

20 THE LEGALITY OF WITCHCRAFT ALLEGATIONS IN COLONIAL AND POSTCOLONIAL ZIMBABWE

Fortune Sibanda¹

INTRODUCTION

*The magician and the politician have much in common: They both have to draw our attention away from what they are really doing.*²

Witchcraft is arguably a subject that has created a lot of controversy in both colonial and postcolonial Zimbabwe, as well as in many parts of the world. Witchcraft in Zimbabwe and Africa at large includes “the use of harmful medicines, harmful charm, harmful magic and any other means or devices in causing any illness, misfortune or death in any person or animal or in causing any injury to any person or animal or property”.³ This shows that witchcraft is evil and anti-social. In the words of Laurenti Magesa, a Tanzanian Catholic priest and theologian, “Witchcraft is *the* enemy of life.”⁴ However, African Traditional Religion (ATR) does not encourage the belief and practice in witchcraft. Instead, it accepts the existence of witches in societies where some people engage in practices of *uroyi*.⁵ In other words, the phenomenon of witchcraft is not a myth in ATR, because there are people who practise it, contrary to the objecting stance adopted by Western missionaries and colonial administrators from Europe who questioned the reality and existence of witches. Two important aspects of witchcraft in the colonial and postcolonial contexts are the socio-religious aspect and the legal aspect.

In African traditional courts, as opposed to modern courts, the social functions of witchcraft accusations seek to reconcile the disputing parties in the community and to restore social harmony rather than merely focusing on the legal aspects of the

1 Associate Professor in the Department of Philosophy and Religious Studies, Great Zimbabwe University, Masvingo. He is currently the ACLARS Regional Representative for Zimbabwe.

2 “Ben Okri: 10 Quotes”, *This Is Africa*, 15 March 2017.

3 *Uroyi* is a Shona word translated to mean witchcraft or sorcery. See Chavunduka GL. 2001. *The African Religion in Zimbabwe To-day*. Dialogue among Civilisations. Occasional Paper No. 1, Harare/Munster, 8.

4 Magesa L. 1997. *African Religion: The Moral Traditions of Abundant Life*. New York: Maryknoll, 186.

5 Chavunduka, *The African Religion in Zimbabwe To-day*, 7. In Shona language, a witch, a wizard and a sorcerer are generally referred to as *muroyi*. The dividing line between a witch and a sorcerer is thin as both involve the use of nefarious spiritual and mysterious powers with worldly aims of material enrichment. As Magesa notes, what distinguishes them is the manner in which they employ the mysterious power to harm life: “the sorcerer is always conscious and intentional, whereas the witch acts automatically and often unintentionally.” Magesa, *African Religion*, 181.

case in terms of the law.⁶ This protects the spirit of interdependence in society in many parts of Africa. In colonial Zimbabwe, however, a different picture emerged. For instance, Mbuya Nehanda and Sekuru Kaguvi, Shona spirit mediums who led the First Chimurenga War, were hanged as witch and wizard, respectively on account of inciting public disorder. Their case represents a clash of interests between colonial white settlers and the indigenous people, encompassing the social, religious, political and economic dimensions of their operations. The Witchcraft Suppression Act (1899), arguably, was promulgated to prevent socio-political unrest and to undermine African Indigenous Religion. This colonial law stated that witchcraft did not exist and the accusation or punishment of suspected witches was outlawed. In general, witchcraft accusations often targeted the elderly, widows and orphaned children, as will be explicated later in this study.

This chapter seeks to explore the nature, purpose, extent and implications of witchcraft accusations in light of public order and security in colonial and postcolonial Zimbabwe. Essentially, the chapter tackles the legality of witchcraft accusations at the backdrop of social and political witch-hunts in the country. The research posits that witchcraft accusations were employed as a tool for social and political witch-hunting to vanquish both social and political rivals since colonial times. One of the questions the chapter grapples with is: How legal or illegal are the witchcraft accusations in the public and private domains in colonial and postcolonial Zimbabwe? Data was gathered through documentary analysis of the print and electronic media and interviews. Insights from historical and sociological methods were useful in describing and analysing the data.

THEORETICAL FRAMEWORK

The present study was guided by two theoretical frameworks: Afrocentric theory and framing theory. Afrocentric theory was propounded and popularised by the Pan-Africanist scholars such as Molefi Kete Asante and Maulana Karenga. As a critical theory, Afrocentricity was a response to the stereotypes, misperceptions and misinformation from Western scholarship on Africa, Africans and their cultural heritage.⁷ The Western writers displayed a cynical perspective about African culture and religion, which they described in misleading terminologies such as “deviant”, “primitive”, “superstition”, “witchcraft” and “magic”. This created a philosophy of the centre and the periphery, which placed Western culture at the centre, whilst African culture was placed at the margins.⁸ According to Asante, “Africa was seen as marginal, uncivilized and on the periphery of historical consciousness.”⁹

6 Chavunduka GL. 1994. *Traditional Medicine in Modern Zimbabwe*. Harare: University of Zimbabwe Publications, 86, 87.

7 See Traore R. 2007. “Implementing Afrocentricity: Connecting Students of African Descent to their Cultural Heritage”, *The Journal of Pan African Studies* (10):64.

8 Sibanda F. 2011. *African Blitzkrieg in Zimbabwe: Phenomenological Reflections on Shona Beliefs on Lightning*. Saarbrücken: Lambert Academic Publishing GmbH & CpKG, 2.

9 Asante MK. 1990. *Kemet, Afrocentricity and Knowledge*. Trenton, NJ: Africa World Press, 119.

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This explains how and why African culture and religion were misunderstood, misrepresented, distorted and displaced. Therefore, as a revisionist way of deconstructing the Eurocentric version of the history of African people, Afrocentric theory is justified in studying the legality and illegality of witchcraft accusations in colonial and postcolonial Zimbabwe. Through the Afrocentric lens, the ideas, values and experiences of Africans can be conceived.¹⁰ The agency of Africans is promoted therein because the accused were not always passive victims of witchcraft accusations.

Another advantage of Afrocentric theory is that it “stands as both a corrective and a critique”¹¹ to the attitudes and actions of past and present generations with regards to witchcraft beliefs and practices as well as to witchcraft accusations. The corrective element targets the misconceptions, distortions and biases of the Western colonial administrators and Christian missionaries about African culture, religious beliefs and practices pertaining to witchcraft. For instance, through the Witchcraft Suppression Act (1899), African beliefs and practices on witchcraft were deemed non-existent contrary to Zimbabwean values, culture and tradition. Therefore, European values were arrogantly used to evaluate Africans and Africa. Afrocentric theory places the African autochthons at the centre in the process of asserting the reality and experiences on witchcraft beliefs. The theory also serves as a critique of postcolonial political leadership and the Zimbabwean citizens at large in order to assess how they understand the issue of witchcraft accusations as a means of promoting social justice, peace and security in society. The people are accorded with an opportunity to ask the right questions and to adopt relevant and life-affirming approaches in confronting African realities that had been deliberately downplayed by successive colonial and postcolonial governments. This explains why Afrocentric theory was deemed ideal for the study.

The second theory used as a theoretical framework is framing theory, which has a sociological foundation. Framing theory developed from interpretive sociology in the 1960s. Today, the theory has become a multidisciplinary paradigm that allows a holistic study of media effects on individuals and audiences.¹² Although there is a great disparity in the definition of the concept, framing can be defined as “a process in which some aspects of reality are selected, and given greater emphasis or importance, so that the problem is defined, its causes are diagnosed, moral judgments are suggested and appropriate solutions and actions are proposed”.¹³ It is important to note that frames draw attention to some aspects of reality at the expense of others. In other words, a frame is “built through selection, emphasis,

10 Traore, “Implementing Afrocentricity,” 64.

11 Asante MK. 2007. *An Afrocentric Manifestation: Toward an African Renaissance*. Malden: Polity Press, 27.

12 Ardevol-Abreu A. 2015. “Framing Theory in Communication Research in Spain: Origins, Development and Current Situation”, *Revista Latina de Comunicacion Social* [Latin Review of Social Communication] 70:423.

13 Ardevol-Abreu, 424. The author also notes that “frame” is a psychological concept, which refers to the importance of messages as elements that condition their construction and

and exclusion. A particular frame makes people to focus their attention on some messages (those that are included in it) and to ignore some other messages (those that are excluded from it)".¹⁴ This can be applied in the case of witchcraft accusations in colonial and postcolonial Zimbabwe.

One of the leading researchers on framing theory, Robert Entman, an American political scientist, observed that there is no unified theory of framing that can explain how frames are constructed, how they manifest in texts and how they influence the minds of the public.¹⁵ Nevertheless, frames provide the keys for interpreting reality and facilitate the understanding of the messages it contains. One fundamental issue about framing theory is the way in which the news topic or event is described, as well as the interpretive schema that has been activated to process it. The people's interpretation of reality and everyday life depends basically on interaction and definitions of situations. The definition of the situation is mediated by intersubjective processes.¹⁶ The use of framing theory is relevant to understand how patriarchy largely influenced the portrayal of widows and womenfolk, in general, to be branded as witches. Outside the social realm, the witchcraft accusations were characterised by law and politics in colonial and postcolonial times. For instance, the colonial administrators framed Nehanda and Kaguvi as witch and wizard, respectively, and paradoxically they further promulgated the Witchcraft Suppression Act in 1899 in order to suppress African beliefs and practices, in general. In the postcolonial period, the witchcraft accusations among the political leadership were reinforced through media framing, sensationalism and sarcasm. For instance, the media representation of former Vice President Joice Mujuru as a witch by President Robert Mugabe was framing and sensationalism that sought to "excite vulgar tastes of the audience by riding on people's curiosity".¹⁷ Hate speech that engenders character assassination is often the motive behind framing executed through witchcraft accusations resulting in a clash between principle and expediency. All in all, Afrocentric theory and framing theory corroborate and complement each other in this chapter.

definition. An analogy of a picture frame is used in the definition of the concept. A picture frame tries to organise people's perception by urging people to attend to what is within it and to ignore what is outside of it.

14 Ardevol-Abreu, "Framing Theory in Communication Research in Spain", 424.

15 Ardevol-Abreu, "Framing Theory in Communication Research in Spain", 428.

16 Ardevol-Abreu, "Framing Theory in Communication Research in Spain", 424, 427.

17 Chari T. 2014. "Suspect Spirituality?: Media Representation of African Independent Churches in Zimbabwe", in Chitando E, Gunda MR and Kugler J (eds). *Multiplying in the Spirit: African Initiated Churches in Zimbabwe*. Bible in Africa Studies Volume 15. Bamberg: University of Bamberg Press, 114. Chari refers to media sensationalism as "sunshine journalism" or "yellow journalism". This type of media coverage is meant to shame another person. However, in essence it "thrives on gossip, rumours, hearsay, hype and misleading information". Witchcraft accusations in Zimbabwe could be understood in this framework.

ANATOMY OF WITCHCRAFT BELIEFS IN AFRICA

Witchcraft beliefs are very strong in Africa despite the levels of modern education, science and technology, social class and religious affiliation.¹⁸ The enduring beliefs in witchcraft among the Shona has been acknowledged by Bourdillon, an anthropologist, says that many life experiences are explained in terms of witchcraft. In his words, Bourdillon states that “the belief in witchcraft is practically universal among the Shona, as indeed among many peoples of the world. But the details of belief and emphasis placed on different aspect of it vary.”¹⁹ This shows that witchcraft beliefs are pervasive. Nevertheless, the terminology and definitions used for the phenomenon of witchcraft is fluid, elusive and sometimes misleading. This is not surprising because witchcraft is a complex and multifarious phenomenon in its nature, function and effect viewed from different perspectives. It consists of a variety of practices such as gruesome rituals, use of magical poisons and bizarre behaviour against social norms of society.²⁰ Sociologist and sacred practitioner of African traditional medicine, Gordon Chavunduka, sees witchcraft as encompassing the use of harmful medicines, charms, magic and any other means or devices to cause any illness, misfortune or death in any person, animal or property.²¹ This concurs with Zimbabwean scholar of ATR, Tabona Shoko’s, observation that witchcraft is ranked highly as a cause of illness and disease among the Karanga people.²² In this manner, the existence of witchcraft is beyond doubt in the Shona cultural landscape.

Another important assertion on witchcraft that Bourdillon makes, is that “witchcraft beliefs are not irrational. Nor do they contradict empirical evidence”.²³ This is vital as it exposes the hypocrisy of colonial and postcolonial legislation on witchcraft and sorcery in Zimbabwe. Apparently, the enduring beliefs in witchcraft and sorcery are also “a reality in the lives of many Christians in sub-Saharan Africa”,²⁴ in spite of the endeavours and influence of the Christian missions among the people. The term “witchcraft” is distinct from “sorcery”, but closely related to it, to the extent that in Zimbabwe, the Shona term *muroyi* (Ndebele, *umthakathi*), refers to both witches and sorcerers, without a clear distinction. Additionally, the word *muroyi/umthakathi* implies both a male and female practitioner of witchcraft, which in English refers to wizard and witch, respectively. Essentially, witchcraft is an antithesis of social order

18 Chireshe E, Chireshe R and Shumba A. 2012. “Witchcraft and Social Life in Zimbabwe: Documenting the Evidence”, *Studies in Tribes and Tribals* 10(2):163-172.

19 Bourdillon MFC. 1987. *The Shona Peoples: An Ethnography of the Contemporary Shona with Special Reference to their Religion*. Gweru: Mambo Press, 174.

20 Chireshe et al., “Witchcraft and Social Life in Zimbabwe”.

21 Chavunduka, *The African Religion in Zimbabwe To-day*.

22 Shoko T. 2016. *Vitality of Indigenous Religions: Karanga Indigenous Religion in Zimbabwe: Health and Well-Being*. Abingdon: Routledge, 63.

23 Bourdillon MFC. 1993. *Where are the Ancestors?: Changing Culture in Zimbabwe*. Harare: University of Zimbabwe Publications, 116.

24 Lagerwerf L. 1987. *Witchcraft, Sorcery and Spirit Possession: Pastoral Responses in Africa*. Gweru: Mambo Press, 1.

given that malicious human beings instigate illness and disease.²⁵ Among the Shona people it is held that witchcraft can be acquired through inheritance (usually from mother/grandmother to daughter/granddaughter), which is a gendered perspective on witchcraft belief and practice. In addition, witchcraft can also come through possession by an alien spirit for bewitching (*shavi rekuroya*)²⁶ or through medicine provided by another witch/wizard.²⁷ This makes witchcraft practice an enduring social phenomenon.

In general, witchcraft is regarded as a domain of women whilst men specialise in sorcery. According to Shoko, a sorcerer is “a person who is capable of doing harm to fellow humans by ritually manipulating and employing materials drawn from nature.”²⁸ It is said that sorcery is done consciously and deliberately. In some cases, the vices²⁹ such as *ruchiva* (covetousness), *ruvengo/daka* (irreconcilable hatred), *kusagutsikana* (ingratitude), *hasha* (anger), *kutsividza* (revenge) and *shanje/godo* (jealousy) are the most common motivations of witchcraft and sorcery practices among the Shona people. Contextually, some witchcraft accusations are due to status competition, economic, social and political reasons. Though witchcraft is believed to be a nocturnal activity done under the cover of darkness,³⁰ there is another sense in which some people have been accused of being *muroyi wemasikati* (daylight witch) when they showed bad qualities in society. The practitioners of witchcraft are associated with witch familiars that they send on errands such as

25 Shoko, *Vitality of Indigenous Religions*, 63. For some scholars, such as Claude G Mararike, a sociologist and chairperson of the Traditional Medical Practitioners' Council, witchcraft is a social phenomenon that should never be conceived in the negative sense only, but also in the positive. He equates magic with witchcraft, pointing out that the use of magic in the protection of property and crops (known in Shona as *rukwa* or *muzazata* in Ndauro – a traditional anti-theft mechanism), should be seen as positive witchcraft and a credible relic of African science and technology (Nhambura F. 2006. “Witchcraft Act Amendment Hailed”, *The Herald*, 10 May; See also, Sibanda F. 2011. *African Blitzkrieg in Zimbabwe: Phenomenological Reflections on Shona Beliefs on Lightning*. Saarbrücken: Lambert Academic Press, 34. This concurs with Pathisa Nyathi's observation which says the term “witch” is neutral, because it refers to a “craft”. As he further elaborates, he writes: “Like science, it depends on how you use it. It can be used to heal or to destroy. If we can say someone is a witch, we refer to a skill but if you use that skill to kill, you're a bad witch and vice versa.” (See Dube Y. 2014. “Is Zimbabwe Ready to Deal with Witchcraft, Satanism?”, *The Chronicle*, 6 May).

26 Shoko, *Vitality of Indigenous Religions*, 62, observes that *shavi* spirits consist of *shavi rakanaka* (positive) and *shavi rakaipa* (negative) alien spirits. The positive *shavi* confers the host with beneficial skills such as hunting, healing, dancing and singing, among others, whereas a negative *shavi* is believed to bring disdainful spirits on the host, such as witchcraft, stealing and prostitution. *Shavi* can cause diseases and illnesses, which make them to be dreaded among the Shona people.

27 See Matope T. 2006. “Confessions of a Witch”, *The Saturday Herald*, 28 October, 3, where a woman of Sosera in Bikita confessed being a witch through an alien spirit.

28 Shoko, *Vitality of Indigenous Religions*, 65.

29 See, for example, Gelfand M. 1973. *The Genuine Shona: Survival Values of an African Culture*. Gweru: Mambo Press, 82ff.

30 Shoko, *Vitality of Indigenous Religions*, 63.

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zvidhoma, hyenas, owls, snakes and crocodiles.³¹ What can be noted is that witchcraft and sorcery are widespread beliefs among the people of Zimbabwe. According to tradition, there are up to 300 known African idioms and proverbial sayings on witchcraft alone.³² It is not surprising that although the Western Christian missionaries believed that witchcraft is a myth, the church and colonial government leaders failed to destroy ATR and culture, as well as belief in witchcraft, which is still very strong. Today, many Zimbabweans who are Christians not only believe in witchcraft, but “some even practice it or attempt to practice witchcraft”.³³ In this chapter, the term “witch” (*muroyi/umthakathi*) is used to refer to witches, wizards and sorcerers, as the distinction among them is very slim given that on the bottom line, they all represent evil – one who is a trouble-maker or one who commits an anti-social act. In addition, although the witchcraft domain is associated with women whilst men are believed to be specialists in sorcery, the dividing line is thin as some women operate in union and concert with men and vice versa.³⁴ Both engage in nefarious activities responsible for bringing bad things to people and communities.

According to Chavunduka, “witchcraft accusations are preceded by tension and conflict within the household, village or community.”³⁵ For instance, issues of succession and economic prosperity can result in witchcraft accusations. Witchcraft suspicions and accusations tend to increase in times of socio-economic and political crises. In the political landscape, witchcraft accusations do not only show the close relation between religion and politics,³⁶ but also show that witchcraft is associated with power. It is sometimes argued that any kind of power may be associated with witchcraft. Indeed, there is a general belief that some of Africa’s long-serving leaders only manage to hold on to political power for a long period on the sustenance of the magical powers of witchcraft.³⁷ It is held that some government officials keep protective charms, consult *n’angas* (traditional healers) and some keep *tokoloshis* (dwarf-like creatures that emit a pungent smell) or *zvikwambo* (goblins) to further their own acquisition of wealth and power.³⁸ The use of witchcraft has

31 Shoko, *Vitality of Indigenous Religions*, 63. All witch familiars operate as “children of witches”. *Zvidhoma* (plural) and *Chidhoma* (singular) originate from a human spirit, particularly a child raised from the grave by manipulations of a witch, or it can be an animal.

32 In the Zimbabwean context, some of the examples of proverbs and idioms on witchcraft include: “*Muroyi rowera kure kuti vanhu vagokupembedza*” (A witch must harm those who are afar so that s/he can be exonerated by those who are local); “*Kudya uroyi nekunyara*” (doing what is against one’s conscience because of being shy); “*Kusekerera n’anga neinobata amai (kuti muroyi)*” (befriending a *n’anga* that will accuse your mother of being a witch); “*Muroyi wehama*” (a relative who bewitches kith and kin).

33 Chavunduka, *The African Religion in Zimbabwe To-day*, 4.

34 See Shoko, *Vitality of Indigenous Religions*, 65.

35 Chavunduka GL. 1980. “Witchcraft and the Law in Zimbabwe”. *Zambezia* VIII(ii):133.

36 Ellis S and Ter Haar G. 1998. Religion and Politics in Sub-Saharan Africa. *The Journal of Modern African Studies* 36(2):187.

37 Chireshe et al., “Witchcraft and Social Life in Zimbabwe”.

38 Chireshe et al., “Witchcraft and Social Life in Zimbabwe”. *N’angas*, including the diviner-healer type, are important practitioners in the context of witchcraft accusations, health and

been attributed to rich and the poor, young and old, men and women as well as Christians and non-Christians in postcolonial Zimbabwe. All are liable to witchcraft accusations.

Most witchcraft accusations tend to target and implicate the middle-aged, elderly and young girls, particularly *chembere* (old women), *harahwa* (old men), *shirikadzi* (widows usually beyond child bearing age), *pfunda* (widowers) and *nhererasikana* (orphaned girl children). This is partly because they are defenceless and the most vulnerable groups with high poverty levels and amenable to physical violence in society. Vulnerability and gender dimensions in a patriarchal milieu are some of the key fuelling factors in witchcraft accusations. Kwatra Anjali in a report for Action Aid says, “widows, childless or unmarried women are vulnerable to being branded as witches as they do not fulfil expected gender stereotypes.”³⁹ The gender stereotypes make women to be regarded as a weaker sex and more disposed to be conduits of witchcraft. Apparently, it has been observed that “elderly women are more susceptible to accusation because of their particular physical features such as drooping breasts, eyes that are yellow or red, wrinkled skin, missing teeth, and a hunched stance.”⁴⁰ This shows that they are scapegoated as witchcraft accusations are a convenient excuse stigmatising, discriminating and excluding women who are poor, different and challenging the status quo in families and communities.

WITCHCRAFT AND THE LAW IN COLONIAL AND POST COLONIAL TIMES

In precolonial Zimbabwe, there was a customary law that was essentially an oral law enforced by traditional leaders such as kings or chiefs and their advisors as well as *n'angas* (traditional healers) and *masvikiro* (spirit mediums).⁴¹ Historically, witchcraft fell under the jurisdiction of customary legal systems. According to Pathisa Nyathi, a historian and culturist, as reported in one of the local Zimbabwean

well-being among the Shona people. Derogatorily labelled as “witch doctors” in colonial times, the terminology has improved as some call them “doctors to the bewitched”, showing their efficacy to the victims of witchcraft; See Mbindi A. 2009. “‘Witchdoctors’ or ‘Doctors to the Bewitched’?: An Analysis of the Perceptions on the Traditional Diviner-Healer among the Shona People of Zaka West”, Unpublished BA Research Project, Department of Philosophy and Religious Studies, Great Zimbabwe University, Masvingo.

39 Anjali K. 2012. “Condemned without Trial: Women and Witchcraft in Ghana”, London and Johannesburg: Action Aid International. Online at: https://www.actionaid.org.uk/sites/default/files/doc_lib/ghana_report_single_pages.pdf

40 Quarmyne M. 2011. “Witchcraft: A Human Rights Conflict between Customary/Traditional Laws and the Legal Protection of Women in Contemporary Sub-Saharan Africa”, *William and Mary Journal of Women and the Law* 17(2):479. Online at: <http://scholarship.law.wm.edu/wmjowl/vol17/iss2/7>

41 See Marevesa T and Sibanda F. 2017. “Discrepancy between the legality of death penalty and African religious heritage in Zimbabwe”, in Green MC, Hackett RIJ, Hansen L and Venter F (eds). *Religious Pluralism, Heritage and Social Development in Africa*, Stellenbosch: African Sun Media.

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newspapers, in the past, in some African societies, people accused of witchcraft could be killed. He elaborated his view by pointing out that “in the Ndebele state, cases of witchcraft were dealt with in different ways. Witches would, for example, be taken to *intaba yabathakathi* in Sizinda, where they were killed. Witchcraft was punishable by death.”⁴² This shows that witchcraft was regarded as a serious threat to life. As Nyathi further observes, “witchcraft and infidelity were among the few cases that warranted divorce. Witchcraft was taken seriously ... [since] the perpetuation and continuity of the human species could only be threatened by witches.”⁴³ In this manner, in precolonial times, there were some witchcraft accusations which were resolved using the customary law. The traditional system was relatively more effective in dealing with witchcraft cases as compared to the colonial government.

The colonial government was established on 12 September 1890 in Zimbabwe with the raising of the Union Jack at Fort Salisbury (now Harare) by the Pioneer Column. As part of a spiritual and ideological onslaught on African culture and heritage, the colonial administrators declared that African shrines were to be destroyed, their religion was to be suppressed and that religious leaders such as *n'angas* and *masvikiro* were to be stopped from conducting their religious services.⁴⁴ The Rhodesian strategy⁴⁵ was anchored on a socio-psychological education among blacks to hate themselves and hate each other as well as their culture. All black people were made to believe that they were witches and wizards.⁴⁶ Therefore, witchcraft was among the issues of human conduct and societal relations that faced the colonial legislation.

Following the uprisings of the Shona and Ndebele in 1896–1897, the colonial government passed the Witchcraft Suppression Act on 18 August 1899 to, *inter alia*, deal with problems of witchcraft. The law stated that “witchcraft includes the ‘throwing of bones’, the use of charms and any other means or devices adopted in the practice of sorcery.”⁴⁷ The throwing of bones was done by *n'angas*, whom the law misleadingly termed “witch-doctors” and which the law criminalised. This brought a new legal system that clashed with the traditional medical system and customary law whose existence preceded the colonial regime. According to Chavunduka, the whole practice of witchcraft was regarded as a “pretence and a

42 Dube, “Is Zimbabwe Ready to Deal with Witchcraft, Satanism?”.

43 Dube, “Is Zimbabwe Ready to Deal with Witchcraft, Satanism?”. In some cases of witchcraft accusations, witches could be beaten or forced to migrate from their homelands to other places. For Pathisa Nyathi, people visited traditional healers to get protective medicine from witches, and those accused of being witches were only protected from punishment if they sought refuge at the maternal home of the king.

44 Chavunduka, *The African Religion in Zimbabwe To-day*, 3.

45 Colonial Zimbabwe was named Rhodesia after the founding colonial imperialist, Cecil John Rhodes.

46 Chavunduka, *Traditional Medicine in Modern Zimbabwe*.

47 Witchcraft Suppression Act of Zimbabwe, ch 73.

sham, something which in actual fact has no real existence at all".⁴⁸ In addition, the law targeted five categories of people, namely, (1) any person who named or indicated any other person of being a witch; (2) "witch-doctors" and witch-finders by habit or reputation could face a heavy sentence; (3) employing or soliciting any other person to name or indicate thieves or other wrong doers by means of witchcraft; (4) those who claim to have knowledge or use of charms – it was an offence to advise someone to bewitch any person or animal; (5) the practice of "so-called witchcraft".⁴⁹ The Witchcraft Suppression Act remained in place for over a century. It lasted throughout the colonial period and about three decades into the postcolonial times.

In postcolonial Zimbabwe, there was a move to amend the country's position on witchcraft through the Criminal Law (Codification and Reform) Act, Chapter 9:23,⁵⁰ promulgated on 1 July 2006. Many Zimbabweans pressed for the amendment of the Witchcraft Suppression Act, which was a culmination of years of intense negotiations. Among the advocates for this amendment were traditionalists such as traditional leaders, traditional medical practitioners as well as individuals and organisations like the former president of the Zimbabwe National Traditional Healers' Association (ZINATHA), Gordon Chavunduka.⁵¹ The Amended Witchcraft Suppression Act accepted the existence of witchcraft, but still has loopholes as it does not sufficiently reconcile the law with Zimbabwean realities. Therefore, it is a mere "window-dressing" and a half-baked measure. For example, under the new law, the question of empirical or scientific evidence complicates the issue. The practice of witchcraft became a punishable offence if there was "enough evidence". Nyathi rightly notes that the methodology used by witches did not make sense to Western science since confessions of witches were dismissed as superstition and a mental challenge to the extent that "witches will continue to be a problem

48 See Chavunduka, *Traditional Medicine in Modern Zimbabwe*, 100. See also Chavunduka "Witchcraft and the Law in Zimbabwe".

49 Chavunduka, *Traditional Medicine in Modern Zimbabwe*, 100, 101.

50 The Criminal Law (Codification and Reform) Act, ch 9:23 is significant, because it was a major step taken by the government in recognising the culture and beliefs held by the majority of the Zimbabweans, particularly in relationship to the existence of witchcraft. The law would also regulate the conduct of people pertaining to witchcraft accusations. Essentially, the amendment disqualified murder, assault or any other crimes against an accused. In other words, the Act was not a leeway to mete undue punishment on people accused of witchcraft before they could be tried in the courts of law. Chavunduka hoped that the amended Act would enhance the effective function of ZINATHA to deal firmly with bogus traditional healers, exorcists and witch-hunters or *tsikamutandas* (see Nhambura, "Witchcraft Act amendment hailed", 7). Notably, *tsikamutandas* are traditional practitioners whose position in society is shrouded in controversy. They fall under witch-hunt movements who claimed could deal with witchcraft by ordering "witches" to surrender their harmful medicines. They were there to rid the community of the trouble and tensions associated with witchcraft (see Bourdillon, *The Shona Peoples*, 194).

51 Nhambura, "Witchcraft Act amendment hailed".

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because our laws cannot address challenges of witchcraft".⁵² The Act also refers to "practices commonly associated with witchcraft" and the "so-called witchcraft", which suggests that there still are no witches. Thus, witches can go scot-free, as the eradication of the belief in witchcraft has remained the main aim of the formal courts, since the legislation punished individuals who name others as witches.⁵³ Indeed, as I have argued elsewhere, the "Amended Act is likely to remain redundant because of lack of empirical evidence to prove that 'witchcraft' has been used to harm others, which is a fact that can make the complainant prosecuted."⁵⁴ As it stands, the Amended Witchcraft Suppression Act is actually working in support of the nefarious activities of witches and sorcerers, which poses a security challenge to people in society. Thus, the Zimbabwean Constitution remains incomplete, vague and elusive on matters of witchcraft. The Constitution has clauses on witchcraft, but they do not reflect the traditional beliefs and reality of the people, thereby making it redundant and flawed.

THE (IL)LEGALITY OF WITCHCRAFT ACCUSATIONS IN ZIMBABWE

This section seeks to explore the legality or illegality of witchcraft accusations in colonial and postcolonial Zimbabwe. Essentially, the victims of witchcraft accusations can be adult men and women as well as children. Witchcraft accusations in colonial times had a social and political dimension. The study established that some of the witchcraft accusations could be attributed to claims-making and scapegoating. In the political context, the government hanged Mbuya Nehanda and Sekuru Kaguvi, who led the First Chimurenga War, as a "witch" and "wizard" that incited public disorder. This was a form of political witch-hunting meant to eliminate the enemies of the state. The hypocrisy of the colonial government is notable in how Kaguvi, like Nehanda, was hanged despite having conceded to Christian baptism before being hanged. Treasonous charges were also levelled against these two African traditional leaders. This shows how their personalities were framed to justify their deaths. Mbuya Nehanda and Sekuru Kaguvi became the first people to face death penalty among the Shona through the ruling of the colonial administrators in Zimbabwe.⁵⁵ Subsequently, the colonial government promulgated the Witchcraft Suppression Act (1899) to prevent socio-political unrest and undermine African indigenous religious practices in witchcraft and magic. This was an unjust piece of legislation in the eyes of most Africans, but which made people to pursue their beliefs in subtle ways.

From a social perspective under colonial times, witch-hunts and accusations were experienced. The famous Muchape Movement of witch-hunts in the 1930s

52 Dube, "Is Zimbabwe ready to deal with Witchcraft, Satanism?".

53 Chavunduka, "Witchcraft and the Law in Zimbabwe", 130.

54 Sibanda, *African Blitzkrieg in Zimbabwe*, 52.

55 Marevesa and Sibanda, "Discrepancy between the legality of death penalty and African religious heritage in Zimbabwe".

originated in Malawi and spread throughout Central Africa. They would arrive in a village and assemble all the inhabitants and gave them a sermon on the evil of witchcraft and lined them up for an ordeal as a form of witchcraft ritual.⁵⁶ To prove one's innocence, the accused was forced to pass a severe ordeal process which could lead to death for taking poisonous concoctions. In the mid-1950s, Mai Chaza, a founder and faith healer prophet of Guta Ra Jehovah, an African Independent Church in Zimbabwe, also carried out witch-hunts in which suspected witches were called to confess during ritual occasions to cleanse communities of witchcraft.⁵⁷ The witch-hunts were eventually prohibited by the government. In a case that Crawford recorded to have occurred in 1960 between *R v Dawu*, the accused was charged for killing the child of a person whom she thought was a witch who had killed her own child. Dawu was sentenced to two years' imprisonment by the High Court sitting at Fort Victoria.⁵⁸ Thus, under the Witchcraft Suppression Act, Dawu was charged for murdering another person whom he accused to be a witch, in a marked contrast with customary law, where the killing of a person "known" to be a witch would not have been unlawful.

The case of Chief Rekayi Tangwena also illustrates the case of the colonial administration's relationship with some spirit mediums, *n'angas* and traditional leaders who worked with the guerrillas in the liberation struggle and faced prosecution under the Witchcraft Suppression Act. His case shows the agency of African people in the face of an oppressive law on African values and beliefs. According to oral history, Chief Rekayi Tangwena serves as a good example of resistance against colonial appropriation of Kaerezi land in Nyanga. His case has been interpreted as mystery, because it is said Tangwena people's village would be razed to the ground by colonial government forces using graders, but the following day, the village structures would "sprout" again like mushrooms.⁵⁹ Eventually, when Chief Tangwena could no longer bear the brunt of colonial oppression under the Smith regime, he assisted Edgar Tekere and Robert Mugabe to cross into Mozambique.

In postcolonial period, witchcraft accusations ensued in both social and political spectrums. From interviews, the researcher gathered that there was a conflict between two families that were of Christian orientation in Chipinge district. The accused was an elderly widow who attended the same church with the accusing family which had lost the head of the family, a famous Evangelist in the community. Instead of taking the Christian stance of accepting death as a will of God, the bereaved family resorted to customary law encompassing consulting *n'angas* and faith-healers where they established that the widow bewitched the deceased.

⁵⁶ Bourdillon, *The Shona Peoples*, 194.

⁵⁷ Bourdillon, *The Shona Peoples*, 194.

⁵⁸ Crawford JR. 1967. *Witchcraft and Sorcery in Rhodesia*. London: Oxford University Press, 43.

⁵⁹ Anonymous interview with Second Chimurenga War Veteran by F Sibanda, Masvingo, 20 October 2017. See also, for example, Moyana HV. 2002. *The Political Economy of the Land in Zimbabwe*. Gweru: Mambo Press.

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Eventually, the accusing family set three huts on fire that belong to the accused. This became a police case where two of the members from the accusing family were charged with arson and for witchcraft accusation on the widow. As this was in the mid-1980s they were affected by the Witchcraft Suppression Act and malicious damage to property, served a sentence of nine months in prison.⁶⁰ This case shows that some Christians in the face of stressful conditions, such as death of a loved one, accuse alleged witches as their scapegoats. In addition, it also proved that African traditional beliefs were still strong among some African Christians, thereby demonstrating plural belonging. The case also illustrates the issue of vulnerability as a key factor in witchcraft accusations.

In another case recorded in a local newspaper, *The Chronicle*, two elderly women of Bulawayo, one aged 76 and the other 79, exchanged witchcraft accusations. It was said the two relations between the two women had been strained for over 15 years, since the year 2000. One accused the other of witchcraft and use of non-natural means to cause the death of her husband and two children. The accused counter-accused her counterpart saying, "You are a witch who was beaten by her own goblins, the hyena that you were riding dropped you on the way before you reached your destination. You also killed your husband and your children."⁶¹ This shows how the belief in witchcraft endures and continues to be used as a scapegoating mechanism to address life challenges such as misfortune, sickness and death in postcolonial times. In a yet another case, a man from Matobo set his ex-girlfriend's hut on fire, while her one-year-old baby was sleeping inside, because she refused to return his photograph which she allegedly used to bewitch him.⁶² The case shows how women are vulnerable to threats and blame for causing sickness. In Harare, a woman believed to be a witch was caught naked trying to get entrance in a house in Budiriro Suburb. The woman claimed that she came through a whirlwind from Masvingo with her accomplices, but her power waned before the mission was accomplished.⁶³ This shows that the belief in witchcraft is galore in Zimbabwe.

In recent years, legal battles have arisen between a former Minister of Education, Aeneas Chigwedere and his son, Mangwiza, who wanted the courts to grant the Zimbabwe National Traditional Healers Association some permission to get rid of goblins that were causing deaths and mental illnesses to family members due to witchcraft practised by his father.⁶⁴ The magistrate dismissed the matter, saying it

60 Anonymous interview with a local Elder by F Sibanda, Mt. Selinda Mission, Chipinge, 20 February 2018.

61 Tshuma A. 2016. "Grannies in Court for Witchcraft", *The Chronicle*, 15 September.

62 Dube-Matutu S. 2016. "Man Torchers hut with Sleeping Baby Over Photograph", *The Chronicle*, September 22. This was a case of arson and malicious damage to property.

63 "The Full story behind the Harare Witch who crashlanded in Budiriro", *H-Metro*, 11 September 2016.

64 Saunyama J. 2016. "Chigwedere Witchcraft Case, Litmus Test for the Law", *News Day*, 22 October.

was a spiritual issue which the courts could not handle.⁶⁵ The law pertaining to witchcraft accusations tends to protect villains on the basis of lack of empirical evidence. Some people, arguing from an Afrocentric perspective, have criticised Mangwiza for dragging his father to court and accusing him of witchcraft. This is suggestive of the complex and often puzzling dimensions of witchcraft accusations in Zimbabwean society, as they have many cultural, social, psychological and legal aspects. Research has shown that in some instances, the security and dignity of the accused people are affected and those accused of witchcraft often flee their home areas to escape anticipated harm or the possibility of being forced from their villages by the community. Even if steps are taken to “cure” the individual, the label of “witch” may follow individuals throughout their entire lives because of psychological trauma. This has affected the harmony of communities and individuals alike.

Cases from the political arena can also be used to illustrate the problem of witchcraft accusations in Zimbabwe. Through political witch-hunting and claims-making, the former President Robert Mugabe’s attack on former Vice President Joice Mujuru in 2014, is a case in point. The background to the witchcraft accusations are located in the murky politics of Zimbabwe’s presidential succession debate within the ruling ZANU PF.⁶⁶ Initially, Mugabe made several different public claims that his deputy plotted to kill him using all “sorts of black magic”, after allegedly consulting “Nigerian ‘witch doctors’”, where in a state of nudity, she invoked black spirits while slaughtering chickens in a bid to kill him.⁶⁷ He unleashed highly gendered hate speeches, which were crafted to resolve the intra-party succession debate and public safety by legitimising her expulsion from the party and government through defamation. The former president also came up with another theory to his witchcraft claims when he said Mujuru used *nyungurugwi*, the fast-moving small black river beetles that she had captured and with the help of nefarious witches or wizards, given names, one after former President Mugabe and the other after herself. The creatures were then allegedly set against each other in a fight after Mujuru had been assured by the traditional healers that the result of the fight

65 Saunyama, “Chigwedere Witchcraft Case”. Although, in principle, the case could be handled by a Criminal Court since witchcraft is a criminal offence as stated in Sections 97 to 102 of the Criminal Law Code, there has never been a case of someone who was convicted for witchcraft due to the issue of evidence. Chavunduka says that it is difficult to prove witchcraft in formal courts as opposed to traditional courts (Chavunduka, “Witchcraft and the Law in Zimbabwe”). According to Section 98 of the Criminal (Codification) and Reform Act, any person who engages in witchcraft to instil fear or harm someone will be jailed for five years or pay a fine.

66 For a detailed discussion on this subject, see for example, Tendi B. 2016. “State Intelligence and the Politics of Zimbabwe’s Presidential Succession”, *African Affairs* 115(459):203-224. The author says that the internal fight to succeed Mugabe in ZANU PF was between the factions controlled by retired General Solomon Mujuru who fronted his wife, Joice Mujuru, and another faction led by Emmerson Mnangagwa, who was then a government Minister.

67 See Chipangura T. 2015. “Mugabe Twists Mujuru ‘witchcraft’ Tale”, *The Standard*, 29 November.

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would reflect what would happen at the ZANU PF 2014 congress. The claim says Mujuru's river beetle was slain by Mugabe's, which was a bad omen for the former. In addition, former President Mugabe talked about other "black ceremonies held at some farm in Mashonaland East where Mujuru and her cabal allegedly slaughtered sheep and performed rituals for the same purpose of clairvoyantly eliminating the Head of State."⁶⁸ According to Mugabe, the murder schemes involved "a semi-naked Mujuru casting deathly witchcraft hexes on him".⁶⁹ Mugabe subsequently claimed that Joice Mujuru wanted to assassinate him using guns, which was a new explanation from the original witchcraft accusations. These accusations have social, political, psychological and legal implications on the accused and her followers in general. This will be explored further in the next section.

WITCHCRAFT ACCUSATIONS VIA FRAMING, CLAIMS-MAKING AND *BEEMBERA*: CRITICAL REFLECTIONS

Witchcraft accusations have been used as instruments in local and national power struggles in Zimbabwe. In these witchcraft accusations elements of framing, claims-making and *bembera* (public veiled accusation) were apparent. Social and political witch-hunting was employed to denounce and intimidate social and political opponents. In the interest of space, the case of Mugabe and Mujuru would be used at length to show how witchcraft accusations may be characterised by scapegoating, hate speech, claims-making and framing. Through framing and *bembera*, Robert Mugabe, his wife Grace Mugabe and other political enemies of Joice Mujuru utilised the public broadcaster ZBC State Television, radio, the press and other public platforms to attack Mujuru. In postcolonial Zimbabwe, the witchcraft accusations of Joice Mujuru were meant to legitimise her expulsion from the ZANU PF leadership and the party, which resultantly exposed her to tailor-made highly gendered and rhetorical attacks. This was also scapegoating and claims-making in a sense as can be revealed through a closer look at his strategy.

First, Mugabe used the witchcraft accusation mantra to defame Joice Mujuru. It can be argued that though the witchcraft stories of Mujuru were difficult to sustain in formal courts, Mugabe's motive of framing Mujuru had been achieved. Second, Mugabe took the law into his hands on this matter because he did not have empirical evidence to support his witchcraft accusations of Mujuru, which contravened the Sections of the Amended Witchcraft Suppression Act.⁷⁰ There is a selective

68 Chipangura, "Mugabe Twists Mujuru 'witchcraft' Tale".

69 Tendi B. 2016. "State Intelligence and the Politics of Zimbabwe's Presidential Succession", 3; "Bare Breasted Mujuru wanted to kill me says Mugabe", *Bulawayo* 24, 28 February 2015.

70 See Duri FPT. 2017. "African Indigenous Belief Systems on the Crossroads: The *Tsikamutanda* and Witchcraft-Related Disputes in the 21st Century", in Mawere M and Mubaya TR (eds), *African Studies in the Academy: The Cornucopia of Theory, Praxis and Transformation?* Bamenda: Langaa RPCIG. The Amended Act criminalised any accusations not backed by evidence. The Criminal Law (Codification and Reform) Act, ch 9:23, stated

application of the witchcraft law in this regard because Mugabe went scot-free after naming Mujuru as a witch, claims which he later abandoned in favour of the allegation that she wanted to assassinate him using guns. Third, Mugabe's real motive was a political witch-hunt on Mujuru, but he effectively used the technique of *bembera*, a public veiled accusation and social justice system that appeals against an act or behaviour.⁷¹ Fourth, it can be argued that Mugabe's witchcraft accusations on Mujuru were used as a scapegoat to the prevailing socio-economic and political challenges in Zimbabwe given that the country faced a myriad of problems such as low agricultural output leading to food shortages, industrial closures, bankruptcy, shortage of foreign currency, poverty, unemployment, among others. This gave Mugabe a mammoth task to keep the situation under control in a period characterised by political uncertainty. Research has shown that whenever people experience stressful conditions, witches, real or imagined, become scapegoats. This concurs with the observation that "changes in the social, political and economic arenas can result in fierce hunting out of traitors or witches or scapegoats, as a means of overcoming uncertainty and restoring order."⁷² Therefore, Joice Mujuru was scapegoated as a witch and traitor who harboured political ambitions to assassinate Mugabe. On the other hand, Joice Mujuru's political demise was deepened by the Military Intelligence that worked against her, as well as the coming of Grace Mugabe into active politics.⁷³ The folly of it all lay in the fact that the succession infighting was clouded in a controversial gendered story that was created to foil the leadership of Joice Mujuru by any means necessary. The witchcraft accusations tend to be highly gendered whereby women are normally deemed as the witches unlike their male counterparts. Mujuru decided to adopt a "quiet diplomacy", which showed her resilience against the social stigma of being labelled as a witch.

CONCLUSION

Witchcraft is largely regarded as a reality in Zimbabwe and Africa at large by traditionalists and traditional courts, a position that was denied through colonial legislation. Even the work of traditional healers and their medicines were considered to be witchcraft at law. The legal flaws have persisted into the postcolonial times, in spite of the later amendments. Witchcraft accusations entail some cultural, social, political and legal implications. Some cases of witchcraft accusations were are highly gendered and manifested as political witch-hunts bent on humiliating

that it was an offence to accuse someone of witchcraft, whilst Section 99(1) of the Act criminalised groundless accusations of witchcraft.

- 71 Mugabe was good at utilising public spaces to attack his foes through *bembera*. Traditionally, the public appeal or *bembera* could achieve its purpose of mending relations without causing bad relations due to witch-hunting or accusations.
- 72 Duri, "African Indigenous Belief Systems on the Crossroads", 53.
- 73 Tendi B. 2016. "State Intelligence and the Politics of Zimbabwe's Presidential Succession", 3. Tendi says Grace Mugabe used the nationwide campaigns to denounce Joice Mujuru and exert pressure on her to resign. These denunciations were part of the systematic purges of the Mujuru faction from the party and government.

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and eliminating political rivals through hate speech, framing, claims-making and *bembera*. The study concludes that the legality of witchcraft accusations in postcolonial times is marred by the legal flaws and selective application of the witchcraft law replicating the colonial legacy that sought to promote Christianity at the expense of African Indigenous Religion in Zimbabwe. This suggests that in postcolonial Zimbabwe, the law remains a stupid ass⁷⁴ as it was during the colonial times. As the chapter has attempted to show, the amended Witchcraft Suppression Act can be regarded as a “mere window dressing” to the problem of witchcraft in Zimbabwe. In a conflict with Joice Mujuru, Robert Mugabe framed and scapegoated his former compatriot by unleashing witchcraft accusations with impunity through *bembera*, among other strategies. Indeed, politicians such as Mugabe, just like magicians, cannot be trusted as they are full of “poly-tricks”, as the opening epigram to this chapter from Ben Okri, Nigerian poet and novelist, proves. In the final analysis, Zimbabwe may benefit immensely from a full recognition of people’s beliefs in witchcraft to promote social and political security characterised by freedom from fear, threats and violence. This is ideal for twenty-first century African societies in order to safeguard vulnerable populations exposed to unwarranted and framed witch-hunts and accusations.

74 The English literary artist, Charles Dickens, once said that “the law is an ass”, implying that it may be useless to society.