

The intersection between law, religion and politics in Zimbabwe

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Alex T. Magaisa

Introduction

The purpose of this paper is to present an analysis of the intersection between law, religion and politics in Zimbabwe. I claim no expertise in matters of religion but I do have some experience in law and have been privileged enough in recent years to occupy a vantage point from which I could observe national politics at play. In this position also, I was able to witness the interaction between religious and political actors.

Eventful Years

The period between 2011 and 2013 was an eventful one for me both at a personal and professional level.

First, in 2011, I received an invitation from Copac, the committee that was responsible for writing the new national constitution, to return to

Zimbabwe to assist in that process as a technical advisor. There were three political parties involved in that process – Zanu PF, the MDC-T and the MDC-N. Each of the parties had a political representative who led their negotiating teams and each of them was a co-chairman. I was to assist the Douglas Mwonozora, the co-Chairman representing the MDC-T. I will talk about my observations while in this role of the interaction between law, religion and politics.

Second, in early 2012, while I was executing my first role, I received a second invitation from Morgan Tsvangirai, leader of the MDC-T, who was also the Prime Minister of Zimbabwe at the time. He said he wanted to work with me as his adviser. It was a humbling request, which I had not contemplated at the time. I agreed and took leave of absence from Kent to go and work with him. In this role, I also had the opportunity to observe the interaction between law, religion and politics, which observations will also inform my presentation today.

Intensity of Faith

When I went back to take up my first role, one of the things that struck me was the predominance and intensity of the Christian faith among Zimbabweans. I had grown up in Zimbabwe for most of my life and I knew that we were a religious people. I had gone to a Catholic boarding school and Christianity was part of our daily lives. I knew, therefore, that Zimbabweans were a religious people. However, this time around,

there was something new, there was a certain intensity to it, in a manner that was not immediately familiar. It certainly surprised me.

Insider/Outsider

While I had regularly visited home since I first moved out in 1999, this was the first time I had returned to actually work in Zimbabwe and to stay for longer than a period of two weeks. I was seeing Zimbabwe through the eyes of an **“insider/outsider”** – an insider because I was born and bred in Zimbabwe and felt part of the society, but an outsider because after more than a decade, I was seeing my own society through different lens, the lens of someone exposed and used to a different social system.

Prayer, Prayer, Prayer everywhere ...

It was therefore something of a shock to me that every meeting began with a prayer. I listened intently to the prayers. In the prayers, they thanked God for our lives and for guiding us through the night and allowing us to be at the meeting. They thanked God for peace and security in the country. They petitioned God for guidance during the meeting, for peace, love and harmony and for a good outcome. At the end everyone solemnly said ‘amen’ and thanked the person who gave the prayer, often commending them for giving a good prayer. After a pause and a few whispers, the meeting would begin. At the end of the

day, before the meeting closed, there would be another prayer, this time thanking God for guiding us through the meeting, for intervening to resolve issues when disputes arose. The prayer would petition God to guide us as we travelled on the roads and during the night. Zimbabwe's roads are notorious for accidents.

Back in the UK, where I had lived for more than a decade, I had never been to a meeting where anyone prayed. Prayer was not part of a meeting's agenda. All this was new to me. But it was not just the fact that there were prayers like this. It was the intensity that I could feel about the whole ritual and everyone, across all parties took it very seriously. Then something struck me as I thought more deeply about it.

Religion as Unity

These people were strong believers in religion but this was more than a religious ritual. The Christian religion was one of the very few things in common between all political actors. It was therefore the one ground upon which they all found agreement. It was uncontested ground. Everyone believed in the Christian God, even the traditional leaders who were there. It was a uniting point for the political actors who were otherwise in conflict against each other in almost all other issues.

The only other issue in which there was common ground was the need to promote gender equality, although that was motivated more by

political considerations than a genuine belief in the principle. It made political sense to be on the right side of the gender equality debate but the diluted provisions that ended up in the constitution demonstrated that for some, especially the male actors, the efforts were half-hearted. It would have been politically disastrous to have been seen opposing gender equality.

Given the commonality of the religious factor, it was taken very seriously by all actors. For once, they could agree on something and religion and God were often invoked in times of difficulty. I noticed that the prayers were more than petitions to God. They were also a medium of communication from one party to the others. The messages of peace, love and harmony in the negotiations and the call to God to help resolve disputes peacefully were also designed as messages to the other parties. These were things that the parties often said to each other but when carried through prayer, and as petitions to God, they were designed to carry more weight and to be taken more seriously. I would hazard to say that religion and the instruments were important tools in the negotiating process as they facilitated conversations between otherwise fighting parties.

Prayer as Communication

Another point to illustrate the 'political settlement' negotiated through prayer, which also served as a message to assert the equality between

all the negotiating parties was the rotational system in giving prayers. As I have already said, there were three political parties. No single party had a monopoly in giving prayers. To ease the process, the parties agreed a rotational system. If a Zanu PF person gave the morning prayer, then an MDC-T person would give the evening prayer. The next day, a person from the MDC-N would give the first prayer. It went on like that, rotationally, each party having its chance. In this way, the parties asserted their equal status before God and therefore politically and at the same time used these channels to communicate to each other.

Therefore, in my observations, there was some political value in the religious beliefs and the instruments such as prayers. They served an important political purpose in the constitutional negotiations.

Causes of Religious Intensity

But why had Zimbabwe seemingly got so intensely religious? As I said there was an intensity and broad spread to the beliefs that was certainly different from what I had been used to. Part of this can be explained by the exponential rise of the Pentecostal churches in a manner that was unprecedented. The contemporary Pentecostal movement had always existed in Zimbabwe but more on the fringes, with the central role occupied by the traditional churches – Roman Catholic, Anglican, Methodist, RCZ, etc.

But a new form of Pentecostal churches, led by young and charismatic preachers who were referred to by the congregants as “Prophets”, had sprung up in recent years. They were hugely popular, especially in poor urban communities. The young preachers were extremely wealthy and did not shy away from flaunting their riches. Dressed in shiny suits and driving very expensive imported vehicles, they were renowned for preaching a version of the gospel referred to as “Prosperity Gospel”. The message was not the old Christian message that the riches awaited in heaven but that those riches could be enjoyed here on earth. This message appealed greatly to people who were poor and impoverished by the socio-economic decline.

Social & Economic Trauma

In this regard, it is important to note that Zimbabweans had gone through a socially traumatic experience in 2008, when hyperinflation rose to unprecedented levels, there were severe shortages of basic goods and much else was at a standstill. The new gospel which preached prosperity therefore made sense to a lot of suffering people. They were ready to pay their remaining dollars in tithes to the church, in expectation of blessings and multiplied riches. It is arguable that the social and economic dire straits played an important role in the rise of religion and in particular the appeal of the new Pentecostal churches which promised rich blessings.

Failure of Politics

The failure of politics to change their circumstances must also have played a part. For years people had tried but failed to change the political leadership. It seemed impregnable. Political leaders across the political divide had also disappointed with their behaviour. Lack of trust in political leadership must have driven them towards towering religious leaders who were untainted by similar scandals and failings. The people were desperate and helpless in the face of an intransigent and arrogant government and hence they placed their faith in God and the church, hoping for salvation.

Political Violence

Another related reason is the traumatic experience that people had gone through, especially the violence in the 2008 elections. This was exacerbated by the fact that it came in the middle of an unprecedented economic crisis. This violence had gone on for many years. Most people would have suffered trauma arising from that experience. Helpless and powerless, they placed their faith in God and the church. The church became a place of refuge and protection. It also became an instrument of negotiating peace and security within communities.

African Cosmology

However, behind all this of course one has to understand that Zimbabweans, like most Africans, have always been a naturally religious people. In the African cosmology, there are ways and reasons to explain phenomena. Things do not just happen. Prior to the advent of Christianity, people had their own strong belief systems, some of which endure to this day. When Christianity arrived, it was able to penetrate because it found hosts who were already wired to believe in similar systems. One only needs to go back to Achebe's classics, like *Things Fall Apart* and *Arrow of God* to be reminded of the friction that occurred between the old African and the new Western religion and the consequences of that clash. Christianity found local hosts who were ready and willing to carry it into their communities.

I am sure sociologists are investigating and in time, will explain to us in a better way, the causes of the exponential rise in the Pentecostal churches in the post-2000 period. However, from my observations, these were some influential factors that had a role in increasing the levels of intensity and widespread character of religious beliefs. The result was that the young Prophets were drawing crowds of as much as 30,000 people to their congregations. No other individual, even politicians, commanded as much pulling power. Consequently, this made the young Prophets persons of special interest to the politicians, given the command they had over their followers.

Trust in Religious Figures

The Afrobarometer Survey (2015) showed that most adult Zimbabweans trust religious leaders more than they trust other key individuals and institutions. At 75% approval rating, religious leaders fare better than the President, opposition parties, police, army, Zimbabwe Electoral Commission and Parliament, among others. This is a big indicator of the confidence levels in religious institutions compared to others.

Value of Religious Men to Politics

Nevertheless, it also means religion and religious leaders become important tools in the eyes of politicians. They command large congregations which obey and listen to every word and instruction of the religious leaders. In this section of society, one can observe the phenomenon of "Groupthink" in operation, often directed by the religious leader. Followers can be easily commanded to take a particular route by the leader and they will follow his lead based on faith and trust. There is no culture of questioning authority within the religious movement. Commands come from above and the duty of the flock is to follow.

This is the major reason why politicians often seek alignment with religious leaders, especially towards elections. They do so in order to capture the support of the flock that follows the religious leaders. Major political leaders are seen at church services, among the congregation,

clad in full regalia of the particular church, all in order to align themselves with the religious leaders for purposes of capturing the vote. In this regard, religion and religious leaders become an important resource that is invaluable to politicians and politics in general.

Religion & Succession

The belief system also encourages the view that leaders are chosen and anointed by God. In my observation, this was a commonly-held view among supporters, both in the ruling party and the opposition. There are people who genuinely believed that Robert Mugabe and Morgan Tsvangirai were chosen by God. It was not uncommon during political rallies to hear junior leaders showering praise upon their leader, claiming that he had been anointed by God to lead the nation. Thus the late Tony Gara, a former Town Clerk of Harare, is mostly remembered for saying President Mugabe was the son of God, after Jesus Christ. In the MDC, too politicians have described Tsvangirai as anointed by God.

In recent months, Josiah Hungwe, a government minister courted controversy when he introduced Vice President Emmerson Mnangagwa and front-runner in the race to succeed Mugabe as the 'Son of God'. Several religious leaders have also made similar comments in relation to President Mugabe, and in the process, giving justification to his continued rule.

All of this has serious political implications. The message is that such a leader cannot be challenged, let alone be removed by man. It means the leader can remain in office for as long as God wills him to. This is, therefore, also a direct message to would-be successors that they dare not challenge the leader. In this regard the use of religion has an exclusionary effect in political contestation.

Religion as Access Point

Religion also provides a unique access point to political leaders. It is important for religious leaders to be seen to have power and aligning with political leaders is one important way of achieving this. When I worked with Tsvangirai, we were inundated with requests from religious leaders to meet the Prime Minister. One of my key tasks was to manage the Prime Minister's diary and therefore access to his office. As the "Gatekeeper", I interacted with many parties who wished to meet with him and to decide whether or not it was appropriate. From a political point of view, the primary consideration was whether or not there would be any political value in the proposed meeting.

Among those who sought meetings with the PM, or sought his attendance at the public events were religious leaders. We had to consider the political value of such meetings and events. Would they bring any mileage to the Prime Minister in his capacity as the leader of a political party and its presidential candidate in the event of an election?

Or would failure to have the meeting or to attend the events hurt his prospects as a candidate? It was usually the case that religious leaders had better chances of access to the leadership than others primarily because of the fact that they commanded a powerful and pliable constituency which could have political value. As a politician you certainly did not want to be on the wrong side of the religious sector.

I have already said that I encountered some bizarre things during my time in office. It was not unusual to receive a call early in the morning from reception that there was a person who had come to see the Prime Minister and had a very important message from God. They would say the message had come through a dream. This happened many times. In fact, when I arrived, I discovered this was a recurring phenomenon that a small office manned by a pastor had been established to deal with these characters. This pastors' office handled all those who brought these divine messages. It had the "sponge effect" in that it absorbed the demands and requests which would have otherwise inundated the Prime Minister. I imagine the President's office has to deal with similar issues.

Super Monday or Cross-Over Rally

I also observed that religion had a deep impact within political parties. Some of the political leaders were deeply embedded in the church. They placed a great deal of trust and faith in what religious leaders told them. As I had observed during Copac process, I found that religious beliefs

and rituals were an important part of the political process. Thus at all meetings, events and rallies, prayers were part of the programme. Speeches were often peppered with references to Biblical imagery. In fact, when we were planning the final campaign rally in 2013, there was a debate over how we would brand it and again the religious influence was very evident. I was in favour of the name "Super Monday". The rally would be on a Monday and my football-brain remembered the Super Sunday brand of Premier League matches on a Sunday. I thought Super Monday would be appropriate for what would be a super rally, which in the end it was.

However, another political leader proposed "Cross-Over Rally" not only because this was designed to signify a crossing from the old Zanu PF era to a new MDC era but it clearly borrowed from Biblical imagery of the children of Israel crossing from Egypt to Canaan. This image had been used so many times before and was part of the party's nomenclature. The beliefs were so deep that in the run-up to the July 31 elections in 2013, some leaders declared that it had been revealed to them in dreams that the party would prevail in the elections.

Religion for negotiation

The church has always played an important role in negotiating spaces between politicians. The country's first ceremonial President was a reverend of the church. He played an important role in brokering peace

between Zanu PF and PF Zapu in the 1980s. During the post-2000 crisis, the church has also been influential. It was a prayer meeting on March 11 2007 that resulted in the severe beating of Morgan Tsvangirai and his colleagues by the police and subsequently changed regional opinion on the Zimbabwean regime. In the days leading to the 2013, elections, church leaders were again at the forefront of bringing the opposition parties together. I recall attending meetings at a church in Borrowdale late at night, accompanying Morgan Tsvangirai. These were meetings with other opposition leaders like Welshman Ncube, brokered by religious leaders. The point here is that it was only religious leaders who could have brought these characters together in the same room and to assist in brokering peace and unity. In the end, their efforts were in vain, but they had tried. The example demonstrates the role and influence of religion in the politics of the nation.

Secular or Christian Nation?

Let's go back to the interaction between law and religion as I witnessed during the constitution-making process. First, there was a serious conflict between the notion that Zimbabwe is a secular nation and had always been so before. This was not well-understood or well-received by many people who believed that Zimbabwe was a Christian nation and should be recognised as such. While traditional leaders believed in Christianity, they also saw their role as custodians of traditional culture and religion. They could not agree that Zimbabwe could be referred to solely as a Christian nation as that would be very exclusionary. Thus

those of us who pushed for continued recognition that Zimbabwe is a secular nation found unusual allies in the traditional leaders. In the end, it was resolved that there would be no specific reference to the issue. It would not be specifically stated that Zimbabwe was a secular nation or that it was a Christian nation. This disappointed many Christians in the house.

Nevertheless, it was impossible to avoid references to the Christian religion in the constitution. Hence the Preamble acknowledges "*the supremacy of Almighty God, in whose hands our future lies,*" and implores "*the guidance and support of Almighty God ...*"

However, this is somewhat tampered by other aspects of the constitution where diversity and religious tolerance are protected.

For example, the founding values in s. 3 of the Constitution include "(c) *fundamental human rights and freedoms; (d) the nation's diverse cultural, religious and traditional values ...*" The principles of good governance include "*recognition of the rights of — (i) ethnic, racial, cultural, linguistic and religious groups ...*". In s. 63 of the Declaration of Rights, the Constitution protects the right of every person "(b) *to participate in the cultural life of their choice*". In addition, s. 60 also protects freedom of conscience, which includes, "(a) *freedom of thought, opinion, religion or belief*". All this demonstrates that there is religious freedom, which was some triumph against those who had

wished that the Constitution should specifically recognise Zimbabwe as a Christian nation.

Abortion

One aspect where religious sentiments played an important role was the right to abortion (termination of pregnancy). The pro-choice lobby favoured a relaxation of the rules on abortion basing their arguments on the right to choose and control over one's own body. Nevertheless, the anti-abortionists fought hard on the basis of religious beliefs, arguing that it was against Biblical teachings. The influence of religious beliefs was evident that a number of women, whom one might have thought would be pro-choice, were stridently against abortion on religious grounds. There were times when I found myself in an awkward position where I fought for and tried to explain women's rights to women who would hear none of it and instead preferred to rely on religious and cultural beliefs.

Gay Rights

The second area where religious beliefs were very strong was around the issue of LGBTI rights (gay rights) and same-sex marriage. It was very clear from the beginning that the anti-gay rights lobby was very strong and this was one issue that cut across party lines. Even many people in the MDC parties, which were more liberal, were not prepared

to back gay rights. There was a feeling that this was something that was being pushed by Western countries and being foisted onto African countries. This was the same period when Malawi had passed anti-gay and anti-same-sex marriage, courting the ire of Western countries and having budget support cut.

In addition, Zanu PF had constructed the issue so that the MDCs were seen as the puppets who would push the agenda for recognition of gay rights and same-sex marriage. Tsvangirai had made some comments in an interview with the BBC, suggesting that gay rights would be protected. This might have made sense to a British audience, but it was out of sync with the sentiments at home. In the end, the MDCs had to defend against the charges that they were promoting gay rights and same-sex marriage. They realised that it would be politically costly to be labelled as standing for those rights and if they were holding post, they quickly abandoned it.

In the end there was serious dispute over the issue, although in the absence of a fight that they had relished, Zanu PF still tried hard to emphasise their role in opposing gay rights and therefore as champions against Western influence. They would have wanted clauses which would have specifically stated that gay relationships are strictly prohibited. In the end they did not get that but a provision on the right to marriage was inserted that provide that marriage would be between a man and a woman, thereby excluding same-sex marriage. This does

not, however, stop the recognition of other unions, should society ever get to that point, which at present looks remote.

To demonstrate the religious backing for these prohibitions, one day, long after the draft Constitution had been agreed and explained, a large group of religious leaders sought a meeting with the Prime Minister, Morgan Tsvangirai. They wanted assurances that the Constitution that had just been agreed did not protect gay rights and same-sex marriage. I recall one young pastor, who was also introduced as a lawyer, picking a number of clauses and explaining that they allowed gay rights and same-sex marriage through the backdoor. He was clearly their leading man in all matters legal and they all nodded in approval as he gave his thoughts. I listened carefully and having been part of the constitution-making process, I observed that all his interpretations were incorrect and advised the Prime Minister when he responded. However, the views showed the extent to which the religious groups were prepared to go to prevent any attempt to protect gay rights and same-sex marriage.

Conclusion