists. The production of knowledge and concepts of the reality develop in a social process through language. Words in a language reflect what is considered real in the community. Social construction theory is based on the philosophy of the community. In most cases it reflects what the society has put together, the preferred vocabularies and the world view of the given community.

In social construction, knowledge is something which is shared among the people who live together. According to Freedman and Combs (1996:28), the use of language in the community constitutes the worldview of the members. It helps people to understand the meaning and nature of different things around us. On the same note, Moyo (2009:21) pinpoints that ‘most post-modern thinkers are very concerned with the mode of communication in language, which makes an individual understand their world and construct to communicate with others.’ In most cases what one knows is influenced by what one has been hearing and taught throughout the life. Human

beings are social beings. A person's reality is constructed through an interpersonal relationship with other members of the community. Moyo (2009:23) further notes that 'in social construction, we learn that every person's social and interpersonal reality has been constructed through interaction with other human beings and human institutions, and no man is an island.' In the context of African tradition and culture(s), community plays a very important role in the identity of an individual, and an individual cannot exist outside the community. Each person is associated with certain family, clan, community, society or chiefdom. In this light, the study stresses the assertion that a person in an African setting gets the sense of being through the community, thus the saying that "I am because we are" (Mbiti 1974).

According to Freedman and Comb (1996:27), members of the society 'can construct, modify and maintain what their society holds to be true, real and meaningful.' Individuals in the society construct their identities through their life experiences. The members of the community, understand the meaning of the symbols and practices that identify their community (Moyo 2009). This is one aspect of African traditional religion(s) where the norms and values of the society are passed from one generation to the other through oral tradition. Widow cleansing, being one of the traditions that is valued by some members of the community has been passed from generation to generation through the memories. Under social construction therefore, the truth or meaning of things does not exist outside the community and what is considered to be true is that which has been accepted by the community. In other words, knowledge is produced in a particular culture and is communicated from one generation to another through the values and the ways of life of the society. The alternative rituals of widow cleansing can be understood in this way. They differ from one community to another and they are practiced in various ways. They reflect what the community considers meaningful to them. When the community feels that they no longer reflect their reality it can decide to change and adopt those that are more meaningful to them. So in the context of social construction, the meanings of things are not universal but shared with those who created them. According to Moyo (2009:23), a foreigner in the community may find it difficult to understand the interpretations given to various actions and things. This is because the meanings do not rely on logic and reason, but on what the community believes to be meaningful and true from their perspective. For, example, the alternative rituals of widow cleansing use different symbols such as anointing with mealie meal, sitting on an animal, body brushing, trimming of hair and placing a hoe. These tools and symbols are believed to chase the spirits from the body of a

widowed person. If these symbols and actions are done somewhere else where the meaning associated with them are not known, they will not have any meaning. From the perspective of African religion(s) and culture(s), the meaning of things is in the dialogue that people have with one another (Moyo 2009:23).

2.4.3. Religious Functionalism Theory

Considering the fact that rituals, including the ritual of widow cleansing is a religious practice in the context of African religion(s), this study also adopts Durkheim's theory of religious functionalism. This theory is helpful in this study, especially when one looks at the social function of religion in relation to the ritual of widow cleansing. Thus Durkheim's theory is relevant for this study because the study focuses more on the social function of religion. As already noted above, community is one of the strong elements of African religion. The ritual of widow cleansing does not therefore reflect an individual piety only, but it is an obligation of an individual in the community. In this case, a widowed person is obliged to go through the ritual not only for her own good, but for the good of the whole community. It is from this communal aspect that, widows are sometimes forced by their families and the community members to go through cleansing rituals. Religion in the context of this theory is understood as a communal gathering of family, clan and the community. Lugira (2009:13) notes that although many Africans present themselves as Christians or Muslims, they still observe their traditional religious practices alongside their professed religion.

Durkheim (1995) stated in his book *The Elements of Religious Life* that 'fundamentally, there are no religions that are false. All are true in their own fashion. All fulfill given conditions of human existence, though in different ways' (Durkheim 1995:2). This view contradicts those of the early missionaries who refused to recognize indigenous religions as true religion. The early missionaries considered Africans as people without religion. This claim prompted many African writers in the sixties and seventies to write about African religion and philosophy. Responding to these critics, Mbiti (1974) notes that Africans are religious people and their religious beliefs cannot be separated from their culture. To be a member of the society means to practice the religion of that particular community or society (Lugira 2009). Religious practices in many African communities are expressed through taboos, veneration of ancestors and rituals (Naaman 2015). Although Durkheim is not an African writer, his theory is considered in this study because most of his views are

reflected in many African religious beliefs. Durkheim is as well widely recognized as one of the famous theorists of religion.

According to Durkheim, rituals are more important in religion than beliefs. Durkheim in his writings notes that rituals underscore the importance of self-sacrifice over self-indulgence, it places the good of the clan first and self-interest second. He further argues that on the solemn ‘occasion of the particular act of crisis or death, mourning is not just a private act’. The purpose of mourning is to grieve the loss and repair the injury to the community (Pals 2009:101). The ritual of widow cleansing is also considered to help grieve the death and heal the community from the loss of the beloved one. Through the practice of widow inheritance, the deceased or the bread winner is replaced by his brother or cousin. The widow and orphans regain hope, security, assurance, and are re-integrated into the community.

2.5. Conclusion

This chapter has provided an overview of the literature related to the study as well as the theoretical framework. It has as well left us with lots of questions. The chapter started with the examination of existing research on widow cleansing as traditional African religious practice. Based on arguments from various scholars such as Madiba, Nyanzi, Oduyoye, Shorter, Naaman, Lugira, Mbiti and Lugira, the chapter also examined why it is relevant to call widow and widower cleansing traditional African religious practice. The chapter also looked at alternative rituals of widow cleansing in other places, including Uganda, Kenya and Tanzania. The chapter detailed that alternative rituals of widow cleansing in these places were known and practiced even before the dawn of HIV and AIDS, but were usually performed on specific occasions and on particular people. The chapter also reviewed literature on the Zambian situation, which is the focus of this study. Various debates about sexual cleansing and the alternative rituals of widow cleansing was presented in this regards. The debates among scholars showed that the alternative rituals of widow cleansing were well known in Zambia but were not widely practiced. The debates have shown that the concern of the scholars who researched about the alternative rituals of widow cleansing focused on the spread of HIV and AIDS. The chapter also noted that scholars coming from medical and theological backgrounds, argue that sexual cleansing and widow inheritance is on the decline in Zambia, while the alternative rituals are becoming popular. The second part of the chapter presented the theoretical framework of the study, where it expounded on the African feminist

approach as suggested by Nnaemeka as its main theoretical framework. The theory was considered relevant because the study examines the alternative rituals of widow cleansing from the perspective of African religions and culture. Apart from nego-feminism, the chapter also presented two other theories, Social Construction and Religious Functionalism, adopted by the study. Departing from this, the next chapter is a presentation of the methods and methodology employed by the study.

CHAPTER THREE

3. RESEARCH METHODOLOGY AND METHODS

3.1. Introduction

This chapter presents the methods and methodology used in this study. The study adopted a non-empirical qualitative research design. It gathered insights mainly from secondary data that had been gathered by researchers, some of who conducted empirical studies on alternative rituals of widow cleansing in Zambia. The systematic literature review was used to collect data and the data was analysed using qualitative textual methods. This chapter also speaks to the issues of ethical consideration and the delimitations of the study.

3.2. Research Paradigm

This desktop study is based on the secondary data from different scholars who had empirically researched the ritual of widow cleansing in Zambia. This study employed a qualitative research methodology. Qualitative methodology is a scientific method of research used to gather and analyze information in order to arrive at a solution to the problem (Strewing & Stead 2004:44). It is a description of the steps taken to solve a particular problem. Qualitative research is concerned with developing explanations of social phenomena. This study aims to develop such explanations by seeking to understand alternative ritual practices in Zambia as part of the culture and religion of some communities, and why such rituals are practiced and how it impacts on the rights of the widows. Since this study is non-empirical it draws mostly from the information that was procured through the systematic literature review. Qualitative content analysis is also used to analyse existing literature on the subject. Making the study a purely desktop research was necessary because it was a one-year funded masters project in the Gender, Religion and Health programme, and time constraints and available funding would not have permitted engagement in an empirical study outside South Africa. Also, the use of Zambia as a case study is of relevance because most literature on the subject of the thesis have thus far focused on the *Zambian* cleansing rituals.

3.2.1. Systematic Literature Review

In producing data, this study took the following steps of a systematic literature review. The study commenced by framing the critical research questions. Based on the research questions, the study

prioritised the review of relevant literature as produced by other scholars whose studies were empirical in nature. The scope of the scholarly work covered in this study focuses on Zambian literature on the alternative rituals of widow cleansing, sexual cleansing, levirate marriages or widow inheritance. Most of the literature reviewed in this study capitalized on the relationship between sexual cleansing and the spread of HIV and AIDS in Zambia. The articles that were used in this study had been retrieved from the databases such as World Cat, JSTOR, SAGE Journals, and Google Scholar. A supplementary search of library sources like books, dissertations and journal articles was undertaken, and data was extracted and synthesized with the purpose of answering the research questions.

According to Siddaway (2015), a systematic review aims at ‘addressing problems by identifying, critically evaluating and integrating the findings of all relevant high-quality individual studies, and addressing one or more research questions.’ Baumeister and Leary (1997), argue that a systematic review can stand on its own as a research project for it has the power to address much broader questions by uncovering connections among many empirical studies, something which a single empirical study cannot attain. In this regards, Siddaway (2015) asserts that ‘systematic reviews sit above all other designs at the top of the hierarchy of evidence, and this is because they have the potential to provide the most important implications.’ This method however has been challenged for it is costly and time-consuming. All in all, many scholars have supported it, especially for desktop studies due to its strength in producing quality work and its power in minimizing bias.

3.2.2. Qualitative content analysis

Data gathered through a systematic literature review was critically examined so as to respond to the key research questions of the study. Various texts were investigated with the aim of seeing beyond what scholars have presented and their perspectives with regard to the Zambian context. While investigating various texts, the diversities among scholars, in terms of views and perspectives on the subject was taken into consideration. The study thus analysed the different literature perspectives by adopting and using the theoretical lens of the African feminist approach as suggested by Obioma Nnaemeka (2004). This theoretical angle of African feminism as discussed in Chapter two and the subsequent chapters, negotiates and/or confronts aspects of African cultures that are harmful to women so as to bring about cultural transformation.

3.3. Delimitations of the Study

This is a library based study. Interviewing people about the alternative rituals of widow cleansing would have added much depth to the study. However, engaging in empirical study in Zambia was not feasible due to the time factor as this research is a scheduled one-year programme, and limited funding was also a challenge. Nevertheless, extensive and relevant information about and on the topic was sourced from various literatures and scholarship on Zambia and other parts of Africa.

3.4. Ethical Considerations

Concerning ethical considerations, the study took into consideration the respect of customs, values, and traditions of all the communities that had been covered in this thesis. All sources used in the study were referenced accordingly. Likewise, the ethical policies of the University of KwaZulu-Natal as stipulated in the ethical clearance application was adhered to.

3.5. Conclusion

This chapter discussed the methodology and methods of the study, noting the use of a qualitative desktop approach and reliance on secondary data that was collected through literature review. The chapter also noted that a systematic literature review was used to collect data, which was analysed using qualitative content analysis. The chapter also highlighted ethical issues and the limitations of the study. The chapter that follows looks at the historical or root perspectives associated with the ritual of widow cleansing.

CHAPTER FOUR

4. PERSPECTIVES ASSOCIATED WITH THE RITUAL OF WIDOW CLEANSING

4.1. Introduction

The ritual of widow cleansing which is also referred to as sexual cleansing is one of the oldest practices in Africa. This ritual requires the widow to have sexual intercourse with another man in order to allow the spirit of her deceased husband rest in peace among the dead. The ritual is one of the traditional African religious practices, and can, in this case be understood well in the context of African religion. The outlook of religion in this chapter is presented through the theory of religious functionalism. The case in this given, focuses more on the social function of religion and rituals than beliefs in the supernatural. The rationale for this approach is that African religion is normally found in the daily lives of people, and one cannot separate Africans from their religion and culture. Religion as well as rituals work together to make the community a better place to live for all. The ritual of widow cleansing is both cultural and religious. African culture is embedded within African traditional religion(s) and the two cannot be separated. This chapter begins by building on the understanding of African religion. It also expounds on the rituals around the death and the death of a spouse, the influence of the community and the beliefs in ancestors and spirits. The chapter further engages discourse on the meanings associated with widow cleansing, as well as the connection between widow cleansing and widow inheritance.

4.2. African Religion

African religion can be understood as indigenous or native religions of the indigenous Africans. It is a religion that emerged in Africa and by African people; a religion without a specific founder, without a permanent shrine, temple, mosque or church and without a specific day for prayer. It is a religion that is not found even in tradition, but in the daily life experiences of the people. African religion encompasses beliefs that have been passed from one generation to another through oral tradition (Lugira 2009:16). There is no written language in many African communities, no written text or a holy book such as the Bible or Qur'an in African religion. The cultural beliefs and rules that pertain to African religion are passed on through word of mouth. The members of the community are trained from their childhood to understand the religious practices through

memorizing and reciting the history of the clan or the family from generation to generation. African religion is the only religion founded in Africa by indigenous African people, and the only religion with claims to have originated in Africa (Lugira 2009:15). It is a religion that has been and is still taken for granted by many people as a result of colonialism and the influence of other religions such as Christianity and Islam in Africa. It is a religion that reflects the worldview of the indigenous Africa, and accepts and upholds traditions, while being dynamic enough to adapt to the present and give room for the future.

While the study speaks of African religion in the singular, note is however taken that Africa is a huge continent and it has many ethnic groups that practice different religions. So, there are many religious practices within African religion. There are some scholars who preferred the term African religions, emphasizing the varieties of religious practices within African religion. However, this study, in line with scholars like Magesa (1997), Mbiti (1990), Lugira (2009), Naaman (2015), singularizes African religion, emphasizing the similarities within various religious practices in Africa.

Studying African religion in post-colonial Africa is challenging due to the influences of colonialism, the western education system and other religions such as Christianity and Islam. After many years of colonization, the western education system and globalization has affected the attitude of many Africans towards the native religions. While the westerners consider religion as an independent system of beliefs with structural organization, including a founder and Holy Scriptures, African religion is just a way of life which is expressed within the daily activities of people. African religion is encompassed in African culture and includes the adoptions of the values, traditions, and norms that have been passed from one generation to another. African religion is not static, it connects the past with the present and gives room for the future. It provides platforms for innovation and adaptation of the new values.

As a way of life, African religion does not have any doctrine, it is practical, and serves to reinforce life, power and fertility. African religion shares a principle vision that in order to attain harmonious living in a community, humans must maintain good relationship with divine powers which includes all the divinities, that is, the ancestors and spirits. The main means of communication with the divine powers is through rituals, in the form of prayers, sacrifices, and venerations. The ancestors who are the guardians for the moral order of the community ensure that the community

maintains its responsibilities. Each individual is responsible for maintaining harmonious living in the community. Thus the belief that if people neglect their duties, the ancestors may remind them through dreams and divinations, and if they ignore the warnings of the ancestors, they will be called to attention through misfortunes, illness and sometimes death.

Religion is a social construct, and it cannot be understood well outside the milieu of which it is being practiced (Ayanga 1996:204). Religion can be the means through which positive changes can be attained in society, and it can also hinder and block those changes. African traditional religion is a religion that is based on the indigenous religious practices of the Africans (Awolalu 1976:1). It is a religion which is 'being practiced today in various forms and various shades of intensities by a very large number of Africans, including those who claim to be Muslims or Christians' (Awolalu 1976:1). African religion is one of the richest of African heritage, which dominates and shapes the world view of African people and expresses their ways of life (Naaman 2015:44).

The perception that African religion is not a true religion is still a reality for some people who have adopted Islam and Christianity. According to Magesa (1997), it took almost three hundred years for the western scholars to admit that African religion is one of the true religions of the world. Many Western scholars, most of whom had never been to Africa, regarded African religion as primitive traditional practices (Lugira 2009:107). Africans by nature are religious people and they cannot live without religion. Wherever one finds himself or herself, she or he carries the religion and beliefs with. Africans carry their religion to the field where they go to sow seeds and harvest, to the bush where they go to hunt, to the field where they rear and keep animals, to the river or lake where they go fishing. They also carry their religion to their working places, in offices and shops.

...for Africans, religion is far more than a way of believing, "a way of life" or "an approach" not directed by a book. It is a "way of life" or life itself, where a distinction or separation is not made between religion and other areas of human life. If one is to speak of "revelation" or "inspiration" is not to be found in a book, not even primarily in the people's oral tradition, but in their lives. ... African religion does not have a specific founder, no churches or mosques, no trained priests or pastors or sheikhs, no written books or scripture (Magesa 1996:25).

African religion is and for African people. Non-Africans can adopt it and live like Africans do, but they will not have a blood connection with African ancestors. The blood link between the ancestor

and the living is very important in African religion. When the adherences of African religion move to new places, they go with their religion. African religion does not need a church or special day of prayer. Sometimes small temporary shrines are made for spirits. The adherents of African religion can remember their ancestors in any day and in any place in which they find themselves. This is because shrines and altars that are used in African religion are never imposing or permanent. They are used once in time and can be destroyed and replaced anytime. According to Magesa (1997), when other people decide to adopt African religion they are not asked to abandon their ancestors, instead their ancestors are accepted and become part of the ancestral spirits that are related to them. Magesa (1997:58) further maintains that since African religion ‘involves the whole life, whatever one thinks, says or do is religious, or at least can have religious implications. At all times in a person’s life, a religious consciousness is always explicitly or implicitly present.’ On the same note Moyo (2009:38) affirms that ‘the daily functioning of traditional Africans is fundamentally a religious functioning.’ Therefore, African religion is found within African culture.

Fourcroy (2006:955) defines culture as ‘a system of shared beliefs, values, customs, and behaviours that the members of society use to cope with their world and with one another, and are transmitted from generation to generation through learning.’ African Religion on the other hand is quite fluid and there is no single definition which catches all of its aspects. According to Durkheim (1995:21), before the development of religion as an academic discipline, each community had to conceptualize what religion was in their own context. He also asserts that one thing that is common across most religions is the belief in the supernatural, something that is beyond understanding, unknowable, mysterious, and incomprehensible (Durkheim 1995:22). Durkheim maintains that all religions are equal and there is no hierarchy among them. Although some religions seem to be more powerful than others due to their organizations, sensations, images, and more systemized forms, their complexities and ideas are not sufficient to place them higher than other religions (Durkheim 1995:2). Reading from these views, one can therefore aver that all religions need to be respected, because they all fulfil the specific needs and play the same specific roles to their adherents.

Studies have shown that although many people in Zambia would recognize themselves as Christians, when faced with problems such as death, illness, various life frustrations, they turn to their African traditional beliefs. Many people still believe that misfortunes such as failure to get

good jobs, poverty, bad luck, prolonged illnesses, accidents, among other things, may be caused by unhappy ancestors or bad spirits. According to Moyo (2009:37), many Africans, 'live in two worlds: a traditional African world in which traditional beliefs and values play an important role, and in a world where western norms and values that determine their lives.' In African religion, God is regarded as the Supreme Being and is the creator of everything, he is observed with very high respect and is not very much concerned with the daily business of the humans (Moyo 2009:38). The Supreme Being has representatives, the ancestors, who are regarded as the guardians of the daily activities of humans.

4.2.1. Rituals in African Tradition Religion

Rituals in the context of African traditional religion can be understood as an act of appealing to the ancestors or spiritual beings who are believed to have the power to influence the events in the community. Shorter (1974:123) attests that a ritual in the context of African religion can heal the wrongs which members of the community committed that cause calamities or afflictions, and restore the status quo of the community. In some cases, however, rituals can be performed in order to prevent the individual and the community at large from calamities and afflictions (Magesa 1997:79).

The overseers of rituals and taboos in African traditional religion are ancestors who are believed to read even the hidden intention of each individual in the community. In this case, rituals and taboos must be observed and even when no one is looking or keen-sighted. White (2015) details that the 'amazing part of many of these taboos is that when one violates any of them secretly, the person does not go unpunished. The consequences always manifest either on the person(s) concerned or the entire community in the form of disease, and possibly death.' Magesa (1997:51-52) also makes the same assertion when he noted that good or moral behaviour keeps and maintains one's life force, while disobedience or immoral behaviour towards traditions that had been passed on by the ancestors will weaken the 'life force' and would lead to punishments that come in the forms of diseases or misfortunes. Another form of punishment from ancestors could be drought, heavy rainfall, floods, sickness, or afflictions that can befall an individual who thereupon becomes the symbol of the tensions within the community. According to Durkheim (1995), rituals are necessary to bring the members of the community together as a group and allow individuals to escape from the mundane of everyday life into a higher realm of experiences. Sacred rituals and

ceremonies such as births, marriages, times of crisis and deaths, are important occasions. Durkheim further states that rituals are more important to religion than beliefs. They stress the importance of self-sacrifice over self-indulgence, and places the good of the clan first and the good of the self-second. As further noted by Durkheim in Pals (2009:101) the solemn occasions of particular crises such as death and mourning, are not private acts, but communal, where the whole community grieves the loss of its member and repairs the injury caused by death.

4.2.2. Rituals for the Dead

Death can be defined as the termination of all biological functions of the body. Death in many communities is considered to be a calamity that has befallen the family, the clan and the society in general. Death especially of the most valuable individual in the community such as the breadwinner can bring a lot of frustration and uncertainty. Death has the tendency to terminate social relations and destroys harmony in the community. Death is indeed a bad omen; an experience which no one would wish to go through. Death in many communities brings the sense of fear, anxiety, sorrow, grief, emotional pains, depression, solitude, sympathy, compassion and frustration. According to Moyo (2009:102), death in the context of African religion is considered as something frightening which people want to face together. Death is normally associated with the powers of the evil spirits or the manipulation of the sorcerers (Moyo 2009:37). However, it is not considered as the end of life in the context of African Religion. Instead, it is viewed as a transition from one state of life to another. It is a transition from the living person to the living dead or spirit. For example, when a person dies among the Ndembu of North Western Zambia, it is believed that a new set of social relations has to be addressed (Turner 2009:8). Upon death, the person's spirit is believed to leave the body and become restless. The Ndembu refer to the spirit of the dead person as a shade.

‘When a person dies, some ties are broken..., and the more important the person, the greater the number and range of ties there are to be broken. Now a new pattern of social relationship must be established: if the dead person was, for instance a headman, a successor has to be found for him, his heirs must divide his inheritance among them.... (Turner 2009:8)

As soon as the person dies, it is believed that his or her spirit starts wandering around. A wandering spirit is believed to be dangerous because it can harm people, especially the relatives of the deceased. A proper funeral and rituals are needed in order to let the wandering spirit rest in peace

among the dead. The rituals that are done during the time of death and after the funeral are aimed at calming down the spirit of the dead.

The Ndembu believe that without the ritual of mourning the shade would never lie quietly in the grave, but would be constantly interfering in the affairs of the living, jealous of every new adjustment, such as the remarriage of its widow or the appointment of a successor of whom it would have disapproved, and indeed it might afflict with illness all those people who should have honoured its memory by holding a funeral gathering but omitted to do so (Turner 2009:9).

The perception of death among the Ndembu of North western Zambia is reflected in many communities in Zambia. Many communities believe that, the spirit of the dead has the power to influence the wellbeing of the living. The spirit of the dead can bless and it can also harm the living if certain rituals of its remembrance are ignored.

4.2.3. Marriage and the Death of Spouse

The death of spouse in many African communities marks a new stage of life for the partner left behind that demands separating rites aimed at terminating the coitus rights with the deceased (Siwila 2011:55). The death of a partner in marriage does not mark only the separation between the two people, but the two clans and the two communities. It involves the ancestors who were involved in the making of the marriage. The death of a husband in many communities brings a lot frustration to widows. The mourning rite which is normally aimed at giving a formal respect for the deceased and healing to the living due to the pains of death itself, has gender implications. In many community's widows are given as long as one year to mourn the husband, while for the other members of the family and community, their mourning ends the day the funeral is closed, which is normally three days after burial. During this period of mourning the widow is considered unclean and has to go through a series of rituals (Daber 2003:18). Men on the other hand are not given such a long period of time to mourn when it happens one has lost a wife. This is due to the patriarchal system that men are breadwinners while women are considered as house wives. In this case when a wife dies a man mourns for very short period of time and resume his work so that he can provide for the remaining members of the family. A widow on the other hand is to be taken care off by her brothers-in-law, most especially the one who is expected to inherit her.

Marriage, according to Moyo (2009:59) is something which is considered very important in African religion. Marriage is regarded as a form of the basic unity of the society. In many societies,

marriage creates the link between the two families, clans or communities. Marriage is considered the greatest symbol of unity, trust and care between the two sides involved. Marriage therefore, is not just as a union of the two people, but two clans that come together as relatives. Among the Shambala of Tanzania, for example, marriage is perceived as an agreement or a bond between a man and a woman, and involves two families or clans and the community of the ancestors. The process of marriage involves forms of dialogue between the two families and clans. This dialogue is concluded with the paying of the bride price. When a man gets married, his father has to perform some rituals to welcome her daughter-in-law into his family. This ritual is done by slaughtering a goat where the father will give gifts and a new name to his daughter-in-law. He will also bless her by calling upon the ancestors to protect and bless her womb so as to bear for him many grandchildren. The emphasis of marriage 'is more on the community than on the couple. The communal marriages are largely based on the attributes of the family or clan as a whole and not the individuals getting married' (Moyo 2009:59). When the death of a spouse occurs it cuts and destroys the harmony and the relationship that has existed between the two clans and the community of the ancestors. Since the intimate relationship of the deceased and the widow was through the act of sexual intercourse, this relationship can only be broken through the ritual of sexual cleansing (Day and Maleche 2014).

4.2.4. The Ancestors

Ancestors play very important role in African Religion. The ancestors exist in the afterlife, in the world of spirits which is believed to be in the same realm with God. Ancestors are deceased members of the family or clan. Though they are dead and no longer have the body of flesh, it is believed that they remain in contact with their siblings. Mbiti, (1997:78) notes that the veneration of the ancestors is an act of communion and remembrance which constitutes bringing together the living and the dead. He further asserts that the ancestor and their descendants are in constant communication, and this communication 'strengthens the life force of the world for the sake of the living community.' In agreement with Mbiti, Magesa (1997:80) also brings to light the detail that ancestors are believed to be the guardian of life. 'When they intervene, it is usually to warn the people. As the most important guides to true morality, they take that responsibility seriously' (Magesa 1997:80-81). When the ancestors are not happy about the attitude of their descendants

they make them know through employing painful means like sickness, misfortunes, or death, especially to those who have misbehaved.

The hierarchy of the spiritual beings in the African religion, starts with the Supreme Being, at the top, then the divinities, the ancestors and the spirits. The ancestors are believed to be the intermediaries between the community and the Supreme Being. Ancestors in African Religion are believed to be the spiritual guardians, protectors of the community and are positioned between the superhuman and human beings (Lugira 2009:48). As the guardians of the community, the ancestors are always respected. They are regarded as part of the elders of the families and have the power to bless, protect and even to punish the community, especially their family members (Adamo 2011). Magesa (1997:48) affirms that:

...ancestors are the protectors of the society, as well as the most feared critics and source of punishment. Above all they are the direct watchdog of the moral behaviour of the individual, the family, the clan and the entire society with which they are associated. No serious misbehaviour or ant-life attitude among their descendants, in thought, word and deed, escapes their gaze.

The ancestors are believed to have the ability to read the unspoken intentions of their subjects. They can read the minds and thoughts of each person, hence no one can escape their gaze. In this case no one is able to violate traditions or taboos without being noticed by the ancestors, and even when he or she tries to do it in secret, the punishment will always manifest in public to the one who has violated the taboos and sometimes to his or her family and the clan in general. Owing to the fear of the punishments from ancestors many people find it difficult to abandon the ritual of widow cleansing. People fear that if the rituals are ignored, the community may face a fierce punishment from the ancestors. Some fear that if they refuse to do the ritual and something wrong happens to their family or clan, and they might be blamed for bringing the misfortunes (Siwila 2011:64).

4.2.5. The Spirits

The belief in the existence of the spirits is one of the central aspects of the African religion. The world of spirits is made up of human spirits (spirits of the dead) who are sometimes referred to as ghosts and non-human spirits (Magesa 1997; Nwonkoro 2014). Spirits are believed to be supernatural. According to Magesa (1997) the human or ghost spirits are believed to be the souls of the people who died but did not receive proper funeral and have gone out of the memory of the

living. Some are of the children who died without proper initiations, or of people who have passed puberty, but did not have children of their own (Lugira 2009:50). Lugira continues to argue that, when a person dies, his or her soul is believed to separate with the body and changes from being a soul to becoming a spirit. To become a spirit in African religion is a social elevation to enter the state of immortality and superhuman.

According to Magesa (1995) the non-human spirits are considered as created powers. Sometimes they are considered as gods. All spirits do not have a physical body and cannot be seen. Some spirits can dwell in a person and give him or her certain power, such as being a traditional healer or a diviner/seer. Some spirits can be associated with places such as rivers, lakes, trees, mountains, caves, where they have occupied. Some of them are believed to possess temporary bodies of animals such as snake, lion, and crocodile (Magesa 1997:55), just to mention a few. Spirits, according to Nwonkoro (2014:5) differ in nature and the activity they carry out. He further noted that there are good spirits and bad spirits. 'There are natural spirits which represent common spiritual elements in the actual sense of the world ... Natural spirits include divinities created by the Supreme Being to aid in creation.' These spirits are behind whatever they aided in creating, mostly the common natural forces such as thunder, rains, the earth and the wind (Nwonkoro 2014:5). Opposed to good spirits are the bad spirits. Bad spirits, according to Nwonkoro, are often associated with things like death, sickness, famine, drought, bad-luck, poverty, backwardness, division and other kinds of misfortunes. There are benevolent spirits associated with blessings, good-luck, safety, deliverance, victory, intervention, progress and longevity. According to Adamo (1983:66), spirits are believed to be capable of taking the shape of anything such as objects or humans and can also melt into vapour and disappear or appear anytime. Spirits are conceived as abstract beings and cannot be observed physically.

In African Religion, spirits are omnipresent and are often feared. The spirits of people who died and did not receive proper funerals and rituals, are characterized as angry and vengeful. These spirits can cause misfortunes such as the fires, sickness, loss of properties, attacks from wild animals such as leopards or lions, draught, small catches of fish or animals during hunting and dangerous diseases (Magesa 1997:54-55). Most of the human spirits are believed to bring misfortune to the people because they have left a normal memory to the living people and in some circumstances they demand recognition through prayers and rituals (Magesa 1995). When spirits

are happy, they can protect the individual, the family and clan from other bad omens and other malevolent spirits.

According to Malungo (1999:3) all men and women among the Tonga of southern Zambia are expected to make regular offerings to the spirits so as to avoid misfortunes. ‘On certain occasions, such as when a man obtained a major item or equipment such as a new gun or plough at the beginning or end of hunting and fishing expeditions, and at planting or harvesting times, offerings were made and people had to learn the names of the *mizimo* (spirits) whom they must call’ (Malungo 1999:43). It is believed that when the living people stop remembering the spirits, or call upon them, they turn to be s ghosts and work only towards bringing misfortunes to the community. These spirits are of the dead relatives who want to ensure that they are not forgotten, so they send sickness and other misfortunes to the living as a reminder that beer and offerings must be provided’ (Malungo 1999:3). Malungo also notes that the living people have no power over the spirits. However, there is a belief that some sorcerers may have the power to manipulate spirits and sometimes use them to their advantage.

4.2.6. The Community

The community in the context of African religion is formed by individuals and most of the activities are done communally. In the context of African religion, to be human is to belong to the community. To be a member of the community means to participate in the faith, beliefs, rituals, ceremonies and celebrations of the community (Mbiti 1974). In African religion, ‘people are made up of moral, social, spiritual and physical parts. These parts function together, and if any part is out of balance, the person may become physically ill or suffer spiritually (Lugira 2009:15). In the same way, the community is made up of individuals who function together. In the context of African traditions and culture, no one lives outside the framework of the community. What concerns an individual, concerns the whole community and what concerns the community also concerns an individual (Lugira 2009:17; Magesa 1997). Community, religion and culture in the context of African religion are firmly bound together. African Religion understands humans as social beings. Humans live in relation to other humans, animals, environments, and other supernatural beings. According to Pals (2006:86), humans are not just individuals, they always relate to others or things, such as parents, places (towns or cities), race, ethnic group, political

party, etc. African religion understands that people are from families, clans or communities and there is no person without relation (Lugira 2009).

The community in the context of African Religion is an arena of human interaction (Meiring 2005:721). It is in the community where each individual finds his or her place, where love and care of one another is expressed, and where conflicts are resolved, forgiveness is attained and reconciliation is reached. Each member of the community is required to maintain order and balance by keeping the values that hold the community together. Every member of the society is expected to accept the norms of the community (Naaman 2015). However, few may reject the norms, but then they viewed as people with ‘deviant behaviour or social maladjustment’ (Naaman 2015:53). The ritual of widow cleansing is therefore not an individual issue, but something which involves the whole community. Each individual in the community has the responsibility of making sure that the community is safe. As such, the community is safe only when there is a harmonious relationship between the ancestors, the spirits and the living. Many elders consider it as their responsibility to maintain the culture and traditional practices as they have been passed to them by the ancestors. Maintaining the rituals does not mean keeping to the tradition only, but also claiming an identity in relation to other communities. Daber (2003:80) affirms this view in when she records an elder among the Zulus stating: ‘Our fore fathers have lived like that, if we continue to ignore or turn back on our cultural things we won’t know who we are and that will lead to the danger of other people imposing their culture on us and we will lose our identity.’ According to Daber (2003), this elder pointed out that besides the danger of losing their identity, ignoring the rituals will make people go mad and they will be regarded as outcasts. The ritual of widow cleansing was therefore aimed healing the community from death and bringing the harmony between the living and the ancestors.

4.3. Meanings Associated with the Ritual of Widow Cleansing

4.3.1. Chasing the Spirit of the Dead

The main reason for widow cleansing as widely mentioned by scholars in Zambia, is to chase the spirit of the dead from the widowed person (Kalinda and Tembo 2010; Malungo 1999, 2001; Lomba 2014). According to Mwebwa (1996:14), many people in Zambia fear the spirit of the dead or a ghost. In that case many people engage in sexual cleansing rituals to stop the spirit of the dead which is believed to inhabit the remaining partner. Sexual cleansing, according to Moyo

(2009:103) is a form of exorcism whereby the ill omens of death or madness ‘bearing influence which the lingering spirit of the ‘deceased partner is driven away.’ Siwila quotes a widow who felt the need to be cleansed after experiencing dreams of her late husband, where she relates that:

I always have terrible dreams in the night. Sometimes I dream about my husband coming to me in anger, asking me why I have abandoned him. I have tried to pray every time I have this kind of dream, but sometimes I feel as though there is something that was not done well. My parents and my in-laws wanted me to be sexually cleansed, but I told them I was Christian and I did not need this kind of cleansing. They respected my stand, but I don’t know any more whether this was the right thing to do. I am afraid to tell the church leaders because when I shared this with one of my friend she told me I had no faith (Siwila 2011:66).

Dreams in the context of African religion, are interpreted as a message from the ancestors. The main means of communication between the dead and the living is through dreams and divinations. The dead are believed to be waiting for the living to remember them through rituals. And if they do not, then the dead remind them through dreams. Dreams therefore can be considered as a warning. If the ancestors or the spirits ask something through dreams, they expect total obedience. If they feel that they have been ignored, they react by giving fierce punishment to the one who has ignored them. In some cases, the punishment might include all other members of the clan. Just as in the Bible, dreams had been interpreted as the way in which God communicates to his people. In the above context therefore, the widow is aware that something bad might happen if she ignores the dream. Drawing from social construction, it can be noted that from the shared knowledge in her community, the widow shows the signs of fear because she did not go through sexual cleansing as the traditions demands. Although she claims to be free, she is not psychologically free. The fact of knowing that she did not adhere to her tradition creates the fear that the ancestor maybe angry with her. The widow in the story above, connects her dreams as a sign of warning from the spirit of her deceased husband, and is aware of possible consequences if she keeps ignoring the warning from her dreams. She is in dilemma because her Christian faith does not allow her to be sexually cleansed. While the family encourages her to be sexually cleansed, the friend at church see her as not having faith. The story of this widow is one of many realities in Zambia. In such dilemma, some widows decide to be sexually cleansed secretly so as to be in safe side. Studies by Malungo and Siwila confirm this reality. Although people are aware that the practice may put them in the danger of contracting HIV and AIDS, they still do it due to the fear related of being haunted by the spirit of the dead. It is believed that some Church leaders as well practice the ritual of widow

cleansing. This was affirmed by Siwila in her study as she quotes a widow who claimed that ‘the church leaders would tell you that this is not Christian, but some of them are also secretly following the practice’ (Siwila 2011:67).

4.3.2. Ending the Marriage Bonds

Another meaning that is associated with the practice of sexual cleansing was to end the marriage bonds that existed between the deceased and the living partner. This owed to the belief that even when a person dies, his soul still recognizes the living as the partner and will interfere with any new sexual relationship the living partner may establish. There is a belief that ‘the spirit of the dead person, “*ichibanda*” (bemba), would be consorting with its surviving partner as husband or wife’ (Siwila 2011). Soon after the death of a husband, the widow is considered dangerous because the spirit of her deceased husband is believed to be haunting her (Moyo 2009). In order to stop the spirit from interfering with the widow, she is tied with a loincloth, which is removed soon after sexual cleansing to indicate that the widow free, thus marking the end of the marriage pact between her and the deceased (Moyo 2009:103).

4.3.3. Reintegration to the Community

Another meaning that has been associated with the practice of the rituals of the widow or widower cleansing was to reintegrate the widowed person to the community. Before the ritual of sexual cleansing the widowed person is isolated from with the community. Malungo (1999:45) observes that ‘before cleansing, the widowed cannot be allowed to sit on someone else’s stool or chair, be it at a drinking place or at funerals.’ The widowed person who has not gone through the ritual of cleansing after the death of the spouse is isolated from the community for having *cibinde*. *Cibinde* is a state of being an outcast or unclean due to failure to do the ritual of widow cleansing after the death of a partner. People with *cibinde*, are not allowed to mix with other people or reach any public place such as wells where people go to draw water. If they go against this norm, the punishment is heavy on them and the rest of their family members (Malungo 1999:6). They might be asked to pay a fine which includes giving a lot of cows to the one wronged or visited by the person. People with *cibinde* may also be held responsible for any misfortune or illness that might befall any member of the community. The ritual of sexual cleansing therefore, is aimed at setting him or her free to mix with other people. In some communities some forms of cleansing must take place before the burial (Moyo 2009:105). With the sexual cleansing before burial, the widowed

does not go for burial and person is chosen to sleep with the widow/widower on the day of burial to take away the spirit of the dead. The funeral is concluded some few days after the burial where a man is chosen to inherit the widow (Moyo 2009:105). So, it is only after these rituals would the widowed be considered reintegrated back into the community.

4.3.4. Ending the Mourning period for the Widow

Marking the end of the mourning period for the widow is another meaning associated with the ritual of sexual cleansing. Before the ritual of sexual cleansing, the widowed person is given a period of time to mourn her deceased partner. The period of mourning according to Moyo (2009) differs from one community to the other. It has been observed that in some communities, the mourning period of the widow is longer than that of other members of the community. While other members of the community end the mourning on the last day of the funeral, the widow is given longer time which could be six and twelve months. During this period of mourning, the widowed person is expected to observe sexual abstinence. Any sexual contact before the ritual of sexual cleansing is believed to be dangerous. It is believed that it brings misfortunes such as incurable disease and sometimes it can even kill (Kabonde 1996:199). After this ritual the mourning partner is allowed to put away or burn the 'funeral bands or cloths or any emblems of mourning' and begin afresh a normal life (Moyo 2009:103). Most of the local chiefs in Zambia believe that the spirit cannot be detached from the widowed person unless is cleansed. A participant in the study of Malungo (1999:10) narrated the following story:

After burial, the man's family takes you to a river and put some mud on your face and chest, a sign of mourning. They also give you *kkuba* (maize stalk) which you carry while mourning. *This kkuba* symbolized you being lonely after the death of your spouse. From the river, you lie down at the crossroad, and one or two of your in-laws would jump over you while you recite your husband's ancestral name. This makes your final separation from him. The following day, your family would wash you and dress you smartly. At the same time, the husband's family would line up possible men to sexually cleanse you and perform levirate marriage.

Ending the mourning period is a very relieving and healing period for the widow, not only for the death that occurred, but for the taboos and rituals that she had to go through. The story above shows clearly that widows have to go through very traumatizing moments after the death of the husband. The death of a husband is not only the loss of a partner, but it is a loss of respect, loss of dignity, loss of security, loss of care, and loss of hope. Following the death of a husband, the widow

has to undergo different rituals and taboos in order to be accepted back in the community. She has to mourn her husband according to the expectation of the community. If she does not do so, she might be accused as being responsible for his death. Widows are pressured to mourn their husbands longer than widowers over their wives. When a wife dies a man can easily cleanse himself with other wives if he is living in a polygamy marriage. If he does not have a second wife it is easy for him to marry another wife. This is because men are considered to be breadwinners and he owns the means of production. Women on the other hand are not able to stand by themselves. The system has been construed in a way that women have to be associated with certain men for them to access means of production. In this case the widow is inherited in order that she can receive support from the relative of the deceased husband and continue to have access to means of production such as land.

4.4. Widow Inheritance

Widow inheritance is one of the very old practices which is common in many communities in Africa. It is a practice where by when a husband dies the widow is remarried to or by her brother in-law who takes her as his wife. It has been noted that many societies in Zambia pay special attention to the widows and orphans after the death of the breadwinner. It is considered to be the responsibility of the society to make sure that the needs of the widow and orphans are met (Siwila 2011:58). It is for this reason that in some communities widows are not allowed to leave the homestead of their deceased husband so that they can be taken care off by the deceased's relatives who have the responsibility of ensuring that all the needs of the widow, including sexual needs are attended to (Siwila 2011:57. Apparently, there it holds that inheritance in this context is not aimed at oppressing or subordinating the widow and orphans, but restoring them back to the community and bringing healing to the family of the deceased and to the community.

The inheritor is normally expected to take care of the remaining spouse and the children, she or he also expected to continue the lineage of the deceased (Malungo 1999:45). If the inheritor is a man, he becomes the breadwinner for this household and if a woman, she became a wife. If the inheritor is a married man, this results in polygamy. Kalinda and Tembo (2011) assert that if 'the man who has sexually cleansed the widow is single and declares interest in marrying her, further rituals are carried out.' The widow will prepare some food for him, of which they are going to eat together at the cross pathways in the bush. They will throw some of the food on the pathway so as to appease

the spirits. Kalinda and Tembo (2011) maintains that if the man who wants to marry the widow after cleansing her is married, he must get consent from his wife in order to enter into polygamous marriage. In case of widower cleansing, the unmarried women are the ones who in most cases are taken for sexual cleansing and eventually remarry the widower. If the appointed inheritor is a married woman she just takes care of the children, but does not necessarily marry the widower (Kalinda and Tembo 2011).

Moyo (2009:7) draws attention to the fact that some communities in Zambia practice sororate (substitute wife) whereby when a husband loses his wife, he is given a sister or cousin of her deceased wife. After the death of the wife the widower is regarded as a person without hope. The new wife is expected to help the widower mentally, spiritually and socially. According to Moyo (2009:7), the sororate is given to the widower as his wife to take the place of her deceased sister. The sororate is told to keep the children as hers and take the husband as her own. In many cases, the sororate is an unmarried woman or girl. In the same way, when a man inherits a widow, he is expected to take the widow and the children as his own. The man is expected to support the widow emotionally, spiritually, sexually and socially (Moyo 2009:108). The same view is articulated by Malungo in his research. Malungo (1999:5) from his research draws attention to the views presented by one of the chiefs, wherein he expressed that upon the death of the wife, relatives of the deceased wife had as an obligation to look for something to cleanse the widowers with. Malungo's findings highlight that years, back girls were used for cleansing. This was in the event where if the widower had managed his home well, the family of his wife provided him with a girl to marry and look after the children. Apart from fact that the ritual of widow cleansing had been evolving within time in Zambia, this point shows the history of the oppression of women under patriarchal system, seeing as women were merely used as gifts to men.

In patrilineal communities, when a woman becomes a widow and has older children, the children are expected to take care of their mother. If the children are still young and the widow is not inherited, she is allowed to continue taking care of her children. In matrilineal communities, it is normally the uncle who is responsible for taking care of the orphans. In this kind of situations, the children are expected to inherit their father's property (Malungo 1999:11). In a patrilineal community, if the widow is not inherited, she is allowed to go back to her natal family or remain independent with limited access to properties just to take care of her children, especially if they

are still young. In most cases however, the young widows tend to accept inheritance or remarry to another man in order to get financial support (Malungo 1999:51).

According to Siwila (2011:58), the African spirit of community life is a good tool of uniting the orphans and the widowed in the community. Through this spirit the orphans and the widows do not feel isolated and segregated from the community. They are in fact rendered assistance to deal with their loss. With the presence of the man in the family the children are helped psychologically, as they have someone they can call father again, and are assured having for food and other needs provided for. However, with the growing economic hardship and the danger of HIV, some people are refusing to get involved in sexual cleansing and the inheritance of the widow (Nyanzi 2011; Kalinda and Muller 2015; Malungo 1999).

Formerly, the practice of widow inheritance never related to the practice of sexual cleansing, 'but in many countries of Africa the practice has changed over the years, and women are now often being coerced into a sexual relationship with their inheritors' (Day and Maleche 2014:10). This perspective is also reflected on by Malungo (2001:373) in his quotation of the views of the chiefs of the Monze district in Zambia. The Chiefs claimed that earlier sexual cleansing was not part of the practice of widow inheritance. This view, however, has been challenged, with some arguing that without sexual relations between the inheritor and the widow, the practice of widow inheritance would have no meaning. Studies have shown that, even with the emergence of the alternative rituals of widow cleansing due to HIV and AIDS some men are reluctant to inherit widows without expecting sexual relations (Nyanzi et al. 2011). This indicates that, sexual contact is a core aspect in the practice of widow inheritance.

4.5. Conclusion

This chapter focused on the roots and meanings associated with the ritual of widow cleansing from the perspective of the traditional African religious practice. From this perspective, the chapter explored sexual cleansing in the context of African traditional religion. Thus, it was noted that African religion is the religion that has been based on the traditions handed down from generation to generation through oral tradition, with no specific founder or a holy scripture. It is a religion which is found and expressed in the lives of those who believe in it. Rituals play a very important role in African religion. There are rituals for every stage of one's life including death. Death in

African religion is a transition from one state of life to another, from a living person to a spirit. When a person dies, rituals and proper funeral are given so as to let that person rest among the dead. Failure to accord these to the dead, he or she becomes a wandering spirit and can harm the living people. Death of a husband or wife requires the living partner to practice the ritual of ending the marital covenant that was established during the marriage. Since the intimate relationship between partners occurs through sex, the ending of that intimate relationship requires the act of sexual intercourse. Thus, it was noted in the earlier chapter that the community in the context of traditional African religion is not only the union of the living, but the living together with the ancestors and the spirits. The ancestors are considered to be the guardians of the community, they work to make sure that each individual delivers on his or her cultural and religious obligations. This chapter also considered the meaning associated with the ritual of widow cleansing as well as the practice of widow inheritance. The next chapter discusses contestations around the ritual of widow cleansing.

CHAPTER FIVE

5. CONTESTATIONS AROUND THE RITUAL OF WIDOW CLEANSING

5.1. Introduction

Although the ritual of widow cleansing is a very old practice and widely practiced in many sub-Saharan African countries, it is one of the traditional practices which has received a lot of criticism from various groups. This chapter discusses the various contestations around the ritual of widow cleansing. It begins with the Christian approach towards widow cleansing and then African traditional practices. The chapter goes back to history, starting from the early missionaries, colonialism and post colonialism. It likewise examines the advent of HIV and AIDS and the approach of scholars towards the ritual of widow cleansing. The positioning of women's rights activists and the government of Zambia concerning the cleansing rituals and adoption of the alternative rituals, is also discussed. The chapter also delves into discourses on how people react to the challenges that come with the ritual of sexual cleansing and the advocacy towards adopting the alternative rituals of sexual cleansing.

5.2. The Role of Christianity

Christianity from its earliest history has maintained a negative attitude toward other religious traditions such as African and Asian religions (Adamo 2011). The negative approach towards African religion by the early missionaries has something to do with the way the Bible had been interpreted throughout the centuries, whereby some groups of people in the society, especially women were marginalized due to their gender, class and race. Madiba (1996) avers that there are many unpleasant things that Christianity has planted in the minds of Africans today. As such, she asserts that there is a need for people, both African and non-Africans, to start making Christian faith and religion accept the customs and cultures of the people of Africa. Christianity has been present in Africa for more than five centuries, and it is now entrenched in the context of African culture and it cannot be uprooted. To Madiba (1996:273), it is 'our task to enlighten Christians about African traditional religion and its relevance within societies. In particular, we must discover the position and status of women in God's kingdom and in African traditional religion.'

The early missionaries, travellers, anthropologists and historians did not accept the fact that Africans have a history (Adamo 2011). They assumed that since Africans do not have a history,

they do not have religion as well. Lugira (2009:24) details that when the Portuguese missionaries came to the coast of East Africa in the 15th century, they found people with their religion. The missionaries however failed to appreciate the religion and culture of the people and developed a hostile attitude towards the Africans (Lugira 2009:24). The missionaries believed that Christianity was the only true religion. The Christianity which they preached to the Africans was awash with oppressive and imperialistic practices which segregated the people (Madiba 1996). This version of Christianity considered African religion as a ‘fetish, crude and an uncivilised tradition ‘dismissing it as the dark religion of the “Dark Continent”’ (Nwonkoro 2014:6). This approach to African religion continued during the period of colonialism where Christianity was used as a tool to dominate and control the African continent, its people, culture and religion.

Together with Christianity, the colonialists used western education as well, to insert their culture and ideologies in the minds of Africans (Arowolo (2010). Africans who were able to read, write and speak the language of the colonialists were considered civilized. Most of them were given some favours in colonial administrations. For example, in French and Portuguese colonies, Africans who were able to adopt the colonial culture were given French or Portuguese citizenship. According to Mndende (1996:242) the colonialists treated Africans as less human, incapable of being educated. As a means of gaining control over Africans, the colonialists maintained that they possessed superior religion and culture. They used their oppressive power to make sure that Africans did not feel confident about their religion and culture. According to Mndende (1996), the western education indoctrinated most of the Africans and as a result, they lost interest in their African beliefs and even despised them as if they themselves were whites.

The colonial interpretation of the scripture which favoured gender, race, and class segregation made some African Christians to protest and form their own Churches, the African Independent Churches (AICs). Their protest, according to Dube (2000), was against western cultural imperialism and the fight for political freedom. The AICs inserted some aspects of African religion in their services such as songs, drama, dance, symbols and rituals. Dube (2000:40) continues to note that within the context of AICs the discourses of the cultural interdependence unfolded and it was justified by what enhances and dignifies African people and their religion. While African Independent Churches (AIC) maintained some elements of African religion in their practices, in one way or another they continued to stigmatize African indigenous religion. This was due to the

influence of colonialism that Christianity was better than African traditional religion(s). Most of the African religious practices were viewed with suspicion and they are still considered as superstition.

Even after independence, some leaders of the Church continued with the negative attitude towards African religion. Dube (2000:23), affirms that ‘the contemporary understanding of the Bible has very much been influenced by the western knowledge. The Christian values and traditions as they are lived today reflects the western ideologies.’ In Zambia, many leaders of the church and community continue to discourage people against traditional practices such as sexual cleansing and widow inheritance (Malungo 2001:378). For example, Malungo (2001:376) in his study found that the churches do not allow their members to undertake African traditional practices such as the ritual of widow cleansing, and any member who disobeys the church’s guidelines is excommunicated from the Church. Other penalties include being barred from participating in church activities such as the partaking the Holy Communion, leading Bible studies or preaching (Malungo 2001:376). Church leaders of the Roman Catholic and Protestant churches in Zambia do not believe in practicing sexual cleansing or in the use of the alternative rituals (Malungo 2001). However, in his findings, Malungo (2001) realizes that some followers of the Catholic and Protestant churches still practice the ritual of widow cleansing secretly. Nonetheless, Moyo and Muller (2011:2) and Siwila (2011:64) observe that some churches in Zambia advocate the use of the alternative rituals of widow cleansing in place of sexual cleansing.

5.3. The Advent of HIV and AIDS

The emergence of HIV/AIDS in Africa provoked panic in many organizations. This was because the disease was spreading very fast in the communities and many people were dying. In their speculation about the reasons for the fast spread of HIV in sub-Saharan Africa, Africa traditional practices, termed harmful practices, were blamed for the spread of the disease. This presupposition provoked a great deal of scholarship most of which was funded by western countries. ‘Sub-Saharan Africa’, according to the United Nations AIDS (UNAIDS) global report of 2013, ‘hold the highest statistics of HIV and AIDS epidemic in the world. In 2012, roughly 25 million people were living with HIV, accounting for nearly 70 percent of the global total. In the same year, there was an

estimated 1.6 million new HIV infections and 1.2 million AIDS related deaths' (AVERT⁸ 2013). A study by the African Women's Development Fund (ADF) in Zambia, affirms that some traditional practices such as the ritual of widow cleansing contributes to the spread of HIV and AIDS in Africa. Generally, the widowhood inheritance and rituals involving sex without protection creates a risk avenue for transmitting HIV (Siwila 2011:74). The ritual of widow cleansing is considered to be dangerous because it encourages unprotected sex between the cleansers with multiple partners, hence putting the whole community at great risk (Dilger 2006; Lomba 2011; Moyo and Muller 2011). Perry et al (2014) in her study draws attention to the fact that condoms are not used in the practice of ritual cleansing. Studies in Zambia also reveal that even though people are aware of the danger of HIV and AIDS, they still practice sexual cleansing without the use of condoms (Malungo 2011; Moyo 2009). According to Moyo and Muller (2011:5) sexual cleansing is responsible for the deaths of 19.6 million people in Sub-Saharan Africa. Malungo (1999:1) in his study asserts that sexual cleansing and widow inheritance are some of the practices that have been associated with the wide spread of HIV/AIDS in Zambia. Supporting this view, Kalinda and Tembo (2011) also maintain that African cultural practices that encourage sexual contact contribute to the increase in the risk of infections. In order to reduce these risks, recommendations were made for changes in some cultural practices such as sexual cleansing, widow inheritance.

Studies that blamed African culture for the spread of HIV and AIDS, have been challenged on the basis that they did not take into consideration the existence of the alternative rituals that were known even before the arrival of missionaries and the advent of the HIV and AIDS epidemic (Nyanzi 2011). According to Tamale (2011:19), the standard approach by these scholars, was that they viewed these sexual cultures as primitive, bizarre and dangerous, and attempted to apply a knee-jerk action to 'fix' them. Most of these studies were quantitative and epistemological, they ignored the qualitative social-effects of the epidemic (Tamale 2011:17). The complexities surrounding African sexualities and the spread of HIV/AIDS was ignored. Motivated by the colonial prejudices that Africans are 'caricatured of having lustful dispositions' (Tamale 2011:15), they blamed African cultural practices for the spread of HIV in the region. Tamale (2011:21) also

⁸ AVERT is an international HIV and AIDS charity, based in the UK, working to prevent the spread of HIV and AIDS through education, treatment and care.

contends that the ‘discourse of “risk cultural practices” was so intimately bound to the theories and explanations that had emerged on the continent that it became a main resource for public health advocates and policy-makers.’ The spread of HIV and AIDS in African is a more complex situation and it cannot be blamed on African traditional practices only. Noting the role played by HIV and AIDS against sexual cleansing, the section that follows looks at the influence of women rights activists.

5.4. The Influence of Women’s Rights Activists

Women’s rights activists and feminists in Zambia have described the ritual of widow cleansing as one of the harmful traditional practices that undermine the dignity and rights of women. They argue that the status of women in Zambia has historically remained low due to cultural imbalances of power between men and women. Some traditional practices that exist within patriarchal structures of the society in Zambia forces women to be subservient to men (Kalinda and Tembo 2010). Some scholars have noted that due to these practices, women, especially in rural areas in Zambia, are denied direct access to the means of production, thus making them perpetually dependant on men. This cultural positioning has perpetuated the abuse of women by placing them second in many significant areas in political, social and economic developments. This subordinate position can also be seen in some of the cultural practices which women are made to undergo and which impact on their sexual rights.

Sexual rights are a key aspect of women’s rights. Sexual rights can be understood in the context of human rights. No specific definition of sexual rights has been formulated by the World Health Organization (WHO). However, Klugman (2000:12) notes that the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. An equal relationship between women and men in matters of sexual relations and reproduction, including full respect for their personal integrity, requires mutual respect, consent and shared responsibility for sexual behaviour and consequences. Sexual rights recognize that every person, regardless of gender, class, sex or ethnic group is free from any sort of discrimination in matters related to sexuality, reproduction, sexual orientations, and choice of partner, time to engage in sexual relations, with whom, when and where, free from distress or social pressure.

Sexual rights do not imply the right to sexual promiscuity that is, ‘the right of people to have sex with whoever they wish and desire such as sex with children, rape or bestiality. Instead, sexual rights seek to establish gender equality between men and women. Gender equality is one aspect of fundamental human rights’ (Klugman 2000:150). Sexual rights call for the community’s commitment to make sure that women have access to and the right to control the means of production. They also extend to ensuring the recognition of the contribution of women in the society and granting equal participation and representation of women in the political arena and power to change legal structures that are still oppressive to women in the society (Klugman 2000:154). Sexual rights help to create a society where men and women can enjoy the freedom and beauty of African culture. They aim at addressing all forms of discrimination that are based on sexual orientations, and creating space for the marginalised and minority groups. Sexual rights are not a construction of the Western imperialists, they are relevant in many African communities today in the context of alternative rituals of widow cleansing, as it is in the case of Zambia.

Klugman highlights that at the Fourth World Conference on Women (FWCW) 1995 in Beijing, it was agreed that human rights for women include their sexual rights, the control of their sexuality. It was understood that women’s sexual rights encompass the conditions that allow for gender equality. Women’s sexual rights matter because they play a large role in achieving social justice. ‘The achievement of sexual rights requires gender equality in cultural and social systems as well as in economic systems. Thus, they frequently serve as a pivot around which civil, political, social, and economic rights interact’ (Klugman 2000:145). The absence of sexual rights in the community reflects the fundamental failure of the society to address issues that relate to the rights of minorities especially women (Klugman 2000:147). Lack of sexual rights in many communities has perpetuated cultural domination of women by men. In the framework of Zambia, women rights activists have also noted that apart from endangering women in terms of contracting HIV, the ritual of widow cleansing entrenches gender inequality and expose women to various forms of abuse. In some communities, the paying of dowry has been used as an excuse for the widow to be cleansed and inherited. Some men claim that since they have paid the bride price, they have the right to inherit the widow. Worth noting in these situations is the fact that widows have little chance of rejecting the experiences they go through, because they lack support even from their own relatives.

From the perspective of the Zambian case study, the death of a husband as discussed earlier could mean the loss of a home, land and other properties for the widow. The death of a husband marks the beginning of isolation and mistreatment. Among the Bemba, for example, when a husband dies the widow is excluded from the community and is not allowed to talk or make any decisions (Kabonde 1996:198). Her voice is not to be heard, and if she wants to talk, it must be through someone else. Besides this, on becoming a widow, the women according to culture must sit and sleep on the floor as a sign of genuine mourning (Kabonde 1996). As such, the widow is treated in a humiliating way as if she is responsible for the death of her husband. Kapuma argued that:

While a married woman is a person with respect and standing within a community, the moment her husband dies, she becomes a sexualised being, a threat to the church and society. As a single woman the widow (again) experiences what single women go through. She is not free to talk to any man, not even the minister who can assist her in her grief. She must not speak to men otherwise she is perceived as enticing and seducing them. Whenever she has to talk to a man, she has to ensure that she has someone present (Kapuma 2012:6).

According to Kuyela (2007) widowhood in Africa represents social death for the widow. The widow not only loses the husband, the breadwinner and the partner, but also her status in the society. The situation of women worsens both socially and economically after the death of a husband because the patriarchal system has constructed the wellbeing of women in relation to men such as husbands, fathers, uncles, brothers or sons. When a woman loses her connection with men she endangers her identity and status in the society. If the widow declines to be inherited she may end up getting scorned and isolated both by her family and in-laws. There are a lot of cases where widows were denied access to the property they worked for with their deceased husbands, simply because they refused to be inherited. While widow inheritance is intended for the purposes of supporting the women, often times it ends up with her being subjected to different forms of abuse. Edet (2006:31) notes that although some of these treatments ‘may or may not be out of malice, the fact remains that women suffer and are subjected to rituals that are health hazards and heart-rending.’ According to Kabonde (1996:198) the treatments are at times so severe that some widows decide to commit suicide.

5.5. Individual Rights and Community Responsibilities

Individual rights can be defined as freedom of an individual from interference by other people, the community and even the government. They refer to the liberties of each person to pursue life and goals without interference or pressure from anyone. In the context of African cultures, however, a person gets an identity from the community. An individual is an integral part of the community. A community can be understood as a group of people with common goals and interests. They share the same values and have a common history. A community is characterized by "wholeness incorporating diversity" and may include people of different ages, and families who live together and share common values. An individual in the community has the right to share and benefit from the resources of the community. They also have the right to safety and security. There is no right without responsibilities. It is therefore the responsibility of each individual in the community to respect the rights of other members of the community. Community responsibilities are the duties and obligations of each individual to the community. They include cooperation, respect and participation. Performance of taboos and rituals are some of the basic community responsibilities in a traditional African community. In this the case when an individual is performing his duty, she or he is fulfilling the community responsibility.

5.6. The Role of the Government of Zambia

The government of Zambia has played an important role in discouraging people against practicing sexual cleansing in an effort to combat the spread of HIV and AIDS in the country. According to the UNAIDS report of 2013, the prevalence of HIV in Zambia is still high at 12.5%. That is to say, one in every eight people in Zambia is living with HIV. One of the main reasons for the increase of HIV infections in the country is the high level of heterosexual unprotected sex which is said to contribute to up to 90% of the new infections. In partnership with various partners, the Zambian government has engaged in campaigns to increase the awareness of HIV and AIDS. There are various campaigns to pass the message to the people. For example, *One Love. Kwasila!* is one of the campaigns that is aimed at helping people to be able to talk about issues of sexuality and the problem of HIV in their communities. The message of the *One Love. Kwasila!* is transmitted through multimedia, i.e. radio, television shows, mini-drama, and print materials.

Scholars have noted that with the increasing number of cases of HIV and AIDS in Zambia there was pressure on the government to implement a 1989 law that people who are aware of their seropositive status and engage in rituals such as sexual cleansing which has been regarded as risk

rituals should be held accountable for spreading the disease (Malungo 2001:382). In 2005 the government of Zambia ‘amended the penal code to make it illegal to engage in harmful cultural practices such as the ritual of widow cleansing’ (Day and Maleche 2011:4). People who encourage others to engage in such practices could also face prosecution. They encouraged the use of the alternative rituals of widow cleansing. The campaign against sexual cleansing included the voices of women’s rights activists as well.

5.7. The Reactions to the Challenges Over Sexual Cleansing

Each human community in the world has some cultural and traditional practices that reflect its values and beliefs which are passed on from one generation to the other (Maluleke 2012). While some of these practices are beneficial by reflecting the identity and the world view of that particular community, some of them are harmful to some members of the community, especially women. Having practiced this ritual for a long time and considering its religious aspects, the ritual has taken a moral perspective, hence blinding the community from its negative aspects (Maluleke 2012). Although the ritual of widow cleansing has been widely criticized, the traditionalist defends it, claiming that it is done out of good will for the widow, her children and the community in general. A middle-aged woman is quoted by Hambula (2006) in Zambia saying that: ‘Sexual cleansing is important in our culture ... it is done to drive away ghosts from a widow because immediately after a husband dies, the wife carries a ghost and if not sexually cleansed one can die early or even run mad.’ Some widows were reported to have taken their in-laws to court after refusing to cleanse them. Malungo cites two cases, one in Lusaka and the other in Kitwe, where widows took the relatives of their deceased husbands to court for refusing to perform the cleansing rituals on them. Citing the one in Lusaka, Malungo (1999) noted that the brother in-laws of the widow who was supposed to cleanse the widow, claimed that they couldn’t cleanse the widow for they were afraid of contracting HIV. However, the resolution of the court obliged them to cleanse the widow by using the alternative means (1999:8). Scholars have noted that the danger that HIV created in the widow cleansing has made many people abandon sexual cleansing and adopted the alternative rituals.

5.8. The Espousal of the Alternatives to Sexual Cleansing in Zambia

According to Kalinda and Tembo (2011), the alternative rituals of widow cleansing in Zambia have become more popular with the increased awareness of HIV and AIDS risk involved in sexual cleansing. Despite this increase, some members of the community still question the effectiveness of the alternative rituals (Siwila 2011:64). Studies have shown that local chiefs in Zambia are divided over the alternative rituals of widow cleansing. Some local chiefs seem to have accepted the use of the alternative rituals of widow cleansing while others advocate for their subjects to keep the traditions. Looking at the Zambian case, Siwila (2011) points out that one of the many community leaders who did not accept the alternative rituals was Chief Lukwesa. Lukwesa, is said to have reacted against former president Levy Mwanawasa, for calling the traditional leaders to address the problem of sexual cleansing and widow inheritance. The chief stated:

As far as we are concerned, sexual cleansing has to continue because, without it, we don't have any tradition." Lukwesa also quotes other chiefs who threatened that their villages risked being cursed if true cleansing did not take place. These chiefs believed that the deceased would come back to haunt them due to unsettled mourning rituals (Siwila 2011:64).

On the other hand, there are some local chiefs who have accepted the use of alternative rituals of widow cleansing, such as Chief Chimanse (Moyo 2009:107). Being aware of the danger of HIV and AIDS in relation to the ritual of widow cleansing, a Chief Chimanse called on his people to opt for the alternative rituals. According to Moyo, Chief Chimanse is noted to have said: 'this disease has no cure and we have to get away from customs that encourage the spread of the disease ... we have to avoid the ritual of sexual cleansing. When someone dies, nobody should go through this custom of cleansing with a man and a woman; this must go' (Moyo 2009:107). The call by Chimanse reveals the fluidity of African religion and culture as regards engaging in dialogue. It discloses that the society in the context of culture has always created platforms for negotiation from within, in order to address challenges it is facing (Nnaemeka 2004), such as the many cultural practices that are not life giving to women.

In 1987, according to Malungo (2001:373), Chikankata Hospital in the Mazabuka District in southern Zambia set up an AIDS Care and Prevention Department. The aim of this department was to foster awareness and home-based care for the people living with HIV. Malungo further asserts that the department formed a counselling program which was involved in promoting the

alternative means of sexual cleansing as their effort to combat the spread HIV and AIDS. In the effort to get the community involved, they took the initiative to meet four local chiefs of Mweemba, Chikankata, Sinazangwe and Mali. According to Malungo (2001) these chiefs decreed as follows.

We, as chiefs in Monze District of Southern Province, have had a discussion and have come to agree to ban sexual cleansing in our areas. We no longer sexually cleanse for someone to inherit a widow; we use other means. *Tuluacuta* (we slide over someone's thighs -thigh-brushing). We also use *ng'ombe* (cow jumping or sliding over cattle). Just like in the olden days, the one to be cleansed sits on the laps of the one to cleanse. The one to be cleansed takes off the clothes and slide (*wacuta*) towards the feet of the one cleansing him or her in the presence of the attendants. With the cattle, if it is standing upright or on the stomach, if it is lying, and slides over it. That is the end (*kwamana*)! It is not having sex with the animal! The one who has been cleansed takes this animal as his or hers. It is not killed! You see these rituals have been there all the time, except that many people wanted to be sexually cleansed and then remarry. They had preferred the one involving sleeping together (sexual intercourse) (Malungo 2001:373).

This decision reveals that when certain actions are practiced for a long period of time in a community it becomes a norm. Although the ritual of widow cleansing did not involve the act of sexual intercourse in the beginning, the sexual part of it became normalized and internalized after it had been practiced over a long period of time. The sexual aspect seems to have not been questioned up until the advent of HIV and AIDS in the community. The chiefs' decision affirms that culture is dynamic and open to transformation, reconciliation and adaptation. It is as well an indication that African culture from the very beginning was open to negotiation and dialogue. In this case the issues that arise from culture can be addressed from within, without any external intervention.

In a similar account, on 10th October 2005, *The Times of Zambia Newspaper*⁹ reported on the stands by the local chiefs from Central Province who openly declared the banning of sexual cleansing and opted for the benefits of the alternative rituals. The chiefs were said to have come to this decision in order to combat the spread of HIV and AIDS in their areas. The chiefs mentioned who signed this declaration included Chitina, Liteta, Kaindu, Mukonchi, Mboroma and Mukuni Ng'ombe. Local chiefs are highly respected in Zambia and they have great influence among the

⁹ Zambia: Central Chiefs Ban Sexual Cleansing <http://allafrica.com/stories/200510100697.html> (accessed 9/12/2016)

people in their areas. Their call for an end to sexual cleansing reveals the capacity of Africa religion to adopt change. This is a great move towards the possibility of continuing with dialogue about other traditional practices that hinder women from enjoying the beauty of their culture on the same level as men.

In addition to the above, the government of Zambia through the Integrated Health Programme in 2005, undertook a countrywide campaign targeting the local chiefs and their representatives to use their rural influences to discourage people from practicing harmful traditions. Contributing to this campaign, more than one hundred and three hundred *indunas* (representatives) got involved to induce behavioural change to such matters as sexual cleansing (Day and Maleche 2011:4). As a result of this campaign, the ritual of sexual cleansing has been replaced with alternative symbolic rituals, especially in the Kingdom of Mwata Kazembe in Luapula Province and in the Copperbelt province. The alternative rituals still preserve the original values of the traditional customs, while eliminating the sexual aspect and the risks of HIV (Day and Maleche 2011:4).

Scholars have shown that the call to abandon sexual cleansing and widow inheritance has occurred throughout the country (Malungo 1999,2001; Siwila 2011; Kalinda and Tembo 2010). As we have just seen above the local chiefs from Southern Province (Monze), the Central Province, Luapula, and the Copperbelt provinces all decided to abandon sexual cleansing in favour of the alternatives. Scholars have reported that sexual cleansing and widow inheritance is declining in Zambia and many people are adopting the alternative rituals (Malungo 2001; Day and Maleche 2011; Kalinda and Tembo 2010).

Although the alternative rituals of widow cleansing seem to be encouraged by many people in Zambia, there have been some concerns over the alternative rituals. The rituals of widow cleansing have been constructed in a patriarchal structure of which sexual cleansing is just one part. While some scholars consider the alternative rituals as a part of women's emancipation, there are other issues which have to be considered as well. The ritual of sexual cleansing needs to be approached holistically in a way that even the alternative rituals do not carry some oppressive elements that exist within sexual cleansing. Women's right activists in Zambia have described sexual cleansing as rituals compromising women's sexual rights.

5.9. Conclusion

This chapter covered the contestations around the rituals of widow cleansing. It examined the role of Christianity in discouraging people from practicing their traditional religious practices. The contestation over the ritual of sexual cleansing and the practice of widow inheritance began during the arrival of the early missionaries in Zambia. The missionaries considered Africans as people without religion so their major aim was to bring the Christian religion to the ‘Dark Continent’. The missionaries considered all African traditional practices including sexual cleansing and widow inheritance to be barbaric. They pushed for an end to the African rituals and culture, showcasing Christianity as preferable. Thus, the colonialists undermined African traditional religious practices by using Christianity as a tool to establish their power over the Africans. The negative attitude towards African traditional practices continued even after independence in Zambia. The advent of HIV and AIDS increased the pressure against traditional practices. Scholars of HIV and AIDS blame African traditional practices such as sexual cleansing and widow inheritance for the spread of HIV and AIDS in Zambia. Women’s rights activists also joined the call for an end to all cultural practices that undermine the dignity of women in the society. There were some hesitations from some people over the challenges against the ritual of widow cleansing. However, the interventions by the local chiefs all over Zambia has helped people opt for the alternatives. The next chapter investigates the alternative rituals of widow cleansing in relation to women’s sexual rights. Sexual rights are human rights linked to other rights, such as social, economic and political rights.

CHAPTER SIX

6. ALTERNATIVE RITUALS OF SEXUAL CLEANSING IN RELATION TO WOMEN'S SEXUAL RIGHTS IN ZAMBIA

6.1. Introduction

Sexuality is part and parcel of human nature. It is the central aspect of our being as humans. It includes aspects of life such as sexual orientation, gender roles, identity, reproduction and intimacy.¹⁰ Sexuality can be expressed in desires, beliefs, fantasies, thoughts, behaviour and relationships. Sexuality is influenced by the interaction of various factors such as psychological, biological, social, economic, political, cultural, historical, legal, religious and spiritual (Glasier et.al. 2006:1596). Sexuality, in other words, affects all spheres of an individual's life. Denial of one's sexual rights results in denial of all other human rights. Every country that is a signatory to the International Human Rights Convention has an obligation to make sure that women's sexual rights are respected and protected. Sexual rights help people to express their sexuality freely without interfering with rights of other people.

In this chapter, I explore various alternative rituals of widow cleansing in relation to women's sexual rights. The chapter is divided into two main sections. In the first section I examine various rituals of widow cleansing, when and how they are done, who is involved, and the implications of the rituals on women's sexual rights. The second section looks at some of the implications of the rituals on women's sexual rights with a particular focus on analysing the alternative rituals of widow cleansing. The study's approach to sexual rights in the chapter is in contrast to the main stream feminists who maintain that sexual rights cannot exist within the context of African culture (Tamale 2008, Nnaemeka 2004). African culture and women's rights are not polar opposites that can never meet. This study maintains that African religion is dynamic, fluid and always open to dialogue in accommodating new values, while changing those which are not life giving to some members of the society (see Tamale 2008:48). The chapter also locates women's sexual rights within the context of African cultures in Zambia, and acknowledges the complexity that might exist between African culture and the rights of women. However, the *raison d'être* following

¹⁰ World Association for Sexual Health (WAS), Declaration of Sexual Rights. [Online] Available at http://www.worldsexology.org/wp-content/uploads/2013/08/declaration_of_sexual_rights_sep03_2014.pdf accessed 18 Dec. 2016.

through the context of the study is firm in its assertion that African culture actively pursues negotiation and dialogue, and there is always room for adaptation and change. It further notes that women in Zambia are born within particular cultures and they have the right to live in a culture which does not oppress or undermine their rights.

6.2. Alternative Rituals of Widow Cleansing in Zambia

As discussed in the previous chapter, alternative rituals of widow cleansing in Zambia became popular with the discovery of HIV and AIDS. Scholars have noted that these rituals were known, but people preferred to cleanse widows through the act of sexual intercourse and then remarry them (Malungo 2001:381). When the missionaries came to Zambia, they discouraged people from practicing most of the cultural practices including sexual cleansing and widow inheritance. Since the two practices were very much connected, the missionaries thought that if they discouraged widow inheritance, people would as well stop the practice of sexual cleansing. In this case the missionaries focused more on the practice of widow inheritance in a plot to end polygamy in Zambia.

Analysing the alternative rituals of widow cleansing in Zambia through a social construction theory, this study notes that the rituals have been constructed to respond to certain situations in the society. They communicate what is considered meaningful and important in a particular community. They use various symbols and actions that cannot be understood well by a person who is not the member of that particular community. There are many alternative rituals of widow cleansing in Zambia. Some of the alternative rituals are widely used and are known to a good number of ethnic groups while some are not so common and are practiced by a single ethnic group. In this case the alternative rituals of widow cleansing discussed in this chapter are not necessarily common to all communities in Zambia. Scholars have observed that there are many ways of practicing the alternative rituals and the rituals may differ from one community to another. Some communities may combine two or three alternatives in one act of cleansing. Even the timing of the cleansing of the widow may differ from one community to another. In some communities or cases, the widow is cleansed soon after the funeral, while in others the cleansing may be delayed for six to twelve months after the funeral.

6.2.1. Sliding Over

Sliding over according to Malungo, is the most popular and widely used alternative ritual for widow cleansing in Zambia. This method is common among the Soli, the Bemba and the Tonga of Zambia (Moyo 2009:8). Moyo notes that the Bemba call this ritual *ukuwamya*, the Soli call it *kwikala pa maułu* and the Tonga call it *kusalazya*. Moyo describes this ritual as follows; ‘the widow/widower sits with his/her legs outstretched,’ then the cleanser who is either the brother in-law or sister in-law, niece or nephew of the deceased, sits on the laps of the widow/widower. The cleanser slides towards the feet of the widow/widower and walks away without looking back. After that, the widow has a string of white beads or cotton tied onto the waist or on the arm. The ritual ends when the string falls away due to wear and tear (Moyo and Muller 2011:5).

The way in which the ritual is performed compromises the privacy and dignity of women’s bodies. This is because in some circumstances, the ritual is done where the cleanser and the widow are half naked. This has been affirmed by Siwila (2011:64) who also maintains that thigh-brushing demands the cleanser to slide over the widow while both of them are half-naked. This ritual is normally done before the people who act as witnesses. Malungo (2001:376) contends that in some cases, ‘cousins or siblings of the deceased partly cover the widow with *chitenge* so that the rest of the people do not see any nudity. They encircle the two, quite often in a house, and the assigned sibling or cousin slides or thigh brushes the widow.’ The fact that the widow had to be covered to protect her nudity shows the concern with the manner in which these rituals are practiced. In most cases the widow is under pressure from her family to be cleansed because the ritual is considered to be a social responsibility.

Although this ritual does not involve any penetrative sexual intercourse, it undermines women’s bodily integrity, because the widow is cleansed half naked before the people who stand as witnesses. After the act of sliding, the widow is again tied with a white cloth and the rituals end only when it falls away. Before that the widow is not allowed to have any sexual relations. This as well limits the widow’s right to have sexual relations any time she wants. Another aspect of sexual rights which is violated by this ritual is the placing of the widow under social pressure. The widow is obliged to perform the ritual because it is considered not only good for her wellbeing, but for the wellbeing of the whole community. If she declines to be cleansed, she might have to take responsibility for any misfortune that could occur.

6.2.2. The use of Herbs and/or Roots

Another common alternative ritual of widow cleansing in Zambia is the use of the herbs. This ritual according to Siwila (2011:64) involves mixing the herbs in drinking or bathing water of the widow. To Malungo, this ritual is predominantly used in eastern, northern, north-western and western provinces. Malungo (2001:377) argues that ‘the herbs or roots are either taken orally or immersed into the water to be used for bathing the widow.’ He also maintains that a variety of herbal concoctions are used, and another alternative is that the herbs be put into local soft drinks such as *chikwantu* or *munkoyo*, in the local beer, or tea for the one to be cleansed. This ritual, according to Malungo (2001:377) is more common in towns and cities and it is mostly preferred by the young generation specifically people who are below the ages of fifty.

In many communities in Africa, herbs are the main source healing. The traditional healer uses a variety of herbs in treating people. Many communities, like the hunters and pastoralists, etc. rely on the forest to get their food, medicine and shelter. This alternative ritual of widow cleansing does not seem to confront women’s sexual rights. This means that if the widow knows the herbs, she can just go to get them and cleanse herself. This ritual seems to give agency to widows, no wonder it is preferred by a young generation of widows and people who live in urban areas. In some communities however, the responsibility of finding the herbs to cleanse the widow is given to elderly women from the family of the deceased husband. This practice is indicative of the patriarchal nature of the ritual. The ritual may affect the women’s sexual rights if widows are pressured into using the herbs within a stipulated time.

6.2.3. Skipping Over

Another common alternative ritual of widow cleansing in Zambia is skipping over or sitting on an animal. It is more common among the Tonga of the southern province of Zambia who call it *kucuta*. In this ritual, an animal: a cow for a man or bull for a female, is brought to the edge of the funeral house early in the morning (Moyo 2009:9). The animal is forced to lay down while its legs are tied so as to allow the widow to jump or sit on it for a moment. In some cases, the animal can be held tightly while standing in a manner that enables the widowed person to be able to skip over or sit on it (Malungo 2001:376). He added that occasionally the properties of the deceased, such as a bicycle might be used if there is no animal or a relative who is able to provide an animal for

cleansing. Following the ritual, the animal or property that was used for cleansing is given to the widow.

There is a close connection between people and their domestic animals in some communities in Africa. This ritual requires the widow to jump or skip over an animal and she is considered clean thereafter. However, the widow is always under social pressure to do what the society would like her to do. This remains a complicated issue because some widows may not find it problematic but others may. The type of animals that are used for cleansing must be of opposite sex to the person being cleansed, meaning that a male animal has to be used to cleanse a widow. Sexual rights can be undermined in this ritual more especially when the widow is told to wait until an appropriate animal is found. This period of waiting undermines her freedom of movement because she has to remain in isolation for a long period.

6.2.4. Anointing Method

Anointing the widow with white powder or mealie meal (maize flour) is another alternative ritual of widow cleansing in Zambia. This method, according to Moyo and Muller (2011:5), is common among the Bemba, Chewa, Chikunda, Kaonde, Lunda, Tonga and Tumbuka. This ritual, according to Moyo and Muller (2011:5), is done by anointing the widow with castor oil or maize flour wrapped in the castor oil leaf. The cleanser rubs the widow on the forehead or chest. The Bembas call this ritual '*ukukuba ubunga*' or *impemba*. Kabonde (1996:199) describes this ritual as follows; the anointing ritual is performed 'by giving the widow white beads and smearing her with white mealie meal.' The maize flour is considered to cleanse and purify the widow of the spirit of her dead spouse (Siwila 2001:64). After anointing, the widow is considered clean and can once again mix with the community and is free to re-marry the spouse of his or her choice (Kalinda and Tembo 2010).

Colours play a very important role in many communities in sub-Saharan Africa. The white colour is a sign of purification and it is believed to keep away evil spirits. Among the Zulu, for example, young girls who are still virgins are normally marked with white powder to indicate purity. In some communities in Zambia as well, white colour is used as the sign of purity and cleanness. In the context of this alternative ritual, anointing the widow with white mealie meal indicates that she is clean, pure and can mix with the community. It also means that she is clean and can mix with the society and even remarry gain if she wishes. While some may have considered anointing with

maize flour an issue against the bodily integrity of the widow, some may not see it that way. In this case one cannot just draw a line against or for this ritual. However, just like all the other rituals, the widow, despite it being the anointing method, still remains under social pressure to be cleansed. Cleansing is for the good of the community, in this case, the widow has a social responsibility to be cleansed. The ritual maintains as well the patriarchal heteronormativity. The person who is to anoint the widow is one of the brother in-laws of the widow. This social construction has created a problem where the in-laws may refuse to cleanse the widow on time in order to punish the widow (Kabonde 1996:197).

6.2.5. Using Married Couples

Using married couples has been mentioned as one of the common alternative rituals of widow cleansing in Zambia. Malungo (2001:377) stresses that during the funeral, the family of the deceased selects a married couple who are relatives of the deceased, to have sex at the funeral house. This couple is given a “bead bracelet” before the sex act. After the sex act, they smear the bead bracelet with their bodily secretions or fluids that are exchanged during copulation’ (Kalinda and Tembo 2010). After the bead bracelet has been smeared with bodily fluid it is referred to as “a hot bead bracelet” (*akalungu akakaba*). It is then given to the widowed person to wear it on her or his waist up until it falls off by itself due to wear and tear. When this happens the widowed person is considered clean and free to re-marry a person of her or his choice (Kalinda and Tembo 2010).

The first issue is the question of hygiene where the widow is asked to tie round her waist or arm a cotton string which contains a sexual fluid that was exchanged during sexual intercourse between the couple. She is asked to wear the string on her arm or waist until it drops by itself due to wear and tear. Only when the cotton string falls off, will she be considered sexually free to remarry or engage in any sexual relation. This ritual compromises the bodily integrity of the widow and her freedom to determine matters of her sexuality.

6.2.6. Trimming of Hair

Trimming of hair is another common alternative ritual of widow cleansing in Zambia. Trimming of hair is a sign of mourning in many communities in sub-Saharan Africa. When a couple loses a partner in Zambia, the other partner in mourning cuts off his or her hair before everyone else leaves

the funeral place or house (Malungo 2001:377). The siblings of the deceased also have to cut their hair and other relatives such as parents, aunts, brothers and sisters trim their hair too. After trimming, the hair is bound together and thrown into a pit latrine. The throwing of the hair is understood as the gesture of throwing away the spirit of the deceased. In addition to trimming of the hair, the face of the remaining spouse is smeared with maize flour (*ukukuba ubunga*) Malungo (2001). It is believed that the ghosts or spirits do not like the white colour, and the spirit of the deceased will avoid her.

Studies have shown that trimming of hair as a cleansing ritual is not widely practiced in Zambia. In many communities however, trimming of the hair is regarded as a sign of mourning the dead and not an alternative ritual of widow cleansing. According to Malungo (2001), trimming of the hair as an alternative ritual for widow cleansing was primarily done in the eastern province, but it is now common in many places in Zambia, probably due to intermarriages. However, many women in Zambia like to keep their hair long as a sign of beauty. It could be very frustrating for the widow to have her hair cut off especially if she likes long hair. In some communities, the widow must not show any sign of beauty during the mourning period. The mourning of a husband is monitored by the community and she is expected to mourn in a way that the community wishes. This may cause the widows to feel frustrated, as it also entails a violation of their rights.

6.2.7. Using Prayer

Prayer has also been mentioned as one of the alternative rituals of widow cleansing in Zambia. Siwila (2011:64) describes prayer as the latest alternative form of cleansing especially among the born-again Christians. When a couple loses a partner the religious believers organize prayer sessions at the church or within the funeral house so as to ask for protection of the widow from the attack of the spirit of the dead (Malungo 2001). People who believe in this cleansing method argue that the spirits of the dead that disturb widows are devils imitating the deeds of the deceased. They, therefore believe that people should not fear because once one has faith in God, he or she will be protected from the devil (Malungo 1999:53). Some Christians believe that if the pastor prays for the widow or the widower nothing will happen to them (Moyo 1999:13). They regard other forms of cleansing as unchristian and unethical (Moyo and Muller 2011:5). Although some churches allow their members to do some alternative cleansing rituals, some Christian denominations consider such action as syncretism. Using prayer as a cleansing ritual has been reported to cause

conflicts in the families. Some family members consider widow cleansing as an African traditional practice and it cannot be swapped with Christian prayers. In this case, widows who decide to hold prayer services sometimes face opposition from some family members.

6.2.8. Placing a Hoe

Placing a hoe is another alternative ritual of widow cleansing in Zambia. This ritual is done by placing the blade of the hoe on the surviving partner (Moyo 2009). In this ritual, the brother or a cousin of the deceased places ‘the blade of a hoe (*kuyaamika jamba lyamaanza*) against the one to be cleansed (Malungo 2001:377). The hoe is then picked up by the father or uncle of the surviving partner and it is given to the widow as her property (Moyo 2009:108). This ritual of placing the blade of a hoe is normally done in combination with other alternative rituals like the thigh-brushing or anointing. Although this ritual was mentioned as a separate alternative cleansing ritual, it is so close to skipping over, where an animal or a tool of the deceased is used for cleansing. Just like other rituals already discussed, this one as well requires people of the different sexes to perform it.

6.2.9. Brushing of the Shoulders

The brushing of the shoulders has also been mentioned as an alternative ritual of widow cleansing in Zambia. This ritual is common among the Tumbuka of the Eastern Province (Moyo 2009:108). According to Moyo (2009), the widow is directed to brush her shoulders against those of the cleanser who is normally the closest relative of the deceased. This ritual seems to be unpopular in Zambia, and it shows little regard for the dignity of women’s body. In my view, this is one of the alternative rituals that can be adopted for the wellbeing of the widows.

6.2.10. Tattoos

Tattooing is also one of the alternative rituals of widow cleansing in Zambia. This practice is common among the Chewa and Tumbuka of the Eastern Province. According to Malungo (2001:378), ‘the incisions are made in the body of the widow or widower and some medicine is applied.’ The medicines are usually in a powdered form and are usually made from the bark of trees, herbs or roots. Tattooing is often done in conjunction with other practices such as hair trimming (Malungo 2001). Tattooing is a common practice in many communities and in most cases it is performed by traditional healers for the healing process. Tattooing can cause body

injuries and if the same tattooing instrument is used on more than one person, it can also lead to infections with diseases such as HIV and AIDS. This ritual poses a serious concern as far as the health of the widow is concerned.

6.2.11. Beads and Strings

Beads and strings have also been mentioned as alternative rituals of widow cleansing in Zambia. In this ritual, the widowed person is given beads of different colour including white to wear on the waist or arms (Malungo 2001:378). It is believed that the white colour helps to chase the spirits because it does not like the white colour. However, Malungo (2001) notes that this ritual is rarely used. Although Malungo does not establish the relationship between this ritual and other rituals, it is most likely that this ritual is used in conjunction with the anointing method. It has been mentioned that the widow is tied with the beads or a white string after the anointing. Beads and strings, however, limit the widow's sexual rights in that she is not sexually free until the string or beads wear out and fall off. In other words, the community does not expect the widow to have sexual relations for an indefinite period of time.

6.2.12. Rolling Over the Grave

Another cleansing ritual which has been mentioned by the scholars is rolling over the grave (*kuibbunta a cuumbwe*). In this ritual, according to Malungo (2001:378), the widowed person 'rolls over the grave of the deceased partner in the presence of the mourners.' Malungo, however, notes that it is common in Zambia for people to throw themselves over the grave of their beloved when mourning. In his finding, he affirms that many people do not consider it as an alternative ritual of widow cleansing, as it is social pressure that causes the widow to throw herself and roll over the grave so as to make the community aware that she has cleansed herself.

6.2.13. Throwing Mud

Throwing mud at the remaining partner (*kuuma bulongo*) was also mentioned as one of an alternative ritual of sexual cleansing in Zambia. According to Malungo (2001:378), the cousins or children of the deceased throw mud at the widowed person. Moyo (2009) in her study has indicated that this ritual is undertaken in conjunction with other cleansing rituals. This ritual, however, seems to be less popular in Zambia since it has rarely been mentioned (Malungo 2001). So the death of a husband is associated with her dirtiness, and washing the mud off also symbolizes cleansing or

freeing herself from the spirit of the deceased. This ritual compromises the bodily integrity of the widow as no one would like to be smeared with mud or thrown into it. This ritual treats the widow as if is responsible for the death of her husband.

6.3. Implications of the Alternative Rituals of Widow Cleansing on Women's Sexual Rights

Almost all the alternative rituals of widow cleansing in one way or another violate women's sexual rights. Some of the implications are visible and direct while in other cases, the implications are not direct. The alternative rituals of widow cleansing are constructed in a way that favours men rather than women.

Under social construction, power plays a very important role whereby those in authority are the ones who determine what should be considered right or wrong. In many traditional communities in sub-Saharan Africa the positions of power are held by men and in some cases old women. The rules of the community are set up by the elders and they dictate how rituals and taboos should be observed. The alternative cleansing rituals still support the patriarchal system of which men are the ones who determine what rituals should be undertaken and when to undertake them. Almost all the alternative rituals involve people of different sexes both males and females. Even on rare occasions where a woman can cleanse another woman, the patriarchal structure is maintained because the other woman must come from the clan or family of the widow's deceased husband (Malungo 2001). The presentation of the alternative rituals does not challenge the subjugation of women that exists in most Zambian cultures. The expectation among many Zambian communities, according to Kalinda and Tembo (2010) is that 'man is dominant in the marital relationship and the woman subservient.' Given this situation, men, even in the context of the alternative rituals still take the decision of determining the ritual that ought to be performed by the widows. The violation of women's sexual rights within the context of the alternative rituals of widow cleansing takes many different forms as presented below.

6.3.1. Bodily Integrity

Bodily integrity includes the right to personal autonomy of one's body and self-determination. It includes also the right to privacy and freedom from any inhuman treatments that can lead to embarrassment. The violation of bodily integrity can be considered an ethical intrusion and can be

a criminal act under civil laws. Some alternative rituals compromise the bodily dignity of widows. Thigh-brushing for example, requires a half-naked woman to slide over a half-naked man's thigh or the vice-versa, this ritual performed in front of witnesses (Malungo 2001:376; Siwila 2011:75). Revealing one's privacy before other people intrudes on the privacy of that individual. Thigh-brushing happens in a situation where the widow is being pressured by the community. Other rituals which compromise the bodily dignity of the widows include incision or tattooing, throwing mud at the widow and wearing a piece of the cloth which is smeared with sexual secretion. According to Whitehead and Tsikata (2003), 'If women and girls are to enjoy their full right to bodily integrity, economic opportunity, freedom from violence, and full participation in decision making, then change must occur in all areas.' Undermining women's bodily integrity can cause some women to lose their confidence in challenging men especially on issues of sexuality. Efforts, therefore, must be made in order to challenge the community about all practices that undermine the privacy and bodily integrity of individuals. While women are empowered to know their rights, men must also be empowered to know and respect the rights of women.

6.3.2. Isolation

Isolation is another aspect of alternative rituals of widow cleansing that undermines women's sexual rights. Soon after the death of a husband the widow is in isolation and is not allowed to engage in any sexual contact because she is considered dangerous. She is to remain in isolation until the cleansing ritual has been done. 'Widow's isolation is so compounded – paradoxically – by the fact that they are forced to be so visible. She is forced to wear black during the mourning period and not allowed to wear anything fancy or attention-grabbing' (Kapuma 2012:65). Before the ritual of cleansing, be it alternative rituals or sexual cleansing, the widow is considered a misfit and is not allowed to mix with other members of the community. This period of isolation in some communities can take six to twelve months (Moyo 2009:106). Isolation leads to stigmatizations and withdrawal of necessary support from the society. At times, isolation leads to situations where people judge the widow or even blame her for things which she probably did not do, but has no opportunity to defend herself. This sort of isolation can lead to loneliness and other mental disorders. In the situation of losing a partner, people normally come together and console each other. But when one has to face isolation, it becomes very frustrating and painful. This perspective

has been affirmed by many widows, who explain that it is the most grievous experience that they have gone through (Kapuma 2012:65).

6.3.3. Intimidation

Intimidation is a result of powerful forces that tend to exploit widows through fear of being mad, getting diseases, misfortunes and the like. Intimidations can also be associated with alienation, withdrawal of economic support and social barriers. In such kinds of situations widows are forced to practice rituals as they are pressured by the family or society in order to be eventually reintegrated into the community once again. The fear of ancestors and the spirits is so high that even widows feel the obligation to engage in these rituals (Malungo 2001; Siwila 2011). Widows are frequently reminded that if they do not adhere to the traditions, they are bringing problems upon themselves, their families and the clan. Soon after the death of the husband, the widow is scared that any sexual contact before the cleansing rituals will endanger herself, her children and the community at large. Scholars have noted that there is a belief that any sexual act before the cleansing rituals is so dangerous that the widow can even become mad or it can kill any partner that the widow will try to engage with. The acts of threats and intimidation were observed by Siwila, who argues that although the alternative rituals of widow cleansing seem to be encouraged by the society today, there are reports of threats, victimization and intimidation for widows who have undergone alternative rituals (Siwila 2011:65). These include threats of the widows becoming insane, bringing a curse to themselves, their families and the community, as well as the loss of property and children (Siwila 2011:62).

6.3.4. Social Pressure

Another aspect of the sexual rights which is undermined by the alternative rituals of widow cleansing is freedom from social pressure. Social pressure is an influence of the community for an individual to respond to the situation based on the feeling and expectations of the community. A person who is under social pressure is made to act and behave not by his or her conviction, but on the conviction of the community or those who are placing the pressure. When a husband dies, the widow is put under the spotlight of the community. According to Kapuma (2012), soon after the death of the husband the woman becomes sexualized and considered a danger to the community. She is not free to talk to any man, not even the minister who can assist her in her grief. She must

not speak to men otherwise she is perceived as enticing and seducing them (Kapuma 2012:66). The widow is pressured to perform various rituals and mourn her deceased husband the way the community would like to see, because the ritual is associated with the wellbeing of the whole community. In this case, performing the cleansing rituals is not just a personal piety of the widow but an obligation.

6.4. Conclusion

This chapter explored in detail the alternative rituals of widow cleansing in relation to women's sexual rights in Zambia, also citing experiences from different African countries. The chapter illustrated that almost all the rituals of widow cleansing compromise women's sexual rights. For some rituals, however, the implications for women's sexual rights are clear and direct, while for some it is not direct. The rituals which have direct implications for women's sexual rights include thigh-brushing, anointing methods, throwing mud, tattooing, using married couples and rolling over the grave. Rituals which do not have direct implications include brushing of shoulders, using herbs and roots, sliding over and using a blade of a hoe. This chapter particularly highlighted the power of African culture to negotiate. Although these alternative rituals have some negative implications for women's sexual rights, there is always room for negotiation and dialogue in African culture(s). The chapter also affirmed that African religions and cultures are dynamic, and always have room for adjustments. Since the alternative rituals of widow cleansing create some issues with regards to women's sexual rights, a call for a continued negotiation with culture is set so as to create a society where men and women live in peace. The next chapter expounds on women's right to live in a positive cultural environment.

CHAPTER SEVEN

7. WOMEN'S RIGHT TO LIVE IN A POSITIVE CULTURAL ENVIRONMENT

7.1. Introduction

Having explained different alternative rituals of sexual cleansing and their implications on women's sexual rights, this chapter connects women's sexual rights with other rights of women to practice their culture positively. The right of women to culture is part of their human rights. The chapter drew ideas from CEDAW, ACHPR and most importantly on the Maputo Protocol which affirms the other two bodies. According to the Maputo Protocol, African women have the right to live in a positive culture that does not oppress them. Just like men, African women are born and grow up in the African culture and they have the right to live in that culture without any discrimination. The approach to this chapter is progressive in that after exploring the Maputo Protocol, the chapter looks at the main theoretical framework of nego-feminism, with the understanding that the legal approach must go hand in hand with dialogue in order to bring about meaningful social change. In the context of this study, dialogue is viewed in this chapter in the context of how it can bring about different views on how to end practices that are oppressive to women, as well as cultural transformation that advance the respect and protection of women's sexual rights.

7.2. Women's Right to Live in Non-Oppressive African Cultures

According to the Universal Declaration of Human Rights each person has the right to live and participate in the cultural life of the community of his or her choice. The right to culture has been considered as an integral part of other fundamental human rights which include freedom of expression, religion and conscience (Tamale 2008:50). It is, however, worthy to note that the Universal Declaration of Human Rights was formulated in cultural environments that do not necessarily reflect African values. Scholars argue that when it was formulated there was very little representation of African states. Its approach to other cultures of the world is considered to be narrow (see Cook 1994; An-Na'im 2001). Thus affirms Tamale (2008:51),

... when the U.D.H.R. was drafted, debated and adopted in the aftermath of World War II, only a handful of women and no sub-Saharan African sat on the floor of the

U.N. General Assembly. Even the broad character of the rights articulated in the U.D.H.R. frame reflects normative values, inspirations and interests of the Western culture of a specific stage of historical evolution. Hence, it is clear that the 'human rights' discourse emanates from a specific historical context.

Although the UDHR does not necessarily reflect African cultural values, it can still be used as a point of entry for African women to reclaim their rights within African culture(s). This aspect is relevant due to the fact that 'most of what is understood as 'culture' in contemporary Africa is largely a product of constructions and (re) interpretations by former colonial authorities in collaboration with African male patriarchs' (Tamale 2008:51-52). After almost a century and a half of colonial domination, Africa has found itself in a culture which is extremely rigid reflecting most of the aspects that were introduced by the colonialists. These aspects are still evident in the education system, religion¹¹, legal and government structures (Nzegwu 2006). The influences of western culture together with African patriarchal structures have formed a culture which has some hostile elements for women. There is a need, therefore, to identify these hostile elements against women within the contemporary African culture and remove them so that men and women can equally enjoy the benefit and joy of African culture.

The main reasons that the patriarchal societies wanted to control women's sexuality and reproduction are first, to keep a woman confined to the domestic activities such as being a good wife who does not work, but remains dependent on her husband as a breadwinner, and men also want to guarantee the paternity and legitimacy of children in the marriage (Tamale 2008). Ensuring a decency link between the father and child, especially in patrilineal communities, is regarded an issue of prime importance because property inheritance flows from the father to the son. This practice, however, undermines women because they are not regarded as the heirs of the family property though they took part in producing them (Tamale 2008:58). In many post-colonial African communities, women do not enjoy equal rights to culture as men do. Women are treated as minors and inferior to men. They are denied full access to means of production such as land. In many communities, men are still being regarded as breadwinners, while women are regarded as carers of homes. The roles of women have been reduced to their sexuality in a sense that women are to be married and bear children for the man. The increasing awareness of gender equality has,

¹¹ Christianity is a predominantly in Sub-Saharan Africa. Zambia in particular was declared a Christian nation in 1991 (Phiri 2003).

however, started to challenge the concept of the man being the sole breadwinner. Nowadays, especially in urban areas, some women have better jobs than men. Women are becoming breadwinners of their families challenging the long lived tradition that men are the ones who are supposed to provide for the family.

7.3. Maputo Protocol

The African Charter on Human and Peoples Rights of Women¹² (ACHPRW), famously known as the Maputo Protocol, was adopted on 11 July 2003 in Maputo, Mozambique and entered into force on November 25, 2005, after it had been ratified by 15 Africa Union (AU) member states. By June 2009, 45 countries had signed and 28 had already endorsed it. In 2013 when it was marking its tenth year anniversary since adoption, 36 countries had signed and ratified it (Ogana 2013:20). This Protocol was a result of the women's rights activism in order to re-negotiate the African Charter for Peoples' Right in relation to women's equality. This Charter was a reaction to the Banjul Charter (African Charter on Human and Peoples Rights (ACHPR)) which was signed in 1981 and came into force in 1986, but did not address the issues of women. Article 18 of ACHPR calls for member states to ensure that every discrimination against women is eliminated and that the rights of women and children as stipulated by international declarations and conventions are protected (Day and Maleche 2011:4). While the Charter calls for the elimination of discriminative practices, it does not emasculate African culture. Article 27(7) of the charter provides for citizens to reserve and strengthen African cultural values that are not offensive to some members of the society. Where there is confrontation within the culture, the Charter calls for a spirit of tolerance, negotiation and dialogue among the members of the community so as to contribute to the promotion and the wellbeing of all the members of the society including women (Tamale 2008:55). The Maputo Protocol was established after African women realized that the African Charter had not been effective enough in dealing with issues of women's subordination within African cultural context. The Maputo Protocol affirmed the provisions of the ACHPR, and added more provisions on the rights of women that were not initially included in the Charter, and also clarified the roles and obligations of the governments in safeguarding the rights of women in the society (Ogana

¹² The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. [Online]. Available from <http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf> Accessed September 16,2016.

2013:19-20). According to Ogana (2013:20), the lack of specificity of discrimination against women in the ACHPR has left them vulnerable to arguments that “cultural values” and community norms should prevail, even when they are physically harmful for women. The Maputo Protocol emphasizes that the main source of women’s rights is living in a non-discriminatory community. In this regard the Protocol calls for the governments to end cultural practices that impinge on the rights of women, and makes clear what the Banjul Charter omitted. The Maputo Protocol maintained ‘that the legal protection of the traditions ends where discrimination against women begins’ (Ogana 2013:20). Article 17 of the Protocol states that ‘women shall have the right to live in a positive cultural context and to participate in all levels in the determination of cultural policies.’ As per the provisions of this Protocol, women are to be free from sexual harassment that has been used as a means for them to attain their social and economic rights. In Articles 11 and 22, the Protocol reaffirms the obligation of the member states for making sure that women are treated well in the society and that their special needs are met as well. For this reason, ‘the Protocol remains the main legal framework and authority on African Women's Rights, not only complimenting CEDAW, but also being more progressive’ (Ogana 2013:20).

Zambia is one of the countries which has signed and ratified the Maputo Protocol, and it has an international obligation to protect the rights of women. The Maputo Protocol is significant in addressing issues that relate to alternative rituals of widow cleansing in Zambia because it enforces a positive African cultural context. As has been commented by scholars, the alternative rituals emerged as a means of keeping the values/significance associated with the ritual of widow cleansing without sexual contacts (Malungo 1999, 2001; Kalinda and Tembo 2010; Day and Maleche 2011). However, the alternative of rituals of widow cleansing still overlook women’s sexual rights, as regards their bodily integrity and privacy. The Maputo Protocol calls for the protection of women from harmful practices that affect negatively the fundamental rights of women (Banda 2006). The Protocol defines harmful practices as ‘all behaviour, attitudes, practices which negatively affect the fundamental rights of women and girls, such as their right to life, dignity, education and physical integrity’ (Art.1.g). The Maputo Protocol according to Tamale (2008:58), recognizes and validates the agency of African women in challenging African culture as a concept of ‘power and authority.’ ‘Rather than condemning culture, the provision recognizes its positive potential and underlines the necessity for the full and equal participation of women in

determining what these should be' (Tamale 2008:58). The Maputo Protocol recognizes the rights of women in the advancement of gender equality and equity, women empowerment, and the elimination of all forms of violence against women while ensuring that women's ability to control their bodies are respected. The African Protocol on Women's Rights considers widow cleansing and inheritance as an abusive practice against women's rights (Banda 2006:78). Likewise, the Protocol speaks about the rights of a widow to remarry if she so wishes (and to whom she wishes to marry) and to be the guardian of her children.

The Maputo Protocol can be regarded as an African version of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). It does not contradict CEDAW but reaffirms the language of CEDAW in the context of African women. Articles 2 and 16 of CEDAW call upon member states to eliminate all forms of discrimination against women in their countries. Member States under CEDAW have the obligation to make sure women are not discriminated in terms of legality, religious, cultural, gender, or ethnicity. The Convention calls for equality for men and women before the law and in matters that relate to domestic violence, respect of another and the like. The Maputo Protocol affirms and recognizes the agency of African women to challenging culture as a concept, since culture is dynamic and can change according to the needs of the community at a given period of time (Tamale 2008:58). For example, CEDAW in Article 2 (f) obliges state signatories to "take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;" and as per Article 3, to "ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"). CEDAW defines discrimination against women as 'any distinction or restriction or treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women of their human rights and fundamental freedoms in all spheres of life, regardless of their marital status (Art. 1).

7.4. Dialogue with Culture

Although the Maputo Protocol calls for member states to put in place the legal structure that protects women's rights, the legal approach alone is not enough in challenging traditions which have been ongoing for a long period of time. Studies have shown that the legal approach to

addressing social issues like rituals is not effective especially in rural areas. While the legal approach can work only in some instances, especially in urban areas, dialogue and negotiation are proving to be a more effective way in addressing issues like widow cleansing rituals (Tamale 2008:61). Due to pressure from different women's right organizations, some African states have amended legal structures in order to protect the rights of widows. However, many countries, including Zambia, are facing the problem of implementation of such laws especially in rural areas. The patriarchal system which persists in the society does not allow the implementation of these laws. Sometimes, women are not allowed to present themselves in the court and must consult with and pass through their male relatives. In some situations, women are told not to take the matters of their concern to the civil court, with a promise that their concerns can be sorted out by using customary laws. However, the customary laws are in themselves oppressive to women because they have been constructed in a way that suits patriarchal structures. In Zambia, customary laws are recognized in the constitution. Customary laws differ from one tribe to another. There is no common customary law that applies to all 73 ethnic groups in Zambia. Customary laws are not codified. They rely on the decisions of the body of elders. In many cases there is no fair representation of women among the elders. More so, African customary laws in post-colonial Africa have been influenced by colonialism. Most of them have imported patriarchal values that came with colonialism which undermine the rights of women in Africa. For example, in some communities, in pre-colonial Africa, women were able to inherit land from their parents especially in patrilineal communities. These values disappeared after independence where women were increasingly viewed as caretakers of homes and not producers (Nzegwu 2006; Yngstrom 2002).

Many African communities use dialogue to address each other when there are some misunderstandings. Dialogue can be defined as a formal discussion or negotiation between two opposing sides. According to Nnaemeka (2004:380), 'African feminism challenges through negotiation, accommodation, and comprise.' Negotiating in the private space among African women is the indication of their daily practice of dialogue. African culture, according to Maluleke (2011:16) 'has an almost infinite capacity of the pursuit of consensus and reconciliation as opposed to being individualistic and competitive.' Africans for many centuries have been solving their problems through dialogue. Dialogue or negotiation calls for the involvement of indigenous people in solving problems on their own way. The involvement of indigenous people creates the sense of belonging to the whole process of changing. Through dialogue, the society can identify some

liberating potentials of the African culture and promote changes that are culturally grounded by thinking creatively about women's sexual rights (Tamale 2008:49). The dialogue will help the community to go through cultural values assessments, which will provide the roadmap for cultural transformation. The dialogue in this context is between the women's rights organizations, individual activists, government officials and the elders of the community or the traditionalists (Kalinda and Tembo 2010). According to Malungo (2001:378) dialogue is important in the community in order to break some cultural practices which for a long time had been oppressive to women. He further argues that 'discussions and negotiation need to be established with all the people, including the traditional rulers' (Malungo 2001:382). The involvement of the indigenous helps to open their eyes to the pains of individuals in the community, and it is likewise a process of empowerment, and a win-win situation.

Challenging social practices such as the alternative rituals of widow cleansing necessitates a holistic approach. Therefore, it is trite to remember that widow cleansing is a very old practice and it has been internalized in the lives of people. One cannot decide to eliminate or expect the practice to immediately cease without expecting hesitations from local people. Sexual cleansing is one of the cultural traditions which has been misunderstood by missionaries and even some scholars who have taken the direction of the missionaries. African feminists encourage life giving rituals, while challenging those which have elements of oppression. African feminists operate within African culture and their approach to culture is both one of adaptation and confrontation. They acknowledge that there are some cultural norms and practices that are egalitarian, supportive, uplifting, reinforcing and promote women's rights (Tamale 2008:49). The practice of life-giving rituals is considered to be those occasions of thanksgiving, joy and celebrating, as the prayers during the rites indicate. Rituals like child birth gives the mothers a sense of accomplishment and inclusiveness, as they vindicate the place women in the society and celebrate life (Edet 2006:33).

7.5. Cultural Transformation

The word transformation can simply be defined as a complete change from one state to an improved state of appearance. A change from a poor or weak state to an improved or useful state. Cultural transformation, therefore, may refer to an act of changing or adapting improved internal and or external cultural values. According to Tamale (2008:56) the term cultural transformation refers to the dynamics of the internal processes of change in the society 'by adapting a variety of

actors in response to a wide range of stimuli at different levels, rather than simply the product of the internal hegemony of the external imposition.’ Cultural transformation should be the product of the society itself. There is no true transformation if the process of change is coming from an outside source. The society should own the process of change and transformation. In this case, negotiation is an important tool for the true process of social and cultural transformation. Negotiation has already started in Zambia through the emergence of the alternative rituals of widow cleansing. The alternative rituals emerged as a result of a national wide campaign to discourage sexual cleansing. The campaign involved the local chiefs, the church leaders, the NGOs and the government. Passing through the same road, the local chiefs can also be ambassadors in encouraging people to drop all cultural practices that undermine women’s sexual rights.

‘Culture is never old fashioned, nor primitive, culture is dynamic’ (Sibiya 1990:23). Culture can simply be defined as the way of life of a given community. It comprises shared values and beliefs, customs, practices, social behaviour that identify a particular group of people in a particular place. Culture shapes the attitude and characteristics of the people. As earlier discussed, scholars of African religion contend that there is a very close connection between culture and religion. African religion and culture are connected and they cannot be separated. Widow cleansing is one of the longstanding cultural practices, existing alongside the alternative rituals. However, studies indicate that alternative rituals were seldom used (Moyo 2009; Malungo 2001; Day and Maleche 2011). The alternative rituals do not involve the act of sexual intercourse; thus many scholars contend that they are a suitable choice for the community to adopt. However, a closer look at the alternative rituals raises major concerns with regard to women's rights. There is therefore a need to challenge the alternative rituals within the context of African cultures. African culture is dynamic and the ritual of sexual cleansing as a cultural practice is dynamic as well. This aspect has been manifested in the changing from sexual cleansing to the alternative cleansing rituals. This has been due to the efforts of replacing sexual cleansing with other alternative rituals. Since some alternative rituals still raise some concerns about women’s sexual rights, they should be abandoned. This call, however, does not undermine the importance of culture in the community. It is a call to look at a specific element within the culture and deal with it. It is a call to adjust some cultural elements that are not friendly to some groups of people.

While scholars have noted that there is an increase in the adoption of the alternative rituals of widow cleansing in Zambia, there are some few individuals who have been calling for the end of all traditions that are not life-giving. Moyo (2009:5), for example, considers the ritual of widow cleansing and other related rituals as “a big black leaking pot”. Through this metaphor, Moyo holds that these traditions have been existing for a long time and they may have been useful back then, but now they are no longer useful. She argues that this “big black leaking pot” ‘has served generations and generations while in good condition, but now it cannot serve its purpose properly because it is leaking’ (Moyo (2009:5). In other words, the society can do away with some of these practices which were considered useful in the past. The society can adopt new ways of expressing themselves without undermining the rights of some groups of people in the society. Moyo does not call for the end of all traditional practices, she focuses on specific practices that are not life giving to women.

In his analysis about widow cleansing rituals, whether the alternative or sexual cleansing, Malungo (2001:374) observed that many educated people, mostly those with secondary, college, and university education, people with well-paid jobs, middle and high-income earners, as well the business fraternity, do not practice widow cleansing rituals. He also notes that there is less belief in cleansing rituals among the people who live in urban areas compared to those who live in rural areas. Malungo also observes that there is less conviction about the cleansing rituals among young people compared to older people. This observation shows that there is a change of attitude with regard to the cleansing rituals among the people in Zambia. The change of attitude has been influenced by education, lifestyle, economic upliftment eg income earning, and interactions with other communities that do not practice these rituals.

There are, as well, people who pride themselves as Christians and do not engage in cleansing rituals whether alternatives or sexual cleansing. This group of people tends to refute the cleansing rituals because they are forbidden by their church beliefs and doctrines (Moyo 2009; Malungo 2001:374; Siwila 2011). Some widows have also used Christianity as a means of avoiding the ritual of widow cleansing. There are also some individual members of the community who are calling for the society to do away with widow cleansing. They argue that the society needs to select and carry on with cultural practices that are life-giving (Tsanga 2011:65). Generally speaking, the ritual of widow cleansing is still real in Zambia, especially in rural areas. Many people still fear

the spirit of the dead and as a result widows and widowers continue to be subjected to cleansing rituals. Negotiation is still needed in many rural communities, even in those that have adopted the alternative rituals of widow cleansing.

7.6. Conclusion

This chapter examined African women's rights to live in a positive cultural environment. It started with an argument that women's right to culture is their human right. Men and women are born into a community which has a specific culture, but that culture should not be hostile to them. The chapter also looked into the Maputo Protocol, which affirmed CEDAW in an African way and complemented ACHPR. The Maputo Protocol calls for the governments in Africa to protect women against all traditional practices that discriminate against the rights of women. The Protocol focuses on African perspectives as opposed to the western mainstream feminists who sees African culture as incompatible with women's rights. The Protocol does not blame African culture, but calls for negotiation within the culture. Talking about negotiation, the chapter then focused on putting into perspective the main theoretical framework of Nego-feminism in line with the call for cultural transformation. It was noted in this chapter that though a legal approach can be helpful in promoting the rights of women, negotiation is the best approach in addressing cultural practices like sexual cleansing. Since the alternative rituals of widow cleansing have proven to be undermining the sexual rights of women, a proposition to end the ritual through engaging in negotiations was made.

CHAPTER EIGHT

8. CONCLUSIONS AND RECOMMENDATIONS

The Beijing Declaration and Platform for Action contain provisions that women's human rights include their rights to have control over, freely decide, and take responsibility on issues that pertain to their sexuality and reproductive health. Women are to be free of coercion and any form of discrimination and/or violence (Klugaman 2000:153). The Beijing Declaration further establishes that the protection of women's human rights includes the protection of all practices that undermine their sexual rights. Women's sexual rights traverse concerns about their sexuality such as rights to bodily integrity, safe sex, rights to have a sexual partner, freedom from coercion and intimidation, and also include issues of gender equality such as equal participation in social, political and economic arenas (Klugaman 2000:153). A call for women's sexual rights is a call for the emancipation of women's roles in society; to end gender violence, property grabbing, and rape; and to give equal rights to men and women in the ownership of the means of production such as land, rights to education for women and girls, and equality in property inheritance. Women's sexual rights therefore are the gateway to all other human rights that they are entitled to as human beings and as women.

In view of the above and from the earlier chapter presentations, this study found that the alternative rituals of widow cleansing have negative implications for women's sexual rights. In the case of Zambia, it was noted that scholars who have researched and written about the alternative ritual of widow cleansing in Zambia mostly focused on the issues of the spread of HIV and AIDS, and not on critically analysing the rights of widows in the framework of alternative rituals. The ritual of widow cleansing has been constructed in a patriarchal structure and favours men over women in that men dictate how, what and when the rituals are to be performed. Since scholarship on the subject has predominantly focused on the practice of sexual cleansing, other issues that undermine women within the ritual of widow cleansing remained unchallenged even in the context of the alternative rituals. For example, as regards the sexual binary within the alternative rituals, the study noted that only men can cleanse a widow even though there is no act of sexual intercourse. In some cases, the cleansing of the widow is performed by the family member of the deceased husband.

The study further found that though communities seemed to have preferred sexual cleansing, the alternative rituals of widow cleansing existed prior to the dawn of HIV in Zambia. In some communities, alternative rituals were only performed in situations where getting a cleanser proved to be problematic. Further scholarship indicates that the alternative rituals of sexual cleansing were also used in instances where and when some members of the community were abstaining from sex for various reasons. There was always room for dialogue in African culture about cultural practices contrary to the misconceptions about African sexuality. Furthermore, communities' initiatives to engage alternative ritual indicates the diversity which exists within African culture and the fact that African culture is self-sustaining, and does not need external intervention to solve some of its problems that emanate from within. This aspect contradicts the misconception that HIV and AIDS was responsible for the emergence of the alternative rituals. Likewise, it claims credibility from those who have a negative approach towards African culture and sexuality. Most importantly, it evidences that there had always been negotiations with culture when there was a need.

Furthermore, the study highlighted that the ritual of widow cleansing can also be understood within the context of African traditional religion. It argued that African religion cannot be separated from African culture, since African religion is found in the people and not in a scripture, and Africans express their religion in their everyday lives. Considering that African religion is within African culture and vice versa, and culture is dynamic, the study asserted that African religion is fluid and can accommodate some changes for improvement. The study further drew attention to the fact that since African religion does not rely on dogmas, but on the daily experiences of people, there is no special day for prayer in African religion and the ancestors are venerated only when they require so through dreams and divination. In this given, it was noted that culture is not static but dynamic and changes from generation to generation. So, even though culture relies on traditions that have been handed over from one generation to another, it is still open for the accommodation of new values that come into the culture from generation to generation, as established by the existence of alternative rituals of widow cleansing. In light of this, the study also noted that while the alternative rituals compromise women's sexual rights, there remains a number of challenges in that some in the communities still hold on to traditions and the belief in sexual cleansing, which is not life-giving to some members of the society, especially women. The study in this regard advocates for the continuation of dialogue in order to do away with some of the traditions that are degrading to the rights of widows. Drawing from the African feminist approach as suggested by Nnaemeka's

nego-feminism, the study recommends the ample involvement of the local people in the negotiation processes in order to bring about cultural transformation in Zambia, where men and women can enjoy the beauty of African culture without being pressured by practices that undermine bodily integrity. Considering that this thesis was a qualitative desktop study and relied mostly on secondary data and was therefore limited in terms of the lack of empirical information, the study concludes by recommending an empirical study on the subject. This would be necessary in order to understand and gather first-hand the views of the widows from Zambia and other communities concerning the alternative rituals of widow cleansing.

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Appendix I Ethical Clearance -After the change in Tittle



12 October 2016

Mr Edward Vicent Saguti 215074907
School of Philosophy, Religion and Classics
Pietermaritzburg Campus

Dear Mr Saguti

Protocol reference number: HSS/0561/016M

New Project title: An examination of the alternative rituals of widow cleansing in relation to women's sexual rights in Zambia

Approval notification – Amendment Application

This letter serves to notify you that your application for an amendment dated 11 October 2016 has now been granted Full Approval.

• **Change in Title**

Any alterations to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study must be reviewed and approved through an amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

Best wishes for the successful completion of your research protocol.

Yours faithfully

Dr Shenuka Singh (Chair)
Humanities Social Sciences Research Ethics

/pm

Cc. Supervisor: Dr Janet Muthoni
Cc. Academic Leader: Prof P Denis
Cc. School Administrator: Ms C. Murugan

Humanities & Social Sciences Research Ethics Committee

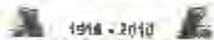
Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag 204001, Durban 4000

Telephone: (+27) (0) 31 260 0527/086604557 Facsimile: +27 (0) 31 260 4500 Email: ethics@ukzn.ac.za / shenuka@ukzn.ac.za / ethics@ukzn.ac.za

Website: www.ukzn.ac.za



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Appendix II Ethical Clearance -The Previous Tittle



7 June 2016

Mr Edward Vicent Saguti 215074907
School of Philosophy, Religion and Classics
Pietermaritzburg Campus

Dear Mr Saguti

Protocol reference number: HSS/0661/016M

Project title: An exploration of the discourses on and alternatives to the ritual of widow cleansing in relation to women's sexual rights

FULL APPROVAL-NO RISK

In response to your application received 30 May 2016, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

.....
Dr Shenuka Singh (Chair)
Humanities & Social Sciences Research Ethics Committee

/pm

Cc. Supervisor: Dr Janet Muthuki
Cc. Academic Leader: Prof P Denis
Cc. School Administrator: Ms C Murugan

Humanities & Social Sciences Research Ethics Committee

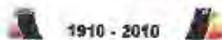
Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X54001, Durban 4000

Telephone: +27 (0) 31 260 3587/8350/4557 Facsimile: +27 (0) 31 260 4609 Email: ximbap@ukzn.ac.za / snymam@ukzn.ac.za / mohunp@ukzn.ac.za

Website: www.ukzn.ac.za



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