

Research Thesis

Title:

A Theological Exploration of the Interface Between Johanne Marange Apostolic Church and the Human Rights discourse with Particular Emphasis on Children and Women's Rights

Degree

Doctor of Theology in Systematic Theology

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DECLARATION

APPROVAL FORM

RELEASE FORM

DECLARATION

This is my original work and no part of this work was published or submitted to any other university to towards the awarding of any degree.

DEDICATION

I dedicate this thesis, to my wife Fungai Mukozho, for the love and support that she demonstrated on me.

ACKNOWLEDGEMENTS

I want to acknowledge my supervisor Prof Modise for the support and dedication that he demonstrated towards the attainment of my PhD. The acknowledgement would not be complete without the following Alexander Mare, Priscilla Zvabva, Tavakunda Marembo, my mother Winnet Hazvibati and father Kizito Richard. The acknowledgement also goes to Rev Sibonginkosi Hove, Muronzi and Nobert Charamba who did a sterling job through editing my work. The acknowledgements won't be enough without mentioning my daughters, Winnet Kelly Rosie, Amandah Amarah Amarble and Praise Preety Pride Mare/

ABSTRACT

This thesis used a large portion of secondary data and it also made use of limited qualitative research methods and techniques of gathering data. The interviews were informal and were only used to fill the research gaps identified in literature. Due to the COVID-19 induced regulations, human interaction was limited. The study looked at the interface between Human Rights and theology in the Johanne Marange Apostolic Church (JMAC) and went on to assess how this interaction affects women and children's rights. This thesis was perhaps the first to look at the interface between law and theology in JMAC since Zimbabwe is a constitutional democratic state. In a constitutional democracy, citizens only enjoy rights that are provided for by the constitution. The study cited various doctrines of JMAC in relation to the constitution, civil and customary laws. The study made reference to other mainline churches and traced the history of women and children's rights theologically. The study also interrogated the role of the state, non-state actors, feminist organisations and church organisations in fostering the rights of women and children. The thesis established that some women and children in JMAC do not enjoy their fundamental as enshrined in the Constitution. It was further established ordinary women and children are forced to take vows that they will not seek medical attention or access clinics and hospitals. The girl child is married to any member of the church without her consent thus there are rampant cases of forced marriages. The study recommended a global approach, engagements, strategic communication, and depoliticization of the religious sphere, responsive media coverage to abuse cases, mono legal system and church state relations.

Table of Contents

DECLARATION	ii
APPROVAL FORM	iii
RELEASE FORM.....	iv
DECLARATION	v
DEDICATION	vi
ACKNOWLEDGEMENTS	vii
ABSTRACT.....	viii
Table of Contents.....	ix
LIST OF TABLES.....	xvi
LIST OF FIGURES.....	xvii
ABBREVIATIONS	xviii
CHAPTER ONE	1
INTRODUCTION AND PROBLEM MANIFESTATION	1
1.0 Introduction	1
1.1 Background of the Study.....	1
1.2 Statement of the Problem	10
1.3 Purpose and Objectives of the Research	12
1.4 Research Questions.....	13
1.5 Significance of the Study.....	13
1.6 Research Methodology	14
1.6.1 Research Paradigm	14
1.6.2 Research Design	15
1.6.3 Population of the Study	15
1.6.4 Sample Population and Sampling Procedure.....	15
1.6.5 Data Collection Methods	16
1.6.5.1 Documentary Review	16
1.6.5.2 Key Informant Interviews.....	16
1.6.6 Research Instruments	16
1.6.6.1 Open Ended Questions	17
1.6.7 Data Analysis Procedure	17
1.6.8 Ethical Considerations.....	17

1.7 Delimitation of the Study	17
1.8. Limitations of the Study	18
1.9 Structure of the Thesis	18
Chapter One: Introduction.....	18
Chapter Two: Understanding Theology: A Literature Review	19
Chapter Seven: Conclusion	21
CHAPTER TWO	22
UNDERSTANDING THEOLOGY: A LITERATURE REVIEW	22
2.1 INTRODUCTION	22
2.2 The Roman Catholic Church as the Guarantor of Children’s Rights	22
2.2.1 The Church as Violator and Protector of Human Rights	24
2.3 The Catholic Doctrine of Discovery (<i>Dum Diversas</i>) and Dominion.....	30
2.4 Church Doctrines and the Human Rights Implications	33
2.5 The Human Rights Considerations in Catholic Church’s training of Priests, Seminarians and Nuns at Seminaries and Formation Houses	39
2.6 Hen-Egg Debate Between the State and the Church on Human Rights	41
2.7 Virginity and JMAC Doctrine	46
2.7.1 1Timothy 2:11-12 reads, ‘...I do not permit a woman to teach or exercise authority over a man; rather she remains quiet’	55
2.8 Jewish and African Culture’s Influence on AICs Theologies.....	55
2.9 Women and Marriage in JMAC	56
2.9.1 Divorce in JMAC	58
2.9.2 JMAC Women and Household Duties	59
2.9.3 The Scripture and the Doctrine of Infanticide	59
2.10 Women and Children on Equality	62
2.11 The History of Johanne Marange Apostolic Church.....	63
2.12 Theological Perspectives on the Doctrine and Practice of the Johanne Marange Apostolic Church	68
2.12.1 Patriarchy Theory.....	68
2.12.2 Women Scholarships on the Status of Women in AICs	71
2.12.3 JMAC’s Political Theology	72
2.12.4 Holy Spirit and Human Rights	75

2.12.5 Succession, Inheritance and Human Rights	80
2.12.6 Masculinity- Femininity Dichotomy	83
2.12.7 Gendered Development.....	84
2.12.8 Early Marriages	86
2.12.9 Healing and Human Rights Implications	91
2.13The Advent of Human Rights Discourse	92
2.14 The Emergence and Rise of Feminism	94
2.15Key Conventions on Women and Children’s Rights.....	97
2.15.1 Convention on the Elimination of All Forms of Discrimination Against Women.....	98
2.15.2 Convention on the Rights of the Child	99
2.15.3 Beijing Declaration and Platform for Action	100
2.16 The Zimbabwean Context	102
2.17 Overview of JMAC’s Fundamental Belief Systems.....	105
2.18 The Rationale for Psychosocial Support for Children.	112
2.19 Child Rights and Well-being	116
2.20 The Counselling Gap on Children in JMAC.	118
2.21 Social Learning Theories	120
2.20.1 Bandura’s Social Learning Theory	120
2.20.2 Erik Erickson’s Eight Stages of Human Development Across the Life Span	121
2.20.3 The Child Right to Communicate	121
2.21 Social Protection Initiatives in Zimbabwe	122
2.21.1 Basic Education Assistance Module (BEAM).....	122
2.21.2 Free Treatment Order	123
2.21.3 Institutional Care.....	125
2.21.4 National School Feeding Program.....	126
2.22 Chapter Summary	127
CHAPTER THREE	129
RESEARCH METHODOLOGY	129
3.0 Introduction	129
3.1 Research Approach	129
3.2 Research Design	130

3.3 Description of the Study Area	131
3.4 Target Population.....	132
3.5 Sample and Sampling Procedure	132
3.6 Data Collection Instruments	134
3.7 Storytelling Data Collection Tool	134
3.8 Document Review (DR)	136
3.9 Observation.....	137
3.10 Advantages and Disadvantages of Using Observation Technique.....	138
3.11 Oral interviews.....	138
3.12 Advantages and Disadvantages of Using Oral Interviews.....	139
3.13 Validity and Reliability.....	139
3.13.1 Validity of Research Instrument	139
3.13.2 Reliability of Research Instrument.....	140
3.14 Pilot Study	140
3.15 Qualitative Data Analysis- Storytelling.....	141
3.16 Ethical Considerations.....	143
3.17 Summary	144
CHAPTER FOUR	145
FEMALE-LED CHURCHES IN ZIMBABWE.....	145
4.0 Introduction	145
4.1 Guta Rajehova by Mai Chaza	145
4.2 Church Women’s Organizations’ (<i>Ruwadzano, China Chemadzimai, Fellowship</i>)	147
4.3 The Role of Church Universities in Empowering Women.....	148
4.4 Role of Marriage in Empowering Women	149
4.5 How the Zimbabwe Council of Churches (ZCC) is Neglecting Women	150
4.6 Conclusion.....	151
CHAPTER FIVE	152
THE INTERFACE BETWEEN THE ZIMBABWEAN CONSTITUTION AND JMAC THEOLOGY	152
5.0 Introduction	152
5.1 Legal Remedies to the State When Responding to Human Rights Concerns	153
5.2 Various Human Rights Violations on Women and Children in JMAC	157

5.2.1 The Interface between the National Constitution and JMAC Theology	158
5.2.2 Are Researches on JMAC Making Sense at Law?	160
5.2.4 Problems of Legal Definition of a Child in Zimbabwe	165
5.3 Domestic and International Law on Women and Children.....	174
5.3.1 Domestic and International Law on Women and Children’s rights	175
5.4 The Global Perspective of the Women’s Rights.....	179
5.4.1 Convention on the Rights of Children	181
5.4.2 The African Charter on The Rights and Welfare of The Child	183
5.5 International Treaties and Convention on Women and Children’s Rights	184
5.5.1 1949 Convention on the Suppression of Trafficking and Prostitution.....	184
5.5.2 Convention on the Suppression of Women and Trafficking of Children	185
5.5.3 1952 Convention on Political Rights of Women,	185
5.5.4 International Convention on Minimum Age for Marriage,.....	186
5.5.5 Convention on the Elimination of all forms Discrimination Against Women (CEDAW) 1998 .	188
5.5.6 Convention on the Elimination of Violence Against Women	189
5.5.7 The 1995 Beijing Declaration	190
5.6 National Legal Framework in Zimbabwe	190
5.7 An Overview of the Conventions and Treaties on Women and Children’s Rights	195
5.7.1 The Deceased Persons and Family Maintenance Amendment Act of 1997	196
5.7.2 Maintenance Act 2001	198
5.7.3 Sexual Offences Act 2001.....	198
5.7.4 Domestic Violence Act 2007	199
5.8 Constitution of Zimbabwe on Children and Child Marriage	200
5.8.1 The Customary Marriages Act Chapter 5.07	200
5.8.2 The Marriage Act Chapter 5.11 in Sections 20 and 21.....	200
5.8.3 The Marriage Act in Section 22	201
5.8.4 The Maintenance Act Chapter 5.06	201
5.8.5 The Guardian of Minors Act Chapter 5.08 in Sections 4(1)(b)	202
5.8.6 The Marriage Act in Section 22 (1).....	203
5.8.7 National Gender Policy (NGP)	205
5.9 Conclusion	205

CHAPTER SIX.....	207
DATA PRESENTATION, ANALYSIS AND GAP IDENTIFICATION.....	207
6.0 Introduction	207
6:1 Presentation of Key Findings from the Key Informant Interviewees (Kili)	208
6.1.1 Theology for the Elite.....	208
6.1.2 Theology for the Ordinary/ Rural Members of the Church	212
6.1.3 Marriage and Child Marriage in JMAC	212
6.1.4 The Role of Parents in Marriage	213
6.1.5 The Power of Resources in Marriage	214
6.1.6 The Role of Faith in Marriage.....	215
6.1.7 The Role of Primary Education in Marriage	216
6.1.8 The role of Sitting Arrangements in JMAC on Marriage	218
6.1.9 Extreme Theological Practices on the Poor	219
6.1.10 Death.....	220
6.1.11 Role of Small and Medium Enterprises.....	222
6.1.12 Distribution of Estate	222
6.1.13 Divorce in JMAC	223
6.2 Responses from a Kili on JMAC Theology	225
6.2.1 On Discipline and Hierarchy of Courts	225
6.2.2 JMAC Intelligence/ Advisors.....	226
6.2.3 JMAC Leaders' Movement	227
6.2.4 Passover, Child Marriages and Leadership in JMAC	228
6.2.5 Church State Relationships	232
6.2.6 Marital Rights, GBV and Divorce.....	233
6.2.7 Johanne Marange and Eye Lenses	235
6.2.8 On Child Mortality and Illness.....	235
6.3 Responses from K11iii.....	236
6.3.1 Hidden Variables to Child Marriages in JMAC	236
6.3.2 The role of Community Based Organisations (CBOs) in Ending Child Marriages	239
6.3.3 Witchcraft and Child Mortality	241
6.3.4 Issues of Discipline	245

6.3.5 Romance, Indecent Exposure and Virginity Loss	246
6.4 Respondent Klliv on the General Sentiment about JMAC Doctrine	247
6.4.1 Are they good citizens?	248
6.5 Klliv on What the JMAC does Right and What it Does Wrong	248
6.5.1 Marital Rights	248
6.5.2 Hardworking Women	249
6.5.3 Children as Commercial Assets	249
6.5.4 Polygamy	250
6.5.5 Divorce	250
6.5.6 Women and position in church	251
6.5.7 Inheritance of Church Positions	251
6.5.8 JMAC and Politics	252
6.6 Various Perspectives from Non-State Actors on Child Marriages	252
6.7 Chapter Summary	262
CHAPTER SEVEN	263
RESEARCH SUMMARY, CONCLUSIONS AND RECOMMENDATIONS	263
7.0 Introduction	263
7.1 Research Summary	263
7.1.1 Chapter One: Introduction and Problem Manifestation	263
7.1.2 Chapter Two: Understanding Theology: A Review of Relevant Literature	263
7.1.3 Chapter Three: Research Methodology	265
7.1.4 Chapter Four: Female-Led Churches in Zimbabwe	265
7.1.5 Chapter Five: The Interface Between the Zimbabwean Constitution and JMAC Theology.....	265
7.1.6 Chapter Six: Data Presentation, Analysis and Gap Identification	266
7.1.7 Chapter Seven: Research Summary, Conclusion and Recommendations	266
7.2 Conclusion	267
7.2.1 Unpacking the Concepts of Human Rights and Theology and Their Application in The Contemporary World.....	267
7.2.2 Analysis of Debates Over Church-State Relations and Their Implications on the Observance of Human Rights.....	268
7.2.3 Exploration of the Relationship between Feminism and Religious Doctrines.....	269

7.2.4 Articulate Faith-Based Understanding of Human Rights Among Women and Children at The Backdrop of the Latter’s Effort to Align Themselves in Realizing and Observing the Same.....	269
7.2.5 Assess the feasibility of Attaining Equality in AICs and Mapping the Way Forward on the same.	270
7.3 Recommendations	271
7.4 New Theories	279
Bibliography	287

LIST OF TABLES

Table 5. 1 Theology Versus Constitution	191
Table 5. 2 JMAC Versus International Treaties	192
Table 5. 3 JMAC versus Constitution.....	193
Table 5. 4 JMAC teachings versus Bill of Rights	193
Table 5. 5 JMAC versus Section 48, Sub Sec 3	195
Table 5. 6 JMAC versus Customary law	203

LIST OF FIGURES

ABBREVIATIONS

AICs	African Initiated Churches
AICs	African Indigenous Churches
AICs	African Independent Churches
ATR	African Traditional Religion
AU	African Union
CCJP	Catholic Commission for Justice and Peace
CEDAW	Convention on Elimination of all forms of Discrimination Against Women
CRC	Convention on the Rights of Children
CSOs	Civil Society Organisations
JMAC	Johanne Marange Apostolic Church
NGOs	Non-Governmental Organisations
UN	United Nations
UNPF	United Nations Population Fund
UN R2P	United Nations Right to Protect
UDHR	Universal Declaration of Human Rights
ZGC	Zimbabwe Gender Commission
ZHRC	Zimbabwe Human Rights Commission
ZMICS	Zimbabwe Multiple Indicator Cluster

CHAPTER ONE

INTRODUCTION AND PROBLEM MANIFESTATION

1.0 Introduction

The chapter introduces the thesis, which focused on exploring how theology and Human Rights interface in the Johanne Marange Apostolic Church (JMAC). The desire to ascertain why there is a rancorous relationship between Human Rights and religious practices and customs motivated this researcher to dig deeper into the issue; in order to unpack the same. Amongst major points in this thesis was the unbundling of the nexus between Human Rights and the theological practices, teachings and rituals in African Independent Churches (AICs) in general, and JMAC in particular. The major goal was to analyze theological practices and rituals, and to establish how these impact on the quality and nature of rights being accorded to women and children. In doing so, this work employed a comparative analysis so as to understand the relationship between law and religion. The two disciplines have generally been studied in isolation, but here, they are synthesized in order to come up with empirical conclusions on the subject. Pertinent questions regarding church-state relations were answered by putting the two discourses in juxtaposition. This was achieved through a discussion of the background that motivated the researcher to undertake this study, presentation of statement of the problem, purpose as well as carefully thought-out research objectives, questions and the significance of the study. An explanation of the research methodology for data collection and presentation of the structure of this thesis concluded the paper. A detailed presentation of these and more ensues.

1.1 Background of the Study

Women and children are predominantly regarded as vulnerable members of society due to the masculinity framing of the world, which is dominated by males. This is despite the fact that there has been a rise of feminism, which seeks to attain gender equality. Even international organizations such as the United Nations (UN) had set goals for gender parity by 2020, which have not been achieved so far. Thus, gender issues seem to be complicated as women and

children are still suffering at the mercy of men who dominate them due to the patriarchal nature of society (“Zimbabwe: Scourge of Child Marriage - Zimbabwe,” 2015:9). To that end, religion has been seen as an enabler to the abuse of women and children who are treated as subjects instead of equals in almost all religions. In most of African Christianity, women are required to be submissive, to their husbands. The situation is worse in Islam, where women are denied the most basic rights and are treated as inferior subjects who have no say in framing their own trajectory especially when it comes to marriage. The situation is equally the same in African traditional religion. Thus, the deprivation of rights to women and children is universal. Nevertheless, this thesis zeroes in on African Indigenous Churches (AICs). The motivation is to seek a deeper understanding of the interface between Human Rights and theology, since religion seems to be playing a major role in sustaining the masculinity framing of society thereby leading to the abuse of the rights of women and children.

The relationship between Human Rights and theology is predominantly determined by the church-state relations. The power matrix between the church and the state has serious Human Rights implications. For the church, the state is an offshoot of church authority. The Lord’s Prayer, which is the fulcrum for the confession of faith by Christians, depicts the church as having power and the influence over the earthly dominion (Matthew 6^{10ff}). In Matthew 28^{16ff}, Jesus said to his disciples that all authority from heaven and earth had been given to him and he instructed them to go and make disciples of all nations. This command gave impetus to early church fathers to assume power over the state. In addition, Jesus described Peter as a rock upon which the church was to be built and he bestowed absolute powers on him by declaring that whatever he bound on earth would also be bound in heaven (Matthew 16^{18ff}). Thus, scripturally, the power over the earthly dominion was vested on the church by Jesus himself.

Right from the onset and according to the scriptures, religion had power over the state. The Bible makes a claim that Abraham was made the father of all nations by God. The Bible also states that Israelites went to the prophet and demanded statehood and to be governed by a king like other kingdoms. Thus, a prophet was the one who had dominion over political and religious matters. Abraham is considered to be the father of prophets and is the first person to be told by God that he would be given a nation state. In that kingdom, Abraham assumed political authority. Later on

came Moses; who was a prophet, tasked with a political assignment of creating statehood, Canaan, the land of honey and milk. While leading Israelites from Egypt in the wilderness, Moses assumed the role of a judge (Exodus²¹⁴, 18:¹³⁻²⁷). Thus, the prophet oscillated from religious responsibilities and roles to political and judiciary ones, which may imply that he had become an embodiment of the Government itself (“Moses became a judge – Exodus 18,” 2016).

Meanwhile, the 1648 Treaty of Westphalia is the most popular document that explicitly disempowered the church, which had enjoyed state monopoly until the treaty ended its hegemony over the state (“The Treaty of Westphalia of 1648 and the Origins of Sovereignty,” 2021:1+). The first proponents of the Westphalia, thinking biblically, saw in King David, who created the investiture dispute by anointing Solomon as his successor, a role previously designated to the office of the prophet. David thus ended church authority over the appointment of Kings when he appointed Solomon to be the King of Israel (I Kings 1^{28ff}). This departure ignored the fact that David himself was appointed King by Samuel, a prophet. After Solomon, Israel was marred with infighting over kingship and prophets would be consulted as a last resort. Kings assumed dominion over state affairs while prophets became kingmakers and religious advisors.

Church-State power relations can be said to be as old as humanity itself, and this relationship has always influenced the rights of women and children sociologically; economically; politically; as well as ecclesiastically. In terms of church-state relations, King Henry VIII played a key role in limiting the powers of the church by questioning the church’s authority. Henry was the first king to issue an Act of Parliament in 1534 to enable him to be the supreme head of the English church (“Act of Supremacy 1534,” 2021:1). On the other hand, prior to the involvement of Henry in shaping Church-state relationship, Martin Luther and John Calvin significantly contributed to this through the Reformation, which helped many governments to break away from the control of the Pope; forging in a new form of Church-State relationship with a different texture and form from the former. Paul III in 1534’s Counter Reformation deployed the military to thwart Protestants. The church remained popular in Europe but it lost the grip it had on the general populace through management of political affairs of the state. The different reformation agendas

and forms; from the protestant reformation through to the Catholic reformation and the English reformation; did significantly impact on the relationship between the Church and the State.

There emerged a political theology, which continued to remould and reform; not only the Church as it were, but Church-State relationship as well. The church from time immemorial has always been regarded as a tool of oppression and often times this has led to the emergence of societal ructions premised along these lines. Religious fanatics even went out of the way to utilize religion as a means to achieve political ends. The advent of “Holy Wars” commonly known as Jihads in Islam comes to the fore in this regard. Thus, religion emerged as a tool that could be, apparently, employed as a tool to subjugate fellow humans. This subjugation is not only about one religion trying to dominate the other, as is the case in Nigeria where Christians and Moslems engage in turf wars, but has also manifested in objectification of women and children whose voices are limited to peripheral roles (Alane Marie Moore, 2011:10). It doesn’t matter what kind of religion it is, there is a general consensus that the church assumes a patriarchal hierarchy where masculinity dominates all decision-making processes. This has led to deprivation of basic Human Rights for women and children in religious-settings.

The JMAC, a church based in Zimbabwe has not been left out of this matrix. According to Museveni (2017:3), JMAC’s belief system and doctrine are not conforming to the ever-changing world. Allegations of the abuse of women and children are prevalent and the state stands accused of neglecting its legal duty to protect, promote and defend the rights of women and children. This is despite the fact that at state level, the Domestic Violence Act was enacted in 2006, while the Ministry of Gender and Women Affairs, the Ministry of Youths, Sport, Culture and Recreation, a Parliamentary Portfolio on Gender and a Gender Commission have been constituted. The abuse of women and children in AICs in general and the JMAC in particular remains on an upward trajectory. According to statistics released by a local Non-Governmental Organization (NGO), Helpline in 2018, 15 000 cases of child abuse were received and 26% of the cases involved sexual abuse of minors, 28% cases were emotional abuse, 18% of cases were of neglect, 7% on forced marriages and 95% involved females(National Research Council, 2018:59). However, that study only generalized on the abuse of women and children. It did not zero in on sector specific abuse, of which religion is one. Thus, this paper narrows in on JMAC

in order to understand the interface between Human Rights and religion. A dualistic approach is adopted in order to gain a more nuanced understanding of the link between theology and Human Rights discourse. The trajectory is different from religious scholarship on African initiated churches in that the study is looking at the nature of the relationship between theology and Human Rights without being judgemental.

Meanwhile, Mbiti (1969:1) characterized Africans as highly religious, a notoriously religious people. To that end, the religious nature of the African people makes them advertently and inadvertently submissive to the church instead of state authority. In Zimbabwe the AICs are key variables in the management of the affairs of the state as a reliable voting constituency, elections, succession and political appointments. The state seems, consequently, to turn a blind eye to some of the Human Rights violations (Chikwanha, 2009:2) witnessed in this very important constituency. It is, therefore, key to link the current relations between AICs and the state with the nexus between Human Rights and JMAC theology on women and children. The state under the United Nations Right to Protect (UNR2P) doctrine, Constitution and the 1684 Treaty of Westphalia is empowered to ensure that citizens enjoy their full rights by promulgating policies, laws and programmes that promote such rights. The challenge comes when the state is found to ignore its legal mandate to protect women and children from religious hegemony.

In the case of Church-State relations in Zimbabwe with regard to AICs, the major challenge is on world view and the 'mine is right' perspective. AICs accuse the state of being lost by embracing foreign elements like the Human Rights while the state views indigenous churches as holding on to archaic belief systems based on ATR, which seems to be outdated. The danger is that both institutions believe themselves to be correct and such a position has dire consequences on the rights and welfare of disadvantaged members of society; especially women and children.

The government of Zimbabwe has limited a number of freedoms, for example, the right to demonstrate and petition, where the exercise of this right should be done peacefully and in accordance with Section 60 of the Constitution of Zimbabwe, Amendment number 20 of 2013 (Constitution of Zimbabwe, 2013:185). However, it did not limit religious rights as if to confirm that churches in Zimbabwe are not a legal persona and that they are immune to the laws of the

country. The rights are not just enjoyed but they must have a corresponding obligation. Whilst mainline and Pentecostal churches in Zimbabwe castigate state actions on Human Rights, the AICs 'blindly' support the status quo. AICs have emerged to be a very important electoral cog for the ruling ZANU PF party. In as much as the State is vested with the Constitutional mandate to institute a Commission of Inquiry; and that Zimbabwe has such entities like the Zimbabwe Human Rights Commission; it is apparently reluctant to investigate AICs over Human Rights abuses as is not the case with mainline and Pentecostal churches were personalities such as Robert Martin Gumbura was jailed for forty years for women abuse (Sibanda & Humbe, 2020:1).

Under the general principle of the greater good, rights should be enjoyed without infringing on other people's rights. Therefore, religious rights enjoyment should not impinge on the rights of women and children. In line with this thinking, religious doctrines ought to be, *intra vires*, dictates of the Constitution, which is the superior law in Zimbabwe. In terms of the Zimbabwean laws, churches are expected to register to the state and provide a Constitution which guides their beliefs and their administrative operations. Historically, the church was above the state insofar as the Hebrew canon is concerned. Kings in Old Testament times were appointed by religion through the prophets. The diminishing and surrendering of ecclesiastical powers over to the state has been demonstrated in Zimbabwe in the mist of church succession battles that are settled in Courts of law, which are a third arm of the Government. One such case is that of the JMAC when it failed to resolve its succession dispute after the demise of Johanne Marange (Chitando eds, 2014:15). The matter was determined by the High Court of Zimbabwe clearly demonstrating the *supra* role of the state over theological matters. This was an abrogation of one of the main teachings of JMAC that no member of the church is allowed to approach secular courts for any form of litigation.

Whilst states have legal autonomy over the religious domain, the situation is different in Africa where citizens are highly spiritual making it difficult for them to accept dominance of state over religion. In addition, religion played a critical role in the liberation history of most African states and they owe their independence to religion. The demobilisation process in Africa has in most cases involved spiritual cleansing to avert avenging and war spirits. There is a dialectical approach in the understanding of the role and position of religion in the management of African

lives and livelihoods. It is this understanding which has seen the proliferation of the gospel of prosperity, healing and political leadership. This background is critical in this study in that, it helps in the understanding of whether the state can successfully challenge religion in Africa.

Pre- and post-colonial Zimbabwe's leadership has always been seeking guidance from religious figures. Thus, religion has always been playing a key role in the management and shaping of state affairs. The AICs were amongst key proponents of the Second Chimurenga which culminated into the attainment of independent Zimbabwe. A majority of the leadership within AICs got arrested for resisting the colonial authority during the colonial era. It can be argued that it is this political involvement of AIC's leadership that forged synergies with the ZANU PF party, resulting in the latter turning a blind eye to Human Rights abuses obtaining in AICs, particularly the JMAC. Accordingly, Hackett (1980:216) opined that AICs' origin has been largely influenced by negative effects of colonialism and the desire to challenge mainline churches that came simultaneously with colonialism. In that regard, anything perceived to be aligned to Christian Western civilisation was heavily criticised; including the Human Rights discourse. AICs are very reluctant to embrace the Human Rights discourse and practice due to its Western origins. Hackett further highlighted that at the centre of the AICs' fundamental belief system is the castigation of orthodox Christian Western values and belief systems (ibid: 207). Thus, the AICs represent resistance to change, especially if that change implies conforming to Western civilisation. The theologies of most AICs is anti-Western civilisation in its totality, including its health sector, religion, beliefs, teachings and practices, education, employment amongst others. The Human Rights discourse has Western origins which make it difficult to be accepted within the AICs' fraternity (Nyangweso, 2010:328). Acceptance of Western Human Rights by AICs has serious ramifications on their founding principles. Therefore, compelling AICs to follow Western civilisation is tantamount to a clash of civilisations.

AICs practice of rituals, teachings and beliefs has over the years drawn scholarly attention in terms of whether secular rights are applicable in the religious sphere. JMAC has theologically established some practices, rituals and teachings which are viewed to be a violation of women and children's rights by virtue of them being inconsistent with the Constitution of Zimbabwe. These theological practices, teachings and rituals are being challenged, in the rise of global

criminal law codification, coupled with the rise in feminism emanating from the Universal Declaration of Human Rights (UDHR). There has been a growing demand, first by feminists, and now by the general populace, for third generation rights to safeguard women and children's rights, especially the girl child in all spheres of life. An African Union communique in 2014 noted that about 14 million teen girls were married, almost always forced into the arrangement by their parents ("First African Girls' Summit on Ending Child Marriage in Africa | African Union," 2021:2). According to Zimbabwe Multiple Indicator Cluster (MICS) report of 2014, child marriages in Zimbabwe stood at about 32.8% (Zimbabwe Multiple Indicator Cluster: 2014:35-36). This translates to about one in three women and less than 1 in 20 (3.7%) of men aged 20-49, who were first married or in union before age of 18 years.

According to Makururu (2019:40), women and children who fellowship in JMAC are not being accorded the three generational rights such as the right to life, quality health, education and free determination in the social, economic, political and religious spheres. On the right to life on children, one of the practices in JMAC is that parents take an oath on behalf of their children known as *chitsidzo*, which means to pledge. The pledge teaches that no children from the believing family should be taken to hospital for whatsoever reason. With regard to death of a child, JMAC teaches on the biblical Job who chose to lose all his children and he glorified God in that circumstance. In JMAC, children are called *zvidhinha* or bricks, which if it breaks one can mould another ("Some Johanne Marange members see their children as bricks» Religion in Zimbabwe," 2012). In addition, JMAC teaches that a believer should rather die for the gospel than to defy the JMAC teachings and doctrines. From a scholarly point of view, JMAC violates children's right to good health. Section 76 (1) of the Zimbabwean Constitution clearly stipulates that, every citizen has the right to have access to basic health-care services, including reproductive health-care services. The same Constitution goes on to compel the state to formulate legislative and other measures to achieve the right to health-care by every citizen (Constitution of Zimbabwe Amendment 20 Act 2013:37-38).

However, since independence in 1980, the government of Zimbabwe is yet to establish a commission of inquiry into alleged abuses of women and children in JMAC. Each year when the JMAC congregate at their annual Passover ceremonies, child marriages and virginity testing are

rampant and the academic fraternity, Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) have on numerous occasions raised a red flag. The Zimbabwean government has instituted a number of Commissions in-line with the Constitutional provisions as set out in Chapter 12, Section 232 and Section 242 which covers the establishment of Zimbabwe Human Rights Commission (ZHRC) and Section 245 on Zimbabwe Gender Commission (ZGC) (“Zimbabwe Gender Commission,” 2021:1). However, there is no known commission that has been set to investigate on the abuses of women and children in the religious sphere. The laws pertaining to children and women`s rights seem not to be of paramount importance to the Zimbabwean government as it is seemingly turning a blind eye to apparently obvious and egregious cases of abuse of women and children in JMAC. The evidence of abuse of women and children in JMAC has been found, by and large, through scholarly work and reports by the non-state actors. The church doctrine teaches against appealing to secular laws and as such abuses within JMAC are not formally reported (Sirico, 1986:355).

Particular concerns about the church is how it has allowed its religious practices to cascade into social behaviour that now includes early marriages, pre-arranged marriages, forced marriages, virginity testing, and the prioritisation of males ahead of females. Added to that, concerns about the barring of church membership to access Western medical health care services, prenatal and post-natal health care services to women are part of the church`s doctrine. This further affects access to birth control initiatives and family planning methods to women and health care and inculcates a chauvinistic patriarchal sub-society based on religious doctrine. Therefore, the study aimed to clarify and examine the said practices, allegations and establish factual research-based findings whereupon recommendations can be instituted, by all stakeholders involved in the implementation of women and children`s rights in Zimbabwe.

On child marriage, in a case of *Loveness Mudzuru and Ruvimbo Tsopodzi v Minister of Justice, Legal and Parliamentary Affairs, Minister of Women Affairs, Gender and Community Development and Attorney General of Zimbabwe*, which was heard by the Constitutional Court on 20 January 2016, by a full Constitutional bench headed by Deputy Chief Justice Luke Malaba, the bench ruled any marriage between a man and a woman where one of them is below 18 years as unconstitutional, therefore, illegal in Zimbabwe (“CCZ 2015-12 MUDZURU v THE

MINISTER OF JUSTICE, LEGAL PARL AFFAIRS | veritaszim,” 2015:1). However, the ruling is yet to have an effect to JMAC as child marriages remain unchanged. It becomes imperative for one to enquire into the reason behind the rise of AICs in order to gain an inner understanding of the nature of relationship that exists between the theology of JMAC and the Human Rights discourse.

The theology of AICs is based on reconstruction approach. AICs peddled a narrative that strikes a balance between Christianity and ATR, by blending the two already existing religions. One of their major teachings included boycotting settler regime’s schools, hospitals and farms. In addition to that, they encouraged the concept of indigenisation and taught that no person who is governed by an alien race will ever enter the kingdom of heaven. Thus, JMAC emphasises the adoption of African cultural norms into their modes of worship, theology, and practice, though to a varying degree. These are based on extreme patriarchy and disregard of Western notions of Human Rights and freedoms veiled in an apparent jingoistic ideology. Therefore, it is against this background that this researcher felt compelled to explore the interface between Human Rights and theology in the JMAC.

1.2 Statement of the Problem

The church-state relationship in Zimbabwe is like a hen and egg debate. The church claims superiority over the secular authority as national leadership consults it when faced with political problems. This puts to contest on who has authority over the other. Over the years AICs have been made to believe that they have the final decision over who must and who must not be the president of Zimbabwe. The situation makes it very difficult for the state to rein in on malpractices obtaining within such religious circles. No wonder why politicians jostled over the late Aaron Mhukuta alias Mudzidzi Wimbo of Goora in Shamva as they believed that he accurately prophesied on Zimbabwe’s political trajectory. This has been the case in Zimbabwe where national leadership is affiliated to various church denominations with politicians deifying some of the church leaders to the extent of issuing them diplomatic passports. For example, the leader of JMAC is a proud diplomatic passport holder. A diplomatic passport holder has immunities that he/she enjoys in line with the Vienna Convention. Whilst these leaders are

enjoying state privileges their practices and belief systems do not accord women and children their full rights.

Thus, there has been a growing demand, first by feminists, and now by the general populace, for third generation rights to safeguard women and children's rights especially the girl rights. Be that as it may, Section 60 of the Constitution of Zimbabwe does not limit the authority of the church. Churches have undiluted powers to formulate their own doctrines, practices, teachings and rituals in a manner appropriate to them. In that regard, church laws and doctrines seem to override state law especially in regard to the treatment of women and children in the country. Most AICs regarded themselves as sojourners on this earth, a position that has made so many churches to float above the laws. This contradicts the Krishna swami, Report, which makes it clear that both individual and collective rights are a subject of state law. More so, Zimbabwe is subject to a number of international statutes and protocols on Human Rights with regards to equality between men, and women that it has ratified to ensure that even churches are subjects and are accountable at law in terms of gender equality, since the Constitution of the country and not church law is the Supreme law of the land.

However, the gender revolution is seemingly negating the religious sphere by churning much of its focus and synergies on gender inequalities. Globally there are a number of feminist movements that purport to represent the rights of women but their existence viz a viz developments in the AICs reduce the impact of such movements as they are viewed as elite-centric. Women and children in AICs require special attention as the blanket approach does not apply to their situation. This reduces AICs to be a closed society, hence, in terms of methodology, participatory observation and phenomenological approach shall be adopted by the study.

The situation is exacerbated from a theological view point, where there is no biblical clarity on the issue of women and children's rights. Theologically, the abuse of women and children basing on biblical justifications is entirely a hermeneutical problem. AICs present themselves as upholding the rights of women and children. In the absence of formal cases of abuse in JMAC, practices such as virginity tests, objectification of children, women made to undertake an oath of

secrecy and that no church matters ought to be reported to secular courts, that women should not use contraceptives, forced child marriages, and exclusion from decision making roles has reduced women to subjects albeit voluntarily. This notable annihilation of the rights of women and children has manifested in AICs taking a masculinity viewpoint of human relations where only male rights are respected. The allegations of women and child abuse in JMAC are rampant and the state has a legal obligation to protect, promote and defend their rights.

The interviews carried by this research were informal due COVID 19 restrictions which limited human interactions and gathering. However, the respondents were notified of their ethical rights informally hence their participation was voluntary. Meanwhile, Zimbabwe has a Ministry on Gender and Women Affairs, the Gender Commission, Ministry of Youths, Sport and Recreation and the Parliamentary Portfolio on Gender. Despite the presence of all these, the abuse of women and children in AICs and JMAC continues unabated. In addition, there are over three thousand Non-Government Organisations (NGOs), Civil Society Organisations (CSOs) and pressure groups but there are information gaps on the abuse of women and children in churches. Prevalence of this challenge has also given this research the impetus to delve into this rarely visited area for further investigation and interrogation.

1.3 Purpose and Objectives of the Research

The major purpose of the study was to explore the interface between Human Rights and the theological teachings, rituals and practices of Johanne Marange Apostolic Church (JMAC) with particular emphasis on children and women's rights.

The objectives of the study were to:

- a) Unpack the nexus between Human Rights and theological doctrines and their application in the contemporary world.
- b) Analyze debates over church-state relations and their implications on the observance of Human Rights.
- c) Explore the extent to which religious doctrines encourage the treatment of women and children as secondary citizens.

- d) Articulate the reasons why some women and children in AICs are content with the limited enjoyment of Human Rights they are accorded.
- e) Assess the major challenges hindering attainment of equality in AICs and which mechanisms can be adopted to overcome them.

1.4 Research Questions

The research was guided by the following questions:

- a) What is the nexus between Human Rights and theological doctrines?
- b) To what extent does the state exercise control over the church?
- c) How far true are claims that religious doctrines encourage the treatment of women and children as secondary citizens?
- d) Why are women and children in AICs contented with the limited enjoyment of Human Rights that they are accorded?
- e) What are the major challenges hindering attainment of equality in AICs and which mechanisms can be adopted to overcome them?

1.5 Significance of the Study

This research shall go a long way, in the enrichment of the existing body of literature on the interdisciplinary field of theology and Human Rights. However, this thesis deviates from previous studies as it takes a bottom-up approach in unbundling what constitutes Human Rights violations from the view of members of a religious sect. Most studies have been seen to utilize pedestrian approaches, which conclude that women and children are abused in local churches without understanding what really constitutes abuse in the same and without even analyzing whether there are mechanisms to address Human Rights violations in religious circles. In this vein, this research may help policy makers to come up with religious sector specific policies that complement instead of competing with AICs in terms of upholding rights for women and children. At the same time, the research shall also expose how patriarchy plays a major role in influencing the conduct of men, women and children in churches to the extent that male chauvinism has been accepted as natural and the norm in many quarters within the country in general and the religious fraternity in particular. Thus, this research shall also theologially inform males on the benefits of gender equity as well as giving more prominent roles to females

not only in churches but in society as a whole. Lastly, the research shall go a long way in showing that the exclusion of women in religious sects may result in the emergence of more female-led churches as they seek to reclaim their Human Rights.

1.6 Research Methodology

The research methodology constitutes the research paradigm or philosophy, the research design, the research instruments, the target population, sample and sampling procedures, data analysis procedure and validity and reliability of the study and ethical considerations. The aforementioned elements are treated in-depth in Chapter 6, which is devoted to the research methodology. However, a general overview of the same follows.

1.6.1 Research Paradigm

Saunders et al (2019:128) postulate that, without identifying a paradigm as the first step, there is no basis for subsequent choices regarding methodology, methods, and literature or research design. Thus, this research adopted a pragmatist approach to research. Yin (2015:6) describes pragmatism as a philosophical stance that supports, the selection of appropriate research methods in relation to the research questions being studied. In line with the aforesaid view, the researchers may choose to use a quantitative method or a qualitative method, or conduct a mixed methods study using both kinds of methods. The selection depends on which choice best benefits the research questions. For the purposes of this study, qualitative method was utilized. Reasons for this choice are elaborated in Chapter 6 where an in-depth discussion of qualitative methods was undertaken.

Meanwhile, pragmatic paradigm places the research problem as central. The main reason why the researcher opted for the pragmatist paradigm is that it is the most suitable in researching the topic under study. The issue of what constitutes Human Rights differs from one country to another and from one religion to another. There is no universal agreement as to what really constitutes Human Rights. Worse still, the rise in advocacy for equal recognition of women and children in religious circles has added fire to the already contentious issue. Therefore, this makes pragmatism to be the appropriate paradigm for the study. A pragmatist research, focuses on the 'what' and 'how' of the research problem (Creswell, 2013:3), which are qualitative in nature

hence its utilization in this research, which was focusing on the exploring of the interface between Human Rights and theology in JMAC.

1.6.2 Research Design

McDaniel (2010:5) posits that, a research design is the detailed blueprint used to guide a research study towards its objectives. Whatever the case, a research design enhances precision and avoids biases that can distort the results. The purpose of the research design was to identify and develop procedures and the logistics needed to carry out the study. The second function was on the quality of these procedures that ensures that the research becomes accurate and objective (Pandey and Pandey, 2015:884). A detailed explanation was provided in Chapter 6. However, it is imperative to note that a good research design is objective, reliable, generalized and contains adequate information. The various types of research design include: historical surveys, descriptive surveys, scientific research design, in-depth case study as well as the ethnographic research design. For the purposes of this study, the researcher used exploratory and descriptive approaches to the study to come up with meaningful and understandable analysis on the interface between theology and Human Rights in the JMAC. These are explained in later Chapters.

1.6.3 Population of the Study

This research targets to have a population of ten (10) participants because the researcher expects to have reached a level of saturation there-from. These participants would be drawn from the casual interactions by this study. The study did not use human elements and all the interactions by this study were informal and do not require any form of ethical clearance. A sample of 10 participants would be drawn from the JMAC population. An explanation of these and more would be presented in Chapter 6.

1.6.4 Sample Population and Sampling Procedure

Bryman and Bell (2009:9), a sample population is a subset of the entire population while a sampling procedure is a definite plan for obtaining a sample from that portion of the population. In addition, a sample for the research was selected using a convenience sampling technique for the informal interviews and open-ended questions. The aforementioned were purposively

selected on the basis that they are better placed in terms of providing information relating to the interface of Human Rights and the theological doctrines of the JMAC.

1.6.5 Data Collection Methods

These are the methods that are utilized to collect data when conducting a research. Qualitative data collection methods were utilized since the methodology is qualitative. The methods used include documentary search, in-depth interviews and focus group discussions. The next section presents in brief the data collection methods.

1.6.5.1 Documentary Review

Bryman (2008:10) defined documentary review, as the use of written texts and documents as source material. To that end, this study utilized secondary sources of data such as academic journals, books, conference reports, seminar reports and news articles in order to glean literature that may help to meet the research objective of understanding the interface between Human Rights and theology in the JMAC.

1.6.5.2 Key Informant Interviews

According to Bryman (2008:555), key informant interviews are face to face interviews with people who know what is going on in the subject being studied. In this instance, these are participants who are either affected by Human Rights abuses or the ones who are enabling such. The purpose of key informant interviews was to collect information from a wide range of people including professionals and experts who have firsthand knowledge about the subject being studied. For the purposes of this study, ten (10) respondents were selected for the key informant interviews. These respondents were selected from both serving and former JMAC congregants.

1.6.6 Research Instruments

These are tools of measurement that are designed to obtain data on a topic of interest. This study utilized the open-ended questionnaire following from its methodology which is qualitative in nature. A brief explanation of the open-ended questionnaire follows.

1.6.6.1 Open Ended Questions

According to Wilson (2006:205), open-ended questions are a research instrument designed to generate data necessary for accomplishing a study research's objectives. The respondents were selected from the JMAC and non-JMAC elements. Further articulation and explanation of the advantages and disadvantages of using open ended questions is tackled in Chapter 6.

1.6.7 Data Analysis Procedure

Data analysis is whereby the researcher arranges collected data in order to answer the research questions (Wegner, 2003:314). Data presentation was all about presenting data in a way that stimulates interests to the readership, while at the same time maximizing comprehension of the issues at stake and research findings being deliberated. In this regard, the researcher made use of thematic analysis to analyze qualitative and quantitative data respectively. A detailed discussion on these was presented in Chapter 6.

1.6.8 Ethical Considerations

These are professional promises that are made to participants by the researcher before conducting the research in order to apprise them on what the research is about, the likely dangers and benefits of participating. According to Saunders et al (2016:4), ethics refer to the appropriateness of one's behavior in relation to the rights of those who become the subjects of the study or are affected by it. There are a number of key ethical issues across the stages and duration of a study. For the purposes of this study, ethical considerations were not central because the study, used non-human elements. The informal participants who were chosen consented to voluntarily partake in the study. Further, it was indicated that participants would be free to withdraw from the study at any time without further explanation. They were also given the prerogative to answer the questions that they wanted and not to answer the ones they did not wish to. Respondents were also given assurance of their right to confidentiality and anonymity as the purpose of the study was academic.

1.7 Delimitation of the Study

This study is a theological exploration of the interface between Human Rights and theology. Thus, the thesis is confined to areas of theology and Human Rights but with a bias towards

women and children. The JMAC forms the bedrock of the discussion though other Churches such as the Catholic Church, Anglican Church, Dutch Reformed Church, Seventh Day Adventist Church, and Prophetic Healing and Deliverance ministries, also inform part of the discussion; ATR and Islam are also used in this Chapter as case studies. This study uses a funnel approach by analyzing theology and Human Rights from the international arena until it zeroes in on the case of JMAC.

1.8. Limitations of the Study

Impediments to this study include unavailability of literature on the interface between Human Rights and theology in the context of the JMAC. Most literature adopts a pedestrian approach in analyzing the issue without really understanding what goes on in that church. This limitation was overcome by conducting a cross-cutting field research on the subject in order to collect views from real participants who have experiences on the Human Rights issues in JMAC. Another anticipated limitation was that members of the JMAC may suffer from biases due to preconceived notions. This limitation was overcome by adopting a case study approach in order to assess validity and reliability of responses. At the same time, documentary review helped to fill in some of these anticipated challenges. The other limitation was that the study was undertaken during the COVID-19 pandemic. This challenge was overcome by holding informal interviews and interactions and also online meetings. The challenge of security of participants was overcome by promising confidentiality and by protecting the identities of respondents. In addition, participation was made voluntary and respondents were free to avoid the questions they deemed sensitive. They were also free to withdraw. This made the respondents more comfortable.

1.9 Structure of the Thesis

This thesis is divided into seven (7) principal chapters. Each chapter starts with an introduction and epilogues with a summary of the theme to which it is dedicated.

Chapter One: Introduction

The Chapter unpacks background of the study, which is anchored on tracing and analyzing church-state relations and how they impact on the quality of rights enjoyed by congregants.

Same also traces the origins of AICs, where the JMAC is one and explains their doctrines and how these have impacted on the observance of Human Rights. The chapter also reflects on the statement of the problem, purpose of the study, objectives of the study and touches in brief, on the methodology. In essence, Chapter one acts as a precursor to the whole thesis.

Chapter Two: Understanding Theology: A Literature Review

This Chapter forms part of the review of related literature that unpacks relevant theologies with regard to this study. The thesis is based on a theological exploration hence it becomes imperative to unbundle the notion of theology in order for one to understand from the onset key tenets of theology that helped to mould this study. The same chapter is also dedicated to a location of relevant theories and concepts that help to explain application of theology in the contemporary world. Theories such as fundamentalism, hermeneutics, zealotism, gestalt, are discussed at length in this chapter. These come in handy when one seeks to understand church-state relations.

A study of the predicament of women and children in JMAC may not be that easy without a clear understanding of the history and theology of this church. This Chapter therefore sought to dig into the history of JMAC and its theology as these appear central in shaping the culture, tradition and practices of the church at large; and of course, that of the leadership; and basically, all the membership, from children, women and men.

The Chapter traces the advent of Human Rights discourse, the rise of feminism and adoption of children's rights as Human Rights. Various international and regional treaties on the same are explored. The Zimbabwean Constitution also forms part of this chapter. In order for one to see that there has been abuse, they have to know the various laws available to them that detail the abuse and the expected sanctions therefrom. Thus, this chapter becomes central when exploring how women and children are abused in religious spheres. As such, the chapter offers a foundational basis of the study.

This Chapter did make an assessment into whether or not, as well as how much, children in Johanne Marange Apostolic Church were benefiting from the various social policies available in the country. Also assessed was the question of whether they are being left out, or being

discriminated on the basis of their faith and how much parents as well as the church were involved in ensuring that children from JMAC are not left out.

This Chapter highlights reasons behind the emergence and rise of female-led churches in Zimbabwe. The objective was to understand from literature review, what exactly is motivating females to form their own churches?

Chapter Three: Methodology

The Chapter expands on the Research Methodology, highlighting and explaining the methods that were utilized to conduct the research.

Chapter Four: Female-led Churches in Zimbabwe

This Chapter delves into the emergence of female-led churches in a space that had largely remained male dominated within the African setting. It focuses on the exploits of Mai Chaza's Guta RaJehovah AIC and the process of women empowerment that she initiated.

Chapter Five: The Interface between the Zimbabwean Constitution and JMAC Theology

This section focused on the interplay between the Zimbabwean Constitution and JMAC theology. Recognition was made that despite the Zimbabwean Constitution being the highest law of the land and binding all citizens through a social contract, JMAC theology presents challenges to the Constitution through the superiority it accords to its beliefs. Thus, Human Rights issues become apparent as contradictions emerge between the Constitution and JMAC theology especially as they affect women and children.

Chapter Six: Data Presentation, Analysis and Gap Identification

Chapter six dealt with data presentation; analysis and gap filling. This involved the presentation of all the data collected informally through discussions; observations as well as desktop research. Data presentation, analysis and interpretation was done leading to the final chapter which dealt with research findings; conclusions and recommendations.

Chapter Seven: Conclusion

This is the final Chapter of the thesis where the researcher evaluates whether research objectives have been met and the research questions have been answered. A summary of major findings is presented, gaps for further research highlighted with possible solutions to the research problem being proffered.

1.10 Chapter Summary

The chapter acted as a launch pad for the thesis by stressing the background of the study, which was anchored on three important areas, notably: interrogating church-state relations; analyzing the emergence of AICs; and detailing JMAC doctrine in relation to observance of Human Rights for women and children in particular. The chapter also highlighted on the research problem, purpose of the study, objectives of the study, research questions and the research methodology. The next Chapter is dedicated to review of literature and location of relevant theories and concepts that help to explain the interface of Human Rights and theology.

CHAPTER TWO

UNDERSTANDING THEOLOGY: A LITERATURE REVIEW

2.1 INTRODUCTION

The previous Chapter unpacked background of the study, which is anchored on tracing and analysing church-state relations and how they impact on the quality of rights enjoyed by congregants. The same did also trace the origins of AICs, where the JMAC is one and explained their doctrines and how these have impacted on the observance of Human Rights. The chapter also reflected on the statement of the problem, purpose of the study, objectives of the study and touched in brief, on the methodology. In essence, Chapter one acted as a precursor to the whole of this study. This Chapter forms part of the review of related literature that unpacks theology and its relevance to this study. The thesis is based on a theological exploration hence it becomes imperative to unbundle the notion of theology in order for one to understand from the onset key tenets of theology that helped to mould this study. The same chapter is also dedicated to locating relevant theories and concepts that help to explain application of theology in the contemporary world. Theories such as the doctrine of discovery and the doctrine of dominion of the Roman Catholic Church were discussed at length in this chapter. These come in handy when one seeks to understand church-state relations.

2.2 The Roman Catholic Church as the Guarantor of Children's Rights

The role of the church is to ensure that, the church and its institutions protect from any form of abuse and harm the children they interact with in the execution of their duties. In the Bible we see Jesus taking an exemplary role in drawing children to Himself as well as protecting them when he said, "let the children come to me, do not prevent them for the kingdom of God belongs to such as these" (Mark, 10:14 ESV). This position persuades one to the conclusion that the Bible is against the maltreatment of children. In the book of Mathew, Jesus takes a position that seems to suggest some stiffer punishment against those that violate the rights of children when he said:

...whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone hung around his neck and to be drowned in the depth of the sea...(Matthew, 18:16 ESV).

Whilst, the Bible affirms God's love and preferential treatment for children, various churches treat children differently. In JMAC, children are presented as no better than bricks, whereas in a number of mainline churches they have clearly formulated pro-child policies. The Canon Law in the Roman Catholic Church helps to evaluate the church's commitment to protection of the rights of children and women. Pope Benedict XVI (Roman Catholic Church) in his Apostolic Exhortation to the Special Assembly of Bishop of Africa, *Africae Munus* stated that:

...children are a gift of God to humanity and they must be the subject of particular concern on the part of their families, the Church, society and government for they are a source of hope and renewed hope, and the church, like a loving mother, ...cannot abandon any of her little ones.... (Africae Munus, Chapter 11, Articles F, paragraph 65: 2014).

Furthermore, the Roman Catholic Church's catechism does also teach that: *...being in the image of God, the human individual possesses the dignity of a person, who is not just something but someone. He/she is capable of self-knowledge, of self-possession and of freely giving himself/herself and entering into communion with other persons. And he is called by grace to a covenant with his creator, to offer him a response of faith and love that no other creature can give... (The Roman Catholic Catechism)*

The Roman Catholic Church has conducted image repair by using the Catholic Bishops Conference to present a picture of a church that respects and promotes the rights and the welfare of children. The 1983 Code of Canon Law (*Codex Iuris Canonici*), *Motu Proprio Sacramentorum Sanctitatis Tutela* of 2001 and updated in 2010 deals with allegations of sexual abuse by the clergy and other acts of sexual misconduct on women and children (Zimbabwe Catholic Bishop Conference, 2014:6). The church undertook to hold to account any agent of the church who abuses children. The church has accorded the bishops the responsibility to implement guidelines of 2012, pastoral and procedural processes for dealing with allegations of misconduct. The Vatican in its secular letter of 2009 states that the church in the person of the

bishop or his delegate should be prepared to listen to the victims and their families and to be committed to their spiritual and psychological assistance (ibid, 2014:8).

2.2.1 The Church as Violator and Protector of Human Rights

Scholars argue that churches tend not to talk much about the secular law with regard to the rights of children and their abuses. Rather, the Roman Catholic Church tends to refer much to biblical law (Bosch, 1999:376). The literature consulted by this study showed that the Roman Catholic Church's doctrine of dominion and discovery shaped European states' political behaviour. States such as the United States of America (USA) codified some of the papal decrees and a number of European courts use it as point of reference (inter ceatera papal bull, 1452:345). In terms of Human Rights violations, the Roman Catholic Church's doctrine of dominion and discovery led to colonization, slave trade, deprivation of property rights, undermining of people's cultures, hegemonic behaviours by the European states and wars which affected largely women and children. The study of Church-State relations helps to understand how the relationship would impact on the Human Rights discourse. In the case of Zimbabwe, the rise of African Initiated Churches (AICs) was as a result of Human Rights violations by the Western founded churches. However, whilst some arose to challenge the Human Rights violations by the Western founded churches; they equally stand accused of violating the rights of women and children by importing certain toxic cultural practices into their theologies. This is to say, there are Human Rights violations in both AICs and Western founded churches. The issue of theologies that violate the rights of women and children cut across all religious spheres.

In Luke (6:20-26) Jesus explained that the kingdom of God is for the poor and the needy. Winter (1994:200^f) argues that the early church taught civic education among its members. Bosch (1999:180) argued that the early church had most of its adherents among the slaves, women and foreigners. He added that, the early church began to preach and practice love and acts of charity which also included almsgiving and care for widows, travellers, slaves, sick, imprisoned, and the poor. Von Harnach (1967:147) contends that the early church was driven by the love of Jesus which they expressed through charitable work. In Acts 2:45 the Christian congregation would sell their possessions and distribute the proceeds to the poor. Balch et al (1986:55) say that women played same roles with men and this is in line with Galatians (3:28), which argued that

the baptized community should be an egalitarian community where there is neither Greek nor Jew...slave nor free...male nor female. The ecclesiastical abuse of women and children is therefore, unbiblical and an uncouth practice that may not have sufficient scriptural justification. Yet a papal decree has condemned women to be the secondary citizens of the Church.

With the creation of states and emperors the duo took over the responsibility to care for the poor and the vulnerable. Of course, the church only continued with charitable work at a relatively small scale. Similarly, the African Traditional Religion (ATR) had their mechanisms to respond to human security considerations. When the ATR was antagonized by Western founded churches, the colonial governments failed to replace the role which was being played by ATR. In so doing, it created a gap which was later filled by AICs. Balcomb (2014:56) argues that the Western founded churches and the colonial governments failed to dialogue with African cultural aspects like the rites of passage, African instruments and worshipping style, prophetic ministry, liturgy and failure to create harmony with the traditional leadership. Instead of creating a complementorship and synergies with ATR, the Western founded churches began to antagonize them resulting in a religious polarity and human insecurities.

Balcomb (2014:56) went on to argue that the problem of Western founded churches is that they came to Africa wrapped in Western culture; and the missionary enterprise sought to market to the African people both the gospel and the package that wrapped the gospel. Whilst in Africa these churches continued to transmit the gospel in the Western culture, seemingly whispering that repentance was synonymous with behaving and living a Eurocentric life. On the other hand, these missionaries came to Africa with a pre-conceived notion of a dark continent that they had to illuminate through the introduction of some western civilisation, western culture and of course religion. Western churches lost the opportunity to be relevant to Africa by their failure to be more contextual to the needs of the African. Balcomb (2014) went on to advise Western founded churches that they could still make African Christians children of God without abandoning their God given culture because it is neither a sin nor an affront to their participation in the Kingdom of God (ibid, 2014:56). Samuel Huntington asserted that, whenever there is a clash of civilization, the superior one subdues the weaker ones. Huntington's political philosophy helps to explain how the doctrine of discovery was able to dislodge ATR.

According to Zvobgo (1996:1), AICs came at a time when the Africans were fed-up of colonization and Western founded churches. The Roman Catholic Church, for example, used the colonial government to take land from the natives. Land is at the core of ATR and it is an identity to an African man. To date, Western founded churches own substantial amounts of land, properties and social utilities. In some instances, the congregants were used as cheap labour. Weller (1984:204) argued that, whilst the Western founded churches were able to build churches, hospitals, colleges, universities and schools, they failed to understand the psychology of Africans. Bax (1997:10) postulates that Western founded churches never came together to blame the Human Rights violations by the colonial government or showed any support for the liberation struggle. However, outside the confines of theology, some clergymen would in their individual capacity support the liberation struggle. In post-independent Zimbabwe those individual clergymen who supported its struggle were recognised in their individual capacities and the negative attitude towards Western founded churches remained.

Bax (1997:10) argued that, in 1959 the Presbyterian clergy in Zambia blatantly refused to be part of the non-racial negotiations for union. The attitude of the Presbyterian clergy in Zambia, South Africa and Zimbabwe changed drastically after these countries attained their independence. Zwana (2010:10) added that the problem of Western founded churches is that, they failed to contextualise and to use traditional artefacts and African elements such as *sadza* and *maheu* for Holy Communion. He went on to state that, language, artefacts and symbols are central to any culture, and AICs were successful in that regard. Zwana also noted that, Africans showed to be ready to leave the shelters and comfort of the Western founded churches to worship in the open spaces because AICs successfully managed to speak to the hearts of the Africans.

The doctrine of one centre of power is perhaps a borrowed phenomenon from the Catholic Church since the doctrine of papal infallibility and the doctrine of discovery existed first before states existed in the present form. States only existed through the 1648 treaty of Westphalia. In Europe there is a hegemonic political behaviour which is based on absolutism yielding to limited Human Rights and democracy. The Roman Catholic Church since its formation has never respected the rights of women and children and the most respected philosophers of all centuries

were Catholics. The early philosophers like Aristotle would argue to say women are children are the same and they must be denied basic rights like food and nutrition (Heard, 1997:1). Heard argued that the Human Rights discourse started in Europe by philosophers in order to search for a moral standard for political organisation and behaviour. He went on to state that Human Rights did not come from opposition politics as is the popular belief but from philosophical debates (ibid, 1997:2). Thomas Aquinas in his volume *Summa Theologia* took the debate further and introduced terms such as 'right thinking,' and Hugo Grotius added the term, '*de jure belli et paci*' which means immutability of what is wrong and right. However, the scholars agreed that, the ecclesiastical moral standards were the benchmarks for the development of Human Rights, up until the reformation period when ecclesiastical beliefs were shaken by rationalism, and later, political philosophers like Emmanuel Kant. Kant argued that the state has a moral obligation to safeguard the rights of its citizens where a state is expected to formulate laws that will be universal and should respect equality, freedom and autonomy of citizens. However, in a rebuttal to political ideas of Kant who argued for the state as the guarantor of citizens' rights, John Locke in his work *Two Treatise on Government* argued that Human Rights are God ordained and given to humankind (ibid, 1997:4).

The idea of states as the guarantor of rights of citizens is becoming more and more complex with some churches beginning to assume the statehood status, for example, the Vatican City, which is the citadel of the Roman Catholic Church and the Islamic Republic of Iran which is also another classic example. The Catholic Church is perhaps the only Christian church with a statehood status. The United Nations awarded Vatican City, a state recognition, meaning to say the Vatican City like any state can enter into agreements, engage in diplomatic relations and is entitled to have armies like any other sovereign states. The Nuncios are the Pope's representatives/ambassadors.

Whilst the early Catholic Church could have laid the foundation for the birth of Human Rights, the church later started to formulate theologies and doctrines that oppose Human Rights. Just like Machiavelli's Prince was the tutor of tyrants and dictators, the Roman Catholic Church's doctrine of discovery and dominion laid foundation for slave trade, property and Human Rights violations, colonisation, and cultural erosion amongst other vices. Within the Catholic Church

itself, there are gender disparities. The nuns are inferior to the priests. To add on, there are also unreported Human Rights violations in the church's formation houses and seminaries where nuns and priests are trained. The Roman Catholic Church stand accused of gender and Human Rights violations and there are a number of cases of sexual abuse involving the Catholic bishops on women and boys most of whom are in 'mass auxiliary teams.' In Africa, the church was an active participant in the colonisation of Africa and AICs emerged as a protest (Mukonyora, 1993:147). Pope John Paul II's Vatican II became the turning point and the church began to reconstitute and reform itself. The Vatican II document was grounded research and was able to articulate the real challenges that were affecting the church. The issue of the African agents of the gospel was the Vatican II's greatest religious milestone and an effective mobilization strategy. Weller (1984:10) posits that Western religion when it came to Africa failed to contextualize the gospel resulting in it lacking its Africanness. The Vatican II was a positive step therefore in the contextualization of the gospel and the church coming out openly that it no longer condoned injustices and Human Rights violations. The church went on to form the Catholic Commission for Justice and Peace (CCJP) to fight injustices in all the facets of life (ibid, 1984:11).

According to Mukonyora (1993:147), the perception of conversion by early missionaries who were predominantly Roman Catholics was misguided in that it involved forcing Africans to change their values, norms and ethos. The early missionaries predominantly pushed for their values, norms and ethos, ignoring the fact that Africans had their own values, norms and ethos as well before the coming of the missionaries. There is therefore an urgent need for the Catholic Church to institute thesis and anti-thesis of its recruitment strategies to avert continuously losing congregants, catechists, priests, nuns and especially seminarians in the formation houses. Whilst Vatican II recognized African agents of the gospel, these have been subjected to various racial and Human Rights violations at formation houses and seminaries. The Roman Catholic Church produced a very important document but lagged on monitoring and evaluation to ensure that its goals are achieved and implementation problems addressed. According to Bourdillon (1973:28), early missionaries created enmity with Africans by labelling their culture devilish and non-existent, and the Vatican II document was very articulative in addressing the past mistakes by early missionaries. Whilst at policy level African agents of the gospel were legally recognized, in

practice the missionaries' colonial mentality which was already institutionalized in their formation houses and seminaries took centre stage. With the Vatican II resolution, Africans joined seminaries and formation houses in numbers; but only few would qualify and endure the treatment at these centres. Though Africans are by nature resilient, a number of them are found to have dropped out for various unknown reasons from seminaries. Some of the reasons may be found in the failure by the Church to Africanize its practices to fit into the contextual environment of the African society. The Anglican Church and the prosperity gospel preachers are the major beneficiaries of these defections.

Since the Catholic Church has assumed statehood status, it must have clearly defined strategic plan documents, public relations officer for image building and image repair processes. The strategic plan document must address issues to do with pneumatology, especially the doctrine of charismatics, celibacy in light of sexual abuses involving nuns and priests, livelihoods of priests and nuns and Human Rights abuses by the church on nuns and priests especially those in the formation houses and seminaries. According to Banana (1991:30) missionaries institutionalized their hegemonic character and Banana gave an illustration of pouring information from a superior mind into the empty pupil. However, with African states managing to decolonize themselves politically, few post independent African states continued to give political protection to Western founded churches. The position previously occupied by the Western founded churches was replaced by AICs (ibid, 1991:31). The church-state relations tilted in favour of AICs and few priests and nuns who directly supported the revolutionary struggle continued to enjoy state protection in their individual capacity, for example, Fr Fidelis Mukonori (SJ) and the late Archbishop, Patrick Chakaipa. Catholic priests who became critical of the post-colonial African states were exposed of their misdemeanours, for example, Archbishop Pius Ncube who unlike members of AICs had his sexual scandals covered extensively. Thus, the Western founded religions inclusive of the Roman Catholic church must adopt survival strategies before these churches become ruins in Africa. The relevance of the Western founded churches in Africa is continuously diminishing.

The Roman Catholic Church, like most Western founded churches, did not plan for post independent strategies in Africa. They failed to formulate context specific strategies in order to

improve their church-state relations contextually. The other aspect is that, whilst the Catholic Commission for Peace and Justice is very instrumental in limiting the excessive use of force by the state on its citizens, its open criticism on democracies made the Roman Catholic Church to be seen as an agent of regime change and neo-colonialism. According to Baur (1994:17), what missionaries forget is that in their attempt to evangelize, they end up colonizing states religiously. Thus, there were three major forms of colonization in Africa, namely: religious, political and economic through the slave trade which in turn shaped how Africans perceive Westerners.

2.3 The Catholic Doctrine of Discovery (*Dum Diversas*) and Dominion

In light of the above, it is prudent to note that the Catholic Church conducted a radical approach on evangelizing movement in pursuant of the Pope's declaration to non-Christianized regions such as Africa, through the doctrine of Discovery. The decree was issued by the Pope and contained in the document *Dum Diversas* issued in 1452. Pope Nicholas V even wrote to the King of Portugal, King Alfonso, instructing him to invade, capture, vanquish and subdue all pagan and to reduce these pagans into slaves. In addition, taking away all their possessions and property (inter ceatera papal bull, 1452:345). The doctrine made it possible for the Roman Catholic Church and even paved a way for Protestant Churches, in later centuries, to impose foreign religions to its 'new subjects' as well as taking all resources that belonged to them. The move made the African community to surrender to Catholicism and other tenants it embedded such as social, political and economic ones because of subjugation by the Roman Catholic missionaries. Whilst the 1941 Atlantic Charter signed by Roosevelt and Churchill stated that, they respect the rights of all peoples to choose the form of government, under which they will live and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them (ibid, 1425), the Roman Catholic Church is yet to make substantive legal reforms to change some of its decrees issued in the past.

The doctrine of discovery and crusades resulted in terror behaviours by the Roman Catholic Church. For example, according to a historian, David Stannard, some 60% of the Indians in California were wiped out in a ten-year period in the mid-nineteenth century (declaration of continuing independence by the First Indian Treaty Council, 1974). The terror position of the

church's doctrine is inconsistent with the international law and best practices. Article 1, in both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), reads: "All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development." (Venne's, 2011:559-60, 563-64).

The continued use of the Roman Catholic Church's draconian papal decrees by states has a negative connotation of its image. These Human Rights devastation theological doctrines by the church are still being used by hegemonic powerful states to oppress and subjugate weaker states. In the United States, there is contemporary evidence of the use of the Roman Catholic Church's doctrine of discovery and dominion. In 2005 the U.S. Supreme Court ruling in the case of *City of Sherrill v. Oneida Indian Nation of New York*, the Court cited the "doctrine of discovery" as central to its decision. This means that, the doctrine of Christian discovery found in *Johnson v. M'Intosh* was also part of the basis for the 2005 *City of Sherrill* ruling by the U.S. Supreme Court (*City of Sherrill v. Oneida Indian Nation of New York*, 544 U.S. 197 (2005), *County of Oneida v. Oneida Indian Nation of N. Y.*, 470 U.S. 226, 234 (1985) (Oneida II).

The Roman Catholic Church's doctrine of dominion and discovery influenced Western hegemony, colonisation, gross Human Rights violations, wars, slave trade and other heinous acts across the globe. The greatest mistake by the Western founded churches was to assume that, upon attaining political independence, Africans had forgotten their brute experiences under Western founded churches. The church would have formally engaged the affected states for truth and reconciliation. In the case of Zimbabwe, the Church facilitated the process of colonization by helping Rhodes' British South African Company (BSAC) to dupe Lobengula into signing the Rudd Concession. According to Brelsford (1965:554), the Roman Catholic Church as early as 1561 had Father Goncalo da Silveira trying to pitch Catholicism in Southern Rhodesia and Nyasaland but unfortunately, he was strangled and thrown into the Musengezi River. The Africans, by killing Silveira, clearly indicated that, foreign religion was not welcome in Africa, especially the labelling and challenging of the African value system as pagan, demonic and satanic. As long as the doctrine of Human Rights is Western linked, it may never be recognised as sufficiently covering and embracing the African people as well. Africans have demonstrated

over centuries that they are against Western civilisation whatsoever, in as much as western civilisation showed keen dedication to subdue and totally erase African civilisation whatsoever. This is further compounded by modern states that are continuing to revoke history by referring to archaic Papal decrees which authorised the violation of Human Rights.

A number of states have since domesticated some of the Papal decrees into Constitutions. In 1843, the United States Department of State, in its Treaty of Washington, adopted the term Christendom (The Diplomatic and Official Correspondence of Daniel Webster While Secretary of State, 1848:177). It means that the Roman Catholic Church's doctrine is active at the level of diplomacy and international relations and the states of Christendom. The 1856 Paris treaty has unilaterally conferred all non-Christian states into the Christian family of Nation states. The Roman Catholic Church made a blunder of thinking that change of terminology would erase its Human Rights violations. According to Grewe (2000:229), it would be a serious mistake to conclude that, such a shift in terminology erased the centuries of conceptual development that had taken place in the context of Western Christendom.

The Roman Catholic doctrine of dominion and discovery greatly influenced the United State of America's political behaviour. Through the effective use of the doctrine of discovery and dominion, the USA government has achieved global hegemony and a unipolar status. Chapter 1V and 165 of Henry Wheaton's elements of international law of 1836 argued that almost a quota of the world's behaviour is influenced by Catholics' doctrine of conquest which also shaped the Berlin conference. Wheaton has brought forward a new dimension of the global scope of the doctrine of conquest and discovery and how the same shaped international relations. The Human Rights violations by the Western powers and the Roman Catholic Church have its roots in the papal decree. By this one concise statement, Wheaton documents, the global scope of the doctrine of discovery and domination is still valid to date. The 'New World' encompasses the entirety of the Western Hemisphere and to this we must add the continents and islands of Africa and Asia, starting with Vasco de Gama's voyage to India on behalf of Portugal in 1498 (Creation of Rights of Sovereignty Through Symbolic Acts, 1938). The English colonization extends the scope of discovery and domination to Oceania (Australia and New Zealand) and the Pacific (Hawai'i, Tahiti, etc) (ibid: 1938). The sweep of the doctrine of discovery and domination is

global in scope when we consider the colonial voyages and justifications of Portugal, Spain, France, Holland, Sweden, and Russia, and the successor political systems of any of those powers in places distant from their home countries.

2.4 Church Doctrines and the Human Rights Implications

Churches globally are disintegrating forming splinter groups, but in AICs the splits do not seem to affect their theologies. There are more of power struggles and succession battles resulting in the birth and mushrooming of AICs in almost every community and village. Differences however are evidenced in some of these groupings in terms of practices, teachings, rituals and hierarchical structures. In this diversity, AICs, unlike mainline churches, maintain their key theological and doctrinal pillars. However, within the Western founded churches their splits usually result in wars and violence where women and children are the most affected. When the Anglican Church did split in Zimbabwe, a lot of violence was witnessed with factions stoning each other, police teargassing the congregants and women arrested because they could not outpace men in running from the law-and-order police details. Violence is a Human Rights violation hence this study dwells on the implications of schisms to the Human Rights component.

The violation of Human Rights theologically does not only emanate from theological practices, rituals, beliefs and teachings of the church, but also from wars resulting from irreconcilable church doctrines. Religious irreconcilable doctrines have often caused serious wars globally. The history of war is that it negatively affects the vulnerable; mostly women and children. The Vatican Church must relook into its position on the conflicting theological doctrine of charismatics which is a religious time bomb. In the unforeseeable future, the Roman Catholic Church is likely to split giving birth to super “*Roma*,” the one that follows the charismatic doctrine and the “dogmatic Catholic Church” that is against charismatic doctrine. The charismatic doctrine resonates with the modern trends of gospel of Pentecostalism and the prosperity gospel. Zimbabwe is one such country where almost all churches are undergoing doctrinal and succession schisms. Mainline churches like the Anglican and Methodists have since witnessed such violent schism and splits. Such has been witnessed even in “traditional” Pentecostal Churches such as the AFM; and as well pressures are simmering in Zimbabwe

Assemblies of God in Africa (ZAOGA) led by Ezekiel Guti, with cracks already visible enough. The problems within the Roman Catholic Church, if not well articulated, will be felt globally since the church has over a billion congregants worldwide.

The section of the Roman Catholic Church that is pushing for the charismatic doctrine uses the term “Super Roma”. Of note is that “Super Roma” preaches about healing, deliverance, manifestation of the Holy Spirit, speaking in tongues and there is some form of radicalization or zealotism in this religious outfit. It may be important to remember that the Roman Catholic Church is not new to radical / militant or terror like modes of operation. The Crusaders, investiture disputes and the iconoclastic controversy are classical examples of some violent episodes in history that the Roman Catholic Church cannot successfully erase from their history. The 1648 treaty of Westphalia was created to deal with the Roman Catholic Church’s involvement in conflicts. In Africa, the Roman Catholic Church allegedly played a key role in aiding the colonization of Africa. In the book, *Christianity in Africa*, Zvobgo argued that the Roman Catholic Church influenced the colonizers to adopt a conquest approach. The conquest approach resulted in the Anglo-Ndebele war, which saw lots of women and children being killed and orphaned, with some dying of starvation.

The emergence of African Initiated Churches (AICs) to challenge western sponsored churches was a result of racial segregation, lack of charismatic elements and colonial traits by such churches like the Roman Catholic Church (Bediako, 1999:225). The early missionaries helped colonial agents dupe king Lobengula and Zimbabwe became a colony. The church-built churches, schools and medical centres on racial grounds and Africans felt the sense of unbelonging hence the formation of the AICs. The colonial governments tried in vain to suppress the rise of AICs. The colonial government’s intervention in suppressing AICs was meant to ensure that Africans do not have an alternative pattern of worship. This was further worsened by their theologies which taught against whites and their religion. Of note, is the issue of equality though not gender equality and a simple dress-code of garments. The church taught against fancy dressing which they felt made other congregants to feel less human and uncomfortable. They also chose open spaces and mountains for their worship.

According to Mushayavanhu and Duncan (2014), Western founded churches lacked on spirituality as the churches were too formal and rigid. Bediako (1999:225) went further and argued that Western founded churches failed to acknowledge the African traditional value systems as its fulcrum of faith and worship. He proceeded to contend that African religion had key ingredients for an African man than for it to be regarded as a scaffold region. Nyirongo (1997:1) whose views were also shared by Mbiti, argues that Africans are notoriously religious and were inherently so even before the coming in of the Western religion. Nyirongo like Mbiti argues to say, Africans are religious in all spheres of life and a failure in any one sphere requires a religious solution. The AICs emerged to reclaim the African value system before it was affected and diluted by the Western religion. AICs therefore came to fill the gap which was left by Western religions who regarded every aspect of African value system as an act of idolatry, as pagan and primitive.

Black theology has its roots in the AICs whose leaders were known as Apostles for Africa to the African race. The titles like Mutumwa Mwazha weAfrica were coined in order to emphatically demonstrate that AICs has Africans who has African values at heart. According to Daneel (1987:17), the quest for belonging and rejection of the imposition of Western religion also contributed to the formation of AICs. There are two key elements that contributed to the popularity of AICs, namely: contextualization of the gospel; and the ability to respond to the needs of its people, for example, casting demons, praying for the sick, prophecy and fortune telling. AICs therefore tended to be pragmatic in their appeal to the African people as opposed to idealistic Western founded churches. Turaki (1997:17) argued that Western religion did not bring anything new to Africa because Africans had their own 'Mwari' (God) before the coming of the Western religion.

AICs went further to infuse the African value systems into their patterns of worship. According to Desmond Tutu (1978:366), before the advent of Western religion, Africans had their own rich African culture and religion. Furthermore, AICs brought a new dimension of healing and prophecy which resonated with the African value systems, where traditional healers and spirit mediums were healers and fortune tellers among other roles. This brings back the ideas of Daneel that AICs created a sense of belonging because they brought back the lost values that

were destroyed by Western religion (ibid, 1987:17). AICs, therefore, became more and more appealing to the locals and more locals began to defect from Eurocentric Western sponsored churches. With the threat posed by AICs the Roman Catholic Church was forced to announce the Vatican 11 resolution which amongst others permitted the church to have black nuns, priests and catechists as well as sing and conduct mass in local languages as opposed to the traditional Latin. This saw the Church shifting and adopting the theology of indigenization, adaptation and inculturation, which entails the adoption of African value systems like the use of drums as musical instruments during worship services and many other traditional instruments. While this is a positive development that can be noted from the Roman Catholic Church, Pentecostals and new Charismatic movements seem to consider drums as outdated and unchristian. These are so western in their approach. As such, it can be argued that they are furthering the subjugation of the traditional value systems as they have adopted guitars and even invite secular musicians into the church. The secularization of the gospel has seen prosperity preachers becoming more and more appealing than the traditional churches.

According to Bourdillon (1973:11), Western churches have always been making wrong assumptions about Africa, especially that Africa was a dark continent which required religion and civilization for it to move along with the rest of the world. Western religions also failed to foresee Africans ditching their foreign religion forming their own “Africanised” Churches, now known under the umbrella African Initiated Churches (AICs), that is, Churches formed by Africans for Africans to worship in an African environment. The other ricocheting assumption which later backfired on them was to label African traditional value systems as demonic and that Africans needed to be redeemed and cleansed from their own culture. Thus, the power and influence of African culture was underestimated. To add on, the arbitrary arrest and prosecution of the founders of AICs by colonial regimes at the instigation of Western religion created religious polarity and AICs to date do not want to co-exist with any Western sponsored religion. According to Magava (1986:5-12), Africans and AICs view Western religion as the key player in the processes and forces which tore apart their society and religion.

According to Giddens (1989:561), African Traditional Religion(s) was more of a unifier religion than Western founded churches. This point was further buttressed by Redcliff-Brown (1962:154)

when he argues that, AICs established social continuity in spite of the European culture's influence. Pauw (1964:212-13) throws his weight on this when he argues that African social fabric was destroyed by the Roman Catholic Church's dominant and discovery doctrines which shaped the Europeans' hegemonic character. Thus, AICs established an African Christianity that made Africans feel the sense of belonging. This dovetails with Banana's assertion that, theology or the gospel must be relevant to the needs of its people. It is through this theological philosophy where he argues for a "rewriting" of the Bible, citing some hermeneutical challenges where the Bible was remaining irrelevant to the African man and woman. Some of the AICs in Zimbabwe do not even use the Bible, an example of such being Johanne Masowe *Chishanu* sect. However, they claim to rely on continuous revelation through the "Holy Spirit" whom they argue speak to them directly. This dovetails with ATR where Africans heavily rely on continuous revelation through its mediums and traditionalists. Africans did not have a written text to guide their religious functionaries. As such, at the core of ATR is the principle of oral tradition and continuous revelation. To date, Pentecostal churches and New Charismatic Movements blend the Bible and the doctrine of pneumatology which are akin to the doctrine of continuous revelation one would find in ATR as well as in AICs. The influence of Western founded churches is continuously dwindling in Africa and the possibility of Western founded churches becoming monuments is high as is the case with the Roman Catholic Church in India. The ill-treatment of Indians in the USA where over 60 percent of the Indians were killed in USA at the instigation of the Roman Catholic doctrine of dominant and discovery seems to be an explanation to this.

According to Sales (1971:67-77), AICs are no longer a protesting movement in Africa but have started to establish themselves theologically as a genuine expression of the Christian faith from an African perspective. The formation of alternative forms of worship was due to a change of attitude by the missionaries in the 20th century. However, Parrinder (1969:7-13) tried to defend Western founded churches and Christianity in general by arguing that, after a careful study of the ATR he founded out that, ATR and Christianity had a number of shared values. Setiloane (1976:10) concluded the argument by stating that, Western missionaries should realize this reality and go back to the drawing board, for Western expressions of the Christian faith are not valid for Africa. In addition, the various studies which were carried out about ATR have made missionaries to realize that, Africans have very strong beliefs which must be taken into account

seriously. A scholar of strategic intelligence foresight, Kent would argue to say that, alternative future case scenarios is one of the key components of strategic intelligence which help to identify future threats and tides. The Roman Catholic Church like any other Western founded churches lacked strategic foresight and to date these churches are yet to find solutions to their predicaments. Almost all the Western found churches in African are in a schismatic state, for example in the Anglican church there is now a breakaway splinter group going by the name Anglican Zimbabwe.

Daneel (1987:245-273) postulates that AICs are no longer subjects of the mission; instead, they are subjects of African Christianity. Coser (1977:136-138) argues that, religion is one of the forces that created within individuals a sense of moral obligation to adhere to society's demands. Thus, religion is the cement of the society. Plummer et al (2008:610-612), view religion as dealing with ideas that transcend everyday experience. Ritzer (2000:10-11) asserts that AICs are active in attending to human needs in all their aspects and they are not controlled or influenced by modernity and globalization. According to Cole et al (1990:76), the AICs act and function like New Age Movements who are against modernity and globalization but instead resort to their tradition. In this regard, as long as the concept of Human Rights has Western origins, it is more difficult for it to be accepted by AICs unless a scientific study is done to try and identify ATR related rights.

The Roman Catholic Church therefore must be clear on its position regarding the charismatic doctrine before the problem becomes a global security issue. The Roman Catholic Church given its over one billion congregants and that it has a state recognition, its disturbances even in one state may have a global impact. The fact that the proponents of charismatic doctrine are defying the papal infallibility which is one of the key pillars of the Roman Catholic Church should trigger states to monitor this outfit to ensure that there are no elements of radicalization. In Zimbabwe almost all the churches are experiencing violent splits and in a country with over 85 percent Christians such events pose a very serious security threat.

2.5 The Human Rights Considerations in Catholic Church's training of Priests, Seminarians and Nuns at Seminaries and Formation Houses

The church must reconsider seriously the Human Rights considerations at seminaries and formation houses where the church trains its nuns and priests (Schuth, 2012:2). The church is losing a lot of people due to Human Rights violations at these formation houses and seminaries. There is a lot of framing, racial segregation and jealousy at formation houses and this is affecting the church negatively. Whilst it is not the position of the church to violate the rights of its nuns and priests in formation and seminaries houses, there are a Human Rights consideration to be addressed by the church if the church is to avert losing priests and nuns due to non-sanctioned procedures (ibid, 2012:2). Schuth further argues that, there are a lot of Human Rights violations by priests and deacons on minors and the Vatican II's *pastores dabo vobis* instructed the church not to conceal any Human Rights abuses. He also argued that, in the mid-80s the church changed regulations at the formation houses where spirituality and academic formation began to be emphasized.

Schuth, (2012:2) also argued that, whilst at public perception level, the church does not condone Human Rights violations, in practice the theology of Roman Catholic church directs nuns and priests to take the vow of, 'complete confidentiality and strict secrecy'. The doctrine of complete confidentiality and strict secrecy is akin to JAMC's doctrine of *Chitsidzo* which makes it difficult for congregants to speak out against Human Rights violations in the church. With the information age, concealing of Human Rights is becoming more and more difficult. Technically, churches that used to conceal information will in the unforeseeable future face the same predicament with states of failing to contain social media implosion. With the nuns and priests in the formation houses and seminaries having access to secular world through access to personal cellphones, the secular influences cannot be underestimated. The impact of social media socialization cannot be overestimated. In the past, nuns, brothers, seminarians and priests would be protected against secular socialization as the only form to reach out to a person in the formation house and seminaries was through letter writing. The letters would be read before they were handed over to the concerned person. Even the barring of visits to formation houses and seminaries is no longer relevant because of social media explosion. Social media has provision for video calls, live chats, live streaming, cheap data calls, picture and video sharing platforms

making it easier to connect and communicate. With the fluid nature of communication, flow of information to and from formation houses can no longer be regulated. This is to say the events at formation houses are no longer a secret. Social media has invented applications such as Facebook, twitter and WhatsApp with end-to-end encryptions, live streaming, sharing and posting of videos and pictures.

Meanwhile, a number of nuns and priests who are failing to endure the Human Rights abuses in formation and seminary houses have been seen to be resigning in numbers. The Anglican Church tends to be the greatest beneficiary of defections from Catholic formation houses and seminaries. The Roman Catholic Church needs to have a commission of inquiry into allegations of gross Human Rights abuses in the formation houses and seminaries in order to find ways through which they can address these concerns and allegations. However, it must be acknowledged that, the Roman Catholic Church has in the post 2000 made inquiries into the abuses in seminaries and formation houses, the reports of which influenced the Vatican to, in 2005, visit a number of seminaries and formation houses (Schuth, 2012:6). It must be acknowledged that the Roman Catholic Church does have instruments to tackle Human Rights like the CCJP but it is failing to resolve Human Rights violations within its back yard. Surprisingly, the CCJP is the number one critic of Human Rights abuse by state actors and inter-state agencies.

The categorization and nomenclature given to people in formation houses and seminaries like novices, seminarians, nuns, brothers, and priests differentiate how each sub category is treated. The novices and seminarians are the worst affected as they are subjected to gross Human Rights violations like racial segregation, verbal insults, hard labour amongst others whilst at formation houses and seminaries. Studies have seen the documentation of Human Rights violations obtaining in the AICs but little has been written about Human Rights violations on women in formation houses, nuns, and sexual molestation of mass servers by priests in the Roman Catholic Church and other mainline churches. Whist the Roman Catholic Church has such organs like the Catholic Commission for Justice and Peace (CCJP), the church must walk the talk on Human Rights. The 1962 Vatican 11 created catechists or African agents of the gospel who later became the face of the church in opening most of its centres and spreading the Catholic doctrine. However, post 2000 the church began to lay off its catechists without any benefits after they had

worked for more than forty years. Since the catechists are members of the societies their ill treatment by the church impacted on the image and the integrity of the church. The Roman Catholic Church must rebrand and deploy theories of strategic communication like image repair and corporate apologia theories. The church must apologise to their catechists whom she ill-treated and, where possible, some compensation be offered. The majority of these Catechists are no longer attending the church out of frustration with some defecting to other churches.

2.6 Hen-Egg Debate Between the State and the Church on Human Rights

The objectification of the girl child can be both biblically and traditionally traced back to antiquity. This means the research is dealing with a historical problem which was passed on from one generation to the other and had been socially misconstrued as a way of life. Thus, the abuses on women and children have been conditioned and most women and children in AICs have accepted it as the will of God who created them as unequal to men. The use of forced marriages is an old custom which was common in the Jewish culture. The practice is also found to have been common in many African societies. Through this practice, which is acceptable even in ATR, children especially the girl child would be married off to rich families in exchange for food handouts or some material wealth. The girl child could as well be used to appease avenging spirits should a family member be found to have killed someone resulting in the spirit of the dead person tormenting the perpetrator's family. As such, forced or arranged marriages in the JMAC have their history in both ATR and Jewish customs.

Whilst this practice can be said to be shared by both the church and tradition, the 1648 treaty of Westphalia had legally limited the church's influence and empowered the state to exercise its authority on the religious sphere. In line with the Westphalia treaty, the perpetuation of religious beliefs, teachings, rituals and practices which infringe on the rights of women and children have to be blamed on the state. The right to protect and promote the rights and the welfare of the citizens is further stated under the United Nations Responsibility to Protect (UNR2P) and the Montevideo Convention. Thus, it is the duty of the state to put measures and policies meant to prevent the JMAC from abusing women and the children. Interestingly, even the United Nations Peer Review System is seemingly paying a blind eye to religious abuses as it seems to focus much on politically motivated Human Rights abuses. If states are not being made to account for

the Human Rights abuse within the religious spheres by the United Nations Peer Review System, it means the Human Rights abuses in the religious sphere shall remain unnoticed.

The nexus between Human Rights and theology best explains whether church related Human Rights violations can be solved or not. Social media, academics, state organs, gender movements, CSOs and NGOs are found to be tirelessly working towards exposing and curbing Human Rights violations in the religious sphere. Two major religions where women and children seem not to be accorded full rights are Christianity and Islam. These two major religions seem to have backing and justification of these abuses in their theologies which seem to sanction and condone the violation of women and children's rights. Within the church, there appears to be an upward trajectory in terms of abuses involving the clergy where congregants are found to be victims and survivors. The image of the Roman Catholic Church is continuously being marred with sex scandals by the church authorities. These sexual abuses are found to be rampant even in church related institutions such as schools and medical facilities. Globally, with the evolution of gender revolution, the Roman Catholic Church is facing countless lawsuits and in most cases the church prefers compensating the survivors of these acts of abuse in order to protect its image. As a result of Human Rights related scandals in the Roman Catholic Church, and without a strong public relations drive, its image is continuously suffering.

In 2006 (Carozza: 2012:1), Pope Benedict XVI said that the Roman Catholic church embraces Human Rights, freedoms and religious plurality. The pope argued that it is the Roman Catholic's social teachings that influenced states to embrace the discourse on Human Rights and that the church is fighting authoritarianism (ibid, 2012:2). The church argued that, the 16th century scholarly views by Francisco de Victoria and Salamanca of Spain laid the systematic theoretical foundation for both international law and universal Human Rights. Carozza went on to state that the concept of 'universal rights' can be traced back to the Thomistic notion of common good as is articulated in the *ius gentium*, the law of nations. The judicial concept of rights is traced back to the church's canon law. The concept of Human Rights is highly complex with both the church and states claiming its custodianship.

The Roman Catholic Church, like JMAC, believes that state authority comes from God and as such the church is supreme to the state. Pope Innocent X, in denying that the state is independent of the church authority, condemned the treaties of Westphalia as ‘null, void, invalid, iniquitous, unjust, damnable, reprobate, inane, empty of meaning and effect for all time’ (Carozza, 2012:10). The French revolution further weakened the power of the church, as priests were now required to take and sign an oath of loyalty to the French authority with those priests who refused to sign getting killed. This was caused by the church’s Middle Ages political doctrine that, in all places where the majority are Catholics, other religions must be restricted. This doctrine was applied to Africa where the Roman Catholic Church endeavoured to extinct ATR and any other competing religions. This stance can be argued to have been a Human Rights violation in that it could not promote religious freedom and liberalism.

It is evident that since 1648’s Westphalia treaty the church tried by all means necessary to resist state authority by maintaining that Human Rights should be applied from the church’s perspective over secular interpretation and application of Human Rights. The turning point was in 1948 when Pope Pius XI1 openly supported the work of the Dumbarton Oaks Conference and the San Francisco Conferences that created the United Nations (Cour, 1960:482, 484). As long as the church is failing and questions the state authority, the state may find it difficult to make the church accept secular laws and authority. On the other hand, relegating Human Rights discourses to church authority means the state no longer has the *locus standi* to enforce them. Globally, the church cannot successfully claim to be clean in as much as Human Rights violations especially on women and children are concerned. As such, one realises that Human Rights violations on women and children are not limited to AICs but to the whole religious sphere, be it Christianity or Islam. Whilst the church seeks to claim the right over the Human Rights discourse, the church stands accused of gross Human Rights violations as well. With the Roman Catholic Church assuming both statehood recognition and church status, its double role should have helped the church to eradicate these churches related Human Rights violations.

It may also be important to note that most of the abuses that are found especially within Christian circles do have some scriptural justifications. Women in the Bible tend to be portrayed as subordinate to men. However, it is worth noting that this is a hermeneutical question, for the

same scriptures and the same Bible can sufficiently be used to emancipate and empower those that the same scriptures seem to throw under the bridge and suppress. AICs for example, tend to selectively prefer those scriptures that seem to be patriarchal in nature and serve the interests of men. The mushrooming of denominations and schisms within Christendom is indicative of some hermeneutical challenges, yielding to a plethora of hermeneutical perspectives. This is further compounded by prosperity gospel where modern churches are identified with wealth resulting in many secular commentators defining churches as ‘Ponzi schemes.’ The religiosity of modern ecclesia is under scrutiny and the Human Rights discourse a topical issue. The availability of verses which positively depict women has necessitated the debate on the need to rationalise theologies. Whilst women and children in JMAC are alleged to be treated as being unequal to men, the same Bible that the Church uses has scriptural verses where women occupy equal roles with those of men. In Proverbs 31:26 for instance, women are said to be full of wisdom and of astute teachings (Proverbs, 31:26 ESV). In Acts 18:26, women would know the gospel more than men and the scripture would say that, ‘he began to speak boldly in the synagogue, but when Priscilla and Aquila heard him, they took him and explained to him the way of God more accurately’ (Acts, 18:26 ESV). Whilst these verses appraise women, in JMAC women do not possess any wisdom and are not allowed to teach in church.

Whilst there are verses that recognise women as equal to men, there are also verses that seem to objectify women at the behest of the influence of the Jewish culture. The Jewish culture played a key role in shaping the form in which the Old Testament scripture got shaped; just the same way African Traditionally Religion and the Hebrew text influenced the JMAC theology on women and children. Since the study is on the intersectionality between Human Rights and theology, the role of the state as the regulatory authority cannot be ignored. The verses cited herein serve to demonstrate the hermeneutical dilemma emanating from conflicting perspectives in the scripture regarding women and children. Cited in this thesis are also verses in the Hebrew text where women are objectified and regarded as unequal to men. However, from an interpretivist perspective, terms such as ‘submission’ are highly problematic hermeneutically. The term ‘submission’ means different things to different societies. A case in point is, Titus 2:5 ESV, to be self-controlled, pure, working at home, kind, and submissive to their own husbands, that the

word of God may not be reviled (Titus, 2:5 ESV). Paul took submission too far by equating it to Godhead than merely a moral obligation.

Paul, an ardent follower of the Jewish culture, not only did he instruct women not to speak in church but went on to instruct women to be submissive to their husbands. Additionally, being submissive is being regarded as a symbol of Godhead. In Titus 2:5, women are being confined to household chores where they are expected to possess amongst other qualities, self-control, purity, working at home and submitting to their husbands if they are to be Christians (Titus, 2:5 ESV). In Titus 2:3-4, the older women are expected to train young women to love and submit to their husbands (Titus, 2:3-4 ESV). The concept of submission in JMAC stripped women of their rights, self-determination and dignity. Through the theology of total submission, mothers in JMAC are forced to facilitate polygamy and child marriages. The JMAC church is very clear that any congregant who deviates from its teachings will be ex-communicated from the church forever with very exceptional provisions for returning back into the church.

There is a grey area in research where, in JMAC, older women help their husbands to persuade young girls into falling in love with their husbands. This theological practice is done perhaps as a way of trying to please their husbands. The church teaches that, no man with 'one eye' shall enter the kingdom of God. Thus, polygamy in JMAC is linked to eschatology, where on the judgement day the number of wives enhances one's chances of entering heaven. The 'one eye' means one wife and furthermore, no man with one wife is allowed to occupy any position in the church. Those with one wife remain ordinary church members. Perhaps for scholars, the women-to-women abuse in JMAC is another grey area that is yet to be explored by scholarship. Whilst most studies are glued on men as agents of Human Rights abuses, theologically, it can be argued that there is abuse of the girl child by both men and women in this Church.

In most polygamous relations young women suffer trauma, emotional and physical abuse at the hands of older women who usually feel threatened by the presence of more sexually active young women in the polygamous unions. Prima facie, older women in JMAC accept polygamy and condone child marriages as a church doctrine, but in practice, they institute violence against the minors, some of whom are found to be 13-year-olds or even younger and are not well versed

with management of social conflicts. The government as the custodian of Human Rights should ensure that the Ministry of Gender and Woman Affairs and the Ministry of Health and Child Care formulate programmes which are meant to educate churches on the negative effects of marital and gender-based abuses.

2.7 Virginitv and JMAC Doctrine

The state outlawed virginitv testing as a Human Rights violation. However, it is surprising to note that JMAC still teaches and conducts mandatory virginitv testing. Apart from JMAC there are a number of cultural groups in the country that are still practising virginitv testing, which is commonly referred to as '*chinamwari*'. The virginitv testing by JMAC is in sync with both the cultural beliefs and the Hebrew text. In line with the Hebrew text, Psalms 68: 24-26, girls who are praise worshippers must be virgins with the understanding that, you cannot sing for God if you are dirty (Psalms, 68: 24-26 ESV). Since the Bible is the founding document for theological discourses, churches are however found to interpret the sacred text differently and Section 60 of the Zimbabwean Constitution allows for freedom of worship. Thus, the nexus between theology and Human Rights discourse remains an elusive concept. Virginitv testing is one of the common practices in JMAC and is associated with dignity in line with the customary laws. Virginitv testing has from a cultural and traditional perspective been a method of protecting the girl child from sexual exploitation. The elders would make the girl reveal the exploiter and the paedophile is confronted and at times made to pay damages. This was done to protect the girl child even-though it would be done without the girl's consent. The concept of consent does not, according to the law of the country, apply to persons below the age of 18years. Anyone below the age of 18 years cannot legally consent to any sexual act or union and it is illegal for anyone to consent on their behalf on issues that pertain to marriage or indulging in sexual acts.

Radical feminists the world over are up in arms against any cultural practice that perpetuates patriarchal hegemony through violating the dignity of the girl child and women. The JMAC practice of virginitv testing is widely criticised as a gross Human Rights violation. Within the practice of virginitv testing, the naming and shaming of those who after testing were found not to be virgins is cited to be impairing the dignity of the girl child. Meanwhile, virginitv testing is also regarded as one key catalyst in child marriages, where all those girls deflowered are

allegedly married off to older men within the church without seeking their consent. The Constitution of Zimbabwe has set the age of legal consent at 18 years, meaning any sexual engagement with a minor is statutory rape and that no minor is allowed either to be sexually abused or married off before reaching the legal age of majority. The JMAC is thus found to be violating the law, hence the need to align its theology to the new Constitution.

Whilst JMAC refutes the fact that it permits child marriages, through observation and document exploitation from gender-based CSOs and Community Based Organisations (CBOs), the church is found to be fingered in a number of cases where the rights of the girl child are found to be violated. The JMAC doctrine views losing virginity as a sin against both the church and God. JMAC, like the Roman Catholic Church on the power of atone, teaches that the Church through Mutumwa Marange has been given the power to intercede for the wrongs done and bring about expiation. In the process, the JMAC punishes any girl who loses virginity by marrying them off to older men in the church. This process of marrying them off to older men is usually done without the consent of the affected girls. This is done during their rituals known as *pasika*, meaning, Passover ceremonies. This church is known for relying on the Old Testament text which is influenced more by the Hebrew culture in their practice of marrying off girls.

In the secular realm domestic violence is one of Zimbabwe's greatest hurdles despite an array of policies and laws to curb the same. One of the most contentious issues that trigger domestic violence is virginity which in-turn spill into paternity disputes. Marriage in African societies revolves around the concept of virginity hence the concept of a beast known as '*mombe yechimanda*' which is part of the bride price. In ATR, when a woman gets married, her aunties are found to be so much concerned with whether she was a virgin or not. There are ways through which they have to know of this virginity status of their niece, and this information is shared amongst some family members. In most cases, even her in-laws will have to know about this status, thus defying the right to privacy. This will determine whether '*mombe yechimanda*' will have to be paid or not. The issue of privacy is a Human Rights issue according to the Constitution of the land. As such, the aforementioned practice is an infringement on the rights of women. Every citizen regardless of gender has the right to privacy which is unfortunately being apparently violated by the JMAC theology, which parade the deflowered girls in front of the

congregants without seeking consent of the affected persons. Virginity is an element that belongs to the private sphere and not subject to public scrutiny.

The study highlights some of the verses in the scripture which exposes women and children to the whims of Human Rights abuse. Whilst the canonisation of the scripture is a disputed academic discourse, with commentators arguing for and against the quantum of inspiration of the scripture, Canaan Banana in 'Rewriting the Bible' highlighted the need to revisit our hermeneutical methodologies so as to be contextually relevant to the existential realities in Zimbabwe. Banana advanced for the domestication of theology for it to be relevant in the present situation. In the era of fourth generation rights, the scripture must be relevant to the modern demands. The JMAC literary interprets the scripture and purposefully relies more on the Old Testament. Thus, the majority of the JMAC teachings are derived from the OT. For example, Deuteronomy 22: 13-19 is one of the widely revered verses in JMAC's theological doctrine on virginity. The verse resonates with the theological teachings and practices in JMAC.

The Old Testament verses referred hereto help to locate the fulcrum of the JMAC theology and how these selected verses enhance Human Rights violations. To note, Deuteronomy and Leviticus are major sources of the JMAC theology. In JMAC if a member of the congregation marries a virgin, he is not allowed to divorce her unless by a special grant by the church. To prove that she was a virgin, she must ensure that her first sexual intercourse with her husband is done on a white sheet and the blood that comes out after losing virginity would be kept as proof. The cloth would be presented to the parents and after that, dowry –including '*mombe yechimanda*' if she was a virgin - would be charged. Leviticus 21:13-14 prohibits marrying widows, divorced and any girl who has lost her virginity whom it describes as a harlot (Leviticus, 21:13-14 ESV). Similarly, in Deuteronomy 22: 13-19, when a girl had already lost her virginity, the parents of the girl should present her before the whole congregation and the father presents the girl to the elders of the church for a wife (Deuteronomy, 22: 13-19 ESV). JMAC being an indigenous church borrowed heavily from both the Jewish tradition and African Traditional Religion, which amongst other things, revered the *sacro sanct* of virginity.

In Zimbabwe, the Constitution stipulates that subjecting any person to any dehumanising treatment is a Human Rights violation. The Constitution goes on to say that citizens have the right to privacy and self-determination. In JMAC, like the ATR and Jewish culture where AICs borrowed their theologies, women are not accorded the same rights as those that are enjoyed by their male counterparts. JMAC teaches that, girls who lose their virginity must be paraded, named and shamed before they are married off to any member of the church, without their consent. Old women in the church conduct virginity testing annually, especially towards their *pasika*, which means Passover feast. In ATR, there is also the *mombe yechimanda* which is a beast paid only for the virgins. During the first sexual encounter, girls ought to produce the blood-stained white cloth as evidence of their virginity which will be shown to aunties and parents of the girl as proof that she was a virgin and *mombe yechimanda* can be paid. This means that in the JMAC, women do not have matrimonial privacy and the right to dignity and self-determination. Interestingly, men are not obligated to undergo virginity testing.

In ATR, Jewish culture and the JMAC teachings, males are encouraged to marry virgins and despise widows, divorced or any women ‘profaned’ by fornication (Isaiah, 62:5 ESV). Sexuality is very central in the discrimination against women in JMAC. Women are viewed as inherently evil as the biblical Eve. The fall of humanity from the glory of God is ascribed to Eve and is spread to the generality of womankind. Thus, JMAC, like the ATR and the Jewish culture, teaches that, women in their menstrual cycle are unclean and their uncleanliness can affect men. Since JMAC’s theological teachings extend to the social sphere, male congregants are not allowed to have sexual intercourse or eat food prepared by a woman in her menstrual periods. Thus, women in their menstrual periods are discriminated against. In JMAC women in their menstrual periods are not allowed to participate in church activities, including singing.

In addition, the church teaches that, women should not touch or wash the garment for the man including her husband or son. St Augustine of Hippo believed that humanity’s sinful nature inherently got inherited from the fall of the first parents (Adam and Eve). In Genesis 3:12, Adam blamed Eve for disobeying God, and in Genesis 3: 16 God said to the women, I will greatly multiply thy pain and conception, in pain thou shall bring forth children, and thy desire shall be to thy husband, and he shall rule over thee (Genesis, 3:12 ESV). Thus, all the bad things in the

world are being blamed on women in general and Eve in particular. In the JMAC, as in most AICs, women and men do not sit together. The sitting arrangement itself is a clear indication of gender imbalances.

The scripture objectifies a girl child where the kings would require virgins to keep themselves warm as was the case with King David. 1 Kings 1:1-4 says, now King David was old, advanced in age, and they covered him with clothes, but he could not keep warm (1 Kings 1:1-4 ESV). So, his servants said to him, "let them seek a young virgin for my lord the king, and let her attend the king and become his nurse; and let her lie in your bosom, that my lord the king may keep warm." So, they searched for a beautiful girl throughout all the territory of Israel, and found Abishag the Shunamite, and brought her to the king. In addition to that, fathers would donate their virgin daughters as ransom to redeem other men. Genesis 19:8 says, "now, behold, I have two daughters who have not had relations with men, please let me bring them out to you, and do to them whatever you like. Only do nothing to these men, inasmuch as they have come under the shelter of my roof" (Genesis, 19:8 ESV). The scripture does not treat a girl child with any dignity and hermeneutically JMAC has literally incorporated these verses into its theological teachings. Thus, the *Lieubumahs Muparidzi* regularly refer to these patriarchal verses in order to theologially legitimise the abuse of women and a girl child in particular. Leviticus 12:2, 5 goes on to say that if a woman bears a male child, she is unclean for 7 days, but if it is a girl child, she is unclean for 14 days. Clearly there is disparity between a girl and a boy child (Leviticus, 12:2,5).

In assimilating the Jewish culture, parents in JMAC are conduits of abuse as they concede to sexual abuse and exploitation on behalf of their daughters. A number of cases of sexual abuse involving the girl child and parents do translate to the violation of the fundamental rights accorded to children by the Constitution and all the treaties and conventions to which Zimbabwe is a signatory to. In JMAC if a child refuses to take church orders such as arranged marriages, both the concerned girl child and her parents get ex-communicated and permanently banned from JMAC membership (Mare, 2015:61). The ban is more of a theological curse than mere punishment. JMAC teaches that, whatever is bound here on earth is also bound in heaven (Matthew, 16:18ff) In order to have the parental support, the JMAC church introduced very

punitive measures against parents who wilfully defy church teachings. In JMAC, offenders of church doctrine are not only excommunicated and banished from the church for life; they are made to know that they are destined for hell. In addition to that, JMAC teaches that no non-JMAC members enter the kingdom of God (ibid, 2015:60). Thus, JMAC, being one of the oldest AICs in Africa, proclaims to be the only church that is still teaching and practising the true gospel as it was handed over by Moses.

Girl congregants who do not have parents that are members of JMAC are less abused than those who grow up in the JMAC. Similarly, women who join the church voluntarily easily revoke their membership whenever they feel that their rights are about to be violated. Those that grow up in JMAC are deprived of the right to education and as such depend on their parents on almost anything. The teaching that parents can objectify their children has its roots in Judges 19:24. According to JMAC, if a child defies church doctrine, he/she faces ex-communication from both the parents and the church, and henceforth they are left with limited options. When looking at rights denial in the JMAC, one has to consider multiple variables that make it easy for the church to manipulate its women and children. In addition, no child or woman is permitted to address congregants in JMAC. Only those men with senior roles, the *Lieubumahs*, can address the congregants. JMAC is a hierarchical church full of dogmas. Parents especially the male head of the family is the one to blame for the wife and children's misdemeanours. JMAC does teach that, no man who is submissive to his wife can enter the kingdom of God, and does not deserve to be given any position of authority in the church (Mare, 2015:59). In the sitting arrangement and the hierarchy of JMAC, women and children are ordinary members and the church decides on their behalf and are barred from joining politics or marrying outside the church, among other things. This is just to illustrate the extent to which the JMAC church does not accord women and children full rights enshrined in the Constitution of Zimbabwe.

The government of Zimbabwe has a number of policies on women and children yet those from JMAC are not enjoying such rights and opportunities due to the restrictive nature of the JMAC theology. More often than not, husbands compete to exercise their authority over their wives in public to show other congregants that they are in control of their wives. Some of the abuses are as a result of the 'see me attitude' to fellow male congregants. Thus, most husbands go beyond

the general teachings of JMAC and adopt a Zealotist attitude against their wives. There is really a need to have the ligament that connects abuse of women and children and the church's theology cut off. The abuse of women and children can only come to a successful end when male congregants are engaged and are able to actively work spearheading the campaign against patriarchal hegemony meted against women and children.

Despite the fact that JMAC does not accord women senior positions in the church, there are verses in the scripture that recognise women as prophetesses; and God seems to communicate with them directly like their male counterparts. Within the wide AIC fraternity, there are female leaders such as Mai Chaza of the Guta RaJehova sect. In Roman 16:1, Paul acknowledged the role that was played by Phoebe as the leader of the church. Paul says, "I commend to you our sister Phoebe, a servant of the church at Cenchreae, that you may welcome her in the Lord in a way worthy of the saints, and help her in whatever she may need, from you, for she has been a patron of many and of myself as well..." (Romans, 16:1-27 ESV). Greet Prisca and Aquila, my fellow workers in Christ Jesus, who risked their necks for my life, to whom not only I give thanks but all the churches of the Gentiles give thanks as well. Greet also the church in their house. Greet my beloved Epaenetus, who was the first convert to Christ in Asia. ... In Acts 9:36 the writer, Luke, also recognises the works of charity, by a lady called Tabitha. It is said in this book, "now there was in Joppa a disciple named Tabitha, which, translated, means Dorcas. She was full of good works and acts of charity" (Acts, 9:36 ESV).

In Romans 16:7, there were women who were arrested and imprisoned for propagating the word of God for it to reach out the whole world in the apostolic age (Romans, 16:7). In Matthew 28:5-8, Mark 16:5-7 the Angel of God first appeared to Mary, the Mother of Jesus and Mary Magdalene. When Jesus arose from the dead, it was the women who first preached the good news of the Risen Christ while the disciples were still in their hiding (Matthew, 28:5-8, Mark, 16:5-7). "Now after the Sabbath, toward the dawn of the first day, of the week, Mary Magdalene and the other Mary went to see the tomb" (Matthew, 28:1-20 ESV). And behold, there was a great earthquake, for an angel of the Lord descended from heaven and came and rolled back the stone and sat on it. His appearance was like lightning and his clothing white as snow. And for fear of him the guards trembled and became like dead men. But the angel said to the women, 'Do

not be afraid, for I know that you seek Jesus, who was crucified....” (Mark, 16:5-7 ESV), and entering the tomb, they saw a young man sitting on the right side, dressed in a white robe, and they were alarmed. And he said to them, “Do not be alarmed. You seek Jesus of Nazareth, who was crucified. He has risen; he is not here. See the place where they laid him. But go, tell his disciples and Peter that, he is going before you to Galilee. There you will see him, just as he told you” (ibid, 16:5-7 ESV).

JMAC teaches that virginity and marriage is important, but in Acts 21:9 ESV unmarried daughters prophesied (Acts, 21:9 ESV). These verses help to locate some hermeneutical problems leading into the abuse of women and children in JMAC as more of a societal construct than a theological exposition. In Acts 2:17-18 there is equality and acceptance of all before God, the Holy Spirit, is seen to traverse gender boundaries. Acts 2:17-18 ESV, ‘And in the last days it shall be, God declares, that I will pour out my Spirit on all flesh and your sons and your daughters shall prophesy and your young men shall see visions, and your old men shall dream dreams; even on my male servants and female servants in those days I will pour out my Spirit, and they shall prophesy (Acts, 2:17-18 ESV). Thus, inequalities are more of cultural and sociological constructs which may not be necessarily theological or sanctioned by God. The Bible went on to name a female prophetess who was divorced after seven years into the marriage, and this contrasts with the JMAC teaching that the divorced and widows must marry for them to be in the Christendom. In Luke 2:36 there was a prophetess, Anna, the daughter of Phanuel, of the tribe of Asher. She was advanced in years, having lived with her husband for seven years from when she was a virgin (Acts, 2:36). In the book of Galatians both male and female are equal in the presence of God. Galatians 3:28 ESV, there is neither Jew nor Greek, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus (Galatians, 3:28 ESV). Some of the JMAC teachings are not compatible with the teachings in the New Testament in particular. In the gospel of Mark, Matthew and Luke, Jesus would feel for the widows, give children as models of righteousness and holiness, and women as direct recipients of the gospel story of Jesus as is exemplified by Mary and Martha. The Angel Gabriel did appear directly to Mary the mother of Jesus delivering God’s message without any involvement of men. Women are also presented in the New Testament as the first to witness the resurrection of Jesus

and his ascension to heaven. This is contrary to how women and children tend to be portrayed and treated in the JMAC.

Scriptures depict the husband as the head of his wife and even argue that a woman should cover her head always. Paul writes to the Church in Corinth that “man ought not to cover his head, since he is the image and glory of God but a woman is the glory of man (1 Corinthians, 11:3-16 ESV). In the first Epistle of Peter, every woman who believes in God has to submit themselves to their own husbands (1 Peter, 3:5 ESV). The epitome of biblical patriarchal narratives; is the first letter to Timothy where the writer says a woman is supposed to be quiet in the church and should never be allowed to teach, speak or exercise any form of authority over man in church (1 Timothy 2: 11-15 ESV). The verse goes on to apportion blame on women for the first sin and that every woman like Eve is a transgressor. Timothy 2:13-14 ESV, for Adam was formed first, then Eve; and Adam was not deceived, but the woman was deceived and became a transgressor (Timothy, 2:13-14 ESV). This text says that women can only redeem themselves through child-bearing.

In 1 Peter 3:6 Sarah is presented as a model of a woman who obeyed Abraham by calling him lord (1 Peter, 3:6 ESV). The term ‘lord’ in the Bible was used to refer to God and this verse demands that wives worship their husbands as lords. Colossians 3:18 presents to us submission to husbands as a command from God. The writer instructs, “wives, submit to your husbands, as is fitting in the Lord” (Colossian 3:18 ESV). It becomes very difficult for women to go against scriptures such as these since scriptures are said to be inspired by God and therefore infallible. “All Scripture is breathed out by God and profitable for teaching, for reproof, for correction, and for training in righteousness, that the man of God may be competent, equipped for every good work” (2 Timothy. 3:16-17 ESV). In the wisdom literature we also find a lot of texts that are patriarchal in nature. Examples may be the book of Proverbs where the writer says “your desire shall be for your husband, and he shall rule over you.” Proverbs 21:9 goes further to say that it is better to live in a corner of the housetop than in a house shared with a quarrelsome wife (Proverbs, 21:9 ESV). The teachings, rituals and belief systems in JMAC are benchmarked by these patriarchal scriptural texts. These texts are found to legitimise the abuse of women if selectively applied without consideration of the *sitz im leben*.

In the Old Testament, we also have texts where women are being positively acknowledged as prophetess. In 2 Chronicles 34:22 Huldah was referred to as the prophetess who lived in Jerusalem. “So Hilkiah and those whom the king had sent went to Huldah the prophetess, the wife of Shallum” (2 Chronicles 34:22 ESV). In Exodus 15:20 Miriam was referred to as the prophetess and Judges 4:4 Deborah the prophetess was also referred to as the judge of Israel. This is to say, Deborah was both the prophet and the judge of Israel (Judges 4:4 ESV). Such texts are however not in synch with the teachings of JMAC, and as such may hardly be used or read at church. In the book of Numbers 12:4 the Lord talked to Moses, Aaron and Miriam and met them without any form of segregation based on gender (Numbers, 12:4 ESV).

2.7.1 1 Timothy 2:11-12 reads, ‘...I do not permit a woman to teach or exercise authority over a man; rather she remains quiet’

The study made a great use of 1 Timothy 2; 11-12 to help explain the theology of JMAC which relies on literal interpretation of the sacred scriptures (1 Timothy, 2; 11-12). The verse clearly states that women should behave in the church and that they must not be given position of authority in the ecclesia. The Bible is one such complex document whose literal interpretation seems to support patriarchal belief system. Some of the practices, rituals and beliefs within JMAC have biblical references. 1 Timothy 2:11-12 reads, ‘...I do not permit a woman to teach or exercise authority over a man; rather she remains quiet’ (1 Timothy 2:11-12 ESV). This verse was reviewed by this study in order to have a theological basis for the abuse of women and children. According to Krishnaswami who studied discrimination in the matter of religious rights and practices, the majority of Human Rights on women and children are based on the religious rites and practices.

2.8 Jewish and African Culture’s Influence on AICs Theologies

The society plays a pivotal role in terms of socialization; thus, one cannot ignore how the Jewish and African cultures help shape the theology of JMAC on women and children. The roles given to women and children in the ecclesia are given to them by the society and not God. The study has observed that, women and children in Marange are not accorded full rights like other women in the secular society who can join and participate in politics and lobby groups, take up

leadership positions at workplaces, own means of production, free to approach secular courts for justice and enjoy constitutional rights such as the right to demonstrate and freedom of speech. In Zimbabwe, the JMAC is predominantly a rural-based religion and is attended by a section of the society that is deeply cultural. In the Marange area, non JMAC members are into full time traditional practices like medicine-man and magicians. The cases of traditional lighting, reputable magicians like the late 'Ndunge' and the national Hero *Sekuru* Rekai Tangwena are found within the Manyika people. Women, both within JMAC as well as non-JMAC members in Marange, are found to have limited rights as a result of both religion and culture. The study, therefore, considers how the Jewish and ATR culture influences the manner in which women and children are being treated in such societies as this.

The 1962 Vatican 11 resolution is a very critical document in so far as the AICs victory is concerned. Whilst the mainline churches were wholly controlled by their mother churches, the Vatican 11 allowed the Roman Catholic Church to domesticate its practices thereby assimilating some traditional and cultural practices from the context the church may be found to be operating in. The Vatican 11 document advocated for the domestication and indigenization of the Church and the gospel message. Apart from the indigenization of the church, the church was to recruit African agents of the gospel such as catechists, deacons, brothers, priests and nuns to ensure that, the church becomes relevant to Africa. For the first time the African culture was to be respected. Thus, the previous doctrines of discovery and dominion were neutralized indirectly and the church began to recognize some ATR ethos, norms and values. The aspirations and demands by AICs, that theology must be contextual were achieved and began to be realised. Thus, in 1962, the AICs, perhaps won their religious independence in Africa. The church would in the unforeseeable future begin the journey towards retaining its pre-Westphalia position of prevailing over political affairs of the state. In 2017, Fr Fidelis Mukonori SJ, played a key role during the Operation Restore Legacy that saw the shift of power from the long-time ruler President Robert Gabriel Mugabe.

2.9 Women and Marriage in JMAC

The study noted that there are elements of JMAC marriages that infringe on the rights of women and children. Marriage is generally entered into by consent and parties into the marriage union

must be 18 years and above. The government of Zimbabwe has set out 18 years as the legal age of majority where a person who is aged 18 years and above has the right of self-determination. However, in JMAC, the church determines marriage issues; hence this study explored the teachings, rituals and the doctrines of JMAC with the view to identify elements that violate the rights of women and children. Since the JMAC theology is a hybrid theology that borrowed from the Jewish culture, ATR and the Hebrew text, the three were cited by this study in relation to their contribution to women and children's rights abuse.

In JMAC, women are interestingly the family providers and bread winners. JMAC teaches that, men in a polygamous relationship should do no menial work like ploughing the fields on the pretext that *vanopera simba* meaning they lose energy and will not be good in bed. Misheck Nyandoro, a JMAC member from Mbire, Mashonaland Central who has 16 wives and 151 children, argues, "for me, polygamy is a project and am receiving financial benefits from my children and in-laws" (Ndoro, 2021:1). He gave the reason for his polygamous project as a fight against Western hegemony that is introducing family planning to depopulate Africa. This shows that there is also a political and economic dimension to the doctrine of polygamy in JMAC. Akin to Human Rights violation, Nyandoro revealed that all his 16 wives compete to cook for him daily and he throws food from those who would not have cooked well. Nyandoro also highlighted that in JMAC, it is a sin to marry someone who was married before, thus, widows, single mothers and divorcees are regarded as rejects without full rights like any other women (ibid, 2021:6).

In a marriage, couples are entitled to conjugal rights as well as sexual reproductive rights. Apart from this archaic practice in the JMAC, old people above the ages of 65 prefer to marry minors because they are alleged to be 'hot' meaning they have warm bodies (Mare, 2015:62). The study found out that, most men in polygamous marriages and above the age of 65 are not able to satisfy their wives sexually and each time their wives demand sex they tend to be labeled prostitutes. Moreover, the young women cannot find alternative sexual partners because adultery is considered a major and unpardonable sin in JMAC. The wives end up enduring the physiological and emotional torture for the sake of the church doctrine.

With the economic hardships and poverty in Zimbabwe, large families are no longer sustainable without a sound economic base. Whilst feminists demand that women should have a say in the social sphere, in JMAC, men are found to have absolute dominance in the family. The church teaches that it is a sin for women to use contraceptives. The Church teaches that people must be fruitful and multiply like the sand of the ocean. The teaching against contraceptives does also enable the church to grow rapidly as each male member of the church tends to have a very big family. If family planning methods are to be allowed in JMAC, the membership of the Church is likely to dwindle tremendously as there is no much evidence of new converts converting to JMAC. The modern youths might find it difficult to join JMAC due to its extreme ATR influenced theologies. Some of these teachings include, barring children from accessing education, health facilities and having self-determination on marriage, political participation and economic production. The JMAC is never comfortable with Human Rights teachings as they pose a direct threat to the Church's existence. In addition to that, most men marry up to twenty wives or more, taking the risk against HIV/AIDS. In JMAC, most old men are found to marry minors and with the short life expectancy of 36 years old in Zimbabwe, these minors are being exposed to early widowhood. It is also important to note that the JMAC teaches that, women have no right to own property. Women are only entitled to kitchen utensils. The church does also have a say on inheritance including the distribution of the estate of the deceased.

2.9.1 Divorce in JMAC

The theology of JMAC teaches that property such as household utensils and bed are the only feminine property that a woman can claim to own. In the event of a divorce, the prerogative is on the man to give what he chooses to in addition to kitchen utensils. Women have absolutely no voice because the Bible says women should not speak and exercise authority over men. Interestingly women are to blame for any divorce due to stereotyping as the biblical Eve who caused the fall of men. The Matrimonial Causes Act of 1985 stipulates that, in the event of divorce, matrimonial assets are to be distributed equally (Matrimonial Causes Act, 1985:2). The act removed, 'faulty principle', of accusing one to be at fault for causing in the breakdown of the relationship as the grounds for divorce. Whilst the secular laws have outlawed the 'faulty principle' as early as 1985, JMAC leadership does not consider this legal position in its theology (ibid, 1985:3). The church teaches that she is the only institution that can formulate laws that are

divinely inspired. The aspect of divination is quite central in JMAC church, especially continuous revelation.

Whilst the Matrimonial Act of 1985 clearly states what ought to be done in the event of a divorce, JMAC remain defiant that the church is the final arbitrator in everything concerning the life of its congregant, from birth to death. The philosophy of predetermination is very central in JMAC. The Church is therefore found to be undermining and invalidating all the Human Rights treaties and conventions on children and women to which Zimbabwe is a signatory. The state if it continues to ignore church authority, in the unforeseeable future, state authority would reverse the Westphalia treaty. The church still claims authority over the state and it is no longer vice versa. Even when women feel their rights to have been infringed upon, the JMAC bars them from seeking legal recourse from secular courts and the state

2.9.2 JMAC Women and Household Duties

Selective usage of scriptures is found to greatly inhibit women from enjoying their constitutional rights and privileges, an example of such being 1 Timothy 2:11-12 which reads, ‘... do not permit a woman to teach or exercise authority over a man; rather she remains quiet’ (1 Timothy, 2:11-12 ESV). Women are thus, in the JMAC, relegated to the periphery of the church hierarchy. Women are also not allowed to be formally employed by the government. Whilst, women are confined to household spheres, the household duties are yet to be monetized in Zimbabwe. The Equal Pay Regulations (1980:3), which provides for equal pay for equal work and also provided for half an hour’s time before and after lunch for breastfeeding, is not beneficial to the women in JMAC because household duties are not incorporated into the act (Equal Pay Regulations, 1980:3). The theology of JMAC and the scripture are inhibiting women from full enjoyment of their constitutional rights.

2.9.3 The Scripture and the Doctrine of Infanticide

The doctrine of infanticide is an old Jewish custom which shared common cultural traits with ATR. In ATR human sacrifice is one of the common belief systems. A prominent sociologist Durkheim talked about cultural universalism where he explained that, cultures might vary from society to society, but there are always some shared value systems. It is this philosophical

interpretation of culture that helped the formulation of such terms like a universal culture. This cultural dimension is important especially considering that, AICs derive most of their theological doctrines from scriptural literalism and culture. At the core of AICs is the concept of worshipping through culture, with ATR standing in as an important canon from which they also read and learn. The artifacts like *mbiya* (clay plates), *muteuro* (sacred water), *nhombo* (small sacred stones) are used in AICs as some of the sacred objects drawing some resemblance with the use of sacred objects in ATR. The same way the Jewish culture influenced Christianity, ATR influenced AICs. However, this thesis explored the shared value systems of infanticide as a Human Rights violation on children and mothers who are the most affected by bereavement. Whilst the JMAC is to blame for infanticide, at state level the Zimbabwean Constitution has not adequately addressed the subject matter. Unless the state is legally clear on the doctrine of infanticide, blaming the church as violating the rights and sanctity of children's life would not be justifiable. Notably, Zimbabwe is a constitutional democratic state and Human Rights are interpreted from the perspective of the constitution.

There are a number of verses in the Bible where infanticide was not condemned and, in some instances, instigated by God himself through his angels. In a Journal, *The Catholic Biblical Quarterly* (2013:123), King Herod killed 14 000 infants below the two years old in Bethlehem and its surroundings. Herod ordered his army to behead children with swords, smashed others against stones, trampled some underfoot, and strangled others with their hands (ibid, 2013:124). It is further alluded to that, the cries and wails of the mothers rose to heaven, lamentation, and bitter weeping as had been prophesized, Rachel weeping for her children (Jeremiah, 31:15; St Matthew, 2: 18 ESV). In addition, Exodus 12: 29-30, at midnight, the lord smote all the first-born in the land of Egypt from the first born of Pharaoh that sat on the throne, to the first born of the captive maid in the gudgeon, and the first born of all cattle (Exodus, 12:29-30 ESV). And Pharaoh rose up by night, and his servants, and all the Egyptians and there was a great cry in all the land of Egypt, for there was not a house in which there was not one dead. The scripture does not condemn the killing of children by the angel. The Bible portrayed God as perpetrator of infanticide through his angels. Questions can be asked on whether Pharaoh, who in the Bible is portrayed as Satan, was instead, sincerer than God. The doctrine of God as omnipotent,

omniscient and all loving becomes questionable. Pharaoh, whom the scripture portrayed as evil, had to let the Israelites go to avert the deaths of more children by the angels.

In Zimbabwe children and women are victims of both theology and the secular laws. In a Chronicle dated 25 May 2019, a 19-year-old Happiness Ndebele from Nkulumane suburb strangled and slit her newborn baby's throat (Chronicle, 2019:2). The case was heard by Magistrate Stephen Ndlovu before Western Commonage magistrate court. Ndebele was sentenced to 36 months in prison which were then suspended on condition that she performs 210 hours of community service at a local primary school (ibid, 2019:2). The death of children in Zimbabwe is on an upward trajectory and the gruesome murder of a 7-year-old Tapiwa Makore of Murehwa in 2020 is a classic example. In Zimbabwe children's homes and streets are full of dumped children and the State through its departments and structures has not effectively addressed the issue. This clearly indicates the extent to which the rights of children are not fully protected even by secular laws. In JMAC there is no sanctity of the life of children to whom the church teaches that, '*vana zvidhina*' meaning children are like bricks. Legally, the Infanticide Act (1991), replaced murder charge with infanticide, meaning mother can kill their newly born babies due to neo-natal depression, rejection by boyfriend/husband, parents and/or relatives. In this Act, newly born babies are not considered human beings and are not fully protected theologically and even by secular laws. The life of children is endangered at both state and theological levels.

The study has noted that, the rights of women and children theologically are determined by the relationship between the state and the church. The study also noted with concern that both the state and the church are Human Rights offenders and both view the Human Rights discourse as a Western civilization which is being imposed on Africa. The state is, however, not consistent with regard to Human Rights. It seems only to advance Human Rights discourses as far as it is advancing its own interests and becomes antagonistic if it is at variance with the Human Rights dictates. The scripture especially the creation narrative demeans women as architects of the fall of humanity; and there are incidences where kings would indiscriminately kill children and where God would send angels to kill the Egyptian first-born child. Whilst the scripture might

have demeaned women and children's rights, the 1648 treaty of Westphalia gave the state the powers to control the church.

The study proposes, 'two sides of the same coin theory' and in this theory the church and the state are one and the same thing in so far as the rights of women and children are concerned. Whilst the 1684 Treaty of Westphalia empowered the state to control the church, the religious nature of Africans makes them submissive to the church authority. It is a taboo in Africa to defy God or gods and more so, religion played an insurmountable role in the liberation war of many African states. This is further compounded by Africa's cosmological view point where the divine is the one who puts and dethrones leaders from power. Almost all African leaders consult mediums or God upon their ascendance to power. In Africa, no leader can rule without the endorsement of the divine and they also strongly believe that no person can be a president unless the spiritual world has endorsed it. This makes it most unlikely for an African state to condemn religion, worse still AICs whose origins are embedded in African values. The other problem emanates from the fact that, people's tradition or value system is a source of law formulation (Dugard, 2010:45).

2.10 Women and Children on Equality

The New Testament elevated the status of women who were being considered by the Jewish society as sub-human, to the status of equality. Jesus was the first to challenge the Jewish patriarchal system and customs. For example, Jesus spoke to women directly and in public (Luke 7:12-13, 8:45, 13:10-16 ESV). In John 4:26 Jesus was first revealed as a Messiah by a Samaritan woman and it was a woman whom he appeared to after his resurrection (John 20:11-18, Matthew 28:8-10 ESV). Women also received the gift of the Holy Spirit on the day of the Pentecost (Acts 1:14 ESV) and they held various key positions of leadership when Christianity started, for example in Romans 16:1-2 Phoebe was a deacon, Philip's four daughters as prophets (Acts 21:19), Euodia and Syntyche as pioneer evangelists (Philippians 4:2-3 ESV) and Junia as an apostle in Romans 16:7 (Romans 16:7 ESV). The majority of AICs theologies are anchored in OT which supports patriarchy in most of its verses and has Jewish influence.

Early philosophers, influenced by the Jewish culture, wrote extensively describing women as sub-humans and these include St Augustine (354-430 A.D) who categorically stated that, women were incomplete beings who needed to be governed by their husbands. Augustine, one of the key church fathers went further to describe women as the source of humanity's fall and predicament through his doctrine of original sin. According to Greathouse (1979:64,69), Augustine was heavily influenced by the pre-Christian Hellenistic tendencies. Augustine went further to blame the fall of Rome on Eve in his work *The City of God* in which Eve signalled the complete fall of humanity (Thistlethwaite, 1981:41). Augustine reasoned that, a woman alone is not the image of God whereas a man alone is the image of God fully and complete. Augustine went on to formulate a doctrine the Divine Order of Things where a woman, because of her evil nature, was to be placed under man's governance, a God-ordained position that fits into the intricate schema called the Divine Order of Things (Gundry, 1980:49). The writings of Augustine influenced later thinkers like Thomas Aquinas who identified women as defective and misbegotten hence they needed man to govern them. Aquinas believed that in man, reason predominates unlike in women.

2.11 The History of Johanne Marange Apostolic Church

AICs are a major unique form of Christianity in Africa that sought to worship and express themselves in an indigenous and African setting. Cox (1995:245) estimates that 50% of all Christians in Zimbabwe belong to AICs. In addition, according to Barrett, Kurian and Johnson (2001:821), Christians comprised 67.5% of the population as at year 2000. Amongst the Christians, AICs were 42.3% of the Christian believers (ibid, 1995:245). The largest phenomenon of the rise of the AICs was experienced in Southern Africa and later spread to other parts of the African continent. As Kaag and Saint-Lary, (2011:1), have argued, Zimbabwean Christianity is hugely diverse. One finds the Roman Catholic Church, Protestant Churches, African Instituted/Independent/Initiated churches (AICs) and Pentecostal Churches in Zimbabwe in coexistence. Mayer, (2004:447) argued that the characteristic of all studies on AICs is that they arose in protest to the Western forms and expressions of Christianity.

Leaders of these churches are characterised by the claim of religious individual encounters and charismatic preaching. The two are the key pillars of AICs' theologies. According to Togarasei

(2016:1006), the theology of AICs is marked by prosperity gospel. The theology of prosperity gospel denotes that God wants believers to prosper materially, physically and spiritually. The African Union (2015:8) argued that, the theology of many AICs is directed towards the liberation of the person from poverty. Freeman (2012:20) postulates that AICs combine divine, physical well-being and material prosperity. He went on to argue that, if Africa is to achieve the decolonisation process it must adopt the approach taken by AICs who refused Western influence, donor funding, Western education and health care, Western definition of Human Rights amongst others.

According to Gichimu (2016:810), AICs are diverse in terms of nomenclature, practice, teachings, rituals and fundamental belief systems. Women and children are theologically treated differently in AICs. Some of the AICs found in Zimbabwe include the JMAC, Vadzidzi, Johanne Masowe eChishanu, Masowe EnguwoTsvuku, Guta RaJehova, Zion Christian Church hereinafter ZCC amongst others. Daneel (1974:56) asserts that the variety of these churches means that they have different beliefs, doctrines and forms of governance. But what makes them all AICs is that they have a common thread running through them in terms of related beliefs and practice.

According to Ranger (1985:55), AICs arose as a result of political ill-treatment by the colonial government which consequently informed their political theological posture. There is a link therefore between the theology of AICs and the drive towards decolonisation as most of its teachings, rituals and practices are a reflective of such. Phimister (1993:225-226) posited that, all these discriminatory measures troubled the African mind, hence the continued growth of AICs because they were able to provide a solution to what boggled the African mind. Hastings (1994:528) argues that most AICs are protestant churches and their protestant roots allowed them to break away from the mission churches without fundamental doctrinal problems. According to Daneel (1987:31), AICs were founded as a form of protestant movement against western churches, and therefore function without referring to those western missions or churches. Engelke (2007:5) added his voice that AICs are of African origin and were founded by Africans; hence are largely adapted to the needs, life-view and life-style of “black” people.

In Africa the family is an important aspect and AICs grew out of family units. According to Daneel (1988:40), most AICs tend to become family churches due to the nature of the first converts who are usually close family members. Daneel (1988:110) traced the doctrine of infallibility within AICs and how it causes factionalism and succession battles. And he revealed that, AICs are pivoted on the founder as she/he commands unquestionable authority amongst thousands of followers. They borrow a lot from traditions of kingship; hence they can be seen as monarchic in nature. The founder or leader tends to have undivided authority. The church's theological teachings, therefore, revolve around the identity, and in most cases, the apotheosis and mission of the monarchical leader. The succession problems and schisms wait until after the death of the founder.

The AICs' major concern was to develop an indigenous expression of Christianity and the same has influenced its practices and theological belief systems. It is this background where JMAC emerged. JMAC is one of the oldest African Independent Churches in Southern Africa. According to Manyonganise (2014:161), JMAC can be traced back to the time of John Alexander Dowe's Zion movement. Dowe's Zion movement in the year 1905 had five thousand followers. Ruzivo (2014:15) postulates that, in 1917, Elias Mahlangu founded the Zion Apostolic Faith Mission (ZAFM). It is, therefore, indisputable that the African Independent Churches in other parts of Southern Africa were greatly influenced by the developments in South Africa, while some were born out of some AICs in South Africa and did spread through the agents of migrant workers in the Wenela Mines.

Daneel (1971:23) argues that JMAC was founded by Muchabaya Momberume, son to a Mozambican immigrant who married Chief Marange's daughter. There is a political link through the institution of marriage. Chief Marange and Chief Tangwena were two key political figures who resisted colonisation resulting in Manicaland Province being declared a semi-liberal zone. Whilst there is no explicit evidence of political socialisation of Muchabaya Momberume by his father-in-law Chief Marange, there are similitudes between the two figures. Both resisted settler efforts, got persecuted and were against any form colonialism and Western civilisation. The birth of AICs in this region indicates that AICs were formed as an antithesis to the Western founded churches. The history of AICs and JMAC does in a way whisper something on why AICs are

reluctant to accept the Human Rights discourse. Issues of Human Rights tend to carry with them the form and texture of some Western linked discourses being thrust down the throats of an African society; and hence tend to have challenges being accepted especially in AIC circles.

Personal revelation also played an important role in the rise and growth of AICs. These revelations form the basis for its theological teachings and doctrine. The rights given to women and children are alleged to be the directives by God and received through extra-ordinary visions and mystical visitations. This is to say, there is a relationship between extra-ordinary visions, mystical visitations and Human Rights in that the former determine the position and the quantum of rights to be given to women and children. Thus, the AICs' theology also recognises revelation in its confession of faith. Muchabaya claimed that from his youthful age, he experienced a lot of extra-ordinary visions and mystical visitations. The same claims are peculiar to almost all founders of AICs. Anderson (2000:250) does also underscore the fact that, Johanne Marange was born Muchabaya Momberume (also spelt as Ngomberume) near Bondwe Mountain in the Marange tribal trust land of Southern Rhodesia.

According to Jules-Rosette (1987:24), Momberume took the name Johanne from John the Baptist and Marange from the tribal name, of the Marange Reserve. It is pertinent to note also that Marange, like Paul Mwazha of the African Apostolic Church, was raised and baptized in the Methodist church. Whilst in the Methodist church, Momberume disappeared into some hills near Mutare for six months. Upon his return, he re-emerged with a vision and inspiration to found a church (Miller, 2006:21–31). These personal encounters have become a norm which enables church leaders to gain respect and authority amongst congregants. Their powers are unquestionable and the church is very quick to dismiss any divergent views. Thus, congregants do not have freedom of speech which is a legal right in the Constitution of Zimbabwe. Whilst there is a Human Rights dimension to it, some scholars believe that such has helped the church to grow. Hallencreutz (1998:103) noted that, to-date, the largest AIC in Zimbabwe is the JMAC a spirit led African Apostolic Church which was founded in 1932. JMAC has managed to spread to many parts of Central and Southern Africa (Lovett, 1975:136).

Daneel (1971:23) notes that, in 1932, when Momberume was 20 years old, upon returning from the mountains, he started to announce a series of visions and encounters with Jesus Christ calling him to be a Holy Spirit guided, itinerant preacher and establish a new African ecclesia. In his vision, he revealed that he was instructed by the Holy Spirit to observe Saturday as the sabbath day (*sabata* in Shona) and to baptize people. According to Wild-Wood (2008:4), he then established JMAC taking instructions from God through the Holy Spirit. As if it's a tactic within the AICs, all the founders of AICs such as Ezekiel Guti, Samuel Mutendi (born Tendeziso Makuwa), Paul Mwazha, Wimbo, Emmanuel Makandiwa etc have almost similar narratives and encounters. Thus, they have a mysterious and mystical upbringing as well as calling. Guti (Guti, 1999:21-21) claims to have met God, and God told him (1999:23), that all his followers will go to heaven. These claims made the founders of these churches demi gods with their theologies immune to criticism. In all these instances or personal encounters and experiences, they will be alone, making it difficult to validate or dismiss their claims.

Machingura (2011:23) says that the JMAC in 2001 were estimated to be around ten million globally. Mukonyora (1998:2) asserts that demographically JMAC is a rural based church, with 13% male, 64% women and the majority are young woman aged 20-29-year-olds. The church grew through inner and extended families. Dillon-Mallone (1978:23) believed that, whilst the church publicly preaches that, it is drawing its doctrine of polygamy from biblical faith bearers like Abraham, David, Isaac, Jacob and Solomon, underneath all that the doctrine fills the numerical gap in the church. He further states that, whilst polygamy is encouraged from within the church, it is discouraged on non-JMAC members. Muphree (1969:1) argued that, premarital relations are forbidden and the majority of girls who lose their virginity before marriage are forced into polygamous arranged marriages by the church. The girls who marry as virgins are given the position of head-wife in a polygamous relationship and those married after losing their virginity should remain subjects. The church determines the social hierarchy hence the congregants do not have an independent life. The human right dimension and elements regarding the doctrine of polygamy revolve around such issues as forced marriages, forcing girls who lost their virginity before marriage into marrying old man, pre-determined matrimonial hierarchy and pre-arranged marriages without consent of the affected girl child.

2.12 Theological Perspectives on the Doctrine and Practice of the Johanne Marange Apostolic Church

2.12.1 Patriarchy Theory

Patriarchy stands accused of leading to the marginalization of women and the girl child, and is seen as the ultimate cause of major abuses against women in all spheres of life. According to Haralambos and Holborn (2007), patriarchy originally meant domination by the father and was used by social anthropologists to describe family structures where the father rather than the mother ruled. In feministic literature, Fulcher and Scott (2007) define patriarchy as simply male domination. It has only been in the past few decades that women and girl child abuse has been studied in detail. When feminism emerged in the 1960s and 70s, feminist scholars began assessing the history and impact of misogyny and gender inequality in various spheres of life. This led to the first modern works on abuse on women being published in the mid-1970s. The patriarchal theory is important in this research in that JMAC is predominantly patriarchal and most of its doctrines enhance theologically sanctioned Human Rights abuses on women and children. It is the assumption of this study that, feminists are a major let down to Human Rights abuses and gender inequalities on women and children in the ecclesiastical arena.

During this period of early modern feminism, it came out that patriarchy in all its forms, is the ultimate cause of all abuse against women. Walker cited in Fulcher and Scott (2007) in his early classic work on domestic violence asserts that sexism is the real under belly of women suffering. He asserts that violence against women or any form of abuse is explained in terms of power struggles. Walker cited in Fulcher and Scott (ibid) argues that in a patriarchal society those with all the power, in this case males, tend to resort to violence when their position of dominance is threatened. This feminist perspective on domestic violence is still uncommon in the contemporary society. Whilst JMAC members are not allowed to report any offenses to secular authorities, the evidence of violence with impunity by JMAC males on succession and leadership is indicative of the violent behaviour of the JMAC patriarchy. They go to the extent of attacking law enforcement agents and speaking in glossolalia in a bid to scare the law (Engelke, 2005:804). This also points to the abuse of the doctrine of the Holy Spirit, which is a central feature of JMAC, being used to evade justice and scrutiny (Daneel, 1971:23).

Much of the early feminist abuse literature is universal in its censure of male power and domination and strident in its condemnation of patriarchy and even of males. For instance, Haralambos and Holborn (2007) in their work on rape state that early on in human history, rape became men's basic weapon of force against woman and became the ultimate triumph of manhood. Furthermore, they argued that from prehistoric times up to the present, rape has always played a critical function. It is nothing than a conscious process by which all men keep all women in state of fear. Various religious feminists and egalitarians have also argued that patriarchy is the ultimate and necessary cause of all abuse against women. Perhaps child marriages, arranged marriages and forced marriages in JMAC can best be explained from the perspective of Haralambos and Holborn who view sex as a tool of trade in fostering patriarchy. Thus, man uses sex to dominate, instil submission and scare woman into perpetual silence.

Like secular feminists, writers also tend to indict patriarchy in all forms as a key determinant of all abuses against women. Westmarland (2001) states that the inherent logic of patriarchy says that; if men have the right to power and control over women and children, they also have the right to enforce that control. In patriarchy, women and children are defined in relation to men who control the resources and power. Women and children are the other, the object, men are the norm, the subject. In a dominance-and-submission social order, there is no true mutual care. Subordinates are to care for the needs of the dominants. From this point of view, the abuse of women is not theologically and legally sanctioned but a weapon used by patriarchy to maintain dominance and subjugation of women. From this perspective, it can be argued that there is nothing religious or spiritual in JMAC or any form of patriarchy.

Similarly, Haralambos and Halborn (2007) hold that domestic violence against women battering or beating is rooted in and is the logical conclusion of basic patriarchal assumptions about women's subordinate status. After carefully documenting historical and religious incidents and justifications for the abuse of women, Fulcher and Scott (2007) argue that ideologies of inequity (patriarchy) and the practice of violence are inextricably linked because the logic of patriarchy provides one just cause for battery, namely, female subordination. This perhaps best explains

why women in JMAC are reluctant to report gender-based violence. Women in JMAC are known for defending their abusers, which is an indication of deep-rooted patriarchy in AICs.

Most of the religious feminists and egalitarians cite historical religious documents or other modern feminist writers to support their hypothesis that patriarchy in all its forms is the ultimate cause of all abuses against women. However, not much research has advanced the understanding of the girl child abuse by highlighting the broad social context in which abuse often occurs and the manner in which patriarchy has historically spawned violence against women. The feministic explanation for domestic violence gives many helpful insights, but it is reductionistic as the complete and final explanation for abuse against women. For example, the fallacy attributing all contemporary abuse to patriarchy can be challenged by raising an obvious question; if patriarchy is the ultimate basis for all violence against women, why is it that there are some men who are being abused by women? However, this reductionist view point may not be too relevant in the JMAC context where the theology of JMAC ensures that, no woman is able to challenge patriarchy. The church permanently expels any divergence from its ethos. It is worthy to note that even those that are expelled seem unwilling to expose the church.

Sundkler (1961:12) argues that in terms of gender imbalances, the theology of AICs is not different from those of Western founded churches, except perhaps in regard to leadership. Thus, AICs founded their churches based on patriarchy so that men became leaders and women subjects. He has brought the gender power dynamic angle to the issue of why AICs were formed. The objectification of women and children in most AICs is the primary concern in this research. This work pushes for gender equity and equality in terms of roles, language, and opportunities between men and women. The constant use of theological language to label and demean women as second Eves who caused the fall of humanity is being regarded as not only sexism but also a Human Rights concern. This is a Human Rights concern in that the Constitution of Zimbabwe and gender policies do not condone sexist language in all spheres of life. This is to say, sexist theological language within the religious sphere is *ultra vires* to the dictates of the Zimbabwean laws and government policies.

According to Mutongwizo (2018:2), JMAC during its Passover ceremony of 14 July 2018 warned president Mnangagwa not to involve his wife in his leadership. Daneel (1971:2) AICs copied the Shona cultural practice where no woman is allowed to occupy key political societal positions like being a headman, advisor and kingship. According Jules-Rosette (1987:7), whilst women in JMAC are continuously being denied leadership positions in the church, they are numerically the majority and through large families they are making JMAC to grow internally. The JMAC church should reflect and realise that JMAC women are the ones sustaining the church in numeric terms. The theology of JMAC must, therefore, cease to vilify women because the church risks losing its important constituency like what Western funded churches did by their failure to come up with effective futuristic plans for the survival and the growth of the sector. Information technology and social media is transforming a number of previously closed societies and JMAC risks inadvertent socialisation.

2.12.2 Women Scholarships on the Status of Women in AICs

There are divergent scholarly perspectives with regard to the true status of women in AICs. Some scholars believe that, in AICs, women play important roles whilst others believe that there is gender disparity. Lilian Dube (1999), highlighted the importance of women healers to the AICs movement and even cited AICs women led movements, for example Mai Chaza, the leader of Guta RaJehova Apostolic church. Loveness Mabhunu (2010:63-84) points at the existence of prophetesses within some AICs as evidence of women in influential positions in African Initiated Churches. Tapiwa P. Mapuranga (2013) highlighted the ambivalence of the status of women in AICs, and Elizabeth Vengeyi (2013) postulates that women in AICs had to adopt survival strategies in a patriarchal environment. Meanwhile, Mukonyora (2007) in *Wandering a Gendered Wilderness*, talks of gender dynamics within the AICs.

What is perplexing is that even literature and inquiries by prominent Zimbabwean women such as Mapuranga, do not explicitly mention how the rights of women are being infringed upon in JMAC. There is remarkable dialectical evidence of reference to the links between JMAC theology and ATR. However, there is lack of statistical evidence, for example, of many child marriages taking place annually. In addition, there is reference to Human Rights violations without reference to the Constitution.

2.12.3 JMAC's Political Theology

According to Jules-Rosette (1987:24), Momberume took the name Johanne from John the Baptist and Marange from the tribal name, of the Marange Reserve. He further stated that he himself was from the Sithole royal lineage. There is a possibility that, Johanne Marange and Johanne Masowe do share some common background. The political theology of these churches seems to have some affinities. Both seem to have had some links or relationship with some royal families, hence their theologies got shaped by that background. Chiefs in Zimbabwe are an appendage of the government and the ruling party's political commissariat. The JMAC's church-state relations must be understood from this perspective. These state-church relations are central to this research because it has an impact on the rights of women and children.

Terence Ranger (1985:27-28) points at the ill treatment of Africans and their culture by colonial government as the cause for the displeasure in Western civilisation. He goes on to state that the violent behaviour, beating of chiefs, confiscation of their cattle, goats, fowls debilitated the African economic enterprise, thus paining Africans to the core. According to Randolph (1985:2), these drastic measures like torched maize and granaries caused great famine and traumatic suffering. The mistake by Western founded churches was its links with the colonial government. The political theology of AICs was informed by this background.

Machoko (2013:1) highlighted the political dimension to AICs. He indicated that, post 2000, the AICs became active political participants and would openly attend national events like hero's burial, independence, heroes' celebrations, political gatherings, prophesy and direct political direction. Towards the 2013 general election, Robert Mugabe, Joyce Mujuru and Morgan Tsvangirai would be seen in apostolic garments holding the staff (*tsvimbo*) suggestive of the political influence of AICs in the outcome of elections, politics and governance. This is against the backdrop that Mugabe, Mujuru and Tsvangirai were staunch Catholic, Salvation Army and Methodist respectively. This position by Machoko is also shared by Vengeyi, Manyonganise (2011:351-368), Sibanda and Maphosa (2013) and Mwandayi amongst others. This relationship is negatively impacting on the rights of women and children as the government and political persuasions are turning a blind eye on the Human Rights violations obtaining therein. The state being a guarantor and promoter of the rights of its citizens under the United Nations

Responsibility to Protect hereinafter (R2P) principle, is perhaps deliberately failing to end the abuse on women and children in the ecclesia. It is such nuances that prompted this research to examine the impact of church-state relationships on the rights of women and children.

Daneel (1974:7) argued that there is a direct relationship between colonisation and the rise of AICs. He opined that, socio-political factors such as sexism and injustice during the colonial era when Africans were segregated, forced Africans to use religion to fight the colonial administration. Spirit mediums (within ATR) and AICs played a critical role in political mobilisation of the masses and instilling hope. Whilst AICs were against sexism and injustice, their theologies failed to address the same within their wholly founded religious movements. In fact, there is a sense in which AICs perpetuated key elements of colonisation in their theologies, for example on democracy, elections, gender, Human Rights and rule of law amongst others. In JMAC, minors are being married off to older man above 60 years. Children are not attending school, and are being used as a source of labour, with congregants barred to work for white firms or be formally employed by the government. Congregants are barred from accessing health care facilities, women do not have full sexual reproductive rights, girls are forced to undertake virginity tests, there is segregation in terms of the church's sitting arrangements amongst others (Isichei, 1995:255).

Kirby (1994:60-61 corroborates Ranger, (2005:2 and Engelke's, (2007:5) argument that the quest for identity influenced the rise of AICs. Africans considered religious freedom as a key step towards self-emancipation and self-determination in response to the theology of discovery. In this perspective the issue of identity was central to the rise of AICs. According to Ranger (2005:2) missionary churches were too academic hence they failed to address the issue of African identity. Missionaries were blamed for attacking the African identity which define them and explain their existence. The colonial history has raised JMAC's political consciousness.

JMAC leadership claims that God loves Zimbabwe and he personally chose its political leadership. In a televised interview of the visit by President Mnangagwa in the build up to 2018 elections the church's spokesperson made an important observation which helps to explain the church's church-state relations. Madzibaba Chimbodza the church's spokesperson told President

Mnangagwa that, people might be given the right to vote by the Constitution and various electoral bodies but God who spoke through Johanne Marange has the final say on who should be the president. Chimbodza further stated that the prophet Noah Taguta-Johanne Marange prophesied on President Mnangagwa victory. To quote him verbatim; he said, “even if thousands of people vote for someone, that will not change. “You are sitting next to the true Man of God (Noah Taguta); what he says is what the Lord has said.” Furthermore, he then advised President Mnangagwa to stop campaigning, because JMAC leader Noah Taguta-Johanne Marange claimed that he had won the elections in the spirit. This confirms the assumption of this study; AICs are reluctant to follow the state’s authority because it sees the state as subject to the church. The church believes that, it holds the key to state authority and its leader is endowed by God to choose the president. Evidently, politicians annually jostle to attend the Passover ceremonies in AICs. The relationship between theology and Human Rights in Zimbabwe must be understood in this context as determined by the existing church-state relations.

The study reviewed a study carried out in Taiwan which tried to give a model relationship that must exist between the church and the state. In that context; the church is obligated to fulfil the Human Rights component. According to Qu Haiyuan’s analysis in his work *A Socio-Political Analysis of the Evolution of Religion in Taiwan*, while the constitutions of over seventy states guarantee freedom of religious belief, this is also limited by certain conditions, which may be summarised in the following four categories: (1) religious freedom must not violate social order, public morality and decent habits; (2) religious freedom must not be harmful to national defence, public safety, public order, public morality, decent habits, etc.; (3) political propaganda or the obtaining of political advantage must not be carried out in the name of religious freedom; (4) the specific banning of certain religions. The work by Haiyuan helps in understanding that religions are as free as far as they are not infringing into the right of others as well as the constitution. Respect of the Constitution means that the church is not above the law. Taking a leaf from Haiyuan’s model, JMAC should theologise within the confines of the Zimbabwean constitution. It is, therefore, the aim of this study to give a theological exploration of the relationship that exists between Human Rights and the rights of women and children in JMAC. His work also gives the study the ideal situation that must exist between the church and the state.

2.12.4 Holy Spirit and Human Rights

Of note, most if not all AICs founders were once active members of the Western founded churches and later defected to form their own churches. The reason all of them give for founding their own churches is that, it was a directive by the Holy Spirit. Paul Mwazha for example, wrote in his autobiography that he clashed with the Methodist ministers on doctrinal issues, especially the work of the Holy Spirit. Mwazha wanted the Holy Spirit to lead and direct the church as opposed to worship in a conservative protestant manner (Mwazha, 1997:62). Mwazha like many other AICs leaders and founders believed that the Holy Spirit brought congregants into clear focus with the glory of God and atonement of sins (ibid, 1997:39). However, the concern of this research is on the abuse of or the misconception of the Holy Spirit leading to Human Rights abuses. The study also looks at how the Holy Spirit saw women like Mai Chaza founding a church and to account for the presence of women prophetesses in most AICs.

Maxwell (1995:313) claims that Guti's ZAOGA emerged as a schismatic movement within the Apostolic Faith Mission (AFM). However, Guti, like Makandiwa, claims directives and encounters with the Holy Spirit as the reasons for founding his church despite the glaring evidence of power dynamics. It must also be noted that mothers to most AICs founders are highly venerated, hence occupy some special position within the Church seemingly parallel to Mary the mother of Jesus in the Roman Catholic tradition. The respect comes from the claims that their birth was somehow very complex, mysterious and complicated. According to Takavarasha (1997:4), the late Mbuya Dorcas, the mother to Guti to whom the hospital Mbuya Dorcas is named after, is central in the theology of ZAOGA. It is however worthy noting that women in the ZAOGA, unlike in AICs, are well respected and can occupy pastoral offices. The issue of gender within AICs is elusive and a very complex matter whether the gender lenses of the founder become the theological position of the church.

To demonstrate the importance of the doctrine of pneumatology, some AICs reject the Bible in favour of continuous revelation. Engelke (2007:95), postulates that one of the AICs in Zimbabwe, the Johanne Masowe *eChishanu* sect, rejects the Bible in favour of live and direct communication with God. The church states that, by accepting the Bible, it is synonymous with accepting Western domination and missionary methods of interpretation. Of note to this research

is that, neither those AICs that accept the Bible nor those that rejected it are found not to be entangled in women and children's rights violations. Thus, Human Rights considerations cut across all AICs but not limited to AICs alone as there is evidence of Human Rights violations of women and children even in other Christian denominations outside AICs.

The doctrine of pneumatology in AICs seems to have its roots in ATR. It can be argued that the Holy Spirit as the Spirit of God was in Africa before the arrival of missionaries on the continent. Any contradiction to this is in essence a refutation of the omnipresence of God. Thus, the Holy Spirit and or God was not brought to Africa as some missionaries may have erroneously claimed. According to Cox (1995:247), AICs crafted their theology to ensure that spiritual customs passed on by their ancestors are not forsaken. He stated that, AICs believe African worship is better than that of missionaries. Cox went on to say that most AICs provide a setting in which the African conviction, spirituality and healing get dramatically enacted.

A majority of AICs founders claim spiritual encounters to justify that they were chosen by the Holy Spirit. It is such pneumatologically charged claims that make AIC leaders have unquestionable authority. They claim to have been sent on a mission by the Holy Spirit and they spend the rest of their lives claiming that they are still fulfilling their missions. For example, Paul Mwazha is referred to as *Mutumwa*, meaning "the one sent" or "the messenger" and hence the teaching *Kutumwa Kwa Paul Mwazha we Africa*, thus the sending of Paul Mwazha of Africa. These honorific titles deify the leaders of these AICs and shape their theologies. Quoting of such verses which say "touch not my anointed one of God..." as well as the one that says whoever sin against the Holy Spirit has committed unpardonable sin is quite often. However, it remains unanswered on how the calling would be transferred to one's siblings upon death. According to Hastings (1979:77), on 17 July 1932, on the road from Mutare to his home near Mount Nyengwe, Johanne Marange had a visionary experience. He was suddenly struck by a powerful light and he fell unconscious. He heard a voice that spoke to him:

You are John the Baptist, an Apostle. Now go and do my work! Go to every country and preach and convert people! Tell them not to commit adultery, not to steal and not to become angry. Baptise people and keep the Sabbath day (Hastings 1979:77).

According to Anderson (2000:48) the role of the Holy Spirit is a central feature in the theology of AICs. Grab (2016:2) also reiterated that the Holy Spirit helps in healing, prophesy, interpreting dreams, preaching and casting of evil spirits. The concept of the 'Holy Spirit' and dreams is exclusive to each other in that, dreams are interpreted from a spiritual point of view. Of note is that there is evidence of the abuse of the Holy Spirit in the facilitation of child marriages where minors are married off to older persons under the theology of *kurotswa* or dreams.

Leach (1967:6) argued that JMAC followers believe that their leader was given the Church's Charter, its rules and practices by the Holy Spirit. The Holy Spirit governs and directs JMAC theology and is not subject to discussion since it is divinely ordained. Bishau argued that the Holy Spirit is unfortunately used to differentiate gender roles in the church. However, the church teaches that sinning against the Holy Spirit is unpardonable by God making it impossible for anyone in the church to question the authenticity of anything claimed to be from the Holy Spirit. It must be noted however that JMAC is not the only church where the leadership is viewed as infallible. The Roman Catholic Church holds that the Pope is infallible. The Roman Catholic Church uses scriptures such as Matthew 16:18 as the basis for Papal infallibility. Mbiti (1973:17) went on to state that the Holy Spirit in JMAC is the source of revelation, prophecy, healing and protection and that without it, there is no church. The rights of women and children are thus given and determined by the Holy Spirit. The doctrine of faith healing is blocking women and children from accessing modern health interventions resulting in them dying of simple diseases that can be easily cured.

Daneel (1970:10) argued that the church's central teaching of healing through the Holy Spirit in JMAC is a recruitment exercise more than a pure religious calling. Africans before the advent of Christianity and modern medicine would be treated by mediums, healers and faith healers. And people had a lot of faith in these. However, this study is limited to showing how the Holy Spirit infringes into the rights of women and children. There is evidence of children dying enmasse due to the teaching that, there is no disease the Holy Spirit cannot cure, hence all JMAC congregants are expected to undertake an oath or *chitsidzo*, on their behalf and their families' that no pure JMAC member will ever seek medical help from clinics and hospitals. The church teaches the

story of Job who lost everything and was later replenished twofold by God, to give hope to their congregants who would have lost their family units. The church also preaches of demons and witchcraft as causes of illness and death. This is to discourage their congregants from seeking medical help from clinics and hospitals, since no hospital or clinic cures a demon or exorcises witchcraft. Non-JMAC relatives of the congregants are often prophesied and labelled witches and wizards so that they will not have influence on their congregants. The Holy Spirit is perhaps being used as strategy by the church to dominate and blindfold congregants from questioning the church's authority. In the Roman Catholic Church, the Papal infallibility makes it impossible for the congregants to question the authority of the church as well as some of its teachings.

Of note is that, JMAC congregants who even camp for months or years at the healers' homestead are used as unpaid labour. In most instances, it is women and children. There is glaring evidence of labour related abuse which the Ministry of Labour and Social Welfare as well as organisations such as the International Labour Organisation (ILO) ought to investigate into. This aspect is not limited to JMAC but to most mega apostolic sects like Vadzidzi eChishanu who followed Wimbo in Goora, Mt Darwin. There is lack of enforcement mechanism perhaps due to lack of political will since AICs are the political parties' important voting constituency in Zimbabwe. There is evidence of stampede by various political parties to bootlick the AICs leaders. Resultantly, most AICs have diplomatic passports, for example, Johanne Marange the leader of JMAC and Wimbo the leader of Vadzidzi eChishanu who tend to be guarded by both the army and police details.

The founder of JMAC prophesied that God does not like whites and they do not accept whites amongst their congregants. Major theological controversies in AICs emanate from their pneumatological conceptions and teachings. The spirit dictates the pace and course of direction that the church is to take. There even seem to be some tenets of Apartheid in most AICs resulting in them refusing to accept any Western teachings and its civilisation like schools, hospitals, employment and Human Rights amongst others. Most AICs and JMAC, in particular, up to recent years when the church-built St Peters school, have not been supportive of the idea of educating children and even allowing them to go to school. Of note is the fact that, even today they do not allow children to go to school on the Sabbath. This has been found to affect most

especially those AICs whose sabbath falls on a Friday, which is a normal school day in Zimbabwe. This is an indirect violation on the rights of the children which is not often looked at by researchers.

The rights of women and children in JMAC are a pertinent issue that requires the attention of the state. Whilst political leadership often visits JMAC shrine for power and endorsement, there is, however, the need to strike a balance in terms of church and state relations *visa viz* the rights of women and children. With the fundamentalist doctrine in JMAC and most AICs remains unclear on whether the state is capable of imposing its values and laws on them. Marange, Masowe and Mwazha are believed to be some special messianic figures specifically sent for Africa, just as Jesus was in the Ancient Near East (ANE). So, Johanne Marange, Johanne Masowe and *Mutumwa* Paul Mwazha are viewed as some kind of messiahs. They are the “Christ” sent for Africa by God to redeem Africans into salvation. The trio claim to hold the true and real time gospel received to them through visions, dreams and some mystical experiences and pneumatological manifestations. They have borrowed from ATR, perhaps, on continuous revelations where God/gods would converse with humanity directly through spirit mediums. The Mabweadziva and Matonjeni shrines were associated with the voice of God. This aspect is important in that, AICs claim that, this earth, including the state, is Satan’s dominion, hence they are just but passers-by and therefore they take directives from God directly and not from the state. AICs are very clear that they support the existing authority for the purposes of co-existence and peace only. They also claim that, through revelation, they are able to give political direction to the state by communicating the will of God to humanity. Thus, the state is in their perspective the subject of the church and the role of the state is to obey the will of God and not vice versa. This explains the AICs’ non-adherence to forced changes to their theologies, especially to conform to Western values like Human Rights which promote fourth generation rights like homosexuality, family planning, and transgender issues among others. The state by adopting these fourth-generation rights is now being considered lost and an agent of Satan.

Some AICs ended up canonising ATR value systems into their theologies because they wanted to demonstrate to the Western founded churches that they were proud of their Africanness. Jules-Rosette (1975:187) argued that AICs have demonstrated that the complete abandonment of their

African cultural identity makes it impossible for them to feel a sense of the divine. Thus, Blakely (2006:5) says the formation of AICs demonstrated strong cultural resilience, adaption and adoption in a teleological sense. Whilst the study acknowledges the desire by AICs to promote their values and tradition, the study is concerned about the culturally gender and Human Rights insensitive practices and teachings copied by JMAC. The drive of the study is to seek to transform these theologies to ensure that women and children are accorded full rights theologically.

The JMAC church is very dogmatic when it comes to its theology and the church strongly believes that their leader Marange is the embodiment of God on earth. The church, as such, uses terms such as *tenzi* meaning lord to refer to Marange. Brian Maguranyanga noted that Johanne Marange, Johanne Masowe and Madhidha sects demand strict observance of the church beliefs and practices with sanctions for non-conformity. Non-believers are regarded as *vanhu vemunyika*, people of the world. In the theology of JMAC there is a separation between believers and non-believers and the state is part to non-believers who require redemption to repent and follow JMAC. Missiologically, the JMAC believes that, all other churches including mainline, Pentecostal, orthodox, other AICs and the state should repent and worship the true God of Johanne Marange according to JMAC's theology, teachings and revelations.

2.12.5 Succession, Inheritance and Human Rights

The JMAC strongly believes in witchcraft and sorcery. Johanne Marange died without having appointed a successor fearing that the person would be bewitched (Hastings 1979:182; Jules Rosette 1977: 1150-1152). In terms of the Zimbabwean law, it is a crime to call a person a witch or wizard but in AICs the church preaches and points fingers to people labelling them witches and wizards. In 1963 when the prophet got ill and died, according to Daneel (1971:335), rumours were rife in the church that Simon Mushati and Gwati had bewitched him so that they could take over the church leadership. Marange was inherited by Noah Taguta who became the leader of the church. According to Hastings (ibid), Mushati was against the idea of sons inheriting church leadership arguing that, the Holy Spirit and mystical visions are not inheritable. Of note is that, whilst Marange had children, both male and female, only the males are being mentioned and considered for inheritance. Women or female children are not entitled to inheritance, a

confirmation of the gender imbalances within the church. With the fierce fights and excommunications associated with leadership and succession wrangles and the JMAC doctrine which do not recognise women and children, women and children are usually forced by circumstances to watch events from a distance.

The only mentioning of Chiedza Momberume, a female, was in The Herald (28 April 2003: 13) when Clemence Momberume reported Noah Taguta and Chiedza in a case of car fraud. It is however important to note that Chiedza Momberume was a widow. There is also an aspect of unequal and uneven distribution of the deceased's inheritance in a polygamous relationship (Ashcroft et al 2007:125). This is contravention of the inheritance laws which guide how the deceased person's estate must be distributed. The AICs' inheritance laws are not gender sensitive and the church has the overall control of the inheritance process which is usually done in line with the teachings of the church. The church teaches against memorial services and many other rituals done for the dead after burial.

To demonstrate lack of respect for secular laws, according to The Herald (May 10: 2003), Noah Taguta and Chiedza Momberume fled some police detectives in an attempt to evade arrest. According to The Herald (17 April 2002: 4), a High Court Judge, Justice Smith issued an arbitration which was deliberately ignored by Noah Taguta because the church's theology is that, no internal matters of the church are tried by the secular courts. This resistance to abide by secular laws has resulted in JMAC violating a number of Human Rights because Constitutional rights are the only legally binding rights. According to Engelke (2005:804) AICs congregants have a tendency to frighten police using glossolalia, and have been doing this as early as 1934 especially the members of the Johanne Masowe branch under Emmanuel Mudyiwa Dzangare. The beating of police by members of AICs is also another classical example. Whilst church has its own set of rules and Human Rights doctrines and teachings, they are *ultra vires* unless consistent with the Constitution.

Succession battles within the AICs fraternity are usually associated with physical violence and tend to exclude women. This phenomenon is not limited to JMAC but such churches like the ZCC where Mutendi's sons succeeded him (Daneel, 1988:305). Physical violence often affects

women and children physically, spiritually, emotionally and socially. The evidence of violence in JMAC is captured in a High Court Judgement of 2004, case number HH 076-2004 CA 15-24/04. The literature exposes the link between Human Rights and theology. There are excommunications and counter excommunications as a result of the succession and inheritance debacle. Scriptures are often used to justify expulsions and excommunications. If the brother remains indignant, then he should be left and be treated like a pagan (Matthew, 18:15 ESV). Although Paul urged Christians to judge themselves and not to go to secular courts, the failure by Christians to resolve problems amongst themselves often results in people seeking justice in the secular courts (1Corinthians, 6:1-9). The ambivalence for the Church comes about when the same word of God advocates an eye for an eye, a tooth for a tooth (Exodus, 21:24-26 ESV, Leviticus, 21:20 ESV, Deuteronomy, 19:21 ESV).

The idea of the eldest son inheriting and succeeding his father upon his death was perhaps borrowed from the ATR. Homi Bhabha (1985:155) has observed that, African culture was hybridized under colonial rule and Africans have carried residuals of both into their churchly lives. Violence and witchcraft are some of the key features of succession and leadership battles in ATR that have been borrowed and characterise AICs. According to Ashcroft (2000: 108), AICs represent transcultural forms that occur at the contact zone produced by the meetings of two world views of the African and the coloniser. Sugirtharajah (2001:62) added that, the hybridity of ATR after colonisation has led to the rupture, shattering and splitting in the African cosmology. The AICs were, as a result, an attempt to restore African religious value system and ended up adopting elements of the ATR that in modern terms violate Human Rights.

According to Daneel (1988:79) the major problem resulting in major schism and prolonged succession fights is that most of these charismatic leaders of AICs and Pentecostal churches are using their charisma to accumulate a lot of wealthy. This results in both material and spiritual gaps when the founder dies. The fights in JMAC, Anglican, AFM, Vadzidzi are both material and spiritual. Daneel further states that the lack of a direct law that governs the registration of churches seems to have contributed to problems of inheritance and leadership succession in AICs in Zimbabwe (ibid:80). In the absence of clear Church constitutions and Church registration according to the laws of the land, inheritance and succession issues become problematic in many

AICs. Since the majority of AICs' properties associated with the founder are not protected at law and are usually distributed in line with the traditional inheritance laws, women and children must benefit equally with their male counterparts.

2.12.6 Masculinity- Femininity Dichotomy

The masculine-feminine dichotomy emerges as one of the key notions to explain the root causes of abuse of the girl child. Peterson and Runyana (2010) observe that when we favour or privilege that which is associated with femininity, it is these dualisms that have traditionally valued the masculine side of the Man-Woman dichotomy more than the feminine. This is reinforced by McCann and Kin (2010) who further observe that the common use of *man* to designate human beings in general also favours masculinity at the expense of femininity. They further, argue that the hierarchical dualism of Man and Woman is so pervasive that is if we rewrite or redefine the inferior, deprivileged side of that dualism, we cannot correct its devalued status. Instead, we redefine that which is undervalued but retain its devalued status. This aspect of attempts to critique hierarchical dualism like reason and feeling has been reflected in the writings of many feminists, male and female.

Gilmore, cited in Haralambos and Holborn (2007) suggests that there are three typical features of masculinity found in most societies, notably, man the impregnator, man the provider and man the protector. On man as impregnator, Gilmore states that men are expected to impregnate women and to this, they are normally required to take the initiative in courtship and sexual encounters. They are expected to compete with other men for access to women. On man as provider, Gilmore posits that having impregnated women, in most societies, men were then expected to provide for them and their offspring. Man, as protector is evident in most cultures where men have the responsibility to protect their women from anything that can harm them and of course, from other men.

In ZAOGA, it can be argued that there is gender balance with women and men having equal opportunities in the church. The case of ZAOGA shows that not all the AICs violate the rights of women and children through teachings, doctrines, practices, rituals and symbols. According to Maxwell (2002:12), in ZAOGA the church regalia tend to have Guti and his wife Eunor. On

events such as birthdays and international women's day, Eunor Guti is widely celebrated and awashed with gifts and praises as the mother figure of the church. Guti himself helped Eunor Guti to further her tertiary education and the church has established Ezekiel Guti University in Bindura to show the church's commitment to education. The gender teachings in ZAOGA are quite different from JMAC where women are no better than children. The wives to Marange are not recognised by the church. These discrepancies help to expose gender imbalances in JMAC. The comparative approach demonstrates the masculinity and femininity dichotomy in AICs.

Draper and Mtata (2012:103) noted that women in ZAOGA play an important role in the welfare of the church. A number of women testify the support they get from the church towards their emancipation. Women in ZAOGA have an organ called ZAOGA Gracious Women, a platform through which women coordinate themselves developmentally (Chitando, 2012:274). It is the assumption of this study that, the government of Zimbabwe must intervene on gender insensitive churches such as the JMAC with the view to transform their theologies so that they complement the government's drive to empower and recognise the rights of women and children.

2.12.7 Gendered Development

Llo (2014:34) asserts that it is imperative for the government to recognise AICs as key partners in development. Thus, he advocates for strategic partnership between the government and AICs in order to ensure that sustainable livelihoods of women and children in the religious sphere are effectively transformed. Llo further argues that the contribution of AICs to development is an area that has not been fully explored by scholarship. He noted the following scholars as the only scholarly work done so far exploring the contribution of AICs to development, namely: Turner (1980), Cross, Oosthuizen, and Clark 1993; Oosthuizen 1997, 2002), Garner (2004), Bompani (2008, 2010), Freeman (2012a), Öhlmann, Frost, and Gräb (2016:56). These argued that, AICs contribute immensely toward upliftment of the lives of its congregants. Typologically, Turner (1967:17) referred to AICs as African churches, primarily for Africa without missionary Godfathers. According to Öhlmann et al. (2018:4), the church must play a pivotal role in uplifting the lives of its people. He noted that, in most parts of Africa, AICs control a larger population. He also stated that, the church must play its role towards sustainable development of which AICs were the proponents of human security and the doctrine of indigenisation. AICs

encourage small and medium enterprises, a concept well-articulated in Daneel when he talked about basket makers. Whilst there is evidence of polygamy and high illiteracy level amongst the AICs, there is no evidence of hunger and starvation. The teachings of AICs on sustainable development are perhaps a model that might need to be refined, since food is a Human Right issue.

In JMAC families work for their survival in line with ATR where family is the primary source of labour (Öhlmann et al., 2018:4). In ATR, society had mechanisms such as *nhimbe* and *zunde ramambo* to ensure a collective response to labour and hunger. Perhaps, what might be of concern to the theology of JMAC and AICs is the non-spiritual element to the doctrine of polygamy. There are Human Rights concerns to this research regarding child labour and women abuse. The JMAC teaching that no man with one eye can enter the kingdom of God is to say only polygamous man enters the kingdom of God. Of note is that children and women in polygamous families are regarded as cheap labour and this position is an antithesis to the goal of the church as an empoweree.

In the past AICs were not concerned about building social amenities infrastructure like clinics and schools. In fact, the church would preach openly against Western education and medicine. However, some AICs are beginning to adopt the culture of building schools and clinics for their congregants. JMAC, for example, built St Peters school in Marange and Mudzidzi Wimbo does also have a school at Goora. This is a serious theological anti-climax and a milestone achievement especially in such closed church societies like JMAC. It is the assumption of this study that, these schools shall help transform the lives and welfare of women and children in JMAC. Education is very important in transforming lives including that of women as well as awakening their consciousness about Human Rights in general and the rights of women and children in particular. Maposa, Sibanda and Makahamadze (2011:262) assert that education transforms the social and economic lives of church members and ordinary people. The trio went on to state that, the state must support the church's developmental initiatives. They gave an example when President Mugabe commissioned a ZCC conference in 2011 and also conferred a Honorary Doctorate degree to Nehemiah Mutendi by the University of Zimbabwe for his educational initiatives and building of schools (The Insider, 18 April, 2011). The theology of

ZCC on education is worth noting because of the church's numerical and charismatic influence. The ZCC News Letter of April (2012:4) indicated that the church had more than 2 million followers in Zimbabwe, close to 300 000 followers in South Africa, over 400 000 in Mozambique, close to 100 000 in Zambia and Democratic Republic of Congo and about 50 000 in Botswana. The 2 million figures in a country with a total population of 14.5 million people is no joke. Cox (1995:245) estimates that 50% of all Christians in Zimbabwe belong to AICs.

Unlike the JMAC founder, the ZCC founder Samuel Mutendi valued and encouraged his congregants to value education. This is no wonder why the church built and run schools. The ZCC has a clearly defined policy which seeks to eradicate illiteracy in the church. The theology and the teachings of ZCC do not discriminate educationally, both male and female have equal educational opportunities (Maposa, Sibanda and Makahamadze (2011:262). Bishop Nehemiah Mutendi is a trained teacher by profession; hence his educational vision is somewhat shaped by his own profession and experience; buttressed by his father's desire to educate the nation. The afore-mentioned trio stated that ZCC schools are staffed with ZCC trained teachers and the church supports them through donations and provision of scholarships (ibid, 2011:262).

2.12.8 Early Marriages

There is a plethora of statistical evidence on early marriages in both the religious and secular spheres. The issue of child marriages is a global concern and efforts are underway to ensure that the scourge is discouraged, criminalised and eradicated. Whilst states, interstate agencies, CSOs, NGOs are seized with the matter, the religious sphere has not registered any documented evidence on how its theologies seek to eradicate the same. In fact, cases of early child marriages seem to be rapidly rising with churches like JMAC continuing to have traditions, doctrines and theologies that promote and sanction child marriages. Interestingly, most if not all states have no known policies, laws, programmes and commissions of inquiries on how states intend to confront child marriages and related abuses in the religious sphere. Human Rights are formulated and enforced by the state and under the UNR2P doctrine which states that States have the legal obligation to ensure that every citizen is protected and enjoys all the Constitutional rights. Also, to note is that, UNICEF, which is a critical arm of the United Nations, has produced volumes of evidence on religious abuse but the United Nations, is yet to come up with a religious specific

treaty or convention. The Convention on the Rights of Children (CRC) and Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) have seemingly been ineffective in addressing Human Rights violations in the religious sphere. One wonders why the UNSC has never attempted to engage or sanction any church for violating the rights of women and children. It appears as though the UN is seized with political power dynamics, totally negating the religious sphere. Feminists, CSOs, NGOs, protestors in all their forms have not been forceful enough on religious abuse in the same manner they confront governments on political and economic issues. It is the assumption of this study that the above-mentioned organs have failed children and women who continue to fall victim to some ecclesiastic doctrines that are found to infringe on their rights.

There is no specific Act of Parliament against child marriages other than basing on the Constitutional court ruling of the 20th of January 2016, in which marriage of children under the age of 18 years was outlawed. The ruling was widely celebrated as a milestone development in preserving the sexual reproductive health and Human Rights of minors who are below the age of 18. Whilst the development is worth celebrating, nothing much has changed in so far as the plight of the girl child in AICs is concerned. The Constitution of Zimbabwe in terms of section 81 guarantees that children under the age of 18 have the right to health, the right to be protected from sexual exploitation or any other form of abuse, the right to education, and the right to be protected by the law. Are the children in the AICs protected by law when their conditions and predicament are not improving? In abolishing child marriages, the Constitutional Court of Zimbabwe has given life to section 81. However, there is need to realign any laws that are at variance with the judgement. Even if the realignment of the laws is done, will that guarantee the girl child in AICs a reprieve given that she has been neglected for the past 36 years?

Literature presents, early marriages are a big threat to Human Rights and well-being of the children. UNICEF, estimated that 14 million girls between the ages of 15 to/and 19 give birth each year (UNICEF 2014). It also revealed that, they are twice more likely to die during pregnancy or childbirth than women in their 20's. The report went further to state that, child marriages deny the young an opportunity to grow and empower themselves. It also challenges, the basic right of these children to education, health, protection and development. Literature also

revealed that, the girls are forced into it a lot more in comparison to their male counterparts and impacts girls with more intensity. In JMAC, child marriage has many causes, religious, social and economic. In many cases, a mixture of these causes results in the dragging of children into marriages without their consent. In AICs girls from poor households are twice more likely to be married early than the girls from higher income groups. In Zimbabwe, child marriages are a topical issue in JMAC, and the government is seemingly taking a blind eye because of the political electoral gains from AICs. AICs tend to be an important voting constituency in Zimbabwe.

Zimbabwe is allegedly one of the countries in the world with high cases of child marriages and the Zimbabwe National Statistics Agency Multiple Indicator Cluster Survey (ZNSAMICS) (2014) indicated that, the proportion of women who were married before the age of 15 is more than that of men. The statistics revealed that, 5% of women and 0.3% of men aged 15-49 years were first married or in union before the age of 15. Also, 1 in 3 women and less than 1 in 20 (3.7%) of men aged 20-49, were first married or in union before the age of 18. The statistics of child marriages in Zimbabwe is extremely high, worrisome, and exposes young women to the risk of unintended pregnancies, unsafe abortions and sexually transmitted infections. This is much worrisome given that members of these apostolic sects do not encourage the use of condoms and birth control measures like contraceptive pills. According to United Nations Population Fund (UNFPA) 31% of girls are married before the age of 18 in Zimbabwe. According to the ZNSAMICS (2014), 39% of the women in rural areas aged 20-49 years where AICs are deep rooted are currently in marriage or in union before the age of 18, compared to 21% in urban areas. According to the ZNSAMICS (2014), Mashonaland Central a province with high number of AICs tops on the list of provinces with the highest number of cases of child marriages with 50% of the marriages involving minors, followed by Mashonaland West with 42%, Masvingo 39%, Mashonaland East 36%, Midlands 31%, Manicaland 30%, Matabeleland North 27%, Harare 19%, and Matabeleland South 18%. Thus, Zimbabwe is among the 41 countries in the world with many cases involving minors, being forced into marriages by their parents or guardians. This means that the issue of child marriages is a topical one in Zimbabwe and as such requires urgent attention by the state. Other than rape, there is a rise in terms of rituals of a

criminal nature, whereby children are being raped, killed and mutilated in ritual related incidences.

Cases of child abuse are rampant and a majority of them are unaccounted for since they are not reported because most girls are abused by close relatives, pastors, priests and the rich. Most cases are concealed as the grieved parties embark on out of court settlements for material gain. It is so pathetic that parents rush to opt for such out of court settlements, a culture so prevalent in Zimbabwe. Even at state level, the country is known for denying the existence of crises to both the internal and the international community. A number of studies that were carried out on AICs and JMAC did not yield much because of this phenomenon. In so many interviews carried on JMAC, the church denies the existence or occurrence of child marriages and other related abuses, prompting researchers to resort to phenomenology and ethnography to gather data. A classic example is the case of Anna Machaya, a 14-year-old girl who died during childbearing at a JMAC shrine on the 15th of July 2021. The church, in connivance with her relatives, had to secretly have her buried at the shrine. When investigations were done pertaining her death, the church together with her parents had to lie about her identity, claiming she was Memory Machaya, her cousin aged 22. This was an attempt by both JMAC and Anna Machaya's parents to defeat the course of justice. If children had full rights both within the religious sphere as well as in the secular world, the predicament befalling the girl child would have been much better.

The issue of child marriages is an aspect of the society that can be socialised and was borrowed from ATR (Rose 1970:50). The concept of arranged marriages (*kuzvarira*) and *musenga bere*, meaning forced marriage, are popular ATR customs which were borrowed by JMAC. The similarities in value systems made it easy for either ATR or JMAC to influence each other. There is evidence of the spread of JMAC theology to non-JMAC communities through socialisation and family linkages (Ray 1976:204). As alluded to by this research, the spread of AICs and JMAC, in particular, is through family socialisation. In places where JMAC members are a majority, child marriage becomes a fashionable practice. The church and state relations have an influence on how the status of women and children are interfaced in JMAC and the influence of such malpractices on the adjacent society. In the Zimbabwean context, the religious sphere is seemingly dominating the state's influence over the same. In a country with a total population of

14.5 million people, AICs are Zimbabwe's largest religious denominations comprising of 32 percent followers of the country's total population according to the 2010 Zimbabwe Demographic and Health survey. This study is also guided by these demographic statistics and the influence that JMAC has on both the followers and the adjacent societies which shapes the way they treat women and children. The abuse of women and children in JMAC is indirectly affecting the Marange community in general through socialisation as the society is influenced by JMAC's theology, practices, rituals and doctrines.

There are a number of cases where senior government officials and those that are politically connected abuse children with impunity. The other aspect of note is that the state is also an accomplice in that it has not yet fully recognised the rights of women and children. During political campaigns, children are sexually abused in various political camps. There are a number of documented evidences by CSOs, NGOs and Private Voluntary Organisations. The state sponsored child abuses are seemingly an African problem and examples can be drawn within the continent. There were numerous reports to the fact that the South Sudanese President Salva Keir Mayardit had child soldiers among his army. The Rwandan President, Paul Kagame, used child soldiers and girls as porters and sex slaves in 1994 to get into power. In Zimbabwe, the case of Dr. Munyaradzi Kereke is also a key example, where he raped a minor and ended up appealing to political hands to evade justice. Currently, most African states are under sanctions for Human Rights violations and yet the same state is expected to protect and promote the rights and welfare of the same citizens. The UN system is perhaps very weak in that after sanctioning a state for violating citizen's rights, it does not do anything beyond that to ensure justice is delivered and the perpetrators and all their accomplices are brought to book. Most of the UN sanctions are being ignored by a number of states, and they tend not to really affect the actual perpetrators who are largely the political elite. In essence, most of the UN sanctions are found to hammer on the very survivors they are meant to protect. These and other factors impede the state from plugging off similar elements in religious sphere when the state is failing in its legal capacity as the protector and promoter of Human Rights.

2.12.9 Healing and Human Rights Implications

Healing is a major factor in the rise of AICs in Zimbabwe. Daneel (1974:186) notes that healing is one of the most influential factors in attracting believers to AICs. Cox (1995:254) noted that healing and prophesy are the two major activities found in the church. He further stated that healing goes beyond bodily recuperation to providing remedies for unemployment, family disputes, marital discords, and similar cases. The aspect of healing is a major attraction as it addresses the core issues found in the African society, in an African way. It provides remedy to the clinical symptoms and the spiritual problems that have led to the manifestation of the disease (ibid, 1995:258). However, of note to this research is the act of barring congregants from accessing health care from clinics and hospitals. The church teaches that only Jesus can heal and yet in the parable of the good Samaritan, the clinic is mentioned positively. In terms of the Public Health Act and the Constitution of Zimbabwe, access to health is a fundamental Human Rights issue. The theology of JMAC is parallel to the law hence a violation of Human Rights. Of note is what Mare (2013:34) observed, that there are double standards in JMAC where its leaders are found to access Western medicine privately. Saviour Kasukuwere and Noah Taguta have lenses, meaning that they visited opticians to have their eyes attended to. Whilst Noah Taguta has lenses, he decreed his followers must take an oath known as *chitsidzo* meaning to say an oath where no matter what it's members must never seek Western medical services. The *chitsidzo* is a vow of remaining resolute to the principles and the teachings of the church. The theology of healing is almost synonymous to all AICs and the miracle healing narrative has become a power tool for converts into the church. Apart from Marange, Wimbo, Mwazha, Makandiwa, Gutu (1999:31) claim to have performed healing miracles which include healing the lame and the blind. Meanwhile, Mwazha claimed to have raised people from the dead.

The doctrine of healing is not only a Human Right issue but also a national security one given that Chiteko (2014:8) revealed that JMAC has an estimate of 1.8 million congregants which translates to 10 percent of Zimbabwe's population who are being barred from accessing medical facilities. Thus, Zimbabwe is in terms of health, failing to account for 10 percent of its population. Bernard Chiteko (Dailynews: 12 January 2014) carried investigative journalism on hard-pressed JMAC members to hear their views on the teachings of JMAC about health. The JMAC vendor interviewed by the investigative journalist openly stated that in JMAC, dogs,

chickens, goats and cattle have better chances of survival than humans (ibid:2014:8). The interviewee went on to state that, since the church stated that it heals all diseases, prophets usually transform their homesteads into hospitals with a wide range of patients admitted into the small huts littering the yard. In this scenario, the laws governing hospitals and provision of healing services are being ignored, for the Ministry of Health is also mandated with registering and regulating all facilities offering health care. With the COVID 19 pandemic, the government is failing on its legal right to protect and accord citizens their full rights. The study of church-state relations helps to explain the relationship existing between theology and Human Rights in Zimbabwe.

2.13 The Advent of Human Rights Discourse

There are many theoretical arguments surrounding the ancestry, range and significance of Human Rights in moral philosophy, political science, and jurisprudence. To that end, the chronological context of Human Rights can be viewed from a wide range of perspectives. The first perspective on the origins of Human Rights traces them from the ancient philosophical and religious space in pursuit of justice, charity, compassion, individual worth, and veneration for all life found in Judaism, Hinduism, Buddhism, Islam, Confucianism and Christianity (Ishay, 2008). Antecedents of Human Rights declarations are also found historically in the ancient rules of Hammurabi in Babylon (about 1772 BCE), the Charter of Cyrus the Great (about 535 BCE), edicts of Ashoka in India (about 250 BCE) and traditions of pre-colonial Africa (ibid). Thus, there is a universal recognition that Human Rights are an integral part of international relations (Donnelly, 2013, 24). Key influencers included the recognition of the religious rights of minority Christians through the peace of Westphalia in 1648 (Lauren, 1998), the Slave Trade Act of 1807, the Cyrus Cylinder around 539 BC, the Magna Carta Liber Tatum of rights of 1215.

Others locate the Human Rights discourse in the rise of natural law theories in Ancient Greece, Rome and Christian theology of the Middle Ages. These are credited according to Hunt (2007) for motivating the philosophers of the Enlightenment and the Declarations that influenced the French and American revolutions. At the same time, the Human Rights discourse was spiralled mostly in the 19th century slave trade abolitionist, workers' rights and women's suffrage movements (Islay, 2008). Meanwhile, some trace the rise of Human Rights to their enthronement

in the United Nations Charter of 1945, which led to the emergence of the Universal Declaration of Human Rights of 1948 whence most national constitutions, international treaties and foreign policies draw their inspiration (Hunt, 2007).

Generally, Human Rights have a common ethical concern for just treatment of all human beings regardless of gender, race or religion. This just treatment has its foundations built in the altruism of human behaviour. Thus, Human Rights often emerge from claims of people suffering injustices and are therefore based on moral and religious belief systems (Bantekas and Oette, 2016). As pointed out by Bantekas and Oette (2016), a lot of people loosely refer to Human Rights as rights available to every person due to the fact that they are human. According to the United Nations, the term human refers to everyone on earth while rights refer to civil liberties that one compulsorily deserves notwithstanding their age, nationality, ethnicity, ideology, sex or creed. Rights are therefore legally enforceable in character and application. These rights include “the right to life, liberty, freedom of opinion and expression, and everyone is entitled to enjoy them without discrimination. Meanwhile, efforts of the UN towards international Human Rights protection began in the aftermath of the Second World War; and it culminated in the formulation of the Universal Declaration of Human Rights (UDHR) in 1948, where 48 out of the 58 members that constituted the United Nations General Assembly then, voted in favour of the content of the UDHR (Bantekas and Oette, 2016). Relatedly, Article 4 of the African Charter on Human and Peoples' Rights affirms on the inviolability of human beings and are entitled to respect his life and the respect of his person.

Human Rights have been viewed mainly form three categories. These are civil and political rights, socioeconomic and cultural rights then, lastly, from what are called solidarity rights (Foster, 2006). Civil and political rights protect people from the infringements of their rights by governments, people and any other organisations while socioeconomic and cultural rights include rights to a decent life such as right to housing, education and satisfactory living conditions. Solidarity rights are those rights that recognizes the importance of non-discrimination and equality of all human beings (ibid). In that vein, Human Rights apply in two main scopes, namely: entitlements-based principles and on values and legally enforceable freedoms and entitlements (Black Law Dictionary). These rights are not only enjoyed by human beings, but by

corporate bodies and even animals. It is from such a background that women started to demand equal rights as human beings and consequently, feminism started to dominate the Human Rights discourse.

2.14 The Emergence and Rise of Feminism

Feminist theories are diverse and varied. They include liberal feminism, which advocates for women's equal access to socio-economic and political institutions; radical feminism, which argues that women's oppression originates in sexuality; Marxist and socialist feminism which roots gender inequality in capitalism; and psychoanalytic feminism, which argues that early childhood experiences shape women's psyches and creates differences between men and women. Although these feminist theories are varied, they all zero in on analysing women's experiences and offer different remedies for gender inequality (Mies, 1986). In order to achieve this, three overlapping forms of feminism have been developed. These are empirical feminism, analytical feminism and normative feminism.

Empirical feminism explores gender as a dimension of international relations. It has identified the male stream of society as a major contributor to gender inequality in the world (True, 2001). Its argument is that traditional international relations theories like realism help to maintain a distorted and partial world view that reflects the unequal power of control that men clench rather than the full social reality of the lives of women, children and men (Runyan and Peterson, 1991). Thus, this school of thought challenges the patriarchal nature of society as espoused by traditional realism. Feminists challenge women's near complete absence from traditional power relations, which perpetuated their marginalization and exclusion from decision-making, 'high politics' (Enloe, 1989). They also expose how globally, women were victims of structural and indirect violence (even in war (Tickner, 1992)). The exclusion of women in high politics is also evidenced in religion where they are limited to peripheral roles, which is the crux of this thesis.

Meanwhile, analytical feminism utilizes gender to deconstruct and expose gender biases in philosophical concepts. It holds that the use of abstract classifications such as 'the system', 'the state,' (Enloe, 1989) without unpacking people as agents embedded in social and historical contexts leads to alienation of women from being recognized as active actors in power politics. Analytical feminine politics in this instance moves from particular interstate relations towards

transnational actors and their transformations in global politics showing how previously excluded areas like gender balance are central to the functioning of the international system. This deconstruction of gendered identities that perpetuate normative ideas of what men and women should do is challenged, and so are notions that masculinity is associated with rationality, power, independence (Mies, 1986) and the public sphere where women are seen as weak and in need of masculine protection as embodied by patriarchal power. This is what analytical feminism debunks, hence advocating for parity even in once masculine dominated sectors like on the role of female in churches such as the Johanne Marange church.

Lastly, there is normative feminism, which advances ideas to attain gender equality in politics and economics. The overarching argument here is that the female plays a key role in decision making for the family (Runyan and Peterson 1991) and can also do the same in the community, as well as at church etc. Such; arguments birthed efforts to recognize women as equal beings and deserving similar rights that are enjoyed by men in all spheres of life. This was a practical demonstration that the implied distinction between private (personal) and public (international) arenas was false. Thus, there was no premise for alienating women based on social constructions (Meyer and Prugl, 1999). Women have to be equally represented in all facets of life including in religious circles.

While feminism has tried to open spaces previously reserved for men, it seems inclusion of women in hard politics is still cosmetic as they are still restricted to playing peripheral roles (Tickner 1992). Women are viewed through patriarchal lenses as socially constructed stereotypes whose duties are limited to less demanding tasks. This is despite the fact that they form a larger proportion of the world population (Baumgartner 2010). The situation gets worse in situations that involve violence and post conflict peacekeeping missions. A United Nations report on Women in Peacekeeping buttressed this point. It highlighted that 1% of deployed uniformed personnel in 1993 were women. The figure rose to 4.8% of military contingents and 10.9% of police units in the year 2020. The target for women in UN Peacekeeping Missions set for 2028 ranges from 15-30% (United Nations Peacekeeping 2020). These figures are still very low, especially in a world where the need for gender balancing has dominated various global fora.

In the recognition of the important role that women play and in trying to achieve gender parity, many international treaties have been signed to advance the empowerment of females. Such treaties include the Beijing Declaration and Platform for Action (1995) whose goal was to attain gender equality by 2020. In addition, United Nations Security Council's (UNSC) adoption of Resolution 1325, which marked women's entry into peacekeeping missions; creation of UN Women international efforts to eradicate domestic violence by setting 25 November as the International Day for the Elimination of Violence against Women; Recognition of wartime rape (Niarchos 1995) as a war crime (Rome Statute 2002); and the inclusion of women in key decision-making positions. Good examples include Dr Stergomena Tax, the Secretary for SADC, Christine Lagarde, President of the Bank of Europe and Ursula von der Leyen, Chairperson of the European Commission, and formulation of women's quota systems in politics that has opened the door for emergence of powerful women in world politics (Barth and Hostens 2004) like Angela Merkel, the outgoing Germany Chancellor, Nancy Pelosi, Speaker of the US House of Representatives and Greta Thunberg a female teenage Green theorist. Thus, women are showing that they are indeed capable of performing duties just like their male counterparts. In that respect, this paper has found it necessary to also show how women were faring in war situation, that is, in peacekeeping operations, which are more difficult to perform compared with the role in church where women in Johanne Marange are being side lined.

Evaluating the effect of issues of gender and peacekeeping is a tough, multifaceted and controversial task. One way of circumventing these debates is to set quotas for women's participation, where they serve as proxy for impact (Valenius, 2007). But as suffragette critics of "add women and stir" approaches have been arguing for decades, quotas do not say anything about effectiveness, whether endogenous or exogenous. All they say is that more (or fewer) women have been deployed without saying anything about the implications of their presence. It does not mean that by increasing the number of women in the uniformed peacekeeping force, it will inevitably increase their influence within the operation or modify the way the mission operates in relation to local citizens (Jennings, 2011).

In the grey literature advocating for increased women's participation in peacekeeping, a number of arguments that tend to overlap and to reinforce each other occur. They include the following

argument: that woman peacekeepers offer better protection to vulnerable citizens as they are less intimidating or provocative compared with male peacekeepers (Niarchos, 1995). In religious circles, there are allegations that women and girls are subjected to both physical and emotional abuse. At the same time, church tribunals that hear these alleged cases are dominated by males who run most religious institutions. Therefore, the hearings are prejudicial to female victims. A lesson can be obtained from UN peacekeeping operations where the involvement of women as peacekeepers is proving to provide better protection to vulnerable citizens such as women and children. The same can be adopted in religious circles so that there is a balance of gender, which in turn may guarantee protection of women and children from abuse of their rights by religious leaders.

In addition, the presence of female peacekeepers acts as deterrence to their male counterparts, some of whom have the propensity to sexually violate victims of conflict whom they are supposed to protect. Jennings (2011) adds that women peacekeepers have the added advantage when it comes to body search as they can search other women and girls at checkpoints and thus can improve intelligence gathering about local communities as they can easily understand what constitutes a threat to the vulnerable members of the society (Sion, 2008). In terms of inspiration, women peacekeepers help contribute to more equitable gender relations within the local society by serving as role models or mentors for local women and girls (ibid). Therefore, there indeed is some sign that female peacekeepers take a diverse tactic to uniformed peacekeeping duties than male counterparts (Jennings, 2011). For example, women peacekeepers easily befriend and assist local women both through formal or informal contacts. Their involvement in social capital activities like giving away toys, participating in clean ups and other outreach activities provide solace for distressed females in local communities (ibid). Such efforts commonly generate goodwill within the affected communities and prevent possible glitches in the peacekeeper-local relationship from arising. These same experiences can be extended to religious institutions for the greater good in order to reduce cases of the abuse of women and children's rights.

2.15 Key Conventions on Women and Children's Rights

A number of international treaties whose aim is to advance Human Rights, especially those of vulnerable groups like women and children have been adopted universally (Sion, 2008). Two of

these include the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). At the same time, the United Nations Children's Fund (UNICEF) promotes the rights of girls and boys with a special emphasis on protection, survival and development. Relatedly, the United Nations Population Fund (UNFPA) endeavours to promote the rights of women, men and children alike so that they enjoy a life of health and equal opportunities without discrimination. Liberal evidence has shown that advancing the rights of women was not only the right thing to do, but it also results in an optimum environment conducive for boys and girls to flourish (Jennings, 2011). The standards enunciated in the CRC and CEDAW are fundamental to the work of the UN as a whole as they reinforce Human Rights principles and values that are applicable to all human beings. The argument therefore is that there should not be women and children's rights but Human Rights as children and women were human beings too just like men whose rights are indivisible. Thus, the CRC and CEDAW address those aspects of social, cultural, civil, economic and political life, which requires more attention if children and women are to enjoy their rights wholly, including the right to non-discrimination in all aspects of their life. A brief presentation on selected conventions and treaties that guarantee and promote the rights of women and children ensues.

2.15.1 Convention on the Elimination of All Forms of Discrimination Against Women

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979 by the United Nations General Assembly and it became operational on 3 September 1981. It enshrines the principle of gender equality, which entails how women as human beings are entitled to the enjoyment of Human Rights on an equal basis with their male counterparts. CEDAW deals with a variety of rights that include the right to participate in elections as voters or as participants, and equal rights to health and education. It also offers protection from discrimination at workplaces and advances for equality before the law. This is why CEDAW is usually described as an 'international bill of rights' for women (Australian Human Rights Commission, 2008). Treasured within its 30 Articles are key principles of equality as well as an agenda for state action to end discrimination against women. Some of the key Articles are presented in the paragraphs that follow.

Article 2 of CEDAW encourages governments to work towards eliminating discrimination against women. This can be achieved through the introduction of laws or policies that change existing discriminatory laws that sanction discrimination. Article 3 emphasizes on actively promoting women's full development and advancement in order to facilitate them to enjoy Human Rights and fundamental freedoms without being restricted. Meanwhile, Article 5 of CEDAW advocates for states to address social and cultural patterns that promote the stereotyping of women based on traditional gender roles. At the same time, Article 6 encourages governments to deal comprehensively with cases of trafficking and exploitation of females for prostitution.

In general, CEDAW seeks to address those issues prevalent in society that lead to the exclusion of women in key decision-making areas and in public life. Thus, it advocates for women to stand in elections and to be actively involved in the crafting of all domestic and international laws as state and non-state actors. In that same vein, Article 10 of CEDAW deals with the issue of education and training, where it advocates for women and girls to be afforded equal opportunities like boys in the education sector in order to reduce existing gender gaps. Governments were encouraged by CEDAW to ensure that all education was free from stereotypical indoctrination on the roles of men and women. At the same time, the issues of discrimination in employment were tackled in Article 11, which required that states should make sure that there was no discrimination in employment in order to ensure that women also attain the right to do similar jobs as men. The same Article further requires that states craft laws that forbid discrimination in the workplace on the basis of marital status, pregnancy and maternity. Related to female health issues is Article 12 on health, which advocates for the end of discrimination against women in the field of health care including advocacy for women to access family planning. Pertinent to note also is Article 16 of CEDAW, which requires members to ensure that women and men have equal rights to freely choose a partner to enter into marriage with. Women are also accorded similar rights to men within marriage and upon divorce.

2.15.2 Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child is an agreement that was adopted in the year 2000 by countries who promised to work towards the protection and advancement of

children's rights. The Convention explains that children are any persons under the age of 18 regardless of gender. In that respect, it notes that children are also human beings and therefore, their rights are connected to any other Human Rights. Thus, the rights of children are equally important as they cannot be taken away. All children are supposed to enjoy these rights no matter where they live, who they are, what their religion is, what they think, what language they speak, what they look like, their sex, whether they have a disability and no matter who their parents are.

In that respect, the Convention explains that children's rights are indivisible. Children are free to choose their own religion, thoughts, generate their own opinions, as long it does not stop other people from enjoying their rights. The role of parents is limited to guiding children so that when they grow up, they learn how to properly enjoy their rights without violating the rights of others. Relatedly, children have the right to privacy, good healthcare and equal access to education and decent living conditions. Governments are encouraged to protect children from abuse, violence and being neglected by anyone who looks after them. The government also has an obligation to protect children from sexual exploitation and sexual abuse, including by people forcing children to have sex for money, or films or sexual pictures of them.

2.15.3 Beijing Declaration and Platform for Action

The Beijing Declaration and Platform for Action (BDPA) was the fourth world conference on women that was held in Beijing from 4 to 15 September 1995. Its major aim was to accelerate implementation of the Nairobi-forward looking strategies for the advancement of women and it also aimed to proffer ways that could be adopted in order to speed up the removal of all obstacles inhibiting the active participation of women in all private and public spheres of life. This was to be achieved by propagation for equal and full share in social, economic, religious, cultural and political decision-making processes. This entails, according the BDPA (1995), that it was imperative to establish a principle of responsibility and shared power in all spheres of life, religion included. This is because equality of all genders is a human right that is inviolable since it is a condition of social justice and is also a key prerequisite for development, peace and equality.

To that end, the platform resolved to commit towards the attainment of equal rights and to push for the inherent dignity of men and women in accordance with the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and other international Human Rights instruments such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, which have been presented above. The same platform also resolved in line with the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development to ensure that all indivisible rights and fundamental freedoms of women and girls were to be implemented in full.

The Beijing platform of action advocated for the empowerment and advancement of women. This included aspects to do with the promotion of women's right to freedom of conscience, thought, beliefs and religion, thus contributing to the ethical, spiritual, moral and intellectual needs of women and men as individuals or in community with others. This would guarantee that women realize the possibility of reaching their full potential in society and shaping their own destiny in accordance with their own aspirations. Government delegates who constituted the platform were convinced that the empowerment of women and their full participation as equals in all spheres of life including accessing power, participation in decision-making processes, peace and development would ensure sustainable societal development.

It was resolved that women's rights were also Human Rights as women were human beings just like their male counterparts. Thus, a harmonious partnership between women and men was critical to their well-being, the well-being of society, as well as the consolidation of democracy (BDPA, 2015). The observance of equal rights was also expected to facilitate opportunities and access to resources, which would consequently lead to the eradication of poverty based on social development, social justice, sustained economic growth and environmental protection.

The Beijing declaration also explicitly recognized and reaffirmed the right of all women to control all aspects of their health and in particular their own fertility as basic to their empowerment. It also advanced the notion of equal access to education by advocating for the elimination of all forms of discrimination based on gender, language, race, religion, age,

disability or any other form at all levels in education. In this vein, it was agreed that by the year 2000, there should be universal access to education, by year 2005, the gender gap in primary and secondary schools should have been closed by around 80% and all gender disparities in the education sector should have been eliminated by the year 2015.

Even though some of these goals are still yet to be met, women have demonstrated significant leadership in communities and in public offices (Jennings, 2011). However, negative stereotyping of women including stereotyping through the media reinforces the tendency for political decision-making to remain the realm of men. Similarly, the under representation of women in decision-making positions in the areas of religion and culture have prevented women from having a noteworthy impact in key bodies. In addressing the inequality between men and women in the sharing of power and decision-making at all levels, governments and other non-state actors were encouraged to promote an active policy of mainstreaming a gender perspective in all programmes so that before decisions are taken, a scrutiny is made on the effects on women and men, respectively.

2.16 The Zimbabwean Context

The insufficiencies of the Lancaster House Constitution resulted in tenacious calls by feminists and gender activists to substitute it with a more democratic Constitution that endeavours to protect and advance the rights of women (Magaisa, 2011). In 2008, the Government of National Unity (GNU) that was ushered in Zimbabwe as a result of a hung parliament amongst other things, was mandated to come up with a ‘people driven’ Constitution. This became a glorious opportunity that gender activists and feminists had been waiting for in order for them to contribute towards a new gender-cognisant Constitution. Notably, Women of Zimbabwe Arise (WOZA), Zimbabwe Women Lawyers Association (ZWLA), the Woman Action Group (WAG), and several other women organizations seized the opportunity to mobilize gender activists and feminists from all walks of life and submitted papers calling for gender equality during outreach meetings. They specifically called for inclusion of clauses that encompassed pertinent issues that have been presented on the section that dealt with CEDAW.

By promulgating a new Constitution on 22 August 2013, Zimbabwe integrated the Human Rights-based approach and liberal feminism, which emphasise the legal, policy and institutional reforms to strengthen equality between women and men in society. In addition, best international and national Human Rights standards were implemented in order to ensure that gender equality and non-discrimination were guaranteed. Besides CEDAW, other protocols that were included in the Constitution include the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), and the Southern African Development Community Protocol on Gender and Development (SADC Gender Protocol). The Constitution of Zimbabwe also includes an extended Declaration of Rights under Section 80 (1), which guarantees to women, socio-economic and political rights. Similarly, Section 51 reinforces the respect for the inherent dignity and the acceptance of women as part of human diversity and humanity (Constitution of Zimbabwe, 2013).

Section 27 (2) mandates the Government of Zimbabwe to take appropriate measures to ensure that girls are given similar opportunities as boys in order to facilitate them to obtain education at all levels (Constitution of Zimbabwe, 2013). Relatedly, Section 14 and 27 resonate with article 4 (3) of the SADC Gender Protocol, which emphasizes on the need for states to put in place favourable measures that eliminate the barriers for the expressive participation of women in all spheres of life. These spheres include empowerment and affirmative action measures whose objectives are to break inequalities that hinder the progression of women such as limited access to productive resources and education, abuse and exploitation as well as the right to live a decent life. This is expressly espoused under 17 (c-d), which directs the State to “take practical measures to ensure that women have access to resources including land on the basis of equality with men”, and to “take positive measures to rectify gender discrimination and imbalances resulting from past practices and policies” (Constitution of Zimbabwe 2013, 20). This is also in sync with the Maputo Protocol, particularly article 19 (c), which encourages states to ensure women have access to and control over productive resources including land.

The Constitution of Zimbabwe under Section 14 (2) domesticates article 7 (6) (a) of the SADC Gender Protocol which mandates state parties to create opportunities for women's employment. Thus, the inclusion of section 14 in the Constitution affords women to escape the various Human

Rights violation traps that come with unemployment. In addition, section 65 (6-7) provides for fair and reasonable labour practices on all human beings. Like article 4 and 7 11(a) of the SADC Gender Protocol and some parts of article 11 of the CEDAW, Section 65 (6-7) guarantees the right to the same pay for women and fully paid maternity leave for a period of at least 3 months.

Section 17 (1) of the Constitution of Zimbabwe mandates the State to fully promote gender balance. Section 17(b) orders the State to ensure equal representation between women and men in all institutions and arms of government. To add on, Section 17 (d) (ii) lobbies for women to “...constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under this Constitution or any act of parliament” (Constitution of Zimbabwe 2013, 20). This resonates with article 5 of SADC Gender Protocol, article 8 (e) of the Maputo Protocol and article 11 of CEDAW which both encourage gender balance as a step towards sustainable development and justice. The Constitution also speaks of non-discrimination of women under section 56. Section 56 (3) contains issues to do with sex, marital status, gender and pregnancy as grounds of prohibited discrimination.

Relatedly, marriage rights and abolition of harmful practices are constituted under Section 78 of the Constitution of Zimbabwe (2013, 38), which sets eighteen years as the minimum marriageable age for children. Further, Section 78 (2) criminalizes forced marriages, which are prevalent in apostolic sects. These provisions domesticate article 4 (8 a, b) of the SADC Gender Protocol, and article 6 (a-b) of the Maputo Protocol and CEDAW which accentuate on the need for consent in marriage. They also set 18 years as the age for one to be married. The declaration of 18 years as the age of marriage and the emphasis given for consent in the Constitution, effectively ban child marriages in Zimbabwe. This is supported by Section 80 (3), which states that all practices and traditions harmful to women are deemed to be void to the extent of the infringement (Constitution of Zimbabwe, 2013). This is in tandem with provisions of article 2 of the Maputo Protocol and article 2 (f) of the CEDAW that encourage the repulsion of all laws, traditions and customs that violate the rights of women. The inclusion of the Section 78 and 80 (3) in the Constitution has significantly improved litigation and the protection of the girl child from child marriages and other harmful practices.

Lastly, the Constitution of Zimbabwe provides for the right to health and reproductive care services for women. Section 29 (1) delegates the state to take all practical measures to ensure the provision of basic, accessible and adequate health services throughout Zimbabwe” (Constitution of Zimbabwe 2013). In the same way, the right to reproductive health services under Section 76 (1) of the Constitution borrows from article 16 (1) (e) of CEDAW, instructing states to promote and protect men and women’s right to reproductive health. The addition of reproductive rights addresses vital women challenges, and enables them to assert their rights, reduce their vulnerability to HIV and AIDS, and other sexually transmitted diseases (Gender Links, 2013).

2.17 Overview of JMAC’s Fundamental Belief Systems

The abuse of women and children is a front-page item globally. Religious linked terror groups use women and children as political pawns and human shields. Children have always been victims of history both in the secular and ecclesiastic. The issue of child rights is a historical subject matter and states are grappling to mitigate the violation of children’s rights in all spheres of life. To demonstrate the importance of mitigating child abuse, the study identified in history major world disasters where children were key victims. Majority of the girls died during world disasters, with some minors forced into marriages, raped and human trafficked. The Vietnamese war of 1944-1945 claimed over 2,000,000 million lives, a majority of whom were children. It was also noted that 1,500 000 people mostly children have died as a result of human sacrifice in the Aztec culture and no known prosecutions took place. The 1983-85 famine in Ethiopia claimed at least 1,000,000 million lives and most girls were abused in refugee settlements. The study used these statistics to justify why this chapter was dedicated to children’s rights and their sustainable livelihoods considerations.

The study is not against the theology of JMAC in its entirety but it is concerned with those aspects of the theology that violate the rights of children. The criteria of identifying whether the theological practice, ritual and teaching is a violation of Human Rights was by subjecting these elements to the Constitution. The Constitution was an important document on this study since Zimbabwe as a country is a Constitutional democratic state. For years, women and children in religious sphere are being exposed to heinous acts of abuse including statutory rape, forced virginity testing, forced marriages, which deprive the girl child the right to fair treatment in the

sphere of access to education, health care, child policies, political determination, amongst others. The impact of these theologies includes, pregnant women giving birth at shrines, malnutrition and high infant mortality rates.

Children in JMAC are not benefiting from most government policies due to JMAC's theology. The theology presents the church as a sojourner on this earth and that the world is the kingdom of Satan. The government being a secular entity is viewed by the church as part of the earthly kingdom. The church believes that the only laws that govern it are the Ten Commandments, which the church teaches they were given to humanity by God himself. In the JMAC theology, Ten Commandments are more superior to the Constitution that was made by blood and flesh. The Ten Commandments are believed to have been written by God himself and were handed over to Moses in their original form. The church teaches that God is still manifesting himself through the Holy Spirit and continuous revelation. Thus, God directs his church in real time and the role of the state in its theology is very limited. The state is only tolerated in line with Roman 13:1 and through that verse the church teaches that, the state is the subject to the church, since the church is the representative of God on earth. In terms of hermeneutics, the AICs and JMAC employ literalism when interpreting the sacred scripture. The AICs largely refer to Old Testament verses where kings would go to men of God/prophets for guidance, protection and intercession. JMAC strongly believe that the state is the subject of the church, and that it must seek God's face and repent from its wayward/worldly deeds. The church obeys the state to a limited extent. This background was meant to give a brief theological exposition which perhaps helps to explain why JMAC children are not benefiting from government's social policies designed to uplift children.

The JMAC formulated most of its theologies and teachings in the 1930s as a reaction to colonialism and its various manifestations. Schools, clinics and hospitals came along with colonialism; hence the Church taught and protested a lot against these. The protests and boycotting of these institutions was part of the decolonisation process and political theology more than they had anything to do with spirituality. The role of Old Testament prophets who were statesman, political figures, liberators, advisors, healers, intercessors, messengers and prophetic figures influenced the political theology of JMAC. The church's major teachings

against the state were part of the protest against colonisation and the demand for independence. Of note is the rationale of continuing with protest theology and political theology under changed circumstances. The country is no longer under colonial rule. The majority of Churches of Western origins have Africanised, deracialised and indigenised to the effect that they are now led and run by the indigenous people claiming autonomy from the West. Is it still valid therefore to talk of Western churches in Zimbabwe? With the attainment of independence and changes which took place in once Western churches, JMAC theology should have revised some of its theologies. The basic tenet of any theology is that, it must be contextualised to adapt and conform to changing and changed circumstances. It is the assumption of this study that the JMAC theology is behaving as if the post independent Zimbabwe is a colonial government.

On the other hand, the state's approach to JMAC is that of voluntarism where the church has the right to choose to or not comply with the government's directive. Reports from scholarship, non-state actors, state agencies and individuals were deliberately ignored by the government which is looking at AICs from a political angle. The ruling party ZANU PF considers AICs as its key and reliable political voting constituency. In turn AICs seem to enjoy state protection and immunity which enable them to violate laws and policies with impunity. There is a 'new normal,' meaning doing things the wrong way but still be considered normal. It is a fact that children and women in JMAC are not benefiting from the government policies, and are having their rights deprived by the church. The state turns a blind eye to such Human Rights violations and instead showers the church with praises when key government officials visit their shrines and attend their Passover ceremonies. Under the R2P doctrine and the Constitution of Zimbabwe, the government of Zimbabwe has the legal obligation to protect, promote and safeguard the rights of the vulnerable societies.

Not much has been written on how much government policies aimed at uplifting the livelihoods of the vulnerable children are benefiting children in AICs, particularly JMAC. The waywardness of the church is clearly captured in the 1648 treaty of Westphalia, which created states to regulate the behaviour of the church. Thus, the state must take necessary measures to ensure that, children in AICs are also benefiting from their social policies. There is a relaxation on the part of the state, to control and regulate the church. The seriousness of the state is seen in its policies,

laws and more importantly enforcement. A case in point is that, there are no stringent conditions for the registration of churches to ensure that before any church is allowed to register; its Constitution must be submitted to the Ministry of Justice and Parliamentary Affairs to check its compliance with the Constitution. All existing churches would also submit their theologies for rationalisation and realignment with the Constitution. This will be in line with the doctrine of *ultra vires* in the Constitution which states that any practice, law or belief system inconsistent with the Constitution is invalid to the extent of its inconsistency. This is to say, the church, like any other legal person, has the duty to abide by the conditions set out by the National Constitution. This thinking was triggered by the fact that, since 1930s, when the church was formed to date, no JMAC child benefitted from government's social policies. The strict and extremist JMAC theology is blocking children from benefiting from government's social policies. This comes at the backdrop a government that is apparently watching haplessly as its policies are not impacting positively on the women and children in JMAC.

The violation of child rights through church doctrines is a cause of concern in Zimbabwe despite that there are a plethora of laws and programmes which are meant to promote children's rights. Zimbabwe at a theoretical level has done well as far as ratification or acceding to international child rights instruments is concerned, which in turn, has been complemented by domestication of international instruments and protocols on child rights. Zimbabwe ratified many international conventions related to child protection including the United Nations Convention on the Rights of Children (UNCRC). Under the Convention and its principles Government of Zimbabwe is obligated to place children's rights and their development at the forefront of its legislative agendas. This is so because Zimbabwe is bound by the *pacta sunt servanda* principle which decrees that, states are servants to all the protocols, conventions and treaties it has ratified. This is to say states should follow to the letter all the treaties and conventions on children's rights to which Zimbabwe has ratified. Child sensitive social protection is inherently a rights-based notion that places an obligation on governments to take the necessary policy, institutional and budgetary measures to provide adequate social protection to children as they are regarded as the most vulnerable group that requires support for their survival and development. Sen (1999) buttresses this notion by remarking that children have specific needs and failure to meet them jeopardizes their development and deprives them in their capabilities. Therefore, social instruments enacted

by the state addresses key issues that are affecting children. Additionally, the policy, provides early intervention and support to children in order to promote their welfare particularly where they are vulnerable or at risk of not receiving adequate care and protection in the community and the society at large. To this end, several social instruments were enacted which are not benefiting children in AICs in Zimbabwe.

Girls in JMAC are theologically not allowed to actively participate in politics or occupy key positions in the church. Mandlenkosi Maphosa (2015:127-159) in the *Journal of Conflict and Social Transformation* Volume 4, argues that women are legally empowered to freely participate in politics and hold public offices. The United Nation, 2015 report, article 2 of the Universal Declaration of Human Rights (UDHR) states that, everyone has a right to partake in the government of own country without discrimination on the basis of sex. In addition to that, Section 56 of the New Constitution of 2013 says all persons are equal before the law and have the right to equal protection and benefits of the law. The section further explicitly states that, women and men have the right to equal opportunities in political, economic, cultural and social spheres. In addition to these constitutional provisions, Sub Section 3 says everyone has the right not to be treated in an unfairly discriminatory manner on the bases of nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious beliefs, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability, economic or social status and or whether one is born in or out of wedlock. Furthermore, the African Women's Rights Observatory (UNECA, 2012) and regionally, SADC Gender Protocol Article 12, paragraph 1, calls for a 50 percent threshold of the women in decision making positions (SADC, 2008).

In a more related literature on JMAC practices, norms and rituals, the Holy Spirit was cited as the key tool being used to abuse women and children. In a report by Maureen Sibanda entitled, 'Married Too Soon', (2011:5), the "Holy Spirit" is seemingly to blame for the abuse of women and the girl child in JMAC. She went on to reveal that, the Holy Spirit is being abused in JMAC to legalise child marriages. In addition, she implores on how lack of education disempowers the girl child with regard to safe sex, child spacing decision making, in addition to harmful practices of shunning health institutions. She recommended JMAC to embrace international Human Rights

approach and abandon those theological practices that violate the rights of women and the girl child. Sibanda and Marevesa (2013:173) have argued that the movement essentially forces children to 'march or die'. Taking up the same theme, Chakawa (2010: 41) maintains that the young girls 'have become enslaved in religion and undergo such abuse and still suffer in silence.'

Polygamy is one of other highly contestable subject in postmodern Christendom, with mainline and Pentecostal churches regarding it as a sin and AICs as Godly. The study acknowledges that there are many verses that perhaps support polygamy. Of note to this study is the practice of forcing minors into polygamous marriages, depriving them the right to self-determination, descent shelter, health and education which is their basic right. The position of this study is that, polygamy must be voluntary and entered into by an adult on full consent basis. There are no less than 40 biblical verses that support polygamy, all of which found in the Old Testament. In the scriptures Lamech was the first man to marry more than one wife (Genesis 4:19) and God never condemned it. There are a number of religious persons who engaged in polygamy in the scriptures to include Addon (Judges 12:13-14), Abijah (2 Chronicles 13:21), Abraham (Genesis 16:1-3, Genesis 25:1), Ahab (I Kings 20:1-3), Ahaseurus Esther 1:9), Ashur (1 Chronicles 4:5), Ben-Hadad (who married Ahab's wives), Caleb (1 Chronicles 2: 18-19), David (1 Samuel 18:27, 25:39, 25: 42, 2 Samuel 3:5, 3:15), 12:7-8, 12:24 (had 8 wives), Elkanah (1 Samuel 1:1-2), amongst others. In all these cases God did not condemn polygamy except on David who had snatched Uriah's wife and these marriages involved adults and not minors.

God said to David in 2 Samuel 12:8, I gave your master's house to you, and your master's wives into your arms...and if all this had been too little, I would have given you even more (2 Samuel 12:8 ESV). To show that, polygamy is not a sin, in Luke, Abraham, Jacob, David, Solomon, Elkanah and Ezra who were polygamous were said to be in heaven (Luke 16:19-31 ESV). Genesis 21:10 God said if a man marries another woman, he must not deprive the first one of her food, clothing and conjugal rights. In the New Testament, Paul made reference to men with more wives in the church (I Corinthians 7:39 ESV). This study took cognisance of the fact that, marriage is a basic social right and gender issues are now fluid. This study challenged polygamy on the basis of its links with societal ills like HIV/AIDS infection risk and forcing minors into polygamous marriages. Psychologists concluded that girls who married as minors face a plethora

of social and psychological problems due to their failure to cope with marital challenges like GBV, bereavement and household responsibilities.

UNICEF described JMAC as belonging to the ‘ultra-conservative’ wing of the AICs in Zimbabwe (UNICEF 2011: 42). Obvious Vengeyi (2013: 66-67) and Molly Manyonganise (2013: 483), criticised JMAC for depriving women and children their basic rights resulting in death whilst trying to uphold church doctrines that prohibit for example the use of modern medicine. These theological prohibition orders are a Human Rights violation because it is the right of every child to access medical care. In this regard, Vengeyi (2013:71) and Machingura (2011:200), posit that the beliefs and practices of JMAC ought to be transformed especially on contentious issues that affect women and children. The two provided insights into why JMAC does not conform to the Constitution. According to Chitando, Chiwara & Shoko (2013:10), the Constitution of Zimbabwe, whilst it is there to protect and promote the rights of women and children, it has an underlying Western Christian ethos and an anti-African traditional stance. The theology of JMAC and literature on the church’s origins, point out that the church is against Western civilisation. In addition, its theology seeks to reconstitute African traditional values that were diluted by the West through colonisation. Thus, JMAC, by taking an anti-constitutional stance, is fighting Western Christian ethos in it.

The study also reviewed a newspaper article because of its worthy to this study. The article is on the visit to Bocha, the headquarters of JMAC, by the president of Zimbabwe, Mnangagwa in 2018 where he was the guest speaker at its Passover ceremony. In his speech, the president, stated that JMAC has a key role to play in governance issues. He also stated that, the church had the power to determine on who will win the elections. According to a journalist, Muza Mpfu, with the newspaper, *MyZimbabwe on 15 July 2018*, President Mnangagwa had this to say, “we are approaching elections and you have assured me victory, what God has written with his hand is final. My victory has been prophesied here and nothing is going to stand in the way of that prophecy. I thank you all for that.” The President’s focus and visit was on elections and political power. Of note is that, the president ended his speech without addressing JMAC leadership on women and children’s rights violations. The evidence on Human Rights is so glaring but the

problem of Africa is political interests. In Africa, everything is politicised, be it religion, social, economics and inter alia.

The Constitution of Zimbabwe provides for right of conscience and freedom of choice. However, the theology of JMAC on marriage does not permit women and children to have absolute rights on choosing who to marry. The Constitution of Zimbabwe Chapter 4 Section 44 contains justiciable rights. Section 51 of the Constitution talks of the right to dignity and such a right is not absolute in application. Section 86 provides for the general limitation provision. In addition to that, Parliament as the legal body has the prerogative to limit constitutional rights. The limitation of a right can only be valid if, it is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom taking into account all relevant factors. In the Zimbabwe, Section 60 of the Constitution provides for the freedoms to be enjoyed by the churches without internal modifiers to limit the right concerned if it is violating the Human Rights of its members. This is important given that, some of the theology of JMAC can be said to violate the rights of women and children.

2.18 The Rationale for Psychosocial Support for Children.

On psychosocial support, JMAC church holds that, its socialisation provides adequate social nets through the provision of life skills like welding, basket making, and farming, amongst others. However, the government has not been extending funding to support the church's initiatives of providing sustainable life skills to its members. Entrepreneurship is at the core of JMAC's teachings. Zimbabwe is largely an informal economy and the government provides financial aid to small and medium enterprises for them to grow. According to Dr Gideon Gono (2008:8), Zimbabwe is now a Casino Economy, where the informal sector and hustlers are now driving the economy. With 85 percent unemployment rate in Zimbabwe, the informal sector has grown tremendously. However, of note is the failure by the government to consider closed societies like JMAC where the rights of children are not recognised. The issue of collateral is perhaps a major stumbling block since in JMAC children are not regarded as full human beings with their distinct set of rights.

The importance of psychosocial support is also critical when one considers the statistical evidence by the Ministry of Health and Child Care. In 2019, then Minister of Health and Child Care, Dr Obadiah Moyo, revealed that at least one million people in a total population of 14.5 million people are said to be mentally unstable. The reason for mental instability was given as lack of social support amongst others. On the other hand, 85 percent of the population are church affiliated. There is need for the government and the church to create synergies to ensure that, there are robust psychosocial support initiatives. The psychosocial support gap in Zimbabwe is manifesting itself in, drug abuse, organised crimes, lawlessness, cold blood murder cases, rape, domestic violence, divorces, burglary, moral decay and mental instability amongst others.

To show the role and importance of psychosocial support, various traditions, institutions and religions have varied psychosocial support initiatives. In ATR the aunties, uncles, and grandparents played a pivotal role in the provision of the psychosocial support on children as they underwent the rites of passage. The study cited ATR because JMAC's theology is somewhat syncretic, it borrows from both the tradition and the sacred text. Whilst the church borrowed from ATR, the role of aunties, uncles and grandparents who are members of JMAC in providing the psychosocial support is not clearly defined. These psychosocial support initiatives are very critical in a bridge model where life skills given to children help them to respond to various challenges affecting them.

The psychosocial support is important in the socialisation of children. The bridge model demands that the victims be provided with life skills which enable them to come out of their situation, thus, the approach is transformative. The bridge model is important in psychosocial support services which are critical because children experience multi-dimensional challenges, vulnerabilities and Human Rights violations. Skinner and David (2006:4) identify multiple vulnerabilities to which children could be exposed, including HIV and AIDS, illnesses, disability, limited access to services, physical and emotional abuse, and neglect and substance abuse within communities. Action for the Rights of Children hereinafter ARC points out that the experience of difficult or disturbing events could significantly influence the social and emotional wellbeing of a child (ARC: 2009:1).

The other aspect that triggers the need for psychosocial support services in JMAC is the scientific evidences of the negative effects of coping strategies by minors. In Africa, the majority of marriages are characterised by high rates of violence, sexual abuse, GBV, loss of children and failure to manage bereavement by minors in marriage, and forced or arranged marriages. The other problem is that of child widows and orphans. In child marriages, minors are married to persons post life expectancy for example 65-year-olds, who after marriage live for a very short period of time before they die. These minors end up being exposed to the vagaries of teenage widowhood and fending for children without any support. The other hidden variable is that, widows in Africa are often abused by the society, including naming, backbiting and shaming. These challenges come by virtue of being a widow. Children by these teen mothers often suffer from malnutrition due to deterioration in living conditions and lack of access to services that could all have immediate, as well as long-term consequences for children's balance, development and fulfilment. These conditions for both the widowed minors and her siblings, triggers post traumatic disorders hereinafter (PTDs) requiring active family support, counselling, sustainable livelihoods approach, viable social service by the government. In addition, increased awareness programmes by government, traditional chiefs and non-state actors are highly critical in the provision of love and care using a bridge model and life skills approach. These elements have been found to enhance resilience among the children (Theron, et.al: 2013:13). With early intervention, therefore, these children may be helped to become productive members of the society.

Whilst, in JMAC the church doctrine does not promote formal education in favour of informal education which is hinged on indigenous life skills like welding, basket making, farming and informal sector, Smart (2003) argues that, schools and teachers play a critical role in the development of Orphans and Vulnerable Children, hereinafter (OVC). This is critical especially in the wake of loss of parents and increased child headed parenting. The effectiveness of the life skills by child headed parents' is yet to be scientifically proven hence the need to consider proved interventions by trained counsellors. The school system offers an opportunity to provide psycho-social support systems hereinafter (PSS), which is an important need for OVC, which is usually lacking in orphans. Ritcher, Mangegold and Pather (2004) observe that school curricula provide life-skills, household management training and care for children. Arguably, teachers are

trained to address the psychological problems of children that lead to poor performance and children dropping out of school (Ritcher, et.al, 2004). Of note, children in JMAC are not benefiting from school designed psychosocial support system because JMAC doctrine discourages children from attending schools. Often, parents withdraw their children from school because they strongly believe that schools teach their children Human Rights, resulting in them questioning their faith.

Manicaland Province, the hub of JMAC, is prone to multiple vulnerabilities like natural disasters, pandemics, HIV/AIDS, child marriages, child labour amongst others. The vulnerabilities induced by natural disasters and pandemic affect children in a multidimensional way: like the right to life, access to descent housing, health, education and promotion of child marriages through arranged marriages to wealthy families. According to Sillah (2014), Zimbabwe has been affected by various hazards and disasters in the past, particularly droughts, floods, the HIV and AIDS pandemics, cholera outbreaks and transport accidents. Essentially, hazards do not affect all groups in a society in a homogenous manner. Sillar (2014) argues that children are a particular group in a society that needs psychosocial support and unwarranted attention within the continuum of disaster management. Whilst the government formulated Children's Act of 2001 (Children's Act: Chapter 5: 06) to ensure that, the concerns of children are given the first priority, JMAC children are not benefiting because the church teaches its congregants to ignore the government. Only the church's leadership is allowed to engage the government.

Whilst HIV/AIDS is a pandemic in Zimbabwe, JMAC teaches that, HIV/AIDS is a demon and JMAC members are not affected because they are covered by the church's anointing. Though HIV and AIDS has from the past wreaked havoc in Zimbabwe, JMAC teaches that only the Church can heal in accordance to James 5:14 which states that, 'if anyone amongst the congregants is sick, the church elders must be called for them to pray over him and anointing him with oil in the name of the lord.' If death occurs the church use Ecclesiastes (3:1ff ESV) to justify it. The verse states that any person born of a woman shall die and life alternates between life and death. Whilst the church continues to preach against hospitals and clinics, it is estimated that one in every five Zimbabweans lives with HIV and/or AIDS (USAID: 2011). In 1998, Zimbabwe was reported as the third highest in terms of HIV prevalence in the world at 33%.

Children have not been spared from the HIV and AIDS epidemic. Children have been adversely affected as seen in the phenomenon of child headed households, thereby compromising the cross section of provisions rights (Sillar: 2015). According to Bongo et.al (2013), approximately 600 000 children have been orphaned owing to the effects of AIDS. The HIV and AIDS pandemic can therefore be considered to have created an environment of risk amongst children. Given the above, it can be argued that children and adolescents do not only need material support, health-care and education but also emotionally responsive relationships for optimal growth and well-being.

Arguably, psychosocial support includes rebuilding and strengthening relationships which are vital to human development. It has been argued that the most powerful and important form of psychosocial support is the everyday care and support provided by families, households, friends, teachers, and community members and significant others (Department of Social development: 2010). In the context of this argument, it is prudent that duty bearers like state and non-state actors offer, where possible, psychosocial support for children in children's natural settings. In the Zimbabwean context, the national orphan care policy of 1999 embraces the thinking floated above. UNICEF (2009) identifies three domains of PSS considered most helpful in evaluating children's lives and experiences. These are skills and knowledge such as life skills which use culturally appropriate coping mechanisms; emotional well-being such as feeling safe, trust in others, self-worth, social wellbeing - such as relationship with peers, sense of belonging; and access to socially appropriate roles. Psychosocial support in this context therefore, could refer to the care and support provided to influence both the child and his/her social environment with a view to enhancing his/her personal and social wellbeing.

2.19 Child Rights and Well-being.

At the core of this segment of the study are the psychosocial rights of children in JMAC as is reflected in its teachings, beliefs, practices and rituals. When advocating for the wellbeing of a child in JMAC's theology, one would be looking at well-being from a multi-dimensional construct, psychological, material, deprivation, encompassing mental, physical, social dimensions, as well as subjective feelings about one's quality of life. According to African Child Policy Forum, (2008) a child well-being is about being healthy, free from abuse and exploitation,

secure, access to basic needs, growing up in an environment where every child is respected and generally happy.

According to OECD (2009), the full and harmonious development of each child is the ultimate goal. The greatest discord is in how the well-being is measured. Two divides that are often referred to are that of the developmental, child rights perspective and the negative/positive measures approach. Whilst a number of studies were carried out by religious scholars, not much has been written on development related rights deprivation. There are a number of programmes by the government and the NGO/CSO sector which are meant to benefit the children. However, the JMAC theology makes it difficult for children within her wings to access them. This is deprivation of children's rights through negation. Thus, JMAC theology is depriving children from enjoying their full Constitutional rights and access to government's developmental programmes.

The well-being of the children in AICs is central in this study. However, regardless of what approach one chooses to take, the guarantee for the well-being of the child should be considered as a top priority. Factors such as religious doctrines and teachings that undermine the well-being of the child should be scrutinised and remedial action taken. Meanwhile, factors that undermine the well-being of the child such as depriving them from accessing psychosocial support and government programmes should be viewed as a key Human Rights issue. The Convention on the Rights of the Child (CRC), adopted unanimously by the United Nations General Assembly in 1989, offers the highest international norms and standards for the well-being of the child. It is the only Human Rights treaty that has almost universal ratification, by UN member states. The CRC was the first comprehensive treaty containing forty-two detailed provisions enshrining the rights of all persons under the age of eighteen, in all areas of their lives, including economic, social, religious and cultural rights and civil and political rights (Lee: 2009). Due to the nature of childhood, the CRC also includes special protection measures that protect children from abuse and exploitation.

The United Nations General Assembly in 1989 established the Committee on the Rights of the Child as fundamental for the realisation of children's well-being and rights. Under this

provision, Article 2 deals with non-discrimination and state obligation to ensure that no child within its jurisdiction is impeded from enjoying such a right (General Comment No.2: 2009). Article 3 also deals with the interests of the child doctrine where decisions that affect children should be given high priority by the state (ibid). Meanwhile, Article 6 deals with the right to life, survival and development (Article 6) including mental, emotional cognitive, social and cultural development and adding a qualitative dimension. Article 12 is also found to be key as it deals with respect for the views of the child and that children have the right to be heard and to have their views taken seriously in all settings, including judicial or administrative proceedings that affect them. Due weight must be given to the views of children in accordance to age and maturity.

2.20 The Counselling Gap on Children in JMAC.

Children generally constitute a vulnerable category of people because of their ages and limited experiences of life (Sillar, 2015, Hopper, 2007 and Goldfried, 1982). They encounter difficult situations as a result of disasters, divorce, discrimination, political violence and war, among other things. Zimbabwe does have a history of state sponsored political violence resulting in unrecorded rape cases and other related Human Rights violations (Crisis in Zimbabwe Coalition: 2018). Without counselling, victims may not open up resulting in the perpetuation of these abuses and related unintended factors like the post traumatic disorders. More importantly, if the revelation by the Minister of Health and Child Care that out of the 14.5 million people in Zimbabwe a million have been confirmed to have mental challenges, the statistical evidence he raised points to the urgency of the need for professional counselling services which should include the rarely studied religious sphere. JMAC is a good example of a closed society where children are being subjected to traumatic doctrines and teachings. The counselling gap tends to be acute in closed societies like JMAC, which does not even respect the Constitution.

Without provision of proper counselling services from qualified clinical psychologists, the adverse experiences of economic, social, political and religious traumatic experiences, may stress them out leading to being maladjusted. Traumatized children essentially need counselling in order to cope with hard times (Dhlamini and Lindhard 1977). Counselling has been argued to have the potential to help children realise their full potential for growth and sound decision

making (Hopper, 2007). Davis (1993) argues that counselling especially for children is designed to help people to understand and clarify their views and learn how to reach their self-determined goals through meaningful, well-informed choices and through the resolution of emotional or interpersonal problems. The same concept is viewed by Tailor (1967) as being concerned with helping an individual to utilise his/her own coping resources to arrive at a decision. Mwoma and Pillay (2015) assert that counselling helps the child gain an insight into the origins and development of emotional difficulties leading to increased capacity to take rational control over feelings and actions. Additionally, counselling plays a critical role to alter children's mal-adjusted behaviour, assist them in the direction of fulfilling their potential and/or achieving an integration of conflicting elements within themselves. Similarly, counselling is found to be germane to children's lives as it provides them with the skills, awareness and knowledge which enable them to confront social inadequacies and experienced injustices.

The National Baseline Survey on the Life Experiences of Adolescents (NBSLEA) conducted in May 2012 in Zimbabwe, which had a nationally representative sample of females and males aged between 13 and 24, revealed that almost one third of females (32.5%) and one in 10 males (8.9%) aged 18 to 24 years reported experiencing sexual violence in childhood. Furthermore, of respondents aged 13 to 24, approximately 9% of girls and 2% of boys reported experiencing sexual violence in the 12 months preceding the survey. Moreover, nearly one in ten females (9%) and less than 1% of males aged 18 to 24 years reported experiencing physically forced sex (rape) prior to age 18. These traumatic experiences require counselling services. Unfortunately, in JMAC, sexual abuse and child marriages are considered as normal without any psychological impact. JMAC has a culture of forcing women into polygamous marriages without even considering its psychological, emotional, economic and health effects. Minors are married off to old aged men without considering the importance of their conjugal rights as a sexually active group. These factors demonstrate the importance of clinical psychological services in JMAC.

The violation of children's rights is an African phenomenon embedded in its culture and African religious beliefs, teachings and rituals. According to UNICEF (2011), data from similar studies in other African countries demonstrate that sexual violence against children is a serious issue throughout the region. In Swaziland, one in three females experience sexual violence prior to 18

years of age. In Tanzania, three in ten children (27.9%) of females and (13.4%) of males reported experiencing sexual violence prior to 18 years of age. The need for counselling children increases if children are not helped when they are young. Their emotional health will be compromised and they will not have the opportunity to develop healthy relationships. Any child who has experienced a traumatic event in life needs help. If that help can be given in the home, by loving parents, supported by friends, or contained by a community that cares then that is the best answer to his/her needs. When such resources are not available, then the child needs to have somebody who can listen, somebody who can contain the unspeakable pain, somebody who can sustain a relationship with the child, no matter how difficult (Hopper: 2007).

2.21 Social Learning Theories

This section of the study contains social learning theories which explain how children may learn untaught behaviours from observation. These theories are key to this research because they help to explain the behaviours of both JMAC and non-JMAC communities in terms of cultural exchanges. Thus, JMAC and non-JMAC communities are influencing each other and of note to this study are those practices that violate the rights of children.

2.20.1 Bandura's Social Learning Theory

American psychologists Bandura (1986, 1998, and 2000) and Mischel (1973, 1995) are the main architects of the contemporary version of social cognitive theory, which Mischel (1973), initially labelled cognitive social learning theory. Both Bandura and Mischel believe that cognitive processes are important mediators of the connections between environment and behaviour. Bandura's early research focused heavily on observational learning- learning that occurs through observing what others do. Observational learning is also referred to as imitation or modelling what is cognitive about observational learning in Bandura's view. Bandura believes that people cognitively represent the behaviour of others and then sometimes adopt this behaviour themselves. The ideas of Bandura are important in that they help to explain the spill over effects of JMAC doctrines, teachings and practices like child marriages and polygamy to non JMAC communities. Communities adjacent to JMAC communities copied some practices of JMAC, hence the fight for the rights of children must consider JMAC and the adjacent communities.

2.20.2 Erik Erickson's Eight Stages of Human Development Across the Life Span

Erick Erikson (1963) developed a theoretical framework aimed at establishing connections between various stages of human development and the relationship between various stages of human development and relationship between individual and society. He maintains that as each stage progresses with age, the family, school, peer group and society influence the complexity of an individual's behaviour (Batra, 2013). Failure to achieve the desired virtue in a given stage of development may amount to emotional discomfort leading to inability to cope with the challenges of the current and later stages of development. This theory is very critical in that it helps to explain how JMAC indoctrinates children within the Church so that they are unable to tell the negative effects of their church's theology. As said earlier, this Church does have doctrinal teachings for children from birth to death. To ensure that, schools, non-JMAC peers and society, do not have influence over their congregants, JMAC teaches against these elements. The theory helps to explain that, if one or more stages of development are affected, that leads to the inability to cope with certain situations. This helps to explain why children in JMAC have less known knowledge of their rights as compared to their non-JMAC counterparts. The study noted the disruption in stages of development as an explanation to the variations between children in JMAC and non-JMAC.

2.20.3 The Child Right to Communicate

Children are supposed to interact freely with their peers, and that is part of growing up, and its healthy. It is, in fact, a constitutional right to have unfretted freedom of speech and after speech. The right to communicate, petition and express self is a fundamental Human Rights issue which is enshrined in Section 59 of the Constitution of Zimbabwe (Constitution of Zimbabwe Volume 20: 2013). The right to communicate is confined to the patriarchy in JMAC. Women and children are not allowed to speak in church or on behalf of the church. These prohibition orders in JMAC impede on nature rights given that humans are inherently social beings. Most of our activities involve interaction with other individuals, or are conducted in the context of one or another group. The ability to communicate is essential in our daily existence. It is the social glue that keeps us together (Abrahams and Riuters: 2003).

2.21 Social Protection Initiatives in Zimbabwe

There are several social protection initiatives meant to cushion the poor from poverty and high cost of living as well as improve the quality of life for vulnerable children that have been put in place. These initiatives include, Basic Educational Assistance Module (BEAM), Institutional Care, Free Treatment Orders, the Harmonized Social Cash Transfer (HSCT) and Home-Grown School Feeding (HGSF). These instruments have played a critical role in protecting children in Zimbabwe. However, due to human error, many are at times rendered ineffective as will be discussed herein. Of note to this study is that children in JMAC are not benefiting from social protection policies designed to protect them.

2.21.1 Basic Education Assistance Module (BEAM)

As enshrined in the Zimbabwean Constitution, children have the right to education and the government has a duty to provide such. Basic Education Assistance Module (BEAM) is one of the Government of Zimbabwe's wider social protection strategies catering for orphaned or vulnerable children with ill, disabled or single parents or come from very poor families. After the realization that vulnerable children are dropping out of school due to lack of finance and resources, in 2002, the Government of Zimbabwe and other social protection organizations came up with a strategy to cater for the vulnerable children thus giving birth to BEAM. Primarily, BEAM is meant to reduce the number of children dropping out of, and reaching out to children who have never been to school due to economic hardships.

BEAM is administered by the Ministry of Education, Sport and Culture in collaboration with the Department of Social Services under the Ministry of Labor and Social Services. It targets children from six to nineteen years of age, assisting them with the payment of levy, tuition and examination fees to children in need, deemed incapable of working to sponsor their own education. Chikova (2013) asserts that the right to education has long been recognized as encompassing not only access to educational provision, but also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality. One may then argue that education is necessary for the fulfilment of any civil, political, economic or social right. Of note is that children in JMAC are not benefiting despite the sector having the highest number of school dropouts. The other observed aspect in BEAM is that it is

only limited to disadvantaged children, who happen to be categorized as those living in poverty conditions. Yet, there are also children who happen to be school dropouts as a result of religious teachings and practices. The majority of school dropouts in JMAC are as a result of parents deliberately refusing to pay for their children. These parents do not recognize education as a basic right but as a platform for one to be able to read and write. This explains why most JMAC children attain only primary education. Therefore, parents in JMAC deliberately do not pay fees for the children and as such most JMAC children don't go beyond primary education. BEAM should revise its scope and mandate to ensure that the religious sector is not left out.

2.21.2 Free Treatment Order

The right to health is recognized by international treaties as well as other declarations as articulated in the Universal Declaration of Human Rights to which Zimbabwe is a signatory. Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides for the enjoyment of the highest attainable standard of physical and mental health conducive to living a life of dignity (UNICEF: 2018). This means that health care facilities, goods and services have to be available in sufficient quantity and must be physically and economically accessible to everyone (Chikova: 2017). This obligation requires that the State facilitates and implements legislative and other measures to ensure everyone has access to health. The state is also obligated to formulate, a national health policy with detailed plans on how to achieve the health for all goal. Taking heed to its obligation, the Zimbabwean Government through the Ministry of Health and Child Care, ensures that everyone's right to health care services, including reproductive health care, is realized. As such, in 2012 the government introduced the Free Treatment Orders as a way of ensuring that citizens are subjected to equal opportunity in enjoying the highest attainable level of health.

Free treatment order is assistance waiver or voucher issued to poverty-stricken persons to facilitate access to intermediate and tertiary health services such as provincial or national government hospitals. The fund is there to provide free medical services to the economically deprived children. UNICEF (2018) states that Zimbabwe has addressed the right of children to Health through Free Treatment of Children in public hospitals through antenatal care for pregnant mothers and the provision of free immunization of children in schools for such diseases

as Tuberculosis (TB), Human Papilloma Virus (HPV), Measles, Rubella (8 mandatory immunization's). Immunization protects children from exposure to pandemics that are globally common to children. This enables children to have increased chances of survival, establishing the right to life and right to health. Assessment of the need is done by the Department of Social Services in collaboration with a qualified government social worker. The voucher covers the cost of treatment in hospital and subsequent check-ups for a period whose duration varies depending on the nature of illness (Chikova: 2017).

Health institutions receive grants from the Ministry of Labour and Social Services to settle claims for all assisted treatment orders redeemed at the Department of Social Services to facilitate health delivery for the very poor. However, it is worth-noting that the scheme has its galaxy of challenges caused by lack of adequate medical consumables. Gandure (2009) remarked that shortage of all categories of medical drugs including inadequate vaccines for the six child killer diseases is the major drawback for the program. This is probably so because of insufficient government funding. Weighing in on the inadequacy of this program, WHO (2019) argues that the shortage of doctors and medical drugs including inadequate vaccines for children makes free treatment orders an ineffective social protection service for orphans and vulnerable children seeking medical help. Moreover, the number of undeserving cases has been rising showing that the system is subject to abuse and manipulation.

These free treatment measures are not in any way beneficial to members of the AICs in general and the JMAC in particular, because they tend not to visit these institutions. The JMAC theology vehemently teaches against secular treatment in favour of their *Labauma, varapi*, meaning, men assigned by the church to provide faith-healing. The concept of faith-healing is at the core of the JMAC teaching that its congregants are mandated to take a vow popularly known as *chitsidzo* that under whatever circumstance or illness, they will never visit a hospital. Under this oath, guardians pledge not to send their children to hospital and in order to find solace in the death of their children, children are defined as *zvidhinha* meaning bricks. They are bricks in the sense that if it breaks, one throws it away and moulds another. Parents are not allowed to cry for the death of their minors resulting in underlying conditions like post traumatic disorders, blood pressure

and lack of self-esteem. There is no universal application of government programmes especially on closed societies like AICs and the JMAC in particular.

2.21.3 Institutional Care

In accordance with children's rights as enshrined in the Constitution of Zimbabwe Amendment (No 20) Act of 2013, children have the right to shelter. Children have specific needs and failure to meet them jeopardizes their development and deprives them in their capabilities (Sen: 1999). Shelter is one of the key areas that need to be addressed for children to be effectively protected. As such, the government of Zimbabwe through the Department of Social Services provides financial support and accommodation for the maintenance of disabled, homeless and delinquent children. The government through the Department of Social Services provides financial support to children in institutions that are registered by the Department of Social Services in terms of Part V of the Children's Act (Gandure: 2009). It is the duty of the Department of Social Services to enrol, supervise and administer these institutions. Children to be housed in these institutions are selected on a needy basis as well as recommendations by the courts as they are regarded as the upper guardian of all minors. The study noted that, children in JMAC are overcrowded and without enough essential needs. Some children in JMAC live like they are in squatter camps, especially those poor families with big families of perhaps 80 children all living in one compound. With the government seeking to achieve a middle-income economy by 2030, the livelihoods concern in JMAC must be addressed as a matter of urgency.

Whilst the government had put in place measures meant to alleviate the rights of children through an array of programmes, the impact of such is yet to be felt in AICs and JMAC in particular. The Ministry of Social Welfare is only dealing with children who are formally registered with them. Most of the children in JMAC do not have birth records as JMAC members shun hospitals and its related entities. The government must put in place measures to make it mandatory for a child to have a birth record and any theology that teaches contrary messages must be repealed at the instigation of the state. The other challenge relates to the laws governing public funds which demands accountability, monitoring and evaluation, yet these are not possible when dealing with closed societies. This exposes the limitations of some of government initiatives in that they are not sector specific and grounded.

The government as the steward of children's rights is yet to deal with errant churches that put in place doctrines that bar vulnerable children from benefiting from government programmes. Churches in the past used to be places where social security of children and the vulnerable was guaranteed, especially Western founded churches. With the rise in wayward behaviour by churches, the government must closely monitor the activities of the church. Churches ought to be agents for development and social protection and not subjects of Human Rights violations, as is the case in JMAC.

2.21.4 National School Feeding Program

The International Convention on Economic, Social and Cultural Rights, hereinafter CESCR, recognizes the right to adequate food as a fundamental Human Right. The Convention recognizes children's fundamental right to freedom from hunger and malnutrition (CESCR, 1999). The human right to adequate food is of crucial importance for the enjoyment of all rights and to uphold the same. The government of Zimbabwe introduced the National School Feeding Program in 2016. The National School Feeding Program in Zimbabwe, which is administered by the Ministry of Primary and Secondary Education, is a special intervention humanitarian program targeting children in disadvantaged communities countrywide who are believed to be attending school on empty stomachs. The nutrition school feeding program was a guaranteed way of nurturing healthy children who are the bedrock of any prosperous and stable society.

More so, the initiative resonates with the 2030 sustainable development goals aimed at ending poverty and hunger and encouraging partnerships. The school feeding programme has the greatest impact among learners who receive sufficient nutrition to allow them to concentrate on school tasks while developing into healthy adults. Schools are recording high enrolment rates after the introduction of the school feeding program, and absenteeism as well as drop-outs have gone down tremendously. Government's school feeding program has had a positive impact on attendance by school children in drought-prone Masvingo's Chivi district, (NewsDay: 2019).

Statistics by the Ministry of Health and Child Care reveal that about one hundred thousand (100 000) children face malnutrition and are attending school on empty stomach (Ministry of Health

and Child Care, 2018). The deputy director Nutrition Services in the Ministry of Health and Child Care, Handrea Njovo, said only seven percent of children in rural areas are receiving a balanced diet while the rest are malnourished (The Herald, 2020). This is so because of insufficient food supply due to successive droughts in the country. Zimbabwe's economic situation, aggravated by onslaughts of drought, contributes to a regular depletion of its food supply thereby forcing children to attend school on empty stomachs. School feeding has a positive impact on attendance and learning outcomes as well as improving health. Home-Grown School Feeding (HGSF) has seen the increased school attendance realizing the African Child's Full Potential through Effective Home-Grown School Feeding (UNICEF, 2018). There are also non-state actors who are participating in the school feeding programs. Angel of Hope Foundation in 2019 launched a supplementary feeding program where a donation of several tonnes of corn-soya blend porridge was made to alleviate malnutrition among children countrywide (The Herald 2020). However, it is pertinent to note that the scheme also has its share of flaws that are compromising its effectiveness. It is marred with contentions of misappropriation, and targeting failures. Nevertheless, the feeding program's efficacy is uncontested as many schools continue to implement the program to the benefit of vulnerable children.

Whilst these measures are highly commendable, its applicability in a society where the church doctrine teaches against formal education, should attract the attention of the government. The government must put in place measures to ensure that no child or sector of the society is left out. The government must ensure theologies from closed societies are transformed and all violations against children are mitigated. There are key AICs like JMAC with over a million followers and whose doctrines not only affect the church but also adjacent societies. A million following in a state with a population of 14.5 million people is not an insignificant number. In that million following, 85 percent are children.

2.22 Chapter Summary

The study was able to trace the JMAC Human Rights theological position from the Jewish culture, ATR and the Hebrew text. The study also highlighted the history of church related Human Rights violations and zeroed in on the Roman Catholic Church's doctrine of discovery and dominion. The two doctrines were shown to have influenced states' authoritarian behaviour.

The study was able to give reasons which led to the formation of AICs and their theological perspectives. In addition, it was highlighted that AICs do not accord women and children their full rights. The issue of child marriages and polygamy were tackled at length. A critical evaluation of the verses in the Hebrew text which highlight the biblical origins of Human Rights was also cited and evaluated.

This chapter also did trace the history, teachings, practices and rituals of JMAC and demonstrated how the identified elements affect the rights of women and children. The chapter also looked at gender and Human Rights from the perspective of other AICs in order to have a comparative view point. ZAOGA and Guta RaJehova were identified as two AICs which advance the rights of women. Pertaining to inheritance, all AICs are failing to consider female children from taking over from the founders upon their death. Unlike the male siblings, female siblings neither occupy key church positions nor touted about, which enables them to succeed their fathers. On education ZCC was noted as having a sound and viable educational policy that does not discriminate between male and female siblings.

Thus, it becomes evident that women, children and men are all human beings. This has been laid bare in this chapter, which managed to trace the advent of Human Rights discourse with a bias towards feminism since the thesis is pivoted chiefly on women and children's rights. What this chapter has shown is that women have been accorded equal status to men and therefore cannot be discriminated against based on their sex. This has been the major argument of feminists who have been pushing for the advancement of women on an equal footing with their male counterparts. In that respect, they have managed to influence international and regional treaties as well as national constitutions on the adoption of women and children's rights. Even though women's rights are still to be fully implemented, evidence is awash that they are slowly being accorded similar status to that of men. There is no reason for discriminating against them in all spheres of their lives, religion included.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

Research methodology explains the processes and instruments used by the researcher in coming up with the research findings. Blaxter, Hughes and Tight (2006:20) view research methodology as the general approach the researcher takes in carrying out the research project. In other words, research methodology dictates the particular tools the researcher selects to employ in the study. It includes the theoretical and philosophical assumptions upon which the research study is based and the implications of the method or methods adopted. The chapter focuses on how the research was actually carried out, identifies the research paradigm or philosophy, research design, gives and justifies the research instruments used, the data collection procedures as well as the data presentation and analysis. In this research, the study utilised the theological, observation, interview and document review methods.

3.1 Research Approach

The primary method utilised in this study is the theological research method. The study sought to inquire the relationship that exists between the practices and theology of JMAC and the sense in which Human Rights are acceptable in JMAC. The study would further inquire into the effects of failure by AICs to accept the Human Rights discourse on women and children's rights in JMAC. The theological method, therefore, sought to make a theological exploration between Human Rights and theology in JMAC.

In-order to understand these theological intricacies, the study adopted the theological method as the research's primary methodology. This method helped the study to analyse how the adverse relationship that exists between AICs' theology and Human Rights discourse impacts on the rights of women and children in JMAC. The theological method is a method that is guided by the faith of the people. The word theology is a combination of two Latin words, '*Theos*' which means God, and '*Logos*' which means discourse or Word. Theology therefore is a discourse about God and His word.

According to Holmes (2018:8) the theological method is a systematic critical clarification of the beliefs, practices, doctrines and rituals of the church. The research, therefore, uses the theological approach to analyse how church and state relations affect the rights of women and children in Zimbabwe. This method traces the extent to which the adverse relationships that exists between Human Rights and the theology of JMAC impact on women and children in JMAC. This was achieved through interrogating the church's practices, rituals, beliefs and doctrines. The same helped the study to demonstrate the extent to which the Human Rights discourse is being understood and practised in JMAC.

The theological approach has the advantage of establishing the lived realities among people. It is the people's experiences that form the core of this research. However, the major disadvantage of the theological approach is that, a church is a community of faith and in most cases comprises of the individuals who are not willing to think outside their faith. An inquiry into their beliefs can be seen as a direct attack on their faith.

3.2 Research Design

The study adopted an informal exploratory case study research design. Through the exploratory research design, the study relied on people's narratives. The use of narrative analysis to JMAC teachings, rituals and belief systems on the rights of women and children, helps the researcher to gather a collection of Human Rights related stories on individual experiences. The research captured the lived experience and people's constructions of the relationship that exists between theological teachings, ritual and beliefs in JMAC and the concept of Human Rights as derived from the secular texts in Zimbabwe. An exploratory narrative analysis is equally informed by the constructivist approach which emanates from the ontological premise that reality is a social construct. This study adopted the qualitative research design as it dovetails with the research topic. Human Rights are a phenomenon that people and different societies have witnessed and lived with. Some support JMAC's theological standpoint on women and children especially the patriarchal capitalistic mindset that could see opportunities to benefit, for example children and wives as sources of cheap labour. This calls for a qualitative approach to explore the mind maps of different people (respondents), attitude towards the nature of relationship between Human Rights and theological teachings, practices, rituals and belief systems in JMAC. In addition, the

qualitative approach enabled the researcher to identify appropriate qualitative instruments for data collection.

The study was largely underpinned by constructivism paradigm. Women and children are affected differently by the JMAC theology and as such there are multiple realities at play. Interpretivism is premised on the fact that reality cannot be separated from our knowledge of it. That is to say the researcher's values are inherently in all phases of the research process. There is no separation between the subject and the researcher. Interpretive paradigm is underpinned by observation and interpretation, that is, to observe and to collect information about events; as well as to interpret, which is to make meaning of that information by drawing inferences or by judging the match between the information and some abstract pattern (Aikenhead, 2015:ii). It attempts to understand phenomena through the meanings that people assign to them (Deetz, 1996).

The qualitative approach focuses on qualities of human behaviour (Higgins, eds, 2021:131-179). The fact that Human Rights abuses are lived experiences by both JMAC and the adjacent communities, qualitative research enables the researcher to interact with the phenomena. The aim of such a method is not to generalize but to understand various experiences of women and children on whether JMAC theology is in sync with the Constitutional provisions on the rights of women and children (Bailey, 1987; Bogdan & Taylor, 1975; De Vos, 1998; Ferreira et al., 1988). This approach has its strengths and weaknesses. One of its strengths as put forward by Collins and Hussey (2003:4) is that the researcher interacts with what is being researched and obtains undiluted information. In addition, the qualitative approach provides a way of gathering data which is seen as natural rather than artificial. On the other hand, the weaknesses of the qualitative approach are that it is value laden, subjective and biased.

3.3 Description of the Study Area

The study was conducted in the Bocha area in Marange District in Manicaland Province, Zimbabwe. Bocha has the highest number of followers as compared to other areas in the district. Bocha is a mixture of Christians and non-Christians and of note, most practices by non-JMAC members demonstrate the influence through socialisation and exposure of the JMAC. Of note is

that most non-JMAC members are adherents of strict African Traditional Religions. Bocha, unlike most districts in Zimbabwe, has experienced indirect colonial rule resulting in strong cultural cleavages within the Manyika people. JMAC being a church of Africa founded by Africa for Africans has its theology that reflects ATR biases. Patriarchy is one of the shared practices commonly found amongst JMAC and non JMAC communities. This impacts on the existing relationship between Human Rights and the theology of JMAC. In Bocha, both Christians and non-Christians have shared practices, norms and values, teachings and rituals. This means that, the challenges being faced by women and children in Bocha District as a whole are the same. The only difference is on the executor, in JMAC the perpetrator is the church and in Bocha in general, it is the ATR.

3.4 Target Population

The study targeted the people of the Bocha community especially women and children in both JMAC and non-JMAC communities. Bocha has a total population of about 8 000 households. Cavana, Delahaye and Sekaran (2001:143-156) define target population as a set of cases or group members one is researching on. In other words, a target population is simply a sampling frame. Geographically, the research looked at Bocha area in the Marange district of Manicaland Province. Bocha tends to have a high prevalence of child marriages, domestic violence, divorce, HIV/AIDS, polygamous relationships, school drop-outs, child labour, post and neo-natal deaths, child headed families, widows, is a closed society where Human Rights teachings are condemned, NGOs and CSO of gender and Human Rights nature are not welcome, the JMAC's influence on non-JMAC communities being glaring. For the purpose of this study, the researcher's targeted population included key informants in government departments, JMAC, NGOs sector, academia, direct and indirect victims of Human Rights abuses, local leadership (Senator, police, local traditional and criminal courts, Member of Parliament, District Administrator, traditional chiefs, headmen, spirit mediums and political leadership) who were informally interacted with.

3.5 Sample and Sampling Procedure

The study made use of non-probability sampling technique in the form of purposive sampling in order to come up with the required sample to collect qualitative data. Bryman and Bell

(2009:302) define a sample as the representative of the entire population while a sampling procedure is a definite plan for obtaining a sample from a given population. Non- probability sampling technique is viewed by Saunders et al (2016:6) as a sampling technique in which the chance or probability of each case being selected is not uniform and participants are selected on the basis of their knowledge of the subject under investigation. Purposive sampling was employed to select a sample of participants from which the storytelling collection method was used to collect data. A total of 10 participants who included community members (direct and indirect victims), key informants in government departments, JMAC, NGOs sector, academia, direct and indirect victims of Human Rights abuses, local leadership (Senator, police, local traditional and criminal courts, Member of Parliament, District Administrator, traditional chiefs, headmen, spirit mediums and political leadership). Table 3.1 shows the breakdown of the sample.

Table 3.1 Sample elements

Sample element	Number
JMAC members	3
Community members	1
NGOs	2
Government ministries	1
Ward councillors	1
District Administrator	1
Traditional chiefs	1
Total	10

Yin (2015:7) describes purposive sampling as the selection of participants or sources of data to be used in a study, based on their anticipated richness and relevance to the study's research

questions (including sources whose data are presumed to challenge and not just support a researcher's thinking). In other words, it uses the judgement or expertise of experts in selecting cases also with a specific purpose in mind. Purposive sampling enables the researcher to select those participants that were presumed to have plentiful of data, in essence, information rich in relation to the study. The other justification for the use of purposive sampling is that it proved to be less costly, more readily accessible, more convenient and enabled selection of only those individuals that were relevant to the research design. However, it is important to note that in purposive sampling, there is no way of ensuring that the sample is truly representative of the population, and more emphasis is placed on the ability of the researcher to assess the elements of the population (Saunders et al, 2016:5).

3.6 Data Collection Instruments

This study used storytelling, observation, interviews and document review as data collection instruments. According to Moser (2008:14), data collection techniques refer to the methods that allow the researcher to systematically collect information about his/her objects of study (people, objects and phenomena) and about the settings in which they occur. Since certain techniques are useful for certain purposes, the researcher considered both the primary and secondary data sources. Each of the methods has advantages and disadvantages that are dependent on the considerations of cost, the type of study and the degree of rigor the research goal requires.

3.7 Storytelling Data Collection Tool

Storytelling as an approach to data collection allows the respondents to give as much data as possible without much guided responses. This data collection tool was adopted by this research because it resonated well with the research's overall objective which was to understand existing relationship between Human Rights and the theological teachings, rituals and practice in JMAC and how that relationship impacts on women and children's rights. It allowed the researcher to capture the lived experiences and to read non-verbal communication. In Africa, knowledge is sometimes transmitted orally and the researcher through storytelling sought to unpack the actual position of Human Rights in the theology of JMAC. Storytelling like any other methods of data collection has limitations. Storytelling is useful and favoured in qualitative methods of gathering data in theologically sanctioned Human Rights violations as compared to other tools such as

interviewing, observation, and the use of analysis software packages. Through storytelling, new themes unknown to the researcher are brought up (Moody, Blanton, and Cheney, 1998:78-79). Additionally, interviewees in a closed society are not allowed to entertain anyone seeking to inquire on their church doctrines, tend to organize their experience, seek to persuade listeners, and convey information to analysts using stories, habitual, and hypothetical narratives in their interviews. Alvarez and Urla, 2002:38) wrote that, "...in this approach both interviewer and client are engaged in creating the meaning of the questions and answers that constitute the narrative as they negotiate understanding through language," (ibid, 2002. 40). JMAC is a historical church and in fact one of the earliest AICs in Southern Africa, and storytelling enables the interviewee to relate the present to the past.

It was also scientifically noted that, in storytelling, neuroscientists have discovered that the brain responds with more focus and engagement when we hear stories than when questions are structured and disjointed. At the most basic level, the brain is trained to find the easiest connection between cause and effect, which is what stories enable us to do. This is why stories are more memorable and why Human Rights victims are easy to remember and recall the overall storyline. On the other hand, storytelling as a method of gathering and analysing data has its disadvantages drawn from the five skills that the researcher should possess, namely, broad research skills, understanding the context, time and effort, trust and knowledge as well as a good storyteller (Kauflin, 2011:452-563). Notably, these skills are key because they are being applied in a Human Rights abuse situation, where some of the interviewees would be too traumatised to sustain a story. In the best interest of the research, a clinical psychologist or training in clinical psychology would be required when dealing with the victims of Human Rights abuse especially when the act was traumatic and the victim could not undergo Post Traumatic counselling in order to avert, Post Traumatic Disorders (PTDs). In this case the researcher was accompanied by a clinical psychologist from the Ministry of Social Welfare and or Ministry of Health and Child Care from the local Bocha District. The clinical psychologist or a social worker helps in explaining non-verbal cues, identify if there are any PTDs in the interviewee, to assess ethically on whether the victim should be interviewed or not amongst other variables. In explaining the five variables, broad research skills demand more diverse range of skills than any other levels of analysis.

Thus, storytelling, in theological exploration, requires a good understanding of the research techniques to enable the evaluation and prioritization of the data and the ability to spot patterns across a large set of data that links secular rights and theological rights in AICs in third world countries where patriarchy is prevalent (Paul, 2012:209). The link can take two dimensions, namely, direct and indirect correlation and the women and children's experiences are useful to the study only if there is direct correlation between Human Rights violations in JMAC's rituals, teachings and practices. Secondly, understanding of the context is vital in the prioritisation of key findings. This is necessary, because the context is very essential in understanding the meaning of words because words are context bound. Thirdly, time and effort as storytelling requires time and effort to review all the initial set objectives and research questions set prior to the formulation of the storyline. Thus, it cannot be automated or done without being a skilled and informed researcher (Gelles, 2011:113-124). The fourth consideration is, trust and knowledge. Storytelling is the only method where the researcher does not initially know which data inputs the final story will come from or the format in which it will be expressed. It requires trust as a key attribute of the researcher because he/she has to trust the data in order to avoid missing important data through being judgemental (Zak, 2014:1-2). In addition, it is the responsibility of the researcher to ensure that the storytelling has addressed the underlying research needs. If the story does not fully address the objectives of the research, then it serves no purpose as a means of gathering and analysing data. Finally, storytelling is only useful if the storyteller is good.

3.8 Document Review (DR)

The researcher also reviewed written texts and documents including reports and findings by non-governmental and governmental agencies, court records, police reports, chief's minutes at customary courts, statistical analysis from relevant ministries, constitutional provisions, CSO and NGOs reports, deliberations from various meetings and workshops, statutes and by-laws on women and children's rights, journals on church-state relationships, textbooks, newspaper articles, discussions on workshop seminars on the impact of gross women and children rights violations by the Bocha community. Document review is described by Hartas (2009:139) as the use of written texts and documents as source material. The researcher opted for this instrument

because it helped to evaluate previous studies on JMAC and identify research gaps in their findings and also to assess whether previous researches were grounded or desktop researches.

Document review has its shortcomings and some of them are that the information provided may be biased and outdated. The researcher only extracted information which had to do with similar disasters which occurred in other countries and how they reacted to the same. The document review findings were triangulated with data gathered from other instruments earlier alluded to.

3.9 Observation

Observation was also employed by the researcher to recognize some of the phenomena that manifest themselves in terms of the practices, rituals and doctrines of JMAC since these are not codified, and hence are not subject to document review. Observation helps to get the manifestation of the phenomena in its natural environment and without stage management of some of the phenomena. People tend to superimpose the phenomena if they know that they are under study, but observation helps to study the manifestation of the phenomena without alerting the subject of the study. Through observation, one can be able to see and hear as the phenomenon under the study unfolds itself. However, data obtained through observation should be interpreted in-line with the objectives of the study.

Chitanda (2014:1-2) asserts that the literal meaning of phenomenology is the study of phenomena: appearances of things, specifically, things as they appear in human experience. Thus, it concerns ways that humans experience phenomena, particularly experientially realized things have for them. Therefore, the call to the things themselves as they are given in experiences marks in a nutshell the program of phenomenology. Phenomenology, therefore, is fundamentally a philosophy which attends to phenomena (Kupers 2009:54). The term phenomenology is derived from two Greek words *phainomena* (an appearance) and *logos* (discourse; reason or word). Accordingly, phenomenology is a reasoned inquiry and discourse about appearances and manifestations. It is a method of scientific philosophy in general which tries to discover essences of appearances which are anything which human beings can become conscious. It approaches phenomena without theories about their causal explanations and as free as possible from unexamined preconceptions and presuppositions (Kupers 2009:54). Phenomenology refers both to a philosophical inquiry and a specific research methodology. Methodologically it tries to

portray phenomena from the personal contextual perspectives of those who experience them. It therefore approaches phenomena by studying conscious experience from the subjective of first-person point of view (Kupers 2009:55). The focus in this article is not so much on the theoretical grounding of phenomenology as it is on the acclaimed methodological goal of ending at the descriptive level. A major assumption we make, however, without trivializing the relevance and importance of description as first step and explanation as a second step, or without claiming therefore that phenomenology is redundant, is that if phenomenologists of religion do not want to remain content with description, explanation and engaging in judging religions as good or bad, on top of which mountain should they stand in order to do this?

3.10 Advantages and Disadvantages of Using Observation Technique

Observation can be time consuming and also presents logical problems in the sense that there are phenomena that must be interpreted otherwise they are understood by believers only. There are certain church rituals that one has to be emotional for one to capture the true meaning. Observation alone cannot completely capture the essence of some church practices, doctrines and rituals especially in apostolic sects which believe in the doctrine of continuous revelation.

3.11 Oral interviews

Oral interviews were also used to communicate with sampled individuals. Oral interviews can be structured and unstructured. Structured oral interviews include a written question guideline whereas in unstructured interviews questions are not structured to allow probing. Interviews were used so as to plug-in the gap that would have been left out by other research methods hence the triangulation of research methodologies. According to Borg & Gal (1971:27), an interview is a critical research tool that acts as a means of verifying facts and views obtained from the subject. Yin (1994: 87) outlines the advantages of key informant interviews over other forms of data collection as being easy and less expensive since they involve only one respondent and one interviewer. They are also flexible as questions and topics can be added or omitted during the interview. Interviews provided background information to the problem under study and were useful in providing the researcher information that observations were not able to provide due to observational bias, perceptual bias etc. Interview as a research instrument is a unique technique

that involves the collection of data through a direct and verbal interaction between the researcher and respondent.

3.12 Advantages and Disadvantages of Using Oral Interviews

Oral interviews provide the researcher with the chance to gather information important on each issue as they are reflected by emotions and gestures from the interview. Decision making from the interview is faster as the data is collected face to face, getting immediate response. As argued by Anderson (1990:222), the weakness of personal interviews is that they can be time consuming as the researcher is required to talk to every individual of the sample. The direction of the interview can at times be lost due to the respondents answering the questions wrongly or may get overwhelmed by emotions.

Interviews provide the opportunity for further problem identification, as well as fine tuning unclear questions as well as further sharpening of instruments (Parffit, 2005:25). Fraenkel and Wallen (2003:380) postulate that one other positive about interviews is that it tends to be difficult to get people to talk freely about their experiences in the group, hence interviews create an environment conducive enough for free dialogue. The practices, doctrines and rituals in JMAC are secretive, hence it is not an easy transaction without seeking prior approval from the church authorities who will do snow balling. Thus, they may give you specific individuals at their discretion to answer specific questions on behalf of the church doctrines. In most cases the church is apologetic about its practices, doctrines and ritual due to the perception which they are aware of, that scholarship has been writing negatively about their doctrines, practices and rituals especially on women and children's rights.

3.13 Validity and Reliability

3.13.1 Validity of Research Instrument

Validity is the appropriateness, meaningfulness, and usefulness of specific inference made from data (Creswell, 2002: i). The responses that are obtained from subjects are sometimes disappointing unless the researcher is known to the respondent. This makes the validity of the data collected limited. The researcher carried a thorough analysis of the questions with the help

of colleagues and the research supervisor so as to make understanding and answering easy for respondents.

External validity is linked to the generalisability of research findings. The findings from this study may only apply to the nexus between Human Rights and theology on the rights of women and children, because of its scope and sample size delimitation.

3.13.2 Reliability of Research Instrument

According to Rudd (2005:1), reliability refers to the consistency and stability of the instrument measurement of the variable using a given operation. The researcher's instruments should be reliable as data gathering instruments. Storytelling was reliable in terms of information received as it reflected the real issues related to the nature of the relationship that exists between Human Rights and theology of JMAC on women and children's rights. In the storytelling, all questions were asked to have some sense of uniformity, which gave a flat and fair assessment of relationship between Human Rights and theology of JMAC. The researcher had the room to fully explain what information was required concerning the nexus between Human Rights and theology of JMAC. Drost (2011:105-124), posits that reliability rate is between 60-80% and in this research at least 70% could be achieved due to human nature.

3.14 Pilot Study

Having validated the above discussed storytelling data collection and analytical method, a pilot study was carried out on the instrument, applying the instrument to six respondents from the target population, notably: JMAC congregant, non JMAC member, DA's office, NGO sector, school authorities at St Peters, women and some legal guardians in terms of obtaining data on children. This was done in order to see:

- how women and legal guardians of children would react to storytelling;
- whether the questions were clear enough and easily understood;
- whether there was the need to review the storyline;
- whether there were some subject areas and questions to which victims felt were difficult, sensitive, unethical or too emotional to be asked about;
- to determine the workability of the proposed method of data analysis for the study.

However, from the pilot study, the researcher was able to understand the ambiguity of some of the storylines and managed to modify them so that they dovetailed with the research objectives.

3.15 Qualitative Data Analysis- Storytelling

The most important reason to conduct analysis on a data set is to make sense of it. Without clear, evidence-backed analysis, research cannot be used to drive action or change. Yet, an often-cited complaint about research and analysis is that it does not lead to action. This research adopted storytelling as a data collection tool and also as a qualitative data analysis tool. This is a new approach adopted by this study of validating qualitative data through storytelling. The highest level of data analysis requires the highest level of skill and also produces the most coherent, memorable and engaging insights about a data set (Heale, & Twycross, 2015:66-67). This level of analysis is called storytelling or story-based analysis. In research and data analysis, it will usually take place after initial analysis is conducted. Initial analysis will usually consist of data cleaning, categorization, analysis and interpretation. Storytelling as a method of data analysis usually involves the following four steps: initial analysis, prioritisation, linking and narration.

Firstly, storytelling analysis requires an evaluation of the relative importance of all variables, drivers and inputs in a data set. It is necessary to conduct prior levels of analysis beforehand, so that all interpretation of the data set and the relationship between variables within it is known (Zohrabi, 2013:254). In JMAC there is no single story to women and child abuse, the concept of Human Rights abuse is a very complex subject matter and it affects people differently, hence there are multiple experiences emanating from varied encounters. The data collected through storytelling should be collated with the overall objective of the study and this can only be achieved through data analysis. This also explains why a multi-disciplinary approach was adopted by this study. Then followed prioritization of the most important data points and findings across the data set and the analysis. Here, the analyst prioritizes all the important findings from the review of the full data set (Trochim, 2006:46). The analyst might take note of all the most important insights, judging each on their own merit.

After the first two steps, storytelling departs from the work usually associated with formulating ordinary conclusions. The third step is the linking of the prioritized key data points and findings

into one or more coherent orders and themes that can be communicated as a story. The analyst will start to focus the prioritization effort on insights that can be linked or related to each other (Widrich: 2012). At this stage, the insights prioritized are judged not just on their own merit but by how well they link together with other important insights. In theologically sanctioned Human Rights abuse situations, collaboration of narratives can be used to validate and categorise important components of the research. The final step is narration, which is the formulation of the story of the linked prioritized findings and data points. This involves finding a common theme, relation and means of transforming the coherent findings into one or more stories (Zak: 2013:11). In the case of JMAC, the link and delink was between Human Rights and JMAC theology on women and children with the view to recommend and enhance existing and pre-existing efforts towards eradication of Human Rights abuses on women at local level. This story could then be backed up with key data points like observation, document review, non-state actor reports, court records, school records, health records, traditional leaders' customary courts proceedings.

Data collected from key informant interviews were transcribed into scripts in Microsoft Office Word. The transcribed data was repetitively read through for the researcher to be familiar with the data. This is a stage that requires creative and analytical thinking. The researcher then identified the most important themes, recurring ideas, and patterns of belief, which assisted with the integration of the results. The process of category generation involved noting patterns in the research participants. As categories of meaning emerged, the researcher searched for those that were internally consistent but distinct from each other. Patterns, themes and categories were uncovered. In the analysis key informants were given designations.

Data analysis involves seeking to understand collected data which helps answer the research questions, (Wegner, 2003:20). The researcher used the aforementioned presentation techniques in an effort to make the presentation, understanding and interpretation of data easier for the users. Data was initially edited to ensure accuracy and uniformity. This ensured making conclusion on the accurate data. Results were analysed using the thematic content analysis method. Ezzy (2000: ii) describes this method of data analysis as a way of analysing data by organising it into categories on the basis of themes, concepts or similar features. The procedures

employed are primarily designed to reduce and categorise large quantities of data into more meaningful units for interpretation (Singleton, 1997:7).

3.16 Ethical Considerations

There are a number of key ethical issues across the stages and duration of a research study. In the context of research, Saunders et al (2009:245) postulate that ethics refers to the appropriateness of one's behaviour in relation to the rights of those who become the subjects of one's study or are affected by it. Cooper and Schindler (2008:23) add that ethics are norms or standards of behaviour that guide moral choices about our relationships with others. The study took into account the COVID 19 national regulations which include social distancing, sanitization so that the study complied with the existing laws and regulations of the country. This is one of the key components in ethical terms. The study, therefore, resorted to informal limited interactions since the COVID 19 regulations were being reviewed on weekly basis.

The goal of ethics in social research is to safeguard that no one is harmed or suffer adversely from the research activities. These principles will come out of the experiences that researchers will face when conducting studies or researches (Neuman, 1996:6). Nachimias and Nachimias (1992:2) alluded that research ethics are professional code of conduct such as honesty, fairness, and respect among others. These codes of conduct guide one to conduct a research without deceiving people in any aspect of the research process. The research did not interview children below the age of 18 years. Information on children was obtained from their legal guardians, document exploitation, school reports and statistics as provided by school authorities, elder women in JMAC who carry out church rituals, NGO and CSO reports, policies, convention and statues ratified by the government of Zimbabwe, the Constitutional review, existing academic literature on the rights and status of children in JMAC.

Participants in the study were fully informed of everything about this study before they volunteered to participate in the research. The study observed the following ethical pillars of research.

- Inform participants that you are a researcher and the university and the topic that you are researching on.

- Inform the participant of his/rights.
- Assure the participant that, his/her names would not be published and the information provided shall not be used against them.
- Assure the participants that their contributions shall be used for academic purposes only.
- Advise them that there will not be any monetary incentives for participation and that participation is voluntary.
- That it is not a crime to withdraw from participation at any stage of the engagement or that he/she has the right to say do not use the information previously volunteered.
- The participant should read understand the consent form.
- After agreeing to participate he/she must sign the consent form.
- No research should be carried out if the participant did not voluntarily sign.

The respondent's identity was kept confidential. Data collection and storage was done in strict confidentiality and was used for the purpose of the study alone. Respondents were informed of the purpose of the study and were free to tell the researcher if they were not interested to take part in the study. The researcher informed the respondents how their participation in the research would help him in attaining his goals as some of the information to be attained was very private and confidential and the researcher treated this with caution so that the information is not used in an inappropriate manner but only for academic purposes only. Those invited for in- depth interviews were first given a consent form to sign before they were interviewed. See appendix 1 and 2 for the forms (one in English Language and the other in Shona language).

3.17 Summary

The chapter dwelled on research methodology focusing on the research design, target population, sample and sampling procedure, data collection instruments, data analysis procedure, validity and reliability, ethical considerations and chapter summary. The chapter mainly focused on how the research was actually carried out, identified the research design, gave and justified the research instruments used, the data collection techniques, as well as data presentation and analysis procedures.

CHAPTER FOUR

FEMALE-LED CHURCHES IN ZIMBABWE

4.0 Introduction

According to Chitando (2020:78), at the inception of African theology in the 1980s, the space was male dominated. The male African theologians failed to articulate women's concerns effectively and in the 1990s African women theologians emerged and formed the Circle of Concerned African Women Theologians hereinafter CCAWT in 1989. The purpose was for women to come together under CCWT and advance their concerns as well as to support each other in every facet of life. Post the formation of CCAWT, women began to occupy key top and middle influential positions in the church. However, within the AICs, and JMAC in particular, women are having their rights grossly violated. The research evaluated and identified the positives made by women led churches in Zimbabwe. Much emphasis was on Mai Chaza who defied patriarchal and colonial odds by being the first woman to lead a church. When Mai Chaza became a church leader, it was a serious religious taboo. Western founded churches began to recognise women's role in 1962 after the Vatican 11 declaration by the Pope. This Chapter highlights reasons behind the emergence and rise of female-led churches in Zimbabwe. The objective being to understand from a literature review perspective, what exactly is motivating females to start their own churches and the effectiveness of such churches towards gender balance and women's rights.

4.1 Guta RaJehova by Mai Chaza

According to Ratidzo (2015:11), Mai Chaza formed a church in 1954 and grew through faith healing and contributed to the growth of women led churches. In the aftermath of Mai Chaza, a number of prophetesses emerged. Mai Chaza became an influential figure who inspired other women to take up key positions in the church in Zimbabwe and beyond. According to Peadar (1996:71), in the 1950s some women in Africa started their churches. In Zambia for example, Alice Lenshina Lumbar formed her own church. There was a sense in which the continued marginalisation of women in patriarchal churches led to the formation of women led churches. Of note, Mai Chaza's Methodist links inadvertently influenced the rise of women in the

Methodist church itself (Hastings, 1979:1). Hence Mai Chaza broke the chain that men had natural gifts which were not intended for women.

The study noted that women led churches play a very pivotal role in helping women to occupy positions in the church and the society. In these women led churches, women are not looked down upon but the church provides a platform where women come together and share their life experiences. Women led churches are there to address key issues being faced by women in the society. The presence of female led church leaders is thus a positive stride towards gender equality and equity. Whilst she later became a key religious figure, Mai Chaza suffered in the hands of a patriarchal society. According to Muchena (1979:4), Mai Chaza was chased by her husband's family accusing her of being a witch. Mai Chaza established Guta RaJehova, a pro-women church which helped barren women to conceive (Zvobgo 1991:16). In ATR, barren women were divorced, scolded, described as witches, and discriminated against, amongst other things.

There is a ligament that connects theological feminism to female led churches. These females led churches represent women's rights and promote pro-women theological teachings, beliefs, rituals and practices. It is important to note that Mai Chaza challenged a number of theological practices that infringe on the rights of women. However, not much is known about their theological exposition with regard to children's rights. Mai Chaza fought all forms of discrimination against women and unlike patriarchal or male led AICs, she was against polygamy. This is despite the fact that it is a custom that is part of African ways of life. According to Redzo (2015:18), African tradition did not consider polygamy as unclean and evil. Polygamy was a way of expressing wealth and power and also it was a way of economic productivity. The earliest AICs did not see anything wrong with polygamy but Guta ra Mwari did not allow polygamy at all.

In the same way that AICs were formed to challenge Western formed churches, women led church also sought to challenge patriarchal systems within the broader AICs. It was like a revolution within a revolution as women were beginning to push for their religious self-determination. According to Ramphela (1990:9), the majority of women are suffering due to patriarchy and power relationships and their impact on the lives of ordinary people. This is in

line with the thrust of this research of removing all the barriers that block women and children from enjoying their full theological rights within the broad spectrum of AICs.

4.2 Church Women's Organizations' (*Ruwadzano, China Chemadzimai, Fellowship*)

The Church Women' Fellowship is a very important arm of the church wholly led and attended by women to discuss their challenges. The platform provides women with interactive and exchange programmes where women from various backgrounds converge and identify problems being faced by women in their day to day lives, be it their private life, social, economic, religious and political well-being. According to Shoko and Mapuranga (2020:155), the Church Women's Fellowship plays a key role in issues of public health especially on HIV/AIDS. The two believed that, Zimbabwe Council of Churches would not have succeeded to be an important organ in providing public health education on HIV/AIDS without being augmented by the Church Women' Fellowship. Chitando (2007:5) asserts that church women's groups have been the unsung heroes in responding to HIV and AIDS. Some have formed child care homes and/or old people's homes as a way of addressing the epidemic. Some of these go a long way in accommodating the infected and affected (ibid: 2007:5).

Of note, *China Chemadzimai* or *Ruwadzano* is now part of many churches, be it mainline, Pentecostal or AICs. However, in JMAC, not much is known about women fellowship as the church is wholly patriarchal. The JMAC believe it is the only genuine church in the world and all other churches are heretical hence the church's position not to align itself with fellowships or church councils. These are some of the research gaps identified by this study. To make matters worse, JMAC does not believe in HIV/AIDS but believes that there is no disease the church cannot heal. According to Igo (2009:147), the framing of diseases by churches is a very important aspect. For example, HIV/AIDS is being viewed by some churches as a curse, a punishment from God and a reward for irresponsible sexual behaviours. Women in JMAC follow blindly the church's theological teachings because they are not receiving civic education about HIV/AIDS. This demonstrates the overarching role and importance of women leadership and women led fellowships. This is against the Constitution of Zimbabwe on the right to information access, a gap that can be bridged through women organisations.

According to Bam (2005:13) the concept of women fellowship is now a trans-boundary issue as in South Africa they call it Manyano. He alluded that, without space on the pulpit, and in the lecture halls, many women use the prayer time and prayer space for the Manyano meetings to express themselves and their dreams for the church. Despite the patriarchy that dominates the church, these women's organisations, or mother's unions, greatly help women find their feet in Christianity. Chitando says these organisations help women with "alternative space where they have greater latitude to express themselves" (Chitando 2007: 27). It is within this context that many women in the Ruwadzano division of the church have contributed to the overall response to the wellbeing of women.

4.3 The Role of Church Universities in Empowering Women

According to the encyclopaedia of Feminism (1986: ii), liberal feminist argue that the quality of rights and opportunities should be extended to women in all areas of life. Weiner (1997:16) opines that liberal feminism asserts that individual women should be as free as men to determine their social political and educational roles, and that any law, tradition and activities that inhibits equal rights and opportunities must be repealed. At the core is the transformation of education systems and laws to ensure that the environment is conducive enough for women to learn with the full support of teachers. However, this study looks at the subject matter from the perspective of universities and employment opportunities for women into higher positions of influence.

According to Zwana (2008: 280), church owned universities play a key role in the socialisation of women into active members of the society. He goes on to state that the dynamics of student activism and their implications in a church university are also interrogated alongside issues of academic freedom and autonomy, as well as the role of a university in influencing and shaping national processes and debates. There is a ligament that connects university education to positions of influence in church and in the public sector by women. A number of women from mainline churches, including nuns and deacons, are graduates from both secular and the church owned universities and a majority of those occupy key positions in church and in the public domain. There are a number of Catholic nuns who are professors, occupying key positions within the university structures and in their religious orders as mother generals of various formation houses and Convents. In most churches, the educated women are being given

preferential treatment. However, with the high unemployment levels and depreciated value of education in Zimbabwe, such an achievement is not quite sustainable.

4.4 Role of Marriage in Empowering Women

In Africa the institution of marriage is like a double-edged sword, it empowers and also disempowers women. In some instance, one's status changes with marriage, for example, the first ladies in the political sphere. In the traditional sphere, the king's wives used to play a very important role in the management of the state and its affairs. In the religious sphere, the position of women is relative. Whilst in most Pentecostal churches wives to prophets become prophetesses, in JMAC their status remains unchanged. The bias of this study is on denominations where the status of women changes positively with marriage. The study assumes that in those denominations the elevated women would act as the bridge to other women, hence an important empowerment strategy.

There is a lot of evidence that proves women's status is being transformed through the institution of marriage. In most Pentecostal churches women share authority and apostleship with their husbands. The common titles in Pentecostal churches are prophet and prophetess. Through the institution of marriage, wives end up occupying key positions in the church and majority of them are being called, *Amai*, meaning mother. The church members, regardless of gender, would surrender and submit themselves to the mother or prophetess. In rare circumstances they end up succeeding their husbands, for example TB Joshua of the SCOAN was succeeded by his wife. TB Joshua's wife, Eveline, has set a new pace for other churches and she has demonstrated that women are equally capable leaders considering the sphere of influence of the church concerned.

Women led churches are more appealing to distressed women who require more love, care and support. According to Ross (1976: 94), the African continent has experienced phenomenal Christian growth in spite of numerous challenges and disasters. Zwana (2007: 76) pointed out that by virtue of their salvific mission; churches have been rated as sources of hope in the midst of difficulties. However, most churches are continuously losing their role of being sources of hope because of a surge in church related Human Rights abuse on women and children.

The study noted that apart from the institution of marriage as a factor influencing the rise of women in churches, the changing circumstances also contributes immensely. The 21st century is an important century in terms of Human Rights issues. The world over, Human Rights and gender issues are a front-page topic. It is like an unstoppable wave as people are beginning to demand and question all the elements that violate their rights. The Human Rights and gender wave have seen many denominations beginning to offer women positions in the church, perhaps to silence them. Haynes (1996: 8), writes, in order to perpetuate hegemony successfully it is necessary for the dominant strata to maintain a more or less consensual moral order which has the status of common sense. The majority of churches gave women less glamorous positions in the church in order to silence them from demanding their full rights. The fear of radical feministic approach resulted in many churches accommodating women in their ranks and structures.

Mapuranga (2020:186), provided a global statistical evidence which demonstrates how women are disempowered and yet they work harder than men. In a United Nations blog, the need to specifically examine women's empowerment stems from the notion that 'to this day, women perform 66% of the world's work, produce 50% of the food, but earn 10% of the income and own 1% of the property' (www.unwomen.org). From a religious studies perspective, this scenario emerges from the fact that Christianity and other world religions developed amid patriarchal societies in which women are treated as objects rather than persons. To this day, women have neither been accorded equal rights within the society not equal rights within religious communities. The male, in most instances, has been granted authority and power over women, especially wives, and this has led to devastating consequences for women and their health and wellbeing. (Messer 2004: 78).

4.5 How the Zimbabwe Council of Churches (ZCC) is Neglecting Women

It is the position of this study that ZCC has not done much to address the challenges being faced by church members especially women and children. ZCC has churned much of its efforts towards the state and inadvertently neglected a very important aspect of theological practices, rituals, teaching and belief systems that impacts negatively on the rights of women and children. The ZCC is considered a very important variable that interacts with the state and other churches

at strategic level which is an unutilised opportunity towards ending theologies that violate women and children's rights. The ZCC is at a vantage point to advocate for the full recognition of women and children in those denominations like JMAC that violate women and children's rights. Torres and Eagleson (1981: 108) strongly believe that the unity of the Church and the poor would achieve social transformation and enhance Human Rights recognition within and outside the church. ZCC is, therefore, the unity of churches that is failing to utilise the power of unity to achieve transformation of theologies that impede on the rights of women and children.

According to McAfee Brown (1984: 19), the church through Zimbabwe Council of Churches, hereinafter ZCC, has engaged in a brutal fight with the state with regard to rule of law, social and economic rights, developmental disparities, electoral violence amongst others. The ZCC has influence in a number of policies in Zimbabwe (McGovern 1989: 197). Whilst the church, had made strides to reform the state, it has not made meaningful engagements to solve its own problems. There is evidence of outward looking over inward-looking approach. In churches, there are issues of child marriages, child pledging, gender disparities with women occupying very peripheral positions in the church, barring women in some instances from exercising their right to education, self-determination, freedom of expression and after expression, public health, sexual, reproduction and maternal health care, political determination amongst others.

4.6 Conclusion

The study concluded that, women led churches are very instrumental in uplifting women ecclesiastically. The study noted that, ZCC is pushing for the recognition of Human Rights by the state. However, and of note, the study believes that ZCC has not been doing enough to transform theologies that violate women and children's rights. Mai Chaza played a key role in leading the way for women into key leadership positions ecclesiastically.

CHAPTER FIVE

THE INTERFACE BETWEEN THE ZIMBABWEAN CONSTITUTION AND JMAC THEOLOGY

5.0 Introduction

Zimbabwe is a constitutional democratic state where the Constitution is the supreme law of Zimbabwe. In fact the Constitution is the highest law of the land because it is superior to all laws other than the laws passed by parliament. It defines the structure, procedures, powers (extent and limitations) and duties of the government and the corresponding obligation of the citizens. Through the Constitution, citizens and the state enter into a social contract, where each element has its distinct obligations. The Constitution also sets out the rights of the citizens in the country which the government is obligated to respect, promote, enforce, protect and fulfil. The principles and rules that govern the relationship between government and citizens, including how government is elected, are also contained in the Constitution. The Constitution applies to every citizen universally. JMAC members are first and foremost citizens, therefore, are obligated to follow the secular laws as defined and provided for in the Constitution. The Constitution has a self-preservation method where the doctrine of abrogation is applied where the state cannot limit the rights contained in the bill of rights. The doctrine of *ultra vires* helps to deal with any other laws that are inconsistent with the Constitution by declaring such laws or practices invalid to the extent of its invalidity (Constitution of Zimbabwe Amendment 20 Act, 2013:16). With this doctrine, any law or practice that is inconsistent with it is invalid to the extent of its invalidity and must be repealed. With regard to the subject matter under discussion, any theological practice, ritual, teaching or belief system that is *ultra vires* to the Constitution is invalid to the extent of its invalidity (ibid, 2013:16). Thus, it is not recognisable at law.

It is the duty of the state to enforce the laws indiscriminately and without fear or favour. The state is obligated not to connive to violate the rights of any section of the society. The state is accountable to alleged cases of Human Rights violations obtaining in JMAC. It is the duty of the state to put measures, policies and mechanisms to stop any form of Human Rights violations indiscriminately. The law is clear under the R2P doctrine that, if a state fails to protect and

promote the rights of its citizens, other states, regional bodies and inter-state agencies can intervene and ensure that citizens enjoy full rights. The municipal and international law was designed to complement each other to ensure maximum enjoyment of rights by the general citizenry. It is actually a crime for a state to fail to investigate and account for allegations of gross Human Rights violations in JMAC, as reported by NGOs, CSOs and academics. The doctrine *pacta sunt servanda* was designed to ensure that states do not deviate from treaties, conventions, constitutions and protocols to which the state is a signatory. With all these provisions, it is the desire of this study to make an inquiry on why the government of Zimbabwe is failing to end Human Rights violations in JMAC and AICs in general.

Whilst the state has the duty to protect the rights of women and children in the religious sphere, there is no much evidence that the government of Zimbabwe intends to take a radical approach to end abuses ecclesiastically. The issue of abuse in JMAC has been extensively exposed and covered by scholars, NGOs, CSOs, media and Human Rights peer review documents without meaningful government responses. It is worth note taking that, annually the president, senior government officials and leaders of various political parties attend and are given platforms to speak during JMAC gatherings and conferences. These leaders in their speeches heap a lot of praises to JMAC and never at any given point in time mention or infer to the abuse of women and children aforementioned herein. In the interactions between the church and the state in Zimbabwe, there is more emphasis on political talk than Human Rights. In Zimbabwe, it appears as if politics has more prominence over all other spheres of human existence. Zimbabwe is equally known for crisis denial and state sponsored Human Rights abuses, making both the state and the church accomplices in Human Rights abuse.

5.1 Legal Remedies to the State When Responding to Human Rights Concerns

AICs' practices, rituals, teachings and beliefs have over the years drawn scholarly attention in terms of when secular rights are applicable in the religious sphere. JMAC has theologically established some practices, rituals and teachings which are viewed to be a violation of women and children's rights by virtue of them being inconsistent with the Constitution of Zimbabwe. These theological practices, teachings and rituals are being challenged in the rise of global criminal law codification and rise in feminism culminating from the Universal Declaration of

Human Rights (UDHR). There has been a growing demand first by feminists, and now by the general populace, for third generation rights to safeguard women and children's rights, especially the girl child in all spheres of life. In JMAC women and children are not being accorded the three generational rights, namely: first, second and third generation rights and the most common ones being the right to life, quality health, education and free determination in the social, economic, political and religious sphere.

The laws pertaining to children and women's rights seem not to be of paramount importance to the Zimbabwean government as the law enforcers and law makers are seemingly turning a blind eye to cases of abuse of women and children in JMAC. AICs are an important voting constituency in Zimbabwe. The government is thus a political beneficiary of AICs, resulting in political parties stampeding for political support and negating their duty to eradicate Human Rights abuses emanating therefrom. There is glaring evidence that children and women's rights are being violated in the church. It appears as if in Zimbabwe the political interests of the state override any other rights. The state is very quick to notice and even respond when the citizen rights are violated especially in cases where its political interests are at stake. The same principle is not being applied to the Human Rights considerations despite the fact that, the state has a legal duty to promote and protect the rights of the general citizenry. There is a sense in which JMAC and the state believe that Human Rights are foreign and do not safeguard its interests. There are Human Rights concerns against the state and the church, further that the state is under Western sanctions for violating Human Rights.

The Constitution is very clear that whenever there are concerns of Human Rights abuses, the state can institute a Commission of Inquiry in order to investigate, account and recommend. The Commission at law is appointed by the President from people of high integrity. Of note to this study is that the Zimbabwean government has instituted a number of Commissions of Inquiry in-line with the Constitutional provisions as set out in Chapter 12, Section 232 and Section 242 (Constitution of Zimbabwe, Amendment 20 Act, 2013, Sections 242, 232:95,92). This section deals with the establishment of Zimbabwe Human Rights Commission (ZHRC) and Section 245 on Zimbabwe Gender Commission (ZGC) to respond to the Human Rights concerns from any section of the society. Notably, the academic fraternity, Non-Governmental Organisations

(NGOs) and Civil Society Organisations (CSOs) have on numerous occasions raised a red flag. Since 1936 when JMAC was founded, the government of Zimbabwe is yet to establish a Commission of Inquiry into alleged abuses of women and children in JMAC. The outcome of the commission would help to respond to allegations of gross Human Rights violations of women and children in JMAC.

The theology of JMAC teaches that members of the church must not accept to appear before secular courts. There is a lot of evidence pointing at congregants who would disappear, evade arrest, fight the law enforcement agencies (The Herald, 28 April 2003: 13, The Herald, May 10: 2003, Ashcroft et al 2007:125). This evidence points to resistance by the church to secular authority. The majority of Human Rights violations collapse due to lack of evidence and unwillingness by the victims to stand before secular courts. This is perhaps due to the fact that they are mostly illiterate, lack exposure to secular laws and courts, lack resources to hire lawyers to defend their rights and the fear of being excommunicated from the church or expelled from home for exposing the church and the family. Since the recruitment in JMAC runs within family links, expulsions from the family imply that no family can accept you for fear of breaking the church rule. Meanwhile, the Ministry of Labour and Social Welfare does not have adequate resources to safeguard and provide the livelihoods to the victims.

To add on, the majority of Human Rights violations lack evidence due to unwillingness by the members to co-operate because the theology of JMAC teaches that the state is a domain of Satan. The failure by victims to cooperate is an issue that the state must find ways of crafting victim friendly policies. The only evidence on the abuse of women and children in JMAC is scholarly work and reports by the non-state actors. This type of evidence cannot sustain prosecution, since there must be *prima facie* evidence to enable successful prosecution. The *hobius corpus* principle demands that the person must be physically present in a court of law. The right to be heard principle demands that, both parties must be given their right to be heard in a court of law. Since the major challenge in JMAC is child marriages or statutory rape, it means Zimbabwe is faced with a challenge of child friendly courts if it is to secure prosecution. Rape cases are one of the most delicate cases which usually take up to two or three years to be completed. To add on, with the high-level of corruption and political interference in the judiciary system, successful

prosecution is now very difficult and expensive to secure. The case of Dr. Munyaradzi Kereke is a classic example where the minor's rights were undermined due to political interference and was only prosecuted after Charles Wharara applied for private prosecution. Meanwhile, rape cases require examination and cross examination and in the absence of cooperation by the victim, it is very difficult to secure prosecution. The church's doctrine is limiting cooperation by victims who usually run from investigative officers.

In light of what was discussed above, no victim from JMAC will likely report abuse. The problem being faced by the government of Zimbabwe is to dismiss the occurrence of Human Right abuses on the basis of non-availability of victims. The state must study the level of indoctrination by the church which makes it difficult for the victims to voluntarily admit and cooperate. Under age marriages and rape cases are taken very seriously if the victim is on the forefront, which leaves one to wonder if the Government of Zimbabwe is waiting for women and children in the JMAC to report abuses for the Constitution to be evoked. According to an African Union communique in 2014, about 14 million adolescent and teen girls are married, almost always forced into the arrangement by their parents (African Union Communique, 2014:1). The Multiple Indicator Cluster (MICS) report of 2014, indicated that child marriages in Zimbabwe stood at 32.8%. This translates to about one in three women and less than 1 in 20 (3.7%) of men aged 20-49 who were first married or in union before age of 18 years (Zimbabwe Multiple Indicator Cluster: 2014:35-36).

The state is empowered at law to limit rights which it feels must be curtailed and this is done in Zimbabwe through Section 86, the General limitation clause. With the Human Rights concerns that churches are abusing women and children, Section 60 which give churches unlimited rights can be limited under Section 86 which is the general limitation clause²⁴² (Constitution of Zimbabwe, Amendment 20 Act, 2013, Sections 60, 86:30,40). Whenever, the state feels that an entity might abuse their given rights, it limits that right under the General Limitations Clause. However, this does not apply to laws under the bill of rights that are protected under the doctrine of abrogation. Section 60 which gives legal status to churches is not covered under the bill of rights. Therefore, it can be limited under General Limitations Clause Section 86 of the Constitution (ibid, 2013:30, 40). The General Limitations Clause is found in Section 86 of the

Constitution of Zimbabwe Amendment number 20 of 2013²⁴² (Constitution of Zimbabwe, Amendment 20 Act, 2013, Section 86:40). The government of Zimbabwe has limited a number of freedoms, for example, Section 56, the right to demonstrate and petition (Constitution of Zimbabwe, Amendment 20 Act, 2013, Section 59:30). The Constitution set conditions under which the right to demonstrate and petition can be enjoyed. The Constitution states that, the right must be enjoyed or exercised peacefully. Of note to this study is that, Section 60 of the Constitution of Zimbabwe Amendment number 20 of 2013, did not limit religious rights as if to confirm that churches in Zimbabwe are not a legal persona and that they are immune to the laws of Zimbabwe. The rights are not just enjoyed but they must have a corresponding obligation. Of note, also to this study, is Section 60(3) which give parents and guardians of a minor the right to determine in accordance with their beliefs, the moral and religious upbringing of their children. The Constitution went on to cite only four rights that parents cannot religiously deprive their children, namely: education, health, safety and welfare (Constitution of Zimbabwe Amendment 20 Act, 2013, Section 60:30). The JMAC is not according any of the four key rights and yet the state is taking no action.

5.2 Various Human Rights Violations on Women and Children in JMAC

The study looked at various abuses obtaining in the JMAC and relating these to the provisions in the Constitution. The reference to the Constitution is premised on the fact that, Zimbabwe is a Constitutional democratic state. Without quoting the law it is difficult to expose how the church is violating the rights of its congregants. Human Rights are explained from the perspective of the Constitution especially when dealing with a constitutionally democratic state (Constitution of Zimbabwe Amendment 20 Act 2013:16). To add on, there is need to understand that Zimbabwe has a dual legal system, namely, customary and civil law. One must therefore have a deep understanding of the two set of laws if one is to avoid confusing the two. Whenever one talks of ecclesiastical Human Rights violations, one must identify when the teaching, practice or ritual is violating customary or civil law or both. In Zimbabwe courts are divided into two civil and customary courts.

Human Rights violations are a constitutional matter where each identified practice, ritual and teaching must be linked to a specific clause in the Constitution. The Constitution does decree

that, any other laws that are inconsistent with the Constitution are null and void to the extent of its own inconsistencies (Constitution of Zimbabwe Amendment 20 Act 2013:16). Of note, Zimbabwe operates on a dual legal system namely, Customary law and the Roman Dutch Law. More importantly, some of the provisions in the two pieces of legislation contradict each other. A reading of either customary law negating the civil law may misconstrue the research findings. What might be illegal in civil law is legal at customary law and churches' practices, rituals and teaching relate more to customary laws than to civil law. The civil law is only invoked where there is a criminal case that could have been raised. Given that JMAC teaches that none of its members should approach any secular court for any form of remedy, the civil law is never applied since Human Rights issues are kept secret.

5.2.1 The Interface between the National Constitution and JMAC Theology

Particular concerns about the church is on how it has used religious practices to cascade into social behaviour that now include early marriages, pre-arranged marriages, forced marriages, virginity testing, prioritisation of the boy child as far as accessing economic and educational opportunities, thus neglecting the girl child. In addition to this are concerns about church initiated marriages with or without consent, the barring of church membership to access Western medical health care services, prenatal and post-natal health care services to women, access to both control initiatives and family planning methods to women and health care and inculcation of a chauvinist patriarchal sub-society based on religious doctrinarian that has been attributed to the church. Therefore, the study aimed to clarify and examine the said practices, allegations and establish factual research-based findings whereupon recommendations can be instituted by all stakeholders involved in the implementation of women and children's rights in Zimbabwe.

The nature of the relationship and power dynamics between the state and the church is a very important determinant factor that helps to explain on whether the state is able to force the church to repeal some of its theologies, doctrines and traditions that are deemed to be violating the rights of women and children. Historical facts help to trace in history the nature and the scope of the problem at hand. There have been grey areas with regard to whether the government of Zimbabwe is unwilling or incapable of responding to Human Rights violations in AICs. There are assumptions that, AICs through their radical doctrines are resisting state authority in the same

manner that it even resisted the colonial authority despite persecution and prosecution. The church's resistance to state authority is a historical fact tracing back from the 1648's Treaty of Westphalia or beyond. The epitome of these power relations is the investiture dispute between the church and the state. The question was who had the power of investiture between the priest and the King. The French revolution had this debate as a topical matter to the conflict.

Under the general principle of the greater good, rights should be enjoyed without infringing on other people's rights. This is to say, religious rights enjoyment should not impinge on the rights of the special groups like women and children. Legally, both at municipal and at international level, the state is the enforcer of Human Rights. Whilst the state has the Constitution as the point of reference, the church has the Bible as its point of reference. Notably, when the church designs its theology it uses the Bible and revelation, and not the Constitution. To note, churches like JMAC openly instruct its congregants not to respect the secular courts and its laws. It is the duty of the state to ensure that the church abides by the Constitution. Perhaps the church is still living in the shadow of the past, where it enjoyed absolute authority over the state. Historically the church was above the state insofar as the Hebrew text is concerned. Kings were appointed by religious functionaries up until the 1648's Westphalia treaty. As long as power contestations are not resolved, women and children will continue to have their rights violated. The church ends up concealing and presiding over crimes against the state which are meant for the secular courts, for example, rape, infanticide, child marriage and gender-based violence, hereinafter GBV.

Whilst states were given the legal autonomy over the religious domain by the 1648 Treaty of Westphalia, the unwritten laws are the ones recognised in Africa. Africans have so much respect for their culture which defines their value system and influence the state's behaviour. In Africa spirituality is more important than laws and rules. To note, spirituality played a key role in liberating Africa, such that mediums were taken to war. Africa believes that, she gained political independence because of the active participation of religious functionaries in fighting colonialism, hence, most, if not all, African presidents consult the spirits to direct their leadership. The 1648 Treaty of Westphalia is more on paper than it is being practised in Africa. Owing to this, most African states seem reluctant to reprimand AICs whose theological practices

and doctrinal elements may be found to be infringing into the rights of the citizens, as is the case of JMAC with regard to the rights of women and children.

There is a hen-egg debate on whether the government of Zimbabwe has the moral locus-standi to teach churches on Human Rights when in fact the government itself was red-flagged by the UN for state initiated Human Rights violations. Both the state and the church have to be reformed so that, they respect the fundamental Human Rights. The mentioning of church-state relationship is not a deviation from the question, but that theology is enforced by the church and Human Rights by the state. The relationship between these two enforcers is very important. The JMAC and the state are merely two sides of the same coin in terms of Human Rights abuses. The church has less to learn from the state with regard to Human Rights issues. This literature helps to explain on why the State is perhaps turning a blind eye to rights violations on women and children.

Regardless of the church-state relations in Zimbabwe, the duty to protect and promote the rights and welfare of its citizens lies with the state and not the church. The role of the church is complementary to the state. In the preamble of the Constitution, Chapter 1 on the Founding Provisions section, it opined that the Constitution is the supreme law of Zimbabwe and any law, practice, custom or conduct inconsistent with it is invalid to the extent of its inconsistency (Constitution of Zimbabwe Amendment 20 Act, 2013:16). Thus, in Zimbabwe any theological or doctrinal practice that violates the rights of the other is an invalid practice that must be repealed and realigned to the provisions of the Constitution. The Constitution is very clear that the rights of women and children must be protected. Therefore, all theological teachings and practices that do not conform to the Constitution must be repealed.

5.2.2 Are Researches on JMAC Making Sense at Law?

The Constitution of Zimbabwe removed the dirty hands doctrine which was in the Old Constitution. The dirty hands doctrine stated that no unclean person is allowed to come to court seeking court assistance if they are guilty of a lack of probity in circumstances which cause them to seek relief from this court. Technically speaking the removal of the dirty hands doctrine has increased access to justice. The doctrine was elaborated in a High court case judgement, Nyasha

v Chiredzi Wildlife inv. & Another (HH 68-18, HC 6790/17) 2018 ZWHHC 68 (07 February 2018) where the Judge stated that a litigant with unclean hands is allowed to seek court's assistance. This position is an antithesis to an old Constitutional court case, between Deputy Sheriff Harare v Mahleza & Anor 1997(2) ZLR425 (HC) where the judge stated that, people are not allowed to come to court seeking the court's assistance if they are guilty of lack of probity. The removal of the dirty hands doctrine means more justice to the litigants. The women in JMAC are not benefiting from increased access to courts and justice because the theology of JMAC does not allow the teaching of secular law to its congregants. In addition, members are not allowed to approach secular courts, yet in the church's succession dispute the children of Marange approached the courts for litigation. These are some of the double standards found in JMAC where the leaders of the church seem to have a different doctrine from the one used on general congregants. No study has been done on ways through which JMAC congregants can be helped to access the courts to defend their rights.

The New Constitution Section 85(1) allows anyone to represent any public interests even if one is not directly affected. This means researchers, NGOs, CSOs using Section 85(1) now have the *locus standi* to approach courts suing JMAC or individual members with the church since JMAC is a *legal person*. It is a legal person in that it can sue or be sued. Non state actors are now empowered by the law to represent the women and children, as long as they are acting in public interests. Scholars and non-state actors as long as they have credible evidence of the abuse can, without the involvement of the state, take JMAC to court and get a court verdict to bar JMAC from violating the rights of women and children. Credibility of information is important in that the Constitution places the burden of proof doctrine to the one reporting the matter to the courts. The legal person must prove beyond reasonable doubt that indeed the rights of women and children are being violated. With the digital era, they record these abuses as evidence to be placed before the court. Since child marriages take place, mostly during church service, a secret recording can be done and findings used in court for prosecution purposes. Why is it that the JMAC is yet to be recorded marrying off minors at the church, as is claimed by scholarship? The Civil Evidence Act, Chapter 8.1 does recognise video evidence as proof beyond reasonable doubt. This is one of the gaps exposed by literature review that can be exploited for the benefit of women and children's rights in religious circles.

Whilst the government is to blame for perhaps being complicity and accessory to Human Rights violations with the AICs, the study noted that, the Constitution has a number of remedies that are not being exploited by non-state actors. Also, whilst non-state actors are blaming the government for failure to decisively eradicate gender related abuses in JMAC, they are equally failing to utilise the provisions in the Constitution which empower them to sue JMAC for Human Rights violations. In qualitative and quantitative terms, a number of NGOs, CSOs are found to fight the government more than they fight churches for their involvement in Human Rights violations and peddling injustice. There are lots of Human Rights violations by churches, yet not much is being done to ensure that churches realign their dogmas and traditions to the Constitution.

The 1648 Westphalia Treaty was convened at a time when the Roman Catholic Church had lost the moral campus. Gross (2011:34) argues that the level of worldliness and wildness to include corruption, selling of papal indulgencies, disgruntlement, views of Martin Luther and John Calvin, Council of Trent 1537, thirty years' war, Bohemian revolt and the whole of Europe was forced into a disaster and war led to the 1648 Westphalia Treaty. The 1648 Treaty of Westphalia was convened primarily to limit the power of the church since the church was being blamed for triggering wars. It is a common cause that wars usually affect more the rights of women and children. The 1648 Treaty of Westphalia created states to govern and regulate the behaviour of the church. This position made the church a subject to the state. The gap identified by this research is that, whilst the international law places the church as a subject of the state and that the state is the guarantor of Human Rights, in Zimbabwe, both the state and the church are violating the rights of women and children.

Terms such as war on gender can be adopted if the fight against women and children's rights is to achieve its intended results. The UNSC is seemingly not serious in its fight against religious abuse. Whilst there is an array of treaties, conventions and protocols, Human Rights are yet to extensively address religious Human Rights violations. The gap identified by this research on the UN is lack of religious sector specific protocols, treaties and conventions to address Human Rights violations and the gender question in the religious sphere. There is no known explicit religious sector specific UNSC resolution that addresses church related Human Rights abuses and yet church related Human Rights abuses are on an upward trajectory. This is further

compounded by the fact that religion related Human Rights abuses are not limited to Zimbabwe, but are a global problem. The continued abuse of women and children is an anti-thesis to the attainment of the millennium developmental goals and sustainable development ones. The abuse of women and children within the religious sphere must be regarded as a serious Human Security issue. The international systems are seemingly concerned with politics and less attention is being given to other spheres like religion. The UN Human Rights peer review system is failing women and children by assigning states the responsibility to safeguard the rights of congregants and yet the states themselves are equally key Human Rights violators. The UN system must think beyond states when addressing Human Rights.

In Islamic State (ISIL) sponsored or related terror movements such as Alshabab; Boko Haram; Al Qaeda etc, women and children are being used as human shields, suicide bombers, sex slaves, tools of war and child soldiers. In Christianity, the abuses are rooted in some theological errors which manifest in teachings, rituals, sermons, practices where elements like child marriages, access to education and health facilities are limited, virginity testing, arranged marriages, homosexuality, forced labour are theologically sanctioned. There must be political will by UN member states and the UNSC to address and confront churches for Human Rights abuses. The Constitution of Zimbabwe had made commendable strides towards inclusive constitutionalism where it sought to recognise international treaties, conventions and protocols to which Zimbabwe is a signatory to, in its interpretation of the domestic law. The developments at UN level in terms of more sector specific treaties, protocols and conventions helps the local courts to respond to sector specific Human Rights violations more effectively.

The UN system is further aiding Human Rights abuse in the religious circle by according religious bodies statehood status. The UN for example, recognised Vatican City and the Islamic Republic of Iran and yet they are religious movements. Some states are at declarative level calling themselves either Christian or Islamic states. This means that the aforesaid states would be governed by either Shariah or Christian value systems. If this initiative continues unabated, the net effect is the reversal of the 1648 Treaty of Westphalia. In most countries across the globe, the majority of citizens are either Christian or Islamic. With the surge in Christianity and Islam, the impact of some religious doctrines on Human Rights requires the UN to have a strategic

vision, so as to be able to contain the impact of religion in future. The UN needs to consider theological and religious doctrines seriously.

It appears as if there is a strong appetite for politics in Zimbabwe over any other sphere of life. The 2013 Constitution provide legal remedies and access to the Constitution by creating a Constitutional court and limiting the hierarchy or bureaucrats of courts. The question of theology and Constitution being at crossroads, the Constitutional court is there to interpret the law and ensure that there is compliance. Theologies must be in sync with the Constitution because in a Constitutional democratic state, the Constitution takes precedence over any other laws, practices, norms and values (Constitution of Zimbabwe Amendment 20 Act 2013:16). The faculty of religious studies and philosophy must consider courses in constitutionalism and politics because religion survives in a state. This will help religious scholars not to generalise legal facts when addressing or writing about Human Rights abuse in the religious sphere. This is perhaps a novel research that has so far, combined theology and law, shifting from the traditional view of taking the two discourses independent of each other. The presumption of this study is that future scholars of religious studies and systematic theology shall develop the concept further.

This study also argues that scholars must go beyond generalisation of findings especially on how the rights of women and children are being abused in JMAC. Without combining qualitative data and statistical evidence, the argument on abuse of women and children becomes a mere academic exercise. This study assumes that the majority of researches on AICs and JMAC in particular largely appeared to be desktop researches. None of the studies known to this researcher quoted the Constitution and yet rights are constitutional matters, the same way the Bible is an anchor to theology. All that was noted in previous researches is that children are being married off as minors, denied basic education and health, and subjected to cultural practices like virginity testing, polygamy and how the practice is spreading HIV/AIDS. However, without linking these identified practices, teachings and rituals to the Constitution, Customary or civil law the argument would be incomplete. The interface between theology and Human Rights is demonstrated in the interaction between the Bible and the Constitution or between the church and the state.

The church uses the Bible to craft its theology and doctrines and the state the Constitution. Churches recognise and teach about law from the perspective of the ten commandments of the scripture and not the Constitution. There is no known church that teaches about the Constitution, gender and Human Rights from a secular point of view. Even church affiliated organisations like the Catholic Commission on Peace and Justice hereinafter (CCJP) is not permitted to preach these values in church. These values are mechanisms which define the role of the Catholic Church in terms of church-state relations. The CCJP has on numerous occasions publicly condemned despotic states for Human Rights violations but it has never condemned the Catholic Church or AICs for Human Rights abuse. There is a sense in which the Church is an accomplice in Human Rights violations though these are hidden under the cover of media blackout. This means the religious sphere does not want their Human Rights violations exposed. The World Council of Churches hereinafter (WCC) is equally to blame for failing to expose the Human Rights violations by their affiliated churches. There is a sense in which the church affiliated organisations have incriminating evidence but are unwilling to expose it for fear of losing membership and, indirectly, funding. Without tangible evidence, it is very difficult to apply the law to try and limit the church doctrine, especially when the approach is targeted.

5.2.4 Problems of Legal Definition of a Child in Zimbabwe

Zimbabwe being a Constitutional democratic state, the Constitution must be very clear on the definition of the term child (Constitution of Zimbabwe Amendment 20 Act 2013:16). In so far as there is a legal definition of a child, politically in Zimbabwe a youth is someone who is 35 years and below. Without the proper definition of a child, the legal gaps can be manipulated by Human Rights violators. The Zimbabwean Constitution recognises both customary and civil laws, meaning to say, the child can be defined from either of the two perspectives. AICs, for example, interpret a child from a customary point of view and avoid civil interpretation since it makes the church's theology illegal and criminal. The failure to recognise the foetus as a child by Zimbabwean laws also makes the lives of unborn children prone to abuse. This aspect of unborn children is a concern to this study since baseline survey by this study indicated that there are as many still births in as much as there are also cases of child deaths. Women, by failing to access hospitals and clinic, are dying enmasse due to birth complications with the majority of pre-term mothers losing their lives because the church does not have, for example, incubators, medical

sundries like drips, gloves, no facilities to carry out medical procedures like operations and blood transfusion. The Public Health Act only criminalises and regulates registered medical practitioners, but is silent on prophets who carry out medical procedures in the name of religion. The fact that the Public Health Act does not have control over churches and its activities, especially that whilst churches perform spiritual healing procedures they are affiliated and registered with the ministry of labour and social welfare. There are a number of pieces of legislation that need to be harmonised to enable effective enforcement of the laws.

Customary laws do not have legal age of majority in terms of numeric values like 18 years as stipulated by the civil law, but consider maturity from the perspective of rites of passage like breasts, menstrual cycle, and lost virginity amongst others. 18 years from a civil perspective is regarded as the legal age of majority (Section 81 (1) by the Constitution of Zimbabwe, Article 2 of the Convention on the Rights and Welfare of Children, Article 1 of the Convention on the Rights of the Child). There is need to adopt a single definition of a child. Customary matters are social and are presided over by customary courts and only criminal cases are heard by civil courts. The danger is when customary courts end up helping conceal criminal elements because most abuses in rural areas occur among relatives. The same applies to JMAC where the church recruits amongst relatives and friends. With a weaker definition of what a child is and a lack of commitment by the state to strain its ties with the AICs for political gains, mitigating Human Rights on children becomes an elusive and uphill task.

The assumption of this study is that Human Rights violations in the religious sphere are by and large as a result of three factors, namely: weak definition, political will and dual interpretation of the law and courts. Whilst the Constitution is supreme in Zimbabwe, the definition of a child in Zimbabwe is very obscure. For example, the question on whether a foetus is a child remains a grey area, legally and theologically. A critical analysis of the rights to be enjoyed by children, all of it refers to a born child and not a foetus. Since the Constitution failed to recognise a foetus as a child, in legal terms, a foetus does not have rights and does not enjoy same rights with a born child. Section 19 of the Constitution only presented rights to be enjoyed by a born child and there is no reference to the unborn child (Constitution of Zimbabwe Amendment 20 Act 2013:20). When talking of the rights of children in Zimbabwe, the Constitution should state clearly on

whether a foetus is a child. The Constitution in its definition of a child seems to consider only a born child rather than the unborn child. Defining a child is important in this study in that children and women are the focal point in this research. A born child and a foetus in JMAC are facing varying degrees of Human Rights abuse. To worsen the matter, even international instruments such as the Convention on the Rights of the Child, only address rights of born children; the rights of a foetus are never made reference to. There are various protocols, treaties and conventions which define the legal age of majority differently. This study mentioned treaties, protocols and conventions because the Constitution of Zimbabwe, Section 326 (1) clearly states that they are part of the Zimbabwean law unless they are inconsistent with the Constitution (Constitution of Zimbabwe Amendment 20 Act 2013:124). Since the conventions, treaties and protocols do not have direct entry in Zimbabwe but some undergo ratification processes, it is rare for them to be consistent with the Constitution. This means that international law is adding up to the existing legal inconsistencies, since it does not have a single definition of a child.

The Constitution in the Bill of Rights clearly states that the right to life is a primary right which can only be limited by a competent court in terms of death sentence. Other than the courts limiting the right to life, limiting it by any other organ will be tantamount to the abrogation of the Constitution. The study noted that in JMAC, congregants take an oath known as *chitsidzo* on their own behalf and on behalf of their children. The pledge teaches that no child from the believing family should be taken to hospital for whatsoever reason. Additionally, in JMAC, children are called *zvidhinha* meaning bricks which if they break, one can mould another. With regard to the death of a child, JMAC teaches on the biblical Job who chose to lose all his children and he glorified God in that circumstance. This study considers such teachings and practices as Human Rights abuse because they are a violation of the right to life and health provided for in the Constitution. Thus, JMAC violates the children's right to access good health. Section 76 (1) clearly stipulates that every citizen has the right to have access to basic health-care services, including reproductive health-care services. The same goes on to compel the state to formulate legislative and others measures to achieve the right to health-care by every citizen (Constitution of Zimbabwe Amendment 20 Act 2013:37-38). However, children in JMAC are yet to be accorded such rights by both the church and the state.

In Zimbabwe court verdicts are legally binding and have the effect of the law. The government of Zimbabwe is relying on the Supreme Court judgments for a definition of child or essential elements of what constitute child marriage. These judgments on child marriages seek to eradicate legal inconsistencies between civil and customary laws in Zimbabwe. On child marriage, in a case of *Loveness Mudzuru and Ruvimbo Tsopodzi vs Minister of Justice, Legal and Parliamentary Affairs, Minister of Women Affairs, Gender and Community Development and Attorney General of Zimbabwe*, which was heard by the Constitutional Court on 20 January 2016 by a full Constitutional bench headed by Deputy Chief Justice Luke Malaba, the bench ruled that any marriage between a man and a woman where one of them is below 18 years was unconstitutional, therefore, illegal in Zimbabwe (*Loveness Mudzuru and Ruvimbo Tsopodzi vs Minister of Justice, Legal and Parliamentary Affairs, Minister of Women Affairs, Gender and Community Development and Attorney General of Zimbabwe, 2016:1*). This Constitutional Court judgment immediately nullified sections of the Marriage Act that allowed for a 16-year-old and above to get married. Whilst the judgment is a welcome development, the same is silent about sexual abuse of girls below 18 years since what was outlawed was marriage not sex with minors. There is a sharp difference between age of marriage and age of sexual consent. In 2021, the government issued a Statutory Instrument to the effect that, pregnant school girls are now permitted to proceed with their studies. This means that, the government has on one hand outlawed child marriages and on the other hand opened floodgates for sex with minors. In Zimbabwe, children normally finish their A Levels before 18 years of age. There is no way, school going age girls get pregnant without sexual intercourse. The policy is highly paradoxical and an antithesis to the protection of the girl child in Zimbabwe. However, it must be acknowledged that whilst the ruling outlawed child marriages, since 2016 when the ruling was passed, child marriages in JMAC remain unchanged.

There is no law in Zimbabwe that compels churches to teach on Human Rights despite the fact that some theologies and doctrines found in the church are violating Human Rights. Human Rights violations vary from one church to another. The Roman Catholic Church, for example, is very clear that it would not support priests who abuse congregants. This is unlike in JMAC where the church does not believe in the secular courts, let alone values, such as gender equality and equity. Whilst the government, feminists, CSOs, NGOs are pushing for gender equality, in

JMAC, the teaching on Human Rights and gender is regarded as ungodly and anathema. Patriarchy is embedded in JMAC so far that the church does not permit any teaching that seeks to propagate gender teachings. Several attempts were made by the CSOs, other apostolic groupings and feminist movements to push for the full recognition of women and children's rights, but to no avail.

Also noted by this study is that JMAC teaches that the church has total jurisdiction and control over her members' deceased estates. In fact, the elder male member of the church presides over the distribution of the estate to avert situations whereby non-believing members of the deceased person might opt to perform traditional rites and pontificate over their member's estate. Existing laws such as Section 68 (3) of the Administration of Estates Act (Chapter 6:01) where unions that are not formally solemnised in terms of Customary Marriages Act (Chapter 5:07) are entitled to the deceased person's estate are being ignored in JMAC. JMAC, instead, teaches that women and children sired outside of wedlock are profane and are not entitled to any benefits. In 2015 the court ruled that children sired outside wedlock are entitled to the deceased person's estate (*Hosho v Hasisi HC 427/11-2015:2*). This law ensures that all the children benefit equally from the estate. However, JMAC has its own unwritten laws that are not always in sync with the laws of the land. The church teaches that sex outside wedlock is a grave sin and children born out of prostitution are not entitled to inheritance.

Whilst the study is seized with the relationship between Human Rights and theological teachings, rituals and practices in JMAC that negatively impact on women and children, it is pertinent to note that Zimbabwe operates on a two-stage system. One of the most prevalent practices in JMAC is child marriages and the two-stage system is whereby the law differentiates between consensual and non-consensual sexual activity with a child (Section 65 of the Criminal Law Codification and Reform Act: Chapter 9:23). The sexual activity with a child is considered aggravated only if the sexual activity results in rape, aggravated indecent assault and indecent assault and only relates to non-consensual sex. The same provision provides that a child below 12 years of age is deemed incapable of consenting to sexual activity, meaning, a child above 12 years of age can consent to sexual activity (Mutangi, Madhuku, Maja et al: 2017:1). Be that as it may, the law exposes the child to sexual exploitation. If the child is 12 years and has consented

to the sexual act the law has limited effect on the offender. These are some of the legal loopholes that make it difficult to plug off child sexual exploitation in JMAC since most child marriages are consensual. The JMAC doctrine teaches children to prepare for marriage upon reaching the puberty stage. Psychologically, puberty triggers sex drive and without control measures, minors indulge in consensual sex at ages 12 and above. In most cases, rape cases are very difficult to manage especially when the minor is testifying that the sexual act was consensual. With closed societies like JMAC where congregants are radically indoctrinated, the abused minor would refuse ever to have been abused.

Section 81 of the Constitution demands that children be protected by the state against sexual exploitation in its varied nature (Constitution of Zimbabwe Amendment 20 Act 2013:38). This is to say the state has a legal duty to ensure that the rights of children in all spheres of life are fully protected and promoted. Section 19 of the Constitution demands that the state should adopt reasonable measures to ensure that children are protected against all forms of abuse (Constitution of Zimbabwe Amendment 20 Act 2013:20). The fact that children in JMAC are being exploited and have their rights violated with impunity, points to the fact that the state is failing on its legal mandate. The state must take reasonable actions to protect children, for example, lobbying, training, liaison, use of media to expose the abuse, advocacy and raising of awareness. The state can also use traditional leaders. The Traditional Leaders Act (Chapter 29:17) empowers a traditional leader to hear and preside over customary matters within their respective areas of jurisdiction. Of note is the fact that the government of Zimbabwe is seemingly ignoring the plight of JMAC children whose rights are being evidently and openly violated.

On the other hand, the state is equally a perpetrator of Human Rights violations. Zimbabwe is currently under United Nations Security Council radar and on targeted sanctions for Human Rights related allegations. In a state where Constitutionalism is a challenge, Human Rights abuses are difficult to address. There are Human Rights violations by both the church and the state with the duo engaging in crisis denial. Both deny that there are Human Rights violations taking place. The state is important in this study because it is the enforcer and custodian of Human Rights whilst the church superintends theological doctrines, teachings, rituals and practices. According to ACPF of 2013, Zimbabwe is ranked on the top ten of the least child-

friendly governments in Africa. The ranking is based on failure to put in place appropriate legal and policy frameworks to protect children from abuse and exploitation. In spite of Zimbabwe having a plethora of domestic and international child friendly legal instruments and policies, child abuse remains a cause for concern in Zimbabwe.

Domestically, Zimbabwe has the following legal instrument which are meant to protect and promote the rights of children: Children's Act, Chapter 5:06 of 2002; Constitution of the Republic of Zimbabwe, Amendment No. 20 of 2013; Criminal Law (Codification and Reform) Act, Chapter 19:23; Customary Law and Local Courts Act, Chapter 7:05 of 2002; Customary Marriages Act, Chapter 5:07 of 2001; Domestic Violence Act, Chapter 5:17 of 2007; Marriages Act, Chapter 5:11 of 2004; Presidential Powers (Temporary Measures) (Trafficking in Persons Act) Regulations S20144 of 2014; amongst others. On international treaties, Zimbabwe signed and ratified a number of treaties which include: African Charter on Human and People Rights (African Charter) of 27 June 198; the Gambia African Charter on the Rights and Welfare of the Child of 1991; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979; Convention on the Rights of the Child of 1990; Protocol to the African Charter on the Rights of Women in Africa of 2003; amongst others. Of concern, both the JMAC and the state have Human Rights challenges being levelled against them.

The church is under the state's sphere of influence and abuses of women and children in the church have a spill-over effect on the image of the state. In as much as the 2013 Constitution removed the 'dirty hands' doctrine, meaning to say, even if the state is guilty of Human Rights non-compliance, it can challenge Human Rights abuses obtaining in JMAC, the state is yet to openly talk or investigate through a commission of inquiry on the abuses of women and children in JMAC. Since Independence in 1980 to 2016 when the final judgement was handed down in the Mudzuru and Tsopodzi case before the Constitutional Court, the issue of child marriages had never reached the courts as a subject nor had it been properly dealt with by the legislature. The courts only relied on Domestic Violence Act Section 3(1)(i) which stated that child marriage is a degrading practice derived from traditional custom and belief system, and is abusive and discriminatory. The Act then advocated for stiffer penalty instead of community service or a fine. This is to say, both the church and state in Zimbabwe have not considered child rights seriously.

Whilst the 2013 Constitution outlawed the dirty hands doctrine which previously made it difficult to approach the formal courts in a case where one's own rights have not been directly infringed upon. The government had previously put hierarchy of courts to ensure that, internal remedies and lower courts are exploited before one approaches superior courts for legal remedy. The courts failed to realise that there are internal remedies that violate rights instead of providing a remedy. One such a case is JMAC where men who are the perpetrators of Human Rights violations preside over internal disputes. In the case of JMAC the doctrine of ripeness is a Human Right violation in that it is blocking quick access to justice. Apart from the hierarchy of courts and the doctrine of ripeness, the doctrine of *locus standi* contained in Section 85(1) of the Constitution makes it difficult for non-affected persons to represent the interests of the victims. In the Mudzuru and Tsopodzi case of 2016, the Deputy Chief Justice Malaba argued that, the applicants Mudzuru and Tsopodzi who had approached the courts on child marriage had no *locus standi*. Malaba argued that the applicants had none of their own rights infringed by child marriages and that they had not satisfied provisions of acting in public interests because they had not provided names of the children whose fundamental rights had been infringed through the alleged child marriages and on whose behalf the applicants purported to act (Magaisa:2016:6).

The *locus standi* has very stringent conditions on reporting a case where one's own rights have not been directly affected. The doctrine demands that one must satisfy the following suitability criteria: act on behalf of public interests; provision of actual names of the victims; and to state on whose behalf one is acting upon. To apply these aspects on JMAC, a closed society, is very difficult because out of fear victims do not provide their actual names but this would not mean violations are not taking place. So much literature and reports by academics, CSOs and NGOs have been written on the abuse of women and children in JMAC but because of stringent doctrines like the *locus standi* principle and doctrine of ripeness, it is impossible to approach courts based on reports and academic evidence. The courts in Zimbabwe must improve on admissibility criteria. In other jurisdictions they have made it a crime not to report evidence of child abuse. In South Africa, for example, it is a criminal offence for a person who has direct knowledge of the abuse to fail to report to the authorities (Mutangi, Madhuku, Maja et al: 2017:6). Otherwise without coercive and punitive strategies, cases of abuse of women and children will continue to be swept under the carpet as a result of JMAC doctrine which portrays

secular courts as ungodly. The government of Zimbabwe should consider reporting of sex offences and other forms of Human Rights abuse as compulsory.

The government of Zimbabwe has no deterrent laws on sex offenders and child rights. In the case of Tapiwa Makore who was murdered and the perpetrator pleaded guilty, the case was swept under the carpet due to alleged judicial corruption. The impact of judicial corruption on child rights is also another cause of concern. In other African states, the concerned countries have put in place stringent measures to curb sexual predatory behaviour on women and children. In *S v Dlodlo and Ors* HB-124-2006, the court was severely criticised for sentencing the accused, aged 20, to perform community service at the same school where he had illegal sexual relations with a 14-year-old girl (*S v Dlodlo and Ors* HB-124-2006). In Poland, South Korea and Russia, chemical castration is mandatory for sex offenders. Chemical castration is where sexual offenders are forced to take a course of drugs that severely decrease the prisoner's testosterone levels to reduce their sex drive (Mutangi, Madhuku, Maja et al: 2017:5).

The state has the duty to ensure that JMAC eradicates pledging of children into marriage and that no marriage is entered into without the full consent of the doctrine. Section 26 (a), (b) of the Constitution states that there is no marriage entered into without the free and full consent of the intending spouse and that children are not pledged into marriage. With regard to JMAC, full consent is elusive in that minors agree to be married off because JMAC's theology teaches that any person who defies its teachings will not enter the kingdom of God. It is considered a sin against God. In addition, JMAC teaches that issues of the church must only be heard in church and heard by elders of the church. The *Rabauma or Mutongi*, meaning, a church leader designated to deal with matters of indiscipline in the church, is the sole ear for such cases. JMAC teaches strongly against secular courts. Secular courts are condemned for retributive justice over restorative justice. Restorative justice is aimed at mending relations and making the offender compensate where possible. Meanwhile, retributive justice seeks to only punish the offender. A majority of abuses are not reported formally for fear of retributive justice. In most of JMAC cases that are brought before the courts, perpetrators are usually protected by the victims themselves, parents and guardians of the victims and the church itself. Various scholars and organisations have attempted to unravel the abuse in JMAC with limited success.

In Zimbabwe, parliament is one of the arms of government whose primary duty is to make laws (Zimbabwe Human Rights Forum Special Report: 2001:6). Bocha has a Member of Parliament (MP), Senate and Minister of State for the Province, since 1980 when Zimbabwe attained independence. In addition to that, there are Central Committee and Politburo members from the political sphere that attend Central Committee and Politburo meetings to deliberate matters affecting the general populace. In Bocha, the District itself convenes District Joint Operations Command (JOC) comprising of Police, Army, Intelligence Services and all District Heads of Government department who convene weekly and formulate weekly security briefs. Of note is that, none of these fora have ever raised the issue of JMAC to the attention of the state and the government. Since 2000 to 2017, Zimbabwe had two cabinet Ministers, namely, Saviour Kasukuwere, who was a member of JMAC but never at one point did he raise women and child abuse issues to the attention of the government; and Christopher Mushowe though Methodist is from Bocha Marange which is the headquarters of JMAC. Of note is that he once served as a Minister, Governor for Manicaland Province, Principal Director for State House and State Residences, Director for Presidential Scholarships but never did he champion Human Rights abuses in JMAC. In 2008, Bocha Marange parliamentary seat was won by the MDC MP. As usual, Human Rights violations from the area remained a salient feature. The current Human Rights and theological standpoint in JMAC is poised to remain unchanged in so far as there is no political will to investigate the abuses on women and children in JMAC.

5.3 Domestic and International Law on Women and Children

The section of this chapter is novel in that no known study has so far made a comparative analysis of religion and law from a perspective of church-state relations. A number of studies have been done on religion and rights denial without explicitly referencing the constitution. The study found out that Zimbabwe operates on a dual legal system namely customary and civil law. To note in this study is that most of the provisions contained in customary law are in sync with the Johanne Marange Apostolic Church (JMAC) theology and a majority of scholarship had referred only to civil law in order to justify the fact that women and children's rights are being deprived in JMAC. The 2013 Constitution clearly stipulates that when interpreting this constitution, one should recognize the conventions and treaties to which Zimbabwe is a signatory to. The study noted that, some of the provisions in some of the treaties and conventions to which

Zimbabwe is a signatory recognize marriage of 12-year-old girls. Customary law in Zimbabwe recognizes arranged marriages to minors and a majority of scholarship was quick to dismiss alleged child marriages in JMAC without due legal considerations. This study, therefore, made use of the dialectical method in analyzing the nexus between theology and Human Rights on women and children in JMAC in particular and the African Independent/Initiated Churches (AICs) in general. The study made use of case laws to tap into the wisdom of the juris through landmark rulings.

The study reviewed international conventions, treaties, agreements which are binding on Zimbabwe, in-line with Section 327 of the Zimbabwean Constitution Amendment number 20 of 2013. In this section the Constitution stipulated that Zimbabwe when interpreting its legislation should consider conventions, treaties and agreement which are binding on Zimbabwe (Zimbabwean Constitution Amendment number 20 of 2013). The study went on to review relevant treaties or agreements and conventions entered and ratified by the government of Zimbabwe on women and children's rights. The reviewing of these pieces of legislation helped the study to have a broader understanding of the extent to which the rights of children and women are observed. The same also helped to explain points of convergence and divergence between JMAC practices, rituals and teachings and the Human Rights discourse.

5.3.1 Domestic and International Law on Women and Children's rights

Zimbabwe ratified the African Charter on the Rights and Welfare of the Child (ACRWC) in 1995. According to Article 43 of the ACRWC, Zimbabwe is obliged to update the African Union (AU) periodically on the state of wellbeing of children in the country (ACRWC, Article 43:1995). In Zimbabwe the well-being of the children is under the purview of the Ministry of Health and Child Care (MoHCC). Within the MoHCC, the National Programmes for Action for Children (NPAC) chairs the committee for Child Rights and Welfare. According to the 2017 Inter Censual Demographics Survey (ICDS), in Zimbabwe there are 6 466 867 children constituted of 3 242 754 males and 3 224 114 females (ICDS: 2017). This number constituted 47.6% of the Zimbabwe's total population of 13 572 560. Children in JMAC do not have birth records and birth certificates owing to them shunning health institutions. The JMAC teaches against Western civilization and its followers are strictly not allowed to visit hospital or clinic.

JMAC teaches that there is no disease that the church cannot heal and when a person dies, they simply preach that it's God's time. Of note also is that, the church does not participate in any government programmes like surveys, vaccination, census, registration of the foetus amongst others. Henceforth, the 2017 Inter Censual Demographics Survey's findings might not be too objective. The state cannot account for child mortalities and children in JMAC because they are not registered and neither do they have birth records nor burial orders. These practices and teachings by JMAC are inconsistent to ACRWC, MoHCC, NPAC in the management of the child rights and welfare.

According to the Zimbabwe Demographic Health Survey (ZDHS) 2015 the infant mortality rate stood at 50 deaths per 1000 live births, a drop from 57 deaths per 1000 live births (ZDHS:2015). The 12% percent decrease is a result of some measures that were implemented to improve accessibility to health services such as the scrapping of payment of hospital user fees for children under the age of 5 years and pregnant mothers, the availability of essential drugs, blood and related products. Whilst the government in line with Millennium Developmental Goals (MDGs) and Sustainable Developmental Goals (SDGs) instituted measures meant to reduce infant mortality rate through the scrapping of hospital fees for children under the age of 5 years and pregnant mothers, JMAC teaches that children are bricks and that every JMAC member should take a vow that they together with their families must never visit secular hospital. Any member of the JMAC who defies the order risks being permanently expelled from both the church and the kingdom of God. The church teaches that once expelled from JMAC, the Angels from heaven will remove your name automatically from the 'book of life' meaning you are no longer fit for the kingdom of God. In terms of the relationship between Human Rights and the theology of JMAC, by denying children access to health, the church is contravening the Public Health Act (Chapter 15:09) which provides for and makes it compulsory for the immunization of children (Public Health Act: Chapter 15:09). JMAC's teaching is therefore incompatible with the Public Health Act (Chapter 15:09), hence a Human Right violation.

The Ministry of Primary and Secondary Education monitors the school attendance register. In addition, schools are mandated to record gender disaggregated statistics on all cases of school dropouts by grade, and reason thereof. In relation to issues of gender equality, Section 27 (2) of

the Constitution states that the state must take measures to ensure that girls are afforded the same opportunities as boys in education at all levels. Whilst this is a commendable policy by the government, same is irrelevant to JMAC because the church does not allow children to go to school. The state in terms of Section 27(2) is failing to execute its mandate of ensuring that all children have the same educational opportunities. The JMAC theology is thus a major barrier to the children's right to equal educational opportunities. The state as the guarantor of Human Rights must put in place measures that force churches to revise their theologies especially those aspects of the church teachings which violate the rights of women and children.

While the 2014 Education Management Information System shows that gender parity has been achieved at primary and ordinary levels, the participation rate of girls at 'A' Level is still at 44% (Education Management Information System:2014). Whilst these statistics are quite encouraging, they are inapplicable to AICs and JMAC in particular whose theology, doctrine and traditions are blocking children from enjoying and benefiting from their Constitutional rights.

Statutory Instrument 362 of 1998 and Policy Circular P35 provide for girl learners who fall pregnant to return to school (Statutory Instrument 362:1998). Due to different family circumstances and other unmet needs of the teenage mother and the baby, not many have returned to school within the given time space. Whilst this initiative would have benefitted young women in child marriages to benefit from the bridge model, the church's theology is the major hindrance. The government as evidenced by its policies is not falling short on laws and policies but on implementation and political will. Since 1980 to date, Zimbabwe is one such country with sound policies on paper yet the worst on implementation strategies.

The Children's Act Amendment Bill prohibits Child Marriages. Marriages of children perpetrated mostly by parents or close relatives have paralyzed the social sphere, testimony to the famous African Union campaign against child marriages outcry. The practice can only be reduced by enacting water tight laws with long custodial sentences having no option for a fine. It also seeks to propose consequential amendments of the Marriage Act 5:11 and the Customary Marriages Act 5:07 in line with the Constitution, the African Charter on Rights and Welfare of the Child, The Protocol of the African Charter on Human and People's Rights on the Rights of

Women in Africa (Article 6), The African Youth Charter (Article 8), The SADC Protocol on Gender and Development (Article 8), and Section 26 (b) of the Constitution provides that children should not be pledged in marriage. This perspective is in line with the study's assumption that Section 60 of the Constitution needs to be repealed because it does not reflect on the seriousness by the government to monitor and scrutinize churches. Churches in Section 60 were given unlimited rights without any demand for a corresponding obligation.

Realizing the important role traditional leaders play in ending child marriages, the Government of Zimbabwe engaged with traditional leaders on ending child marriages. Resultantly, traditional leaders did come up with a communiqué on ending child marriages. Through the communiqué, Traditional leaders committed to taking the lead in ending child marriage in the country. The Government has been working with religious leaders of the Apostolic Christian Council of Zimbabwe (ACCZ) and Union for Development of Apostolic Churches in Zimbabwe (UDACIZA). As a result of this engagement they conducted sensitization meetings within their churches in the ten Provinces of Zimbabwe. In 2016 the government appointed a focal person for the ACCZ resulting in the organization instituting a child protecting committee for the organization which now deals with child protection issues amongst their affiliates. The main agenda for these sensitization meetings was to sensitize the apostolic branchmembers on the negative effects of marrying off children as well as shunning of the act among the apostolic sects. It must be admitted that, for the first-time, members of AICs began to build structure and social amenities like schools and clinics. St Peters school which was built by JMAC in Bocha, Marange, demonstrated that the government's position to engage AICS for transformation is yielding positive results.

JMAC teaches that the woman was created for procreation and that the role of children in their socialization process is the provision of labour. Thus, children in JMAC are sources of labour, which is a violation of the labour laws. Subject to the Labour Relations Act (Chapter 28:01), no parent or guardian of a child or young person shall permit such child or young person to engage in hazardous labour. Children Act (Chapter 5:06) Section 2 provides for conditions of work and defines hazardous labour as any work, that is likely to jeopardize or interfere with the education of that child or young person and involving in underground mining (Children Act, Chapter 5:06:

Section 2). In contrast to this provision, minors are being employed and made to engage in illegal artisanal mining. The majority of school drop-outs in Zimbabwe are as a result of illegal gold mining activities and in farms where they are at the end of the day unfairly remunerated.

The Children Act, Chapter 5:06 Section 10 (a) restricts the employment of children and young persons. The Act goes on to prohibit parents or guardians of children or young persons of school going age to knowingly cause or permit children or young persons to absent themselves from school in order to engage in employment for gain or reward (Children Act, Chapter 5:06: Section 10). In JMAC, children are purposefully withdrawn by the parents during the rain season to work in the fields and herd cattle. They are also made to go and work in other people's fields in exchange for food handouts.

More so, the Children Act, Chapter 5:06 Section 10 (a) restricts any person from employing a child or young person of school going age at a time when the child or young person might reasonably be expected to attend school (Children Act, Chapter 5:06: Section 10). The government is mandated at law by the same provisions to carry regular inspections to assess the existence of child labour in industries and farms and raise awareness as well as take appropriate action. The 2014 Labour Force and Child Labour Survey found out that 210 813 out of 3 563 057 children of age 5 to 14 were involved in child labour. In addition, 168 760 (4.7%) were involved in economic child labour and 42 053 (0.1%) were involved in non-economic child labour (Labour Force and Child Labour Survey: 2014). In 2017, 136 males and 116 females were identified as being in child labour situations. Any person who contravenes subsection (1) shall, according to the law, be guilty of an offence and liable to a fine not exceeding two thousand and five hundred dollars or to imprisonment for a period not exceeding six months or both such fine and imprisonment. This punitive measure is not deterrent enough to curb child labour in Zimbabwe, the fine is inflationary insignificant.

5.4 The Global Perspective of the Women's Rights

The UN was formed in 1948 and states were obliged by the UN to abide by the precepts of the convention. The UN mandated states to enforce and promote Human Rights. The UN created various international sector specific legal instruments on women and children to ensure that, they

enjoy same rights and benefits at law. These international instruments are subject of review because the Constitution of Zimbabwe recognises them in its interpretation of the law. The purpose of reviewing this literature resonates with the assumptions of this study that, some AIC theologies violate the Human Rights component and they must be repelled. The purpose of repelling is to ensure that there is harmony between the law and theology.

This study noted with concern that, whilst there is a need to ensure that there is harmony between theology and the Constitutional provisions, the UN Articles 18 and 19 and Section 60 of the Constitution protects the church. These sections of the law do not compel the church to abide by secular laws, which is a major gap noted by this research. Without the essential laws to protect women and children's rights even within ecclesiastical circles, their rights become subjective. Thus, each church chooses the quantum of rights that it can accord to women and children with impunity. This study noted that Section 60 of the Constitution of Zimbabwe and the Articles 18 and 19 of the United Nations Human Rights Commission hereinafter (UNDHR), which was adopted in 1948 by the UN General Assembly, explicitly protect freedom of thought, conscience, religion, opinion and expression.

The evidence obtained in literature point to a more nuanced thinking where, the UNHRC is in fact condemning states for limiting religious freedoms. Limiting religious freedoms is being considered a violation of Human Rights. Perhaps, this helps to explain why churches are enjoying theological immunities with states failing to control censor some of its theologies. The 2013 reports by both Human Rights Without Frontiers International and the UNHRC, listed eight countries which restricted religious freedoms as violating fundamental religious freedom regardless of whether the concerns raised against the identified states were valid or invalid. In accordance with the report findings, China arrested Protestants, Catholics, Buddhists, Muslims and the Falun Gong on the basis of their doctrines and teachings. In Morocco a converted Christian was arrested for sharing his Christian faith to a Muslim. In Saudi Arabia, 52 Ethiopians were arrested for conducting a private religious service and in India, protestants were arrested for private prayers. In Indonesia, a clergyman was arrested for working without a valid permit, in Kazakhstan an atheist was arrested for inciting religious hatred in his writings. In Libya foreign missionaries were arrested for proselytizing and in South Korea, nearly 600 Jehovah's Witness

were arrested for resisting mandatory military service. The reviewed literature helps the study to clearly understand that, the UN system makes it very difficult for states to limit the powers of the church.

In line with Section 86 of the constitution, a right is limited by laws of general application through a recognised legal body, thus the Parliament or any other constitutional legal body. However, there are conditionalities when one limits a constitutional provision: the intent should be fair, reasonable and justifiable in a democratic landscape based on openness, justice, human dignity, equality and freedom in accordance with Section 86 Sub Section (2) of the Constitution. Legally, the structure of a typical constitutional rights provision is that it begins with a subsection enunciating the nature and the content of the right. In addition, a sub section may or may not have an internal modifier, thus, a language built into the statement of the right which limits or restricts the parameters of the right. Internal modifiers are critical in that they set clear boundaries of what is permitted and what is not allowed and Section 60 of the Constitution is one such a typical example where, laws on the fundamental freedoms governing churches do not have internal modifiers meaning that churches' theologies are formulated depending on what each and every ecclesia would wish to.

5.4.1 Convention on the Rights of Children

The Convention on the Rights of Children (CRC) is a treaty that lays out the rights of children and standards that every state must aspire. Thus, the convention thrives to ensure that the best interest of the child is always primary, especially the right to survival and development as well as the protection against abuse and neglect. If many countries have signed and ratified the CRC, why children's rights still being violated and a topical issue globally, raising issues of the effectiveness of the CEDAW in addressing the issue of children. The United States of America (USA) is a very influential member and powerhouse within the United Nations Security Council (UNSC) but interestingly she is not a signatory to the CRC. Being a global powerhouse and enforcer of fundamental Human Rights, the USA's non-membership or omission to CRC does impact on children's rights. It is the view of this study that the same manner powerful states are enforcing conflict resolution, fight Human Rights violations and terrorism amongst others, they can also be able to protect women and children within the religious sphere.

Whilst the convention on children's rights is there to advance the rights of children there is no agreed age on who is a child. The rights of the children are an entitlement but they are being violated throughout the world on a daily basis. This generates more questions than answers. Who makes international laws on children and to what extent are they consulted since they are the ones being affected? Around the globe, over 300 000 children are actively participating in more than 19 armed conflicts as child soldiers with some being sex war objects ,for example, Chibouk children in Nigeria. In addition, there are approximately 150 million street children worldwide between the ages 3 and 18 and about 40 percent of these children are homeless which is an unprecedented number in history and this is being done in countries where the aforesaid states are signatory to UNCRC.

The study noted a novel form of Human Rights abuse, where in Africa parents express themselves through names they give to pets, children and livestock. Some of such names affects the child's sense of dignity and self-esteem. This study noted that most names given to children in JMAC have derogatory connotations. In AICs a majority of the names given to children by parents have been noted in this study as another form of Human Rights abuse. In this regard, since in AICs women do not make decisions and neither are they expected to speak in the presence of men, the names they given to their children illustrate their resentments. The UNCRC also failed to address issues to do with names, nomenclature, ethnicity and nationality, especially in Africa where names speak volumes about something. For example, some parents give names to their children in order to express anger, for example, *rufu* meaning death, *nhamo*, *Tambudzai*, meaning poverty. In addition, there is a confrontation between rights denial and socialisation, for example, some tenets of child labour like house chores are in fact socialisation in preparation of the future.

The study noted that the UNCRC which is an important document that addresses the rights of children has not been effective in addressing Human Rights abuse by the church. The study assumes that, globally, almost every individual follows a certain religion and tradition which give them a sense of identity, thus, fighting cultural and religious practices is a mammoth task. In relation to the rights of children, the JMAC church does not permit any teaching outside the doctrine of the church. Thus, it is closed from the outside world for the fear of interference in

parental child rearing. NGOs and Civil Society Organisations (CSOs) are not allowed to interact and enter their shrines. JMAC fears interference especially on child rights, marriage and polygamy, especially at Marange in Bocha where there is a gate where people are screened.

5.4.2 The African Charter on The Rights and Welfare of The Child

5.4.3 Article 1: Obligation of State Parties

The article is against any traditions, customs, and religious practices that violate the rights, duties and obligations of the Charter.

5.4.4 Article 2: Definition of a Child

The Charter defined the child as every human being below 18 years of age.

5.4.5 Article 9: Freedom of Thought, Conscience and Religion

The Charter states that, children have the right to freedom and right of thought, conscience and religion. Parents are obligated to provide guidance and direction towards the best interests of the child. Parents must ensure that children enjoy their full rights and benefit from national laws and policies.

5.4.6 Article 16: Protection against Child Abuse and Torture

The signatories to the Charter must ensure that, children are fully protected from all forms of torture, degrading or inhuman treatment, physically and mental abuse. The Charter also prohibits neglect, maltreatment, sexual abuse of children under ones' care. State parties are expected to monitor, support, prevent, identifies, report, refer and follow up on any form of child abuse and neglect.

5.4.7 Article 11: Education

The Article made the right to education compulsory. The Article decreed that African states must ensure that the talent, mental and physical ability of the child is natured and their rights fully respected and adhered to. The Article demands that state parties observe people and international Human Rights conventions and declarations. It went on to state that African culture on children must promote their morals, values and cultures. The child is expected to grow in an environment that is free, tolerant, of mutual respect, friendly, understanding, regardless of ethnic tribe and religious groupings. Additionally, a child must have access to natural resources and primary health care.

5.4.8 Article 21: Protection against Harmful Social and Cultural Practices

The article demands that state parties do eliminate harmful cultural and social practices that affect the dignity, well-being, welfare, development and the normal growth of the child. The article outlaws child marriages; it demands the setting out of minimum age of marriage to be 18 years and makes registration of all marriages officially compulsory.

5.4.9 Article 27: Sexual Exploitation

The Article prohibits all forms of child exploitation. The inducement, encouragement and coercion of children into any form of sexual activity was prohibited. The use of children in any sexual practices was criminalised.

5.5 International Treaties and Convention on Women and Children's Rights

This section of the study reviewed various treaties and conventions and identified legal gaps that can be exploited in violating the rights of women and children. This is important in that most state use domestic laws, treaties and conventions to which state parties are signatories to when interpreting their laws. This principle applies to Zimbabwe where the Constitution at declarative level stated that it recognises treaties and conventions to which Zimbabwe has signed and ratified.

5.5.1 1949 Convention on the Suppression of Trafficking and Prostitution

The study reviewed the 1949 Convention on the Suppression of Trafficking and Prostitution. The convention helps the study to observe the nature of rights that women enjoy after the formation of the UN. The convention only addressed three key aspects of the rights of the women: first, the general anti-trafficking management where states were expected to formulate anti-trafficking policies and laws; secondly, the state to enforce specific anti-trafficking measures for example deportation and exchange of information between UN member states on traffickers to avert harbouring of criminals; and thirdly, to come up with rehabilitation tools for example social welfare services. The third variable is relevant to this study in that it talks of rehabilitation in light of the alleged cases of abuse of women and children in JMAC as is reflected in its theology. The government of Zimbabwe through the Ministry of Labour and Social Welfare, in accordance with the precepts of this convention, should roll-out programmes in response to Human Rights concerns in AICs in general and JMAC in particular. These are some of the research gaps further identified by the research.

5.5.2 Convention on the Suppression of Women and Trafficking of Children

The Convention on the Suppression of Women and Trafficking of Children was reviewed to demonstrate the evolution of women and children's rights over time. The convention encouraged states to formulate laws and mechanism to punish the legal defaulters. This is not withstanding the fact that this piece of convention only catered for white women and children leaving out non-white. The convention, however, has managed to spell out who should be punished by the law even though it did not specify the nature of punishment to be administered on the offenders. The study reviewed this convention as it helps the study to specify who has the responsibility to administer punishment on those who violate the rights of women and children. In the case of JMAC, the government of Zimbabwe should be made to account for the failure to discharge its lawful duty of protecting women and children in JMAC. However, some tenets of this convention are not applicable in this study; for example, trafficking is not the principal challenge facing women and children in JMAC.

5.5.3 1952 Convention on Political Rights of Women,

The 1952 Convention on Political Rights of Women is perhaps the first international legal instrument on women's participation in politics. The Convention falls under the civil and political rights. It advocated that women must be given equal political rights to those of men. These rights include, voting rights and political participation. Through this Convention, women are now entitled to participate in public life and occupy public political offices without being discriminated against on the basis of their gender, ethnicity, race, status, religion amongst others. This convention is relevant to this study because it helps the researcher to inquire if women in JMAC are allowed by the church's theology to vote, participate in politics of the country, occupy political public office, and participate in policy formulation within a state. It is the position of this study that women in JMAC support their husbands' political affiliation; no woman is allowed to participate in active politics because politics is associated with prostitution and JMAC directs its members on which party to support and vote for. There is no political self-determination. This is not limited to Christianity but also applies to other religions like Islam.

In the contemporary world, ICT is playing a role in political socialisation through such platforms as WhatsApp, Twitter and Facebook, amongst others. The study noted that there is less usage of these social media platforms due to high illiteracy rate in JMAC. The other elements noted were that poverty, data and smart phones costs, poor network in rural areas, jealous and protectionist draconian measures on married women, and the association of social media with worldliness has seen members of JMAC shunning these social media platforms. Social media is an important tool that transforms society through information dissemination. Through social media, ideas, views, analysis, news are shared and knowledge is exchanged, making it the ligament which connects the world into a global village. In some AICs access to other channels other than those provided for by the church is restricted, for example, Paul Mwazha Faith Apostolic Church, where adherents are restricted from watching television. These platforms are referred to as *vemunyika*, meaning, worldly. The church, thus, teaches that they should not interact with the worldly people inclusive of their own relatives. The important research gap identified by this study is a dark patch in research where there is no literature that explicitly explains the position of JMAC theology with regard to access to social media information.

5.5.4 International Convention on Minimum Age for Marriage,

This study reviewed this Convention primarily to demonstrate how ambiguous legal terms can be manipulated. Treaties, Conventions, Protocols must be designed in a manner where they serve the purpose through which they were created. The issue of legal age of sexual consent and minimum age of marriage must be synchronised to ensure that, there is harmony and no ambiguity between customary international law and civil international law.

The International Convention on Minimum Age for Marriage was reviewed by this study to establish whether at a global scale, there is stipulated minimum marriageable age for women. The convention stipulates that no marriage shall be legally entered into without full consent of both parties. Of concern to this clause is the use of subjective phrases which are subject to subjective interpretation like the use of the term 'both parties. Both parties can mean bride and groom, guardians or parents of both parties. The theology of JMAC encourages marriages within the church and those parents of both parties usually agree on behalf of their children. Thus, in JMAC parents retain the right to determine their children's marriage including who to marry and

the circumstances under which one can marry. In JMAC children are from a tender age groomed to be parents and at the age of 12 they are trained to be mothers, hence consent under such a doctrine is tantamount to perpetuating child abuse.

In addition, the Convention urges member states to formulate legislation which limits minimum marriageable age and ensure that no marriage shall be entered into before the legal age of majority set out by the concerned state. This is subjective as this clause can be abused by states as the minimum age limit has not been standardised. In Zimbabwe there is a contradiction with regard to the legal age of majority, there is no harmony between the customary and civil law. Customary laws in Zimbabwe support marriage of minors. In terms of the customary law, a child can marry as long as he/she appears physically mature to get married. On that technicality, the JMAC theology, which uses rites of passage as the basis for marriage, would be justified at law. The laws must be designed in a manner that does not bring legal ambiguities.

The convention also states that states should take appropriate action to abolish customs and ancient laws that infringe into the children's rights. The clause decrees that children should be able to make free choices. It makes reference to puberty as a transition into adulthood. The study noted that, obscure laws inhibit on the rights of children because the aspect of puberty referred herein is very subjective and a child aged ten years can undergo stages of puberty, and that should never be interpreted as indicative of the fact that child has become an adult, and can make choices about marriage. In JMAC theology and doctrine, puberty is used to determine marriageable age and this has seen minors being married off to old people. Thus, some of the aspects in international conventions do not fully protect the rights of women and children.

The other clause in the convention directs states to establish appropriate penalties for offenders who abuse women and children. Whilst the clause identified the state as having the sole obligation to come up with appropriate measures that fully protect and guarantee the rights of women and children, the clause erred when it made reference to an ambiguous term 'appropriate' What is meant by the term 'appropriate' referred to in the clause? In JMAC, women and children are continuously having their rights infringed into. The penalties present in Zimbabwe are not deterrent enough, and seem not to give women and children enough esteem and value. It can be

argued that the state values chicken more than a women and children since, for example, stealing a chicken (stock theft) has a mandatory nine-year jail term, yet child abuse can attract such penalties as fine and community services. Qualitatively, chicken in Zimbabwe is given more protection than women and children hence the subjective use of terms like appropriate, depicts lack of seriousness to eradicate child abuse.

5.5.5 Convention on the Elimination of all forms Discrimination Against Women (CEDAW) 1998

This Convention advocated for the total eradication of all forms of discrimination against women. The study also reviewed international Convention in conjunction with the locally corresponding legislative framework in the Constitution of Zimbabwe of 2013. Sub section 6 makes it clear that the state has a duty to take reasonable legislative and others measures to promote the achievement of equality and to protect or advance people or a class of people who have been disadvantaged by unfair discrimination. In this section, discrimination is permissible but unfair discrimination is not permissible. Zimbabwe is a constitutional democracy and the issue of equality and unfair discrimination is precisely dealt with by the Section 56 of the New Constitution of 2013. Section 56 of the Constitution says all persons are equal before the law and have the right to equal protection and benefits of the law. The section further explicitly states that women and men have the right to equal opportunities in political, economic, religious, cultural and social spheres. In view of this, the study noted that the theology of JMAC does not accord women and children the same legal equality with those rights enjoyed by their male counterparts in JMAC. These are some of the observations noted by this study.

In addition to these constitutional provisions, Sub Section 3 of the Convention says everyone has the right not to be treated in an unfairly discriminatory manner on the basis of nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious beliefs, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability, economic or social status and or whether one is born in or out of wedlock. In accordance with Sub Section 4 of the Convention, a person is considered to have been treated in a discriminatory manner if they are subjected directly or indirectly to a condition, restriction, or disability to which other people are not subjected or other people are accorded directly or indirectly. Sub

Section 5 makes it clear that if a person is able to satisfy a court that she/he has been subjected to discrimination or one of the grounds listed in Sub Section 3 of the Convention, there will be an automatic presumption that the discrimination is unfair. The *locus standi* is then on the person responsible for the discrimination to show that the discrimination is not fair. The study noted with concern that the legal provision both at the international fora and domestically does not help to curb discrimination of women and children in JMAC's theology, which teaches that no member of its church shall enjoy secular rights. JMAC teaches its congregants that its church is a way of life which regulates its congregants on how to behave socially, economically, politically and religiously. On equality, the church does not permit its congregants to seek legal recourse outside the church. The theology disregards the secular courts and promotes internal settlement of disputes by the church elders. Additionally, discrimination is not a crime in Zimbabwe but unfair discrimination is what constitutes a crime and that the affected person ought to prove before the court that indeed the discrimination was unfair. These are some of the grey areas that were identified by this research which the research probed further as the study looked into the interface between Human Rights discourse and women and children rights in JMAC.

5.5.6 Convention on the Elimination of Violence Against Women

The 1993 Convention on the Elimination of Violence Against Women is sector specific, as it deals with rights of women emanating from violence against women. The convention noted women as the most vulnerable group of people as a result of sexual inequalities. The convention noted that violence can be physical, psychological, sexual and cultural practices. Meanwhile, Zimbabwe enacted a number of legislations on gender-based violence but the effectiveness of these pieces of legislation in JMAC is yet to be evaluated given that JMAC is a closed society. However, previous research on JMAC has shown that there is rampant violence on women in JAMC based on the reflection on JMAC's theology, practices, rituals, teachings which has negative effects on the dignity of women. It was noted that, previous researches generalized their findings without identifying and demonstrating how the violence is being perpetuated in JMAC, including the theology of JMAC and the Human Rights discourse with special attention on violence against women.

5.5.7 The 1995 Beijing Declaration

The study also reviewed the 1995 Beijing Declaration whose aim was to remove all the obstacles on women. The same encouraged men to work towards women emancipation and empowerment. In addition, the declaration encouraged the respect and recognition of diverse women capabilities and contextual realities, considering that there are women who are more vulnerable than others. Furthermore, in the Beijing declaration, governments, states, Civil Society Organizations and international communities have a role to play in supporting the emancipation and upliftment of women. This observation reflects on the status of women and children in AICs who are more vulnerable than non-AIC members. In other denominations like Pentecostal and mainline churches, women and children enjoy considerably equitable rights with their male counterparts. Of note to this research are the twelve key components of the Beijing declaration which give a global overview of the challenges that are being faced by women at a global scale. Thus, it provides interstate challenges that are inhibiting on the rights of women. The following key points have been raised by the conference; persistent poverty on women, inadequate training and education, inequalities and inadequacy of healthcare on women, violence against women, women in conflict areas and foreign occupation, women and access to resources, inequality between women and men in decision making at all levels, government to address women challenges, prioritization of women rights, women and media in contrast to associating media to male voices, inequalities in the management of resources and the environment and discrimination of the girl child (Beijing Declaration:1995). In light of the Beijing Declaration, JMAC theology falls short of addressing the plight of women and children.

5.6 National Legal Framework in Zimbabwe

This section of the study contains domestic pieces of legislation in Zimbabwe in order to have a bird's view in terms of effectiveness of these laws towards the rights of women and children in JMAC. The approach is to identify a particular Act and to assess whether women and children in JMAC are benefiting. The study also looked at legal gaps which if exploited can help to eradicate Human Rights abuses in JMAC. The assumption of this study was that Zimbabwe has adequate secular laws but the problem is the JMAC theology which does not recognise these laws. The overall aim was to effect a transformation in JMAC theologies and doctrines in the drive towards achieving fair and just recognition between both men and women in JMAC.

In view of customary laws, there are certain rights that do not fully protect the rights of women and children. Section 60 of the Constitution does not have internal modifiers with regard to the right to freedom of worship; Section 86 limits rights and has not been invoked. In a case of *Nin Re Munhumeso* 1995 SA551 ZS, the Supreme Court made it clear that courts must give the Constitution the fullest protection through limiting some Constitutional rights (*Nin Re Munhumeso*, 1995:SA551 ZS). The only exception on the principle of limiting Constitutional rights is the right to life. Section 46, stipulates that courts must promote the values and principles that underline a democratic society based on openness, justice, human dignity, equality, freedom and the founding values set out in Section 3 of the Constitution.

Table 5. 1 Theology versus Constitution

JMAC and Rule of Law	Constitution on freedom of worship
JMAC has its unique theology that does not allow women and children to have equal privileges than their male counterparts.	<ul style="list-style-type: none"> • In the Constitution, Section 60 is very clear that churches have the right to practice their faith without any conditionalities or internal modifiers. • Section 86 permits internal modifiers to the rights provisions.

When talking of the relationship between Human Rights and theology in JMAC all the domestic, regional and international laws on women and children’s rights must apply. Section 46 of the Constitution of Zimbabwe says the courts must take into account international law and all treaties to which Zimbabwe is part to when interpreting a declaration. This is to say that the courts are legally empowered to deal precisely with the rights of women and children. In addition, the national objectives in Chapter 2 of the Constitution must also be considered. In analysing the relationship between the theology of JMAC and the Human Rights discourse on women and children, lessons must be drawn on how other states faced with similar circumstances resolved them. Thus, Section 46 of the Constitution also permits Zimbabwean

courts to consider relevant foreign laws too. They may consider judicial procedures from other countries in solving issues. This is important in that foreign courts may have dealt with issues similar to those that have been faced by Zimbabwean courts.

Table 5. 2 JMAC versus International Treaties

JMAC	Zimbabwean Constitution on International Law and Treaties
JMAC does not recognise the rights of women and children in its theology and doctrines.	<ul style="list-style-type: none"> • Section 46 of the Constitution permit courts to consider all the treaties, conventions and international law which pertains to women and children`s rights to which Zimbabwe is a signatory to.

There are so many studies that have been carried out on JMAC in respect to women and children`s rights, but there is no known individual or organisation which has challenged these practices. The Constitution of Zimbabwe is very clear on *locus standi* and the enforcement of constitutional rights. Section 85 of the Constitution stipulates that any person acting in his own interest, or on behalf of other persons who cannot act for themselves, or any member of group or class of person acting on behalf of group or class, any person acting on behalf of public interest, has the *locus standi* to approach the constitutional court for litigation. The provision also allows anyone to bring a constitutional application even if he/she has contravened the law or has not complied with a court order. If women and children are having their rights grossly violated as is reflected in the studies on JMAC, Section 167 Sub Section 5 of the Constitution of Zimbabwe grants direct access to the Constitutional Court wherever it is in the interest of justice. This means to say the Constitution allows by-passing of the lower courts. The study seeks to challenge the findings by scholarship with regard to abuses obtaining in JMAC with the view to ascertain on whether they are not a result of desk top research.

Table 5. 3JMAC versus Constitution

FINDINGS ON JAMC	CONSTITUTIONAL PROVISIONS
<p>Scholarship, NGOs, CSOs and interest groups claimed to have identified practices, rituals, teachings in the theology of JMAC that infringe on the rights of women and children. In the view of these claims there is no known formal complaint of who has so far lodged any complaint with either law enforcements agents or the courts in Zimbabwe. JMAC is said to be a closed society but scholarship claims to have conducted academic research and positively identified those practices that infringe on women and children rights</p>	<ul style="list-style-type: none"> • Section 85 of the Zimbabwean Constitution gives the <i>locus standi</i> to individuals or organisations to bring before the court in a case where they are acting for themselves, or any group/class, public interest • Section 167 Sub Section 5 grants direct access to the Constitution of Zimbabwe and also nullifies the dirty hands doctrine.

The Bill of Rights is there to ensure that citizens fully enjoy their rights under the protection of the constitution. The Bill of Rights additionally demands that, the state has the sole obligation to enforce, protect and promote the rights of citizens. The rights of women and children are fully covered in the Bill of Rights and the state is mandated by the Constitution, Section 232 through a legal principle called vertical application, to protect and promote them. The vertical application means that citizens have the right to use their rights to invoke against the state, its laws and its officials. The purpose of the Section 232 of the Constitution is to protect citizens against the state in that whenever a right exist, there must be naturally a corresponding obligation to respect and uphold the rights concerned. More recently, horizontal application has been adopted which allows the prosecution of the ‘private jurist person.’

Table 5. 4 JMAC teachings versus Bill of Rights

JMAC TEACHING	BILL OF RIGHTS
<p>Women and Children are not accorded full rights like their male counterparts including</p>	<p>Under Bill of Rights, Section 232 of the constitution, the state has the sole obligation to</p>

leadership positions in the church.	enforce, protect and promote the rights of children
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There are provisions of the Constitution which do not give full rights to children especially the unborn child. The word children in Sub Section 3 of Section 48 of the Constitution is significant in this study, because it means unborn human life in Zimbabwe is regarded constitutionally as simply a collection of cells. The word children point to a born child and not unborn child. Section 48, Sub Section 3 compels that there must be an Act of Parliament to protect the rights of unborn children. However, the right to life of the unborn children in Zimbabwe is not absolute because Sub Section 3 made reference to the Act of Parliament only when it was addressing the issue of termination of pregnancy. The law is silent on backyard removal of pregnancies. This piece of legislation only applies to those who want to terminate formally. In JMAC, its congregants do not go to hospitals and clinics. Therefore, this Act does not apply to JMAC. There is a problem of unrecorded still births as well as maternal deaths in JMAC and there is apparently no law that criminalise these elements. There is need for sector specific laws which dovetail with challenges obtaining in JMAC.

Whilst the Constitution is silent on the rights of the unborn child, the Termination of Pregnancy Act tried to prevent the termination of pregnancy. The Termination of Pregnancy Act, however, allows termination of pregnancy in three circumstances, that is, when a pregnancy poses a serious threat to life and permanent physical health, where there is reasonable possibility that the foetus is conceived as a result of unlawful intercourse meaning rape other than within a marriage, statutory rape and incest and lastly, where there is a serious risk of the child to be born that he/she will suffer from physical or mental defects of such a nature that will permanently be seriously handicapped. In addition to that, in Zimbabwe even if the pregnant women's case falls within one of the three grounds for termination, various procedures have to be complied with before the pregnancy can be terminated.

Section 5 Sub Section 1 of the Termination of Pregnancy Act says the pregnancy may only be terminated by a medical practitioner in a designated institution with permission in writing of a medical superintendent. As if that is not enough, this permission will not be granted unless two

medical co-practitioners who are not members of the same medical partnership are able to state that in their own opinion the physical or life-threatening condition actually exist. The act specifies other procedures that also have to be complied with, effectively securing lawful termination of a pregnancy is a mammoth task in Zimbabwe. In view of all these legal provisions set to protect the rights of children both born and unborn, their right to life in JMAC theology is not guaranteed. Instead JMAC openly equates children’s life to that of the bricks. It can be argued that this is influenced by African customary beliefs which do not consider foetus and a newly born baby as human beings. Hence, in the event of their death or miscarriage they are not accorded the burial befit a grown-up person and they are not supposed to be mourned as it is believed such may result in misfortune befalling the family. Thus, children from inception are not valued that much.

Table 5. 5 JMAC versus Section 48, Sub Sec 3

JMAC TEACHING	CONSTITUTIONAL PROVISION
JMAC teaches that children are replaceable	Section 48, Sub Section 3 compels that there must be an Act of Parliament to protect the rights of unborn children.
	The Termination of Pregnancy Act allows termination of pregnancy

5.7 An Overview of the Conventions and Treaties on Women and Children’s Rights

The UN Convention on the Rights of Children (UNCRC) document has been reviewed by this study in order to give the legal basis of the rights to be enjoyed by children globally. The document is not just a list of rights but it represents a way of viewing children. The convention incorporates a number of provisions which includes right to express their opinion, right to seek, receive and impart information, freedom of conscience, thought and religion. It also guarantees child protection against sexual exploitation, inhuman and degrading treatment, and sexual abuse (Articles 12, 13, 14, 33, 34). In addition, the African Charter on the Rights and Welfare of Children (ACRWC), regional Human Rights Organisation of African Union in 1992 captured rights to be enjoyed by children. The ACRWC captured some of the specific problems of children in Africa such as the unequal treatment of female children, including female genital

mutilation. Of note is the divergent area of emphasis - the Charter highlights the preservation of positive African morals, tradition and cultural heritage. The two documents help highlight how the rights of children are interfaced globally. This study, however, is concerned with, whether children in the religious sphere are benefiting from these identified rights. The assumption of this study is that, secular laws have not yet cascaded into the religious sphere, to benefit vulnerable groups such as women and children.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted in 1979 and signed by 180 states. CEDAW sought to transform the structural barriers to equality as well as to address multifaceted nature of problems women face. The principles that govern CEDAW include amongst others, equality of opportunities, access to resources and non-discrimination. Article 5 of CEDAW safeguards women against cultural malpractices, Article 19 addresses issues of violence against women, Article 21 deals with marriage and family relations, Article 23 women in public life and Article 24 on health-related matters. Women are 52 percent of the world population but due to effects of patriarchy they are unable to use their numbers to advance their own cause, hence, the need to advance gender equity. This important document that seeks to advance the rights of women and children is yet to benefit women in the religious sphere, be it Christianity or Islam. CEDAW, if implemented in the religious sphere, may help to transform some discriminative theologies and eradicate all forms of discrimination against women.

5.7.1 The Deceased Persons and Family Maintenance Amendment Act of 1997

The study has reviewed the Deceased Persons and Family Maintenance Amendment Act of 1997 with the view to determine how the act empowers women and children of the deceased person vis-a-vis the doctrine of JMAC on deceased person's estate. The Act provides mechanisms upon which the deceased person can maintain the living. The same also deals with the maintenance of the estate of the deceased person to cater for the surviving spouse, divorced spouse, dependents of the deceased who includes minor children under the age of 18 years and an adult above 18 years but cannot maintain themselves. The same provision encompasses the parents who were being maintained by the deceased. The study noted that the Act excludes long term relationships and even when the spouse was financially stable, spouses who are gainfully in employment and

who contributed towards the wealth. Thus, the law is failing to take note of changing dynamics in the society, for example, the Act stipulates that the court considers the contribution made by the spouse to the deceased. However, there are certain contributions by women which is unquantifiable, for example house chores, advice, moral support and help/opportunities extended to men by his in-laws, for example, men who marry from wealth families. In modern trends, live ins, small houses, sugar mummies are some of the modern trends that this Act failed to address. It is the assumptions of this study that the Act does not help women and children in JMAC because the church does not recognise this secular Act. Instead, it uses its own theology and doctrine to deal with inheritance issues. The church has its own set of rules which govern how the church presides over inheritance issues. The church usually presides and controls the funeral and post funeral proceedings to ensure that the church rules are observed. The relationship between JMAC and its congregants exceeds to private lives. Thus, members do not have independence other than the one provided for by the church. It controls the life of its members from birth to death. This shows how deep and manipulative JMAC theology is to their congregants. Radical theology maybe the best term to describe it. The first step perhaps, is to regulate and deradicalize the theological inheritance laws of JMAC to ensure that the church complies with the Act.

The law did not put into account non quantifiable contributions like house chores where most JMAC women are housekeepers and labourers. The Act falls short to consider the fact that, in JMAC men do not work in fields but they are considered property owners. Thus, JMAC is highly patriarchal where women work and men control all the assets. When a JMAC men dies, the widows will have all the wealth taken away from them by male relatives. Children are considered a source of labour and wealthy, such that women and children are being taken as asserts owned by the men. In JMAC, women inherit only assets like household goods and bed amongst others.

In addition, the Act, functions on the basis of the will. In JMAC, there is no need for a will because inheritance procedures are predetermined by the church. The church also determines the fate of the widow by marrying her off to any member of the church. The majority of widows end up embracing being married off because the church looks down upon widows. Thus, widows are

less human in JMAC. The law, thus, failed to deal with the rights of widows in terms of their self-esteem. There is a nomenclature problem in JMAC, where widow's dignity is a major problem.

5.7.2 Maintenance Act 2001

The study reviewed the Maintenance Act of 2001 in order to ascertain the extent to which the law is relevant to women and children in JMAC. This Act requires one parent to contribute to the welfare of the child including terminal benefits. Both men and women have the right to be maintained and maintenance can be claimed while in marriage. Whilst the Act is very clear that women in marriage and the divorced can demand maintenance, the law is irrelevant to women in JMAC. The rationale being that JMAC theology teaches that no woman can approach secular courts demanding to be maintained whilst in marriage. On the divorced, the church does not allow divorce; a woman who divorces is excommunicated by the church and can only be admitted after reconciliation. The church does not have divorcees in church, perhaps as a measure by men to guard against being divorced since child marriages involve marrying off sexually actives to 60-year olds and above. In these polygamous relationships and the erectile dysfunctional challenges that come with age, most men are failing to sexually satisfy their wives. To avert being divorced or left out, the church teaches against divorce and prostitution.

5.7.3 Sexual Offences Act 2001

This Act criminalises sexual intercourse with minors and mentally hand-caped persons and it also protects women against marital rape. The application of these legal provisions in the theology of JMAC is a cause of concern. The JMAC theology is very clear that no woman has a right over her body. Women cannot have sex when she is on her menstrual cycle and upon giving birth because the church considers her unclean. Apart from the two, no woman can deny his husband sex hence the relevance of marital rape crime is invalid in this setup. These are some key elements that need to be addressed so that women enjoy their full sexual rights. If this right is to be implemented in JMAC, women may be empowered to have total control of their sexual rights. In most cases women are being led into sex even if they are ill, tired or not in the right frame of the mind to do so.

In JMAC, women and children do not have sexual rights, access to public sexual health and self-determination. Women enjoy sexual rights as accorded to by the church and patriarchy. The appreciation level of the marital rape Act has not been widely accepted in JMAC. JMAC does not permit any teaching of the secular laws and it is one of the reasons why the church does not encourage children to go to school. 1 Corinthians 7:1ff says that a woman does not have power over her body and should not deny these rights to the husband. The Bible went on to say, the only excuse for sex is when saying a prayer and that the prayer must be short. There is a dialectical challenge where the church is using the Bible and the state the Constitution.

In addition, the Act, criminalises deliberate infection of HIV/AIDs which naturally is difficult to prove before a competent court. The theology of JMAC teaches that there is no disease that the church cannot heal. In addition, HIV/AIDS is considered a marine demon from the deep ocean in order to discourage their congregants from seeking medical help since no clinic/ hospital treats such. Besides, there are religious conspiracies where the church teaches that HIV/AIDS was brought to Africa by whites to eliminate all Africans. Henceforth, HIV/AIDS is considered by JMAC as either a Whiteman's disease or marine demon. Thus, the study noted that this JMAC teaching is antithesis to the public health Act and the Constitutional provision which makes it a Human Right issue to deny any person access to medical health. It is in this regard that denying congregants access to health is regarded as a Human Rights issue.

5.7.4 Domestic Violence Act 2007

The study has reviewed the Domestic Violence Act of 2007 to determine women in JMAC are also benefiting from the law. The law aimed at ending domestic violence which is one of the major threats to the rights of women in Africa. The Act criminalises physical, economic, emotional abuses mitigated against women. This includes protecting the survivors of violence and shields them from further exposure to violence. The same legal provisions also criminalise customary practices for example, pledging of girls, abduction, child marriages, forced inheritance, virginity testing just to mention but a few. Women in JMAC are not benefiting from the Act since no woman is allowed to report domestic violence to secular laws. Women are expected to report all their grievances to the church's structures and men preside over these hearings. In most cases women do not get favourable responses thereby losing confidence in the

process hence the withdrawal syndrome. Withdrawal syndrome is where women endure abuses without sharing their experiences of violence.

5.8 Constitution of Zimbabwe on Children and Child Marriage

The study reviewed the Constitution of Zimbabwe, 2013, especially those sections to do with women and children. This helped the study to identify those sections of the Constitution that do not fully protect women and children's rights. The same Constitution also recognises a dual legal system, that is, the civil and customary laws. The study noted with concern some sections of the Customary law that promote the abuse of the girl child. When assessing the relationship that does exist between Human Rights and theology in JMAC, it is equally pertinent to consult the Constitution as the supreme law of the land. In view of the superiority of the Constitution of Zimbabwe, it is equally important to critically analyse it with the view to identify if there are any gaps that do not accord the full rights to women and children in the church. The research has noted with concern the following constitutional provisions that have been identified as looking as if they are promoting the abuse of children particularly the girl child:

5.8.1 The Customary Marriages Act Chapter 5:07

The Customary Marriages Act Chapter 5:07 has no age limit for marriage. The absence of a clearly defined age limit in the Customary Marriages Act makes it possible for the rights of children to be violated. The same also gives religious groupings the impetus to design theologies and doctrines that may promote the violation of the rights of children, for example practices in JMAC such as virginity testing, denial of access to health and education, children as labourers, early marriages, forced consent into relationship with older man, forced marriages into polygamous relationship without the consent of the girl child, forced inheritance, and forced to marry only within the church members limiting the freedom of choice.

5.8.2 The Marriage Act Chapter 5:11 in Sections 20 and 21

The Marriage Act Chapter 5:11 in sections 20 and 21 allows marriage of minors by written consent of their legal guardians. If the consent of the legal guardian(s) cannot be obtained for whatever reason, a judge of the high court may grant consent of the marriage. The Act makes it possible for AICs in general and JMAC in particular to have its theological practices permitting

parents to marry off minors and consent on behalf of their children. The Marriages Act in Zimbabwe is at cross purpose with the fight to end women and children abuse. In assessing the relationship between Human Rights and theology in JMAC it is equally important to highlight the legal position. The Human Rights discourse should be discussed in light of the laws of Zimbabwe vis-a-vis the position of the church with regard to Human Rights issues.

5.8.3 The Marriage Act in Section 22

The Marriage Act in Section 22 states that no boy aged below 18 and no girl aged below 16 can marry except with the written consent of the minister of justice, legal and parliamentary affairs. This means that girls can marry at 16 years of age. In addition to Section 22 of the marriage act in Zimbabwe, the General Law Amendment Act Chapter 8.07 in section 15(5) permits the operation of laws that grant majority status at an age earlier than 18 years. This can be related to the marriage act which states that once a girl gets married whilst a minor, she automatically becomes a major and does not lose this status even if she divorces whilst still a minor. Zimbabwe has a dual legal system thus it recognises both the civil and customary laws and, in this study, whilst the civil laws do not condone rights denials; the customary law does not fully protect the rights of women and children. The Marriage Act is not gender sensitive in that it does not fully protect the girl child against early marriage. The Marriage Act in Zimbabwe is at variance with the International conventions for example the Convention on the Rights of Children (CRC) and Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) as well as pressure groups in the manner of Musasa project.

5.8.4 The Maintenance Act Chapter 5.06

The Maintenance Act Chapter 5.06 defines a child as a person under the age of 16 years and a young person as someone aged 16 years but below 18 years. The same act defines a legal guardian to mean a husband of a girl who is under 18 years of age. This means that, while the customary law recognises that, any person below the age of 18 is not yet an adult, it however, permits and recognises the marriage of under 18 girls. The provisions are reflected in the theology of JMAC where under 18 aged girls are married off to elder polygamous persons. Customarily, one is considered to be a legal person through either attaining the age of 18 years

and or through the institution of marriage as is defined under Maintenance Act Chapter 5.06 of the customary law.

The Maintenance Act Chapter 5.09 Section 11 states that maintenance of a child shall cease when they marry, meaning that the act recognizes child marriages. In addition to the Maintenance Act Chapter 5.09, Section 8 of the Matrimonial Causes Act states that a maintenance order in favour of a child shall cease when the child marries meaning it recognizes child marriages. This provision defines adulthood in terms of marriage and not through the legal age of majority. Whilst, in the past AICs came under intense criticism for Human Rights abuses, there is no scholarship that has attempted to establish the interface between Human Rights and the theology of JMAC to ascertain the extent to which JMAC theology is at variance with Human Rights on women and children. The critical analysis of the Constitution helps the study to attain a rounded picture of the nature that exists between the two variables and determine the extent to which the relationship affects women and children rights in AICs in general and JMAC in particular.

5.8.5 The Guardian of Minors Act Chapter 5.08 in Sections 4(1)(b)

The Guardian of Minors Act Chapter 5.08 states in Section 4(1)(b) that a parent who is granted sole guardianship shall have power to consent to the marriage of a minor child. This is to say, in Zimbabwe, it is permitted to marry a minor with the consent of the legal guardian. If this clause is anything to go by, the marriage of minors with aid of legal guardians is permissible at law. These are some of the controversial clauses being utilised by churches such as JMAC to legalise child marriages. The Act represents the state and through its laws one can measure the seriousness of the state in addressing the rights of women and children.

It is pertinent to note that there is no specific Act of Parliament against child marriages other than basing on the Constitutional court ruling on the 20th of January 2016, in which marriage of children under the age of 18 years has been outlawed. The ruling was widely celebrated as a milestone development in preserving the sexual reproductive health rights for minors who are below the age of 18. In abolishing child marriages, the constitutional court of Zimbabwe has given life to section 81. However, there is need to realign any laws which are at variance with the

judgement. The Constitution of Zimbabwe in terms of section 81 guarantees that children under the age of 18 have the right to be protected by the law. However, children in JMAC are not being protected by the law as the Constitution demands.

Table 5. 6 JMAC versus Customary law

JMAC on Child Marriage	Customary Law on Child Marriages: Customary Marriages Act
<p>JMAC permits the marriage of minors to older people without their consent.</p> <p>This applies largely to those found not to be virgins after the ritual by the elder women in the church</p>	<ul style="list-style-type: none"> • Chapter 5.07 has no age limit for marriage • Chapter 5.11 in sections 20 and 21 allow marriage of minors by written consent of their legal guardians • Section 22 states that no boy aged below 18 and no girl aged below 16 can marry except with the written consent of the minister of justice, legal and parliamentary affairs. • General Law Amendment Act Chapter 8.07 in section 15(5) permits the operation of laws that grant majority status at an age earlier than 18 years • Chapter 5.06 defines a child as a person under the age of 16 years and a young person as someone aged 16 years but below 18 years • Chapter 5.09 Section 11 states that maintenance of a child shall cease when they marry meaning that the act recognizes child marriages • Guardian of Minors Act Chapter 5.08 states in section 4(1)(b) that a parent who is granted sole guardianship shall have power to consent to the marriage of a minor child.

5.8.6 The Marriage Act in Section 22 (1)

Section 22 (1) of the Marriage Act stipulates that males can enter into marriage at the age 18 and females can marry at the age of 16. This is in contravention of Section 26 of the Constitution which provides for free and full consent of both spouses before marriage is effectuated. The

Constitution of Zimbabwe recognised the court ruling when interpreting the law. In 2016, a Landmark Constitutional Court judgement struck down Section 22 (1) of the Marriage Act as it was inconsistent with Section 78 of the Constitution and Section 79 of the Criminal Law (Codification and Reform Act) and put the age of consent to 18 years. Section 78 of the Constitution instructs the state to take appropriate measures to ensure that: (a) no marriage is entered into without the free and full consent of the intending spouses; (b) children are not pledged in marriage; (c) there is equality of rights and obligations of spouses during marriage and at its dissolution; and (d) in the event of dissolution of a marriage, whether through death or divorce, provision is made for the necessary protection of any children and spouses. In spite of the clarity of the law, JMAC is continuing to marry off minors, in violation of the law.

The Constitution of Zimbabwe makes a firm commitment to gender equality. It calls for gender mainstreaming and Chapter 2 Article 17 (1) indicates that the State must promote full gender balance in the Zimbabwean society, and in particular, the State must provide for the full participation of women in all spheres of the Zimbabwean society on the basis of equality with men (Government of Zimbabwe, 2013). This study assumes that the state is fulfilling its legal obligation to eradicate Human Rights in the religious sphere. It appears as if JMAC is breaking the law with impunity.

In terms of Chapter 2 Article 17 (1) of the Constitution, the state must take all measures needed, including legislative measures, to ensure that both genders are equally represented in all institutions and agencies of government at every level. Women constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under the Constitution or any Act of Parliament. As such, the State and all institutions and agencies of government at every level must take practical measures to ensure that women have access to resources, including land, on the basis of equality with men; and the State must take positive measures to rectify gender discrimination and imbalances resulting from past practices and policies (Government of Zimbabwe, 2013:20). When it comes to the religious sphere, the Government of Zimbabwe has failed to put measures aimed at protecting women and children in JMAC.

5.8.7 National Gender Policy (NGP)

Zimbabwe has adopted a second National Gender Policy (NGP) which replaces the first National Gender Policy of 2004. According to the Ministry of Women Affairs, Gender and Community Development (MoWGCD, 2013: iv), the first National Gender Policy gave way to a range of initiatives meant to address gender inequalities; and was underpinned by the ethos of Growth with Equity which was implemented under four thematic areas namely, (i) Women in Politics and Decision Making; (ii) Women and the Economy; (iii) Education and Training of Women; and (iv) Institutional Mechanisms for the Advancement of Women. The reviewed literature noted that the status of women in AICs is an antithesis to the second National Gender Policy as these initiatives are not being enjoyed by JMAC women. The JMAC theology teaches against these values.

The second NGP addressed the shortcomings of the 2004 NGP and the emerging issues prevailing under the changing political, economic and social contexts at local, regional and global levels (MoWGCD, 2013: iv). According to the MoWGCD, some of the key developments post 2004 that set out new priorities include: (i) the 2005 Beijing global review that made recommendations to areas that required special attention and action; (ii) the submission of the combined State Party CEDAW Report; (iii) the development a national follow-up plan on Rio, and (iv) the 2008 SADC Protocol on Gender and Development that set out 28 substantive targets for achieving gender equality by 2015 (MoWGCD, 2013: iv). A number of priority areas were identified which are the basis for the development of the policy's objectives and strategies for the period of its effectiveness. These priority areas are: Gender, Constitutional and Legal Rights; Gender and Economic Empowerment; Gender, Politics and Decision Making; Gender and Health; Gender, Education and Training; Gender Based Violence; Gender and Environment; and Gender, Media and ICTS (MoWGCD, 2013: v). The study noted with concern that women in JMAC are yet to enjoy these rights.

5.9 Conclusion

The study noted with concern that the civil and customary laws must be harmonised, as some of the alleged Human Rights violations by JMAC are being supported by the customary law which contradicts the civil law. The government of Zimbabwe is yet to establish a commission of

inquiry to investigate historical allegations of women and children abuse in the same way it responds to politics. In addition, JMAC does not allow the teaching of Human Rights, restricts access to education, right to self-determination, access to health care and sexual reproductive health teaching and information. There are also cultural practices like forced virginity testing which this study cited as a Human Rights violation.

CHAPTER SIX

DATA PRESENTATION, ANALYSIS AND GAP IDENTIFICATION

6.0 Introduction

Previous Chapters, that is, 1 to 5, introduced the topic, problem manifestation, objectives, literature review, methodology and this chapter presents the data collected, analyses it and identifies new gaps which leads to the conclusion of the study. The researcher visited Johanne Marange's Bocha shrine to observe the diverse phenomena and during the visit, informal interviews and group discussions were carried out to fill the literature and to interpret the observed phenomena from the perspective of believers. This chapter presents data obtained during the visit by the researcher. Interviewees were asked questions that help to answer the study's research questions. The purpose of primary data is to help solicit and probe more; and data obtained is triangulated with what was obtained from literature reviewed by this study. Document exploitation was part of the literature used for validation and triangulation of data. The researcher added his voice in the process of data interpretation.

The research having noted gaps in literature and observing married minors, it sought to find out the factors that promote child marriages in JMAC. The researcher visited Bocha Marange area to observe this phenomenon like that of pregnant minors, minors working at JMAC farm owned by Johanne Marange, pregnant minors waiting for delivery at murapi homestead, mass graves at murapi homesteads and at Bocha shrine, the nature of homesteads by JMAC followers which reflects their sustainable livelihoods status of men sitting on sheds at their homesteads confirms what is in literature that JMAC men don't work as their role is sex and eating. It also brought out the question of whether women are allowed to mourn during funerals of minors in the church, which confirms what was found through informal interactions that children are bricks, the sentiments during funeral of children, the outward appearances of JMAC married women which reflects on their poverty levels, the quality of food they eat amongst other observable elements not captured by literature. Since JMAC is a closed society, these factors are hidden and can only be found if one interacts with the phenomena under discussion. Through the informal engagements with the JMAC congregants especially those who have left the church, information

was gleaned on how child marriages take place. The information obtained helped the study to fill gaps in literature on JMAC theology.

The analysis would take into account the triangulation of data where meaning and explanation is sought. Thus, analysis involved findings from literature, observation, informal interviews, and document exploitation. The analysis filled gaps and also created new gaps in terms of the interface between Human Rights and JMAC theology on women and children. The analysis also informed the conclusion and the recommendation of this study. Gaps are grey areas after the study where future scholars might develop since the scope of the study will be limited to specific objectives of the study. Any sustainable study generates new knowledge and gaps to inform future studies on the same subject matter.

6:1 Presentation of Key Findings from the Key Informant Interviewees (KIIi)

Key informant 1 revealed that, there are two theologies in JMAC, one for the poor and one for the elite leadership of the church. The purpose of carrying out interviews was obtaining more information on practices, teachings, rituals not commonly written down, and identifying how these impact on the rights of women and children. The purpose was not, however, exclusively limited to obtaining new information but to understand and explain grey areas in research. Unjust discrimination is a crime in terms of the Constitution, hence a Human Right violation. Is there such a practice in the theology of JMAC where the Church operates on the basis of unjust discrimination with a certain quota enjoying more rights than the other section of the church? The goal of this research was to identify those practices, teachings, and rituals that impede on the rights of women and children in JMAC. The theology of the elite becomes key to this research because it does help to identify how the enjoyment of selective right creates class structures within JMAC.

6.1.1 Theology for the Elite

Under this item the study endeavoured to explore how the separatist doctrine works in JMAC church. Since the elite who are enjoying a different theology, are also the policy makers, it is difficult for them to reform the church theology if the challenges being faced by the ordinary members like child marriages, access to health care and sexual reproductive health care do not

affect them. The insights are key in explaining why the church is very slow to reform. The term elitist theology is a new term coined by this researcher to try and explain the JMAC theological problem of hypocrisy where elite members are not practising what the ordinary members are expected to do. To have a clear picture of the aspects raised, the researcher engaged in an informal conversation with persons purposefully selected by the researcher. The researcher was able to identify key persons in JMAC when he was carrying out a feasibility study prior to this research. The purpose of the pre-feasibility study was to assess whether the subject matter under discussion is a researchable area of study.

A key informant interviewee who grew up in an elitist family and had a privilege to interface with other members of the church, who were from the poor families, stated that:

The theology of JMAC is divided into two; there is theology of the ordinary congregants and the theology of the elites. Please note, there is nowhere where it is written that this is the gospel of the poor and this is for the rich. It is a deductive conclusion that is based on the lived realities of the JMAC congregants. The rich and those who have key positions in the church have formed their own cluster where they are living and practising a different gospel from the one being experienced by the poor. They are not beaten at Gate 7 (meaning the court where corporal punishment is administered by the church disciplinary committee) like any other members of the church, and they are very close to the JMAC founder and yet the ordinary is told that their link to church leadership is limited to the Lieubumahs. No ordinary member of JMAC can casually interact with the JMAC leader.

The church has bouncers who beat the poor willy-nilly and the breastfeeding mothers and those with young children are the most victims. If their children drop faeces the mother is taken to Gate 7 and beaten thoroughly. Women who cry in case of the demise of their children or close relatives are also beaten for making noise. The rich and their families are treated differently; they are not subjected to these horrible human degrading treatments. In fact, they are untouchable due to their proximity to the church leader. There are even cases where the elitist group wanted to poison Mutumwa but the church did nothing when it had all the evidence.

The elites live a totally different lifestyle, their children go to school up to university level, they travel abroad, they have medical policy covers, and some were government members of parliament and key business personalities like Masamvu. Masamvu was a well-known business man who worked hard to feed his big family and he was known in Marondera for his buying spree. Whilst the elites are working hard to feed their families, empowering their wives by creating commercial business for them to operate and spoil their wives, the poor are told that the purpose of men is sex and eating. The

poor are taught to neglect their families and depend on wives for survival. The rich balance their income with the number of children that they have, and the poor are told to marry and multiply like the sand of the sea. Furthermore, they are told that no man with one eye (one wife) can enter the kingdom of God or occupy key leadership positions in the church. Marriage has been made a ticket to enter the kingdom of heaven so that the poor would think that they are pleasing God by marrying many wives.

The JMAC leader wears lenses. The eye lenses mean he is accessing hospital and yet he tells his followers to take a vow (chitsidzo) that they must not go to hospital and a number of ordinary JMAC followers are dying en-masse at the shrine of varapi meaning healers. They are told that death is caused by witches especially from their non believing relatives so that they hate their relatives. In JMAC very few members are still interacting with their relatives because of the suspicion of witchcraft. Deductively, it will be making logical sense that their children are perishing whilst those of their relatives are surviving. Instead of blaming themselves for shunning hospitals, their relatives become the point of reference on why they are facing the challenges they would be facing. The church speaks highly about witchcraft. Ordinary members are diverted from real challenges affecting them. Separating them from their relatives makes them easily manipulated.

To demonstrate that, the JMAC leader and his cabal are elitist, the leader has a diplomatic passport, an assortment of state-of-the-art vehicles, houses and a fully mechanized farm. He got the diplomatic passport because of his close links with the presidium and key government officials but to the ordinary members they are told to disobey the government and its laws. Ordinary members are told to listen to him alone and nobody else. The elitist recognizes the government of the day and they are benefiting, for example, the New Dispensation helped the building of a stadium at Bocha and yet, ordinary members are not benefiting from government sustainable programs.

The JMAC leader is a multiple farm owner and ordinary members are sources of free labour. Women and children provide cheap labour to the farms and children of the elite are not subjected to cheap labour. Ordinary church members are told that the Bible said a man shall eat from the sweat of their labour. Women and children are sources of cheap and free labour because in terms of JMAC theology they are half humans with very limited rights. The labour laws do not apply in JMAC and since JMAC members do not report matters to secular authority even if they are not paid for a service rendered, they cannot approach the labour court for reprieve because the Church doctrine prevents them. The majority of non JMAC communities offer menial jobs to JMAC women and children and start to give flimsy excuses in order to avoiding paying them.

In addition, they have many wives and children who are living a modest life. Their children are not forced into early marriage they only marry within for the respect that they have for the fathers and the church doctrine. Suggestions are that, they secretly

access hospitals and they do not have high child mortality rate. Their wives have normal child spacing an indication of family planning use. The wives of the poor are told that taking family planning medication is murder. They use intimidatory words like 'murder' so that they instil fear to those who may feel tempted to take up family planning methods. Unfortunately, women from poor families are failing to self-introspect but this is not to eclipse few women from poor families who are beginning to secretly and privately immunize their children and take family planning methods behind the backs of their husbands. However, the numbers are ineffective in qualitative and quantitative terms.

The church feared that ICT might affect their members and a decree was issued that JMAC members can use cellphones but strictly they must not install any social media application. The poor adhere to this doctrine religiously. However, the elites' cellphones have access to data and social media applications. Their children are in various social media platforms and at times post explicit videos and pictures. Scholars are therefore misguided by bracketing every child in JMAC as having the same problems like the right to education. There are engineers, teachers, lawyers, politicians amongst others in JMAC. The elites send their children to school and some are even genius and never had problems of school or university fees. Some attended 'A' grade schools which are very expensive and private.

This is to say the theological rights and privileges enjoyed by women and children in JMAC are dependable variables; they depend on one's status in the church. The interviewee stated that, children of the rich have the liberty to pursue their education or privately access medical facilities. However, some for the respect of the church doctrine get married young or take chitsidzo of not accessing the medical facilities. Unlike children of the poor, children of the elites have self determination to choose amongst options. However, some who pursue education and are enlightened may end up getting married outside the church or they may marry within the church just out of respect of their fathers. To note, their marriages are not forced, they marry when they are mature and out of their own volition.

The theology of the poor is against the Constitution of Zimbabwe, which give access to health and education to every child. The Constitution also outlawed any doctrine, practice, ritual that is inconsistent to it. It also outlawed unfair segregation. In terms of the laws, human beings are equal and no person is allowed to be deprived of her/his rights based on gender, sex, creed, religion amongst others. The JMAC by segregating members based on the above stated facts is violating the fundamental Human Rights and freedoms. The JMAC theology, therefore, contradicts the Constitution. Where there is clash of doctrine the superior law which is the Constitution takes precedence. The doctrine of ultra vires helps to deal with any other laws that are inconsistent to the Constitution by declaring such laws or practices invalid to the extent of its

invalidity (Constitution of Zimbabwe Amendment 20 Act, 2013:16). This means what is happening in JMAC is a violation of Human Rights.

These new insights by a well-placed insider in the JMAC church, demonstrated the limit literature has on JMAC. The literature consulted by this study failed to identify the different application of JMAC doctrine. The insights on Johanne Marange being a holder of a diplomatic passport were independently verified by the records from the Ministry of Home Affairs and the Department of Immigration. The state-of-the-art vehicles, houses and the fully mechanized farm were physically observed by the researcher. Observation is a recognized method of gathering data in qualitative research and the evidence can be used for triangulation of data. The issue of children of the elite in the church attaining tertiary education was confirmed by the University of Zimbabwe that they enrol children from AICs though few are from the JMAC. Interestingly, the researcher whilst he was undertaking his Honours in political science part time degree at the University of Zimbabwe, learnt with a son of one of a wealthy members of JMAC.

6.1.2 Theology for the Ordinary/ Rural Members of the Church

This section of the study demonstrates the theology to be followed by the ordinary members of JMAC. The respondent argued that, the ordinary members are expected to follow the strict JMAC doctrine. The church doctrine has total control of the ordinary congregants.

6.1.3 Marriage and Child Marriage in JMAC

The majority of child marriages in JMAC occur as a result of arranged marriages by parents or foster parents and there are various factors that influence such marriages. The interviewee pointed out that:

The rich, those known for being strict observers of the JMAC doctrine, do it as a public relations stance by strengthening relations amongst members of the church, voluntarily by church minors due to intense indoctrination, forced by parents who usually tell their children to take all their clothes with them because the parent would have told them that they will not return with them amongst others. JMAC members do not charge much bride price so that, one can afford many wives. They are more or less given away and it explains why men in JMAC do not respect women because marriage was made easy and any men frustrated by his wife does not seek to mend relations but instead marries another wife. There is no or little courtship in JMAC, a man just points at any girl or is given by the parent of the child as a token in line with reasons stated therein.

6.1.4 The Role of Parents in Marriage

In JMAC, parents tell their female children that the purpose in life is to get married and bear children. JMAC girl children grow up knowing that they must get married once they reach puberty stage. There is combined child marriage socialization from both the church and at family level. The majority of literature has been focusing mainly on the church as the perpetrator of child marriages and little focus was put on parenting. The interviewee highlighted a nuanced thinking where child marriage emanates from the key teachings by parents. The mothers in particular teach their girl children that, if they go against their fathers' wishes and directives, they will be blocking their blessings. The mother teaches that the father is the final authority in the family. The mother herself demonstrates this submissiveness and does not have any say in the union or marriage. Married women call their husbands *shewe* meaning lord. This high-level of submissiveness at family level makes it so easy for fathers to marry off their minor girls with impunity. The church's indoctrination cascades to family level. The church on the other hand teaches strongly against men who take orders from their wives. The church openly teaches that no man who is controlled by his wife enters the kingdom of God. In JMAC, women represent Eve who led the fall of Adam from the grace of God.

In some cases:

The father whilst they are preparing for the church gatherings would just point at his daughters' age groups and say one, two, three pack your bags am not returning with you as you are going to get married. They are made to pack their bags before they have a suitor and the parent would be geared to give them to anyone who would have shown or demonstrated interest in them. The children are subjected to trauma of going to be married off to just anyone whether old or young without their consent. In most instances, they just accept any first suitor who approaches them because they are fully aware that their parents told them plainly that they are no longer part of the family. The fact that the person is old, has even 20 wives is irrelevant. Once the father has decided, the girl child has to get married within the seven days of the church's gatherings. The parent now determines the daughter's age of consent and the Constitution is not even recognized which set aside the age of legal consent to 18 years old.

The role of parents in marriage is supported by the 2013 Constitutional provision contained in Sections 78 and 81 of the Constitution by repealing outdated provisions allowing young girls to get married at 16 years, or younger with the consent of the minister. The inconsistency in Section 78 and 81, customary and civil law in Zimbabwe makes ending child marriages a mammoth task.

All forms of violence and early forced marriages severely affect the mental and physical health of girls and are a violation of the Convention on the Rights of the Child which Zimbabwe is a signatory. Meanwhile Zimbabwe is a signatory of the Convention on the Rights of the Child. The 2013 Constitution is very clear that it recognizes and interprets treaties, conventions and protocols to which Zimbabwe is a signatory only if it is consistent with it. In so many countries children are being used as child soldiers, war pawns, bargaining tools by terrorists, raped, maimed amongst an array of abuses with limited international responses.

6.1.5 The Power of Resources in Marriage

An interviewee explained on why most minors are being married off to old men as opposed to young men in the church. It was stated that:

Most old men market themselves by their ability to dress, feed and taking care of their polygamous wives. Most minors and parents of the minors are usually attracted to such lifestyle. Wealth is usually a pull factor and the young men are deemed socially and sexually inexperienced to manage marriage and worse off polygamous relationships. Additionally, their faith or adherence to the church doctrine could not have been ascertained hence they end up not being preferred candidates by minors. Young girls are often attracted to wealth and fame.

The case of rape in JMAC is very common especially to people of means in the church. The parents give young sisters to stay with their elder sisters as a way of trapping their son in law. The issue sexual abuse of varamu meaning young sister to your wife, is very prevalent. The parents couch their children to seduce their rich son in law.

The issue of parents marrying off minors is a subject matter that was not covered by literature. It is a new concept that was identified by this study and the information was obtained after the researcher asked on why richer families have more wives as compared to the poor. This phenomenon of poor families pledging their children to rich families helped to explain the relationship that exists between child marriages and vulnerabilities. This resonates with the chapter on psycho-social support, where the existing government and NGOs' psycho-support services are not benefiting children in JMAC.

Whilst in JMAC child marriages are still prevalent, such practices violate the legal provisions set aside to protect and promote the rights of children. On child marriage, in a case of Loveness

Mudzuru and Ruvimbo Tsopodzi v Minister of Justice, Legal and Parliamentary Affairs, Minister of Women Affairs, Gender and Community Development and Attorney General of Zimbabwe, which was heard by the Constitutional Court on 20 January 2016, by a full Constitutional bench headed by Deputy Chief Justice Luke Malaba, the bench ruled any marriage between a man and a woman where one of them is below 18 years is unconstitutional, therefore, illegal in Zimbabwe.

6.1.6 The Role of Faith in Marriage

An interviewee highlighted that:

As church members interact with each other religiously, members are categorized depending on their level of faith. Those with strict adherence to the church doctrine are prime targets for child marriages. Young/minors are viewed as being sexually active, hot bodied and attractive hence the prime targets by men who often refer their old women as opposite. Parents therefore, offer their minors to those with strong faith since they command religious respect because of their strict observance of the JMAC theology and doctrines. Henceforth, there is a strong link between one's faith and child marriages in JMAC. There is jubilation in the family if a child is married to a man of strong faith. On the other hand, the girl child tends to accept happily for she would have brought glory to the family. The girl child is taught from very tender age that families with strong faith are the key targets for marriage. The children would even defy the advice from close relatives who are not members of JMAC to shun being married off at a tender age. Children unfortunately heartily believe in their church doctrine and most non-JMAC relatives are viewed as agents of Satan. One would not consider whether the person concerned is rich or poor but the main focus would be on one's faith or religiosity. The interviewee brought about an elaborate and plausible explanation as opposed to what was obtained from literature review.

In JMAC suitors directly approach the girl child's parents and ask for a hand in marriage without the girl child's knowledge. Once the father approves, marriage inevitably takes place. The parents have an overall say over their children and as long as parents support child marriages the war to end the scourge is far from being over. Parents play a key role towards promotion of child marriages, under the pretext of adhering to the church doctrine.

The role of faith in promoting child marriages is a novel aspect that came out during the informal engagements where the researcher wanted to exploit all the factors that are contributing to child marriages in JMAC. The information obtained is important in formulating grounded recommendations that address relevant gaps. In addition, what was said resonates with what was found in literature on the role of parents in child marriages. The parents are the ones who are

facilitating child marriages against their will. This also violates the civil law, though supported by the customary law, which recognizes traditional customs and value systems. In the Zimbabwean culture a child is married if she reaches the puberty stage as opposed to the Constitution which has set aside 18 years as the legal age of majority.

On the prevalence of child marriages, it was discovered through interviews that marriage of minors is sanctioned by both the church and parents. This view is supported by literature where according statistics released by a local Non-Governmental Organization (NGO), Helpline in 2018, 15 000 cases of child abuse were received and 26% of the cases involved sexual abuse of minors, 28% cases were emotional abuse, 18% of cases were of neglect, 7% on forced marriages and 95% involved females (National Research Council, 2018:59). To add on, according to an African Union communique in 2014, about 14 million adolescent and teen girls are married, almost always forced into the arrangement by their parents. According to Zimbabwe Multiple Indicator Cluster (MICS) report of 2014, child marriages in Zimbabwe stood at 32.8%. This translates to about one in three women and less than 1 in 20 (3.7%) of men aged 20-49 who were first married or in union before age of 18 years (Zimbabwe Multiple Indicator Cluster: 2014:35-36).

6.1.7 The Role of Primary Education in Marriage

The informal interviewee who was formerly a member of JMAC and a School teacher at St Noah School stated that:

There is a strong relationship between marriage and primary education in JMAC. JMAC children are encouraged to attend primary education as part of grooming for their marriage. The church believes that, primary education is enough in teaching a child, lifeskills and the ability to read and write. The free education policy at primary level introduced by the former President in the 80s helped the JMAC congregants to send their children to school up to grade 7 without paying fees. Besides most girls start to experience their menstrual cycles from grade 5 onwards given that most children start their grade one from the ages of 6-8 years old.

With the changes in the school curriculum and the introduction of Human Rights related subjects, even primary education is gradually becoming a threat to their church doctrine. Resultantly, the majority of AICs are building their own schools with JMAC included. The idea is to try and prevent the education system from diluting their church

doctrine. Teachers are being trained in pedagogics and Human Rights related courses which equip them with key skills needed in the provision of psycho-social support to children. The government must transform the primary education towards teachings in Human Rights so that education may help to diffuse the radical JMAC doctrine. This is possible because JMAC allows their children to attain primary education up to grade 7. The 7-year period is enough to transform a child and in the first world countries primary education students are very eloquent about their rights and they know where to report abuse. It is nearly impossible to abuse a child in the first world with impunity.

The fact that the church allows non-JMAC teaching staff at their school, the government can secretly deploy more personnel from the Ministry of Health and Child Care, Ministry of Public Service and Social Welfare, UNICEF and other relevant authorities to the school under the cover of Ministry of Primary and Secondary Education and conduct awareness programs to JMAC children. This should be done to all schools where the majority or a sizeable number are JMAC members. Currently, the government is being too myopic towards child marriages in JMAC and many other AICs. The keyboard and megaphone approach does not work; there is need for a grounded theory.

Government laws are sometimes obscure and limited in their scope. What do people mean when people say JMAC children are being denied the right to education and health care for example? If they are allowing their children to attain primary education, is that not access to education? The law is very obscure; it should have set legal threshold to say, for example pulling a child from school before attaining form four for example is denying children the right to education. Otherwise in terms of Zimbabwe education system grade 7 is regarded as a qualification into the civil service, in the past grade 7 graduates would teach, join the military amongst others. The same applies to health care, the majority of the maternal deaths occur at the homesteads of local midwives. In Zimbabwe Midwives are part of the healthcare system hence their services are sanctioned. The government and the general populace are sometimes full of self-contradictions. The research component is very weak in Zimbabwe and the government must consider investing in research to inform their decisions.

It is through research that the country can make informed decisions. It does not need a skyrocket scientist to tell the nation that; changes in leadership bring with it a nuanced doctrine. This applies to the secular world for example; ZANU PF under late president Mugabe is different from it under president Mnangagwa. The changes which took place in JMAC leadership presented an opportunity for a new JMAC which was not capitalized by the government. The government made too many fallacies in its judgement and engagements with JMAC and to-date there might have been remarkable changes. The issues of women and child abuses should be addressed from a practical point of view otherwise a wrong approach would result in reversal of gains so far made under the new JMAC leader. Also, to note is that, the current JMAC leader is not that, too strict unlike those who were there before him. More studies should be done to try and understand the soft spots of Johanne Marange with the view to take advantage of

these soft spots. It is milestone achievement to see JMAC building a school and interfacing with the government. In the past JMAC was anti-establishment hence their victimization by the Rhodesian government. Their attitude towards resisting the state might be traced back to their experiences during the colonial era.

The insights from the interviewee help to explain why most minors in JMAC do not proceed to secondary education and drop off from school to marry at grade 5-7. The laws on the right to education are very queer in that if a child attends primary education and does not proceed to secondary and university level, can that be regarded as a violation to the right to education? At what point does that right end? The law must be clear given that in some countries a grade seven certificate is regarded as an educational qualification and even in Zimbabwe it is regulated by Zimbabwe School Examination Council hereinafter ZIMSEC. This is a gap in research that requires further studies on the ambiguity of the laws and their interpretation.

6.1.8 The role of Sitting Arrangements in JMAC on Marriage

The researcher observed a queer sitting arrangement in JMAC, where men and women don't sit together; an indication of inequality between men and women. The way men seat in the front row staring at girls sitting on the front row. The inequalities between men and women as presented through the sitting arrangement where men and women sit separately raised more questions than answers. To fill some of the gaps, the researcher informally engaged a JMAC member in an informal discussion so as to hear the interpretation from the believer's point of view. During the informal discussion it came out that:

There is a strong relationship between Passover and child marriages. The sitting arrangement itself in the church exposes minors to old men. Girls are made to sit on the front row facing old men and young men are seated behind old men. Whilst the old men will be facing these young girls; they will be scouting and after church they then visit these girls in their tents courting them or negotiating directly with their parents. The young men are segregated and parents usually shun young men to marry their children. Older are preferred because they have the material since issues of wealthy is key in JMAC with sons-in-law competing to take care of their in-laws at major church events. Minors are also attracted to this wealth because in JMAC very few men own businesses because the theology does not encourage men to work. The few successful businessmen are overwhelmed with pledges by parents to marry their children. Due to natural inferiority and superiority complex, the poor fear to sit on the front rows facing young girls. The front rows are usually occupied by the rich and famous. This is also common in most Pentecostal churches were the rich sign contracts with the church

leader and they get into partnership with the Church. These wealthy partners occupy front seats. The church leader usually picks those on the front seats for prophesy and blessings. Likewise, in JMAC money speaks.

The interviewee further stated that:

The JMAC Passover feast at face value is one event but in actual fact it has three feasts; or can be divided into three, namely Passover feast which is the major one carrying absolute religious significance, then the marriage and business episodes. Marriage is part of the Passover event but however, most child marriages also take place during their Saturday church services. The wealthy would be flouted and men take with them the wife who is well presentable, cooks well so as to give an impression that he is a capable man. A lot of men in JMAC live a fiction life and pretend to love their wives. After marrying them they start to beat and abuse them. There is a lot of hypocrisy with men pretending to be angels, that is why most of the researchers who visit the JMAC congregations fail to locate the abuse.

6.1.9 Extreme Theological Practices on the Poor

Through the informal engagements with an ex-member of JMAC who has inside information about the JMAC doctrine and has close relatives who are still members of JMAC, it came out that the JMAC doctrine is extremely applied to the ordinary church members and blindfolds them that they no longer reason on their own. The church thinks for them and their duty is to act. The doctrine makes them stooges.

Meanwhile, the ordinary congregants who are the poor and do not occupy any influential position in the church are expected to exercise extreme JMAC doctrine. Their children are not allowed to attend post grade 7 education; they are also barred from accessing clinics, family planning amongst others. The church discourages secondary and tertiary education which the church believes teaches Human Rights; study the Bible like a text book, children being taught to report abuses to teachers and subsequently to police. The secondary and tertiary education is seen as a threat to JMAC doctrine. The church's position on the right to education is a deliberate ploy by the church which endeavours to create loyal congregants.

Whilst access to information is a fundamental Human Right, in JMAC, its followers are not allowed to use modern methods of communication. JMAC members are allowed to use cellphones for voice calls and text messages only. Social media platforms like Twitter, Facebook, and Whatsapp are strictly prohibited. The church fears that their members would be enlightened through engaging and interacting with the secular world. No ordinary member of JMAC is therefore allowed to install such applications like Whatsapp, Twitter, Facebook, and Instagram amongst others. JMAC members are as a result not connected to the rest of the world as cellphones are for voice calls and text messages only. On Television hereinafter TV, unlike the doctrines of other AICs,

which explicitly bar their members from watching Televisions, JMAC, is silent in this respect.

However, an interviewee opined that:

Whilst the majority of JMAC members are a rural populace who cannot afford to buy leisure like TV sets because most JMAC men wait for their women to work and feed them, they are too poor to manage their big families due to prevailing economic hardships and they are not allowed to work formally hence they are not gainfully earning amongst others.

The other extreme church doctrine teaches about the omnipotence and omnipresence of their leader and as a result the members are taught that:

The church teaches that, Johanne Marange is not an ordinary man and they have a number of testimonies on individuals who tried to poison him, assassinate him and rebuke him and they became disabled; with him escaping death traps mysteriously. There is fear in JMAC and during the Passover that he personally, sits at the entrance gate screening people. Those who sinned and have not been following the doctrine of JMAC strictly would not be allowed to get inside. In JMAC it is a worst sin to fail to attend the Passover feast or even failing to qualify. The failure to qualify at the gate has dire consequences on the member's position in the church. The concerned member is removed from the position previously occupied which will last up to the next Passover. Parents ensure that, their family follow religiously the JMAC theological teachings. Johanne Marange like the Roman Catholic Church Pope is infallible and the church does not hesitate to permanently expel any form of deviation from the norm.

This teaching contradicts Section 62 of the Constitution which talks of access to information as a basic Human Right. The position of JMAC on access to ICT is a new element that was not previously covered by this research because of limited literature which states the position of the church with regard to ICT and access to information.

6.1.10 Death

The researcher identified through observation numerous graves at most JMAC homesteads and the researcher sought explanation on the demography of the deceased and the church's position on death. The study found out that, the church does not value the death of children since it is the church theological teachings that children are like bricks if it breaks one will simply mould another.

Death in JMAC is oversimplified. Almost every woman in JMAC has had miscarriage, still birth and or lost a child or more. The respondent stated that the way and the rate at which children die in JMAC is too much. In JMAC all women count that they have lost a child or more. The husbands do not give their wives bereavement time because two months after a wife has lost a child, she will be pregnant again. They do not wait for the wives to recover emotionally and physically. As long as the husband still wants to have kids the woman has no option but to get pregnant. One wonders whether the JMAC women are not pained by the rate at which their children die, for one can lose all the seven children in a space of a year and still stick to the church doctrine. JMAC women value church doctrines over the lives of their children. NGOs and CSOs are secretly reaching out to JMAC women giving them sexual health education and family planning initiatives, but they refuse because there is strong belief that the JMAC leadership sees everything. Women fear to violate the church doctrine for fear of prophets and gate 7 where the violators of church doctrine are thoroughly beaten and at times permanently expelled from the church.

The children usually die from one month to five years. The number of miscarriages and infant mortality rate are often at par. I strongly believe that, the doctrine that children are bricks and the fear to break the church doctrine has seen a number of women accepting the death of their children as something that is normal. The JMAC doctrine that children are 'bricks' is true and from a realist view point, as a mother you can't watch all your children dying without doing anything about it. Women in JMAC continue to defend the church doctrine more vigorously.

The study identified the JMAC doctrine as contributing to child mortality. However, from the literature reviewed by this study, the government whose primary duty is to promote and protect the rights and welfare of women and children is deliberately ignoring the plight of women and children in religious spaces. The Zimbabwean government has instituted a number of Commissions in-line with the Constitutional provisions as set out in Chapter 12, Section 232 and Section 242 which covers the establishment of Zimbabwe Human Rights Commission (ZHRC) and Section 245 on Zimbabwe Gender Commission (ZGC). However, there is no known commission that has been set to investigate on the abuses of women and children in the religious sphere. The laws pertaining to children and women's rights seem not to be of paramount importance to the Zimbabwean government as it is seemingly turning a blind eye to cases of abuse of women and children in JMAC. The evidence of abuse of women and children in JMAC is by and large scholarly work and reports by the non-state actors. The government and JMAC are promoting child mortality through omission and commission respectively. The violation of children and women's rights in JMAC is not a novel thing it backdates to the 1930s when JMAC was formed. Since 1930s to-date no government meaningful involvement was so far recorded.

6.1.11 Role of Small and Medium Enterprises

In JMAC it is the duty of the woman to feed the family and the majority of JMAC women are vendors. In the process of vending, they mix and mingle with other non JMAC women. A majority of these women vendors are jeered at for failing to take up family planning methods because pregnancy and vending does not tally as vendors in Zimbabwe often do running battles with the police and municipal authorities. Some of the JMAC women are now secretly taking family planning initiatives and education due to their interaction with non-JMAC vendors. This brings about a nuanced thinking on how women in JMAC are beginning to mitigate their Human Rights violations.

In JMAC women are told to fend for themselves and the role of men as providers is very insignificant. JMAC women survive on doing food for work for them to be able to feed their families, and every woman is expected to cook for the husband meaning to say if a man has 20 wives, he is served with 20 plates of sadza for lunch and he will only eat the best. If the husband refuses to eat, it is viewed as an embarrassment to womanhood. In JMAC there is too much belief in witchcraft and if the husband suspects that the wife wants to charm or kill him, he refuses to eat food from that woman.

6.1.12 Distribution of Estate

The distribution of estate is one such an area where the rights of women and children are violated. Due to the patriarchal nature of most societies, widows and children of the deceased person are usually deprived of their right to benefit from the estate. The study therefore, engaged JMAC members in order to understand how the estate is distributed with the view to understand on whether the laws that govern the distribution of the deceased person's estate are being adhered to. On the distribution of the deceased person's estate in JMAC, the interviewee stated that:

There are two scenarios, one where the family concerned is of JMAC faith and one where relatives are non-JMAC believers. If the deceased person is a JMAC member, the church has absolute right over the distribution of the deceased person's belongings. Of concern to the church are those elements that are part of the church like staff and garments. The church controls issues like memorial services and any other rituals the family might want to undertake. However, since JMAC as a church is highly patriarchal, women only inherit items like kitchen properties and granaries. The children are distributed to relatives meaning they are part of the estate to be distributed. The Girl child has no right to any form of inheritance. The family and the

church appoint an individual who would look after the affairs of the deceased person's family. The person appointed takes over the wives left by the deceased. Any woman who resists will be sent back to her parents. In most cases the widows are manipulated and sent back to their parents regardless of their ages or number of children they have. Payment of lobola is never an obligation in JMAC; to enable even the poor to marry as many wives as they may choose, hence in case of death believing families do not demand anything as dowry balances.

In the second scenario, the JMAC has a limited role. The church only presides over church items like garments and staff. For the rest of the property; the relatives decide on their own. There are many instances where JMAC members are made to pay hefty amounts of money if the wife who would have died is from a non-JMAC family. The treatment of the deceased member's estate is affected by a number of variables and depends on whether the relatives are members or not. The church exposes its members to non-believers as a way of punishing the concerned member from marrying an outsider. The church knows very well that, non-believing members demand a lot in dowry even after the death if a party in the marriage union. It's an indirect way of encouraging members to marry from within the church. In a non-believing family, the deceased person's estate is used to pay lobola far that if the relatives are greedy, the children would be left without anything.

Since JMAC members are not allowed to go to court or report cases to secular authorities even if they are deprived there is no reprieve for them. All the laws governing the distribution of estate are not benefiting JMAC women and children because of the church doctrine which bar them from recognizing or make reference to the secular laws. The illiterate levels also contribute to them failing to read and benefit from the law. The laws are there but they are not benefiting the JMAC members. It is no longer an issue of the absence of the law but its application.

6.1.13 Divorce in JMAC

JMAC women have limited freedoms and the church has stripped them off the right to self-determination. Women are forced to endure abusive marriages and the church has the right to beat them at Gate 7 where the church disciplines its members for various offenses. At Gate 7 women can be physically assaulted with or without the knowledge of their husbands. The doctrine bars the affected women from seeking legal recourse or report the matter outside the church. In fact, the term 'abuse' is not applicable in JMAC.

In JMAC a married woman is not allowed to divorce her husband and if she does that, she will be excommunicated from the church and can only be readmitted into the church after she reunites with her husband. These are some of the church doctrines that make women in abusive marriage unions reconsider divorcing their husbands. Women in marriages are stripped off of their rights to self-determination. The interviewee gave her aunt as an example where she knew that her husband was infertile and had weak erection but could not divorce her husband because of the church doctrine. The respondent recalled that when she tried to divorce the husband she was expelled from the church and they announced it in the church in a very embarrassing way that would deter other women from wanting to divorce their husbands. On the contrary if a woman is no longer appealing or is stubborn a man can marry another one and prove to her that she is worthless. Any woman who divorces her husband becomes 'dirty' in the eyes of the JMAC. For one to be readmitted into the church she must openly confess and then given conditions for readmission and one of which is to go back to the former husband without any conditions. The majority of women are being subjected to emotional torture whilst in their marriages.

The interviewee brought a nuanced thinking on polygamy an angle that has not been explored in literature.

On maintenance after divorce or in marriage:

The husband does not care about the custody of the children. In the event of divorce, they simply marry other women and have more children. This stems from defining children as bricks hence men don't fight for the custody of the child after divorce. It is said in some instances the husband does not even know the names of their children, they ask the child, 'by the way what is your name'. The burden of the upkeep of the child is solely the responsibility of the wife, men in JMAC marriages are there largely for procreation purposes. It is heart-breaking to note that, even if they are in marriage men do not take care of the welfare of their children. In JMAC men do not work for their families, their role is to eat and have sex.

The study noted that, the law on maintenance which give a man or woman the right to claim maintenance whilst or outside marriage is not being applied in JMAC. Women have the right to claim maintenance for their upkeep and their children. The findings from the study exposed a gap between theory and practice in terms of the benefit of the law. At theoretical level, women who are being neglected by their husbands have the right to claim maintenance but in practice men neglect their children with impunity. Women and children in JMAC are having their rights deprived in terms of Maintenance Act. The gap between theory and practice is a new idea that scholars might explore further.

6.2 Responses from a KIII on JMAC Theology

The study endeavoured to uncover the JMAC system informed by what the researcher witnessed where church members, men, women, young, the elderly, and the frail were being beaten. The researcher then inquired from the members and former JMAC members in order to understand the JMAC system and how it violates Human Rights and human dignity. Through various informal interviews and group discussions respondents were probed about various JMAC doctrines with the view to fill the literature gaps and to seek explanation on the observed phenomena. Additionally, interpretation was needed from the phenomenological view point.

6.2.1 On Discipline and Hierarchy of Courts

The issue of saying people have rights is not applicable in JMAC. Members are physically assaulted with impunity and if one resists, one is automatically expelled from the church. It is heart-breaking to see women crying whilst being beaten by church men under the pretext of disciplining errant members. The issue of Gate 7 is one of the recurring themes which came out during the informal engagements by this research. Whilst the exercise and the visit were very casual, the researcher found very interesting information. During the informal group discussions, it came out that:

JMAC is one such a church that operates like a one border stop in that, it controls and regulates the human being in a wholesale manner. Wholesale in the sense that you get anything and everything that you want within the church. The church has courts and a hierarchy courts the same way the secular courts have a hierarchy of courts. In JMAC Gate 7 is the final court of appeal and it only deals with major crimes and cases indiscipline. In terms of hearing cases; the church hears cases from both male and female. The most unfortunate aspect is that the accused is instructed not to wear the garment until the matter is resolved by the church. The church presumes the accused to be unclean for the period through which the case is being heard. It is more of a remand system.

Whilst the church hears cases openly from men and women the most unfortunate thing is the judges are all men and sometimes women find it difficult for them to open up before men who are not part of the family. Women are therefore forced by circumstances to lay bare their private affairs. The fear of being beaten at home or the husband kukusema meaning refusing to come to your bedroom for conjugal rights determines how women are to present their cases against their husbands. Women tend to fear exposing their husbands for fear of the unknown consequences. The victims are never protected by the law given that women already do not have same rights to that of men.

Usually, women who would have premeditated divorce are the ones who usually approach the church courts for adjudication. It is usually very unfortunate that, if one divorces her husband; it's an automatic expulsion from the church and one can only be accepted back into the church upon returning to one's husband and confess before the whole congregation and finally ask for forgiveness. Meanwhile, men also are forced to stay with their wives; they can force divorce their wives without the blessing of the church courts for that attracts an automatic self-expulsion from the church. In JMAC men can only divorce a wife on one condition of infidelity and has to prove at prima facie that indeed she indulged in an extra marital affair. Since issues of extra marital affairs are usually based on hearsay and men in the absence of proof engage in gross Human Rights violations on the wife until she gives up on the marriage. These underhand tactics is a cause of concern by this study. However, despite these hidden variables women are given the right to be heard which is one of the fundamental pillars of the rule of law doctrine. This is one such a positive remark where the victims have near access to justice. What is remarkably unknown is on whether children are accorded the same.

Since the JMAC theology teaches that, no member of the church is allowed to seek legal recourse outside the church, it had set out legal structures and court hierarchy within the church. Just like how secular courts operate, each court has a clearly defined mandate and area of jurisdiction. Cases; either criminal or otherwise in the JMAC follow a hierarchy and whenever the person is not satisfied appeals to the next court. In JMAC the highest court is called, 'Ku 7' and when a case reaches this court, the verdict is usually through canning. The one found to be guilty is subjected to thorough beatings whether one is male or female, married or unmarried. There is instant justice on the perpetrator and one has to be in prone position whilst being beaten. They use the term mukwati to refer to that act of lying down. Those who resist to be beaten would be expelled from the church forever for defying church's standing orders and guidelines.

6.2.2 JMAC Intelligence/ Advisors

The JMAC functions like a state, the leader has an intelligence system to inform and advise him on the state of the church and its development. The leader usually listens to his advisors and the fight against women and child abuse should include engaging the *Lieubumahs*. The majority of theologies in JMAC are as a result of advice from the *Lieubumahs*. This element of the intelligence wing of JMAC was included in this research because of the role it plays in shaping the JMAC theology.

In JMAC Lieubumahs are in charge of various sections of the church. There are Lieubumahs varapi (healers), vatongi (judges), vavhangeri (preachers), varotswi (seers/dreamers) and vaporofita (prophets). Whilst these Lieubumahs perform various designated roles in the church, they are the church leader's chief advisors and intelligence officers. This is the inner circles of the leader and they are highly respectable in the church. However, to note, there is no women representation in the

hierarchy of the church. The Lieubumahs are responsible for collecting money from various church centres. The Lieubumahs are the only people who have unlimited access to the church leader and they give him regular updates on the state of the church. This explains why problems in JMAC are addressed before they manifest themselves. JMAC has very effective and very loyal intelligence wing. The JMAC leader is well informed on the twist and turns in the church.

6.2.3 JMAC Leaders' Movement

The JMAC creates a mythical picture of their leader. The stories that are said about JMAC leader depict *Mutumwa* who is omnipresent, omniscient, all seeing amongst other attributes attached to the church leader. This section on the movement of the JMAC leader helps to understand how mysteries play a role in the manipulation of the congregants. In this regard the informal respondent engaged by this study described the mysterious nature of *Mutumwa* and various conceptions of him by his followers. The respondent had this to say:

At every church there is a house built for Johanne Marange. The house is built through donations by church members. This is mandatory despite the fact that the leader might not even visit the area in his lifetime. However, due to high level of suspicion of witchcraft in the church, the leader sends an advance delegation whenever visiting a congregation. The same way protective intelligence officers in the secular are sent as advance team ahead of their high-profile persons. Whilst the JMAC leader send advance team of prophets to scan the environment ahead of his movement the church believes that Marange is the greatest prophet who does the final scanning because he is believed to be all-seeing, omniscient and omnipresent. The church believes that Marange sees and monitors the lives of his congregants spiritually far that congregants fear Marange than God. The church believes that, Mutumwa interacts with God the same way Abraham was, according to the Bible, a friend of God.

The church cites the Mudanda incident where a black magic trap was set on him and his convoy disappeared and re-emerged after Mudanda area in Buhera, Manicaland Province. Through these mysteries and mysterious behaviours, the church believes that indeed their leader is a true man of God. There is fear amongst JMAC followers of their leader whose staff is equated to the staff of the Biblical Moses. Through these stories that are circulated within the church, the authority of Mutumwa is fortified.

The church also cites an incident where the leader's coca cola was laced with some poison by his church rival who wanted to succeed him since he loves coca cola very much. On that day he is said to have demanded Fanta instead of his usual coca cola. The incident took place in Bocha, at the headquarters of JMAC. The leader told Bambo Tito to drink his coca cola and told him, in riddles not to kill innocent men of God. The strength of JMAC is on chiporofita (prophecy).

This is similar to prophet Emanuel Makandiwa and *Mutumwa* Paul Mwazha who wrote volumes of books on their mysterious lives as a way of consolidating power. Since his power is unquestionable, he can unilaterally make decisions in the church. The study identified the similarity between the Roman Catholic Church and JMAC where the authority resides in one person. There is one centre of power in these churches. If power is central to *Mutumwa*, naturally he is to blame for all the Human Rights violations on women and children in JMAC. The term *Mutumwa* is synonymous to the JMAC, he is the alpha and omega of the JMAC church and its theology. These insights are important in guiding the recommendation of the study in light with the last objective of the study which talks about recommendations to the study.

6.2.4 Passover, Child Marriages and Leadership in JMAC

This aspect of Passover is a recurring theme on this Chapter of the study because the research engaged various casual contacts in order to identify recurring themes and to validate data. This was informed by new data that emerged as the researcher observed and interacted with the phenomena. There were a lot of gaps in literature especially regarding to how the abuses take place and on the reference to the Constitution. With Zimbabwe being a Constitutional democratic state, every talk about Human Rights must have a corresponding legal provision. This helps to identify the piece of legislation that would have been violated by the identified piece of legislation.

The mentioning of the Passover is very important to this study because that is where aspects of note to this study take place. It also answers the grey area on the role of the church in child marriages. The church is only involved in marriages directly, that is, if the girl has lost virginity or had romance. The JMAC church strongly condemns romance before marriage and sex before marriage. The church did put measures to account for those girls who violate the church's standing orders and rules. The church's position is that if one wants a girl to marry, one should not deflower her or romance her because by so doing, one would be depriving the girl's future husband. The church, therefore, requires the girl and the person concerned to take full responsibility of their actions. The church however regards deflowering of a girl as an embarrassment to the church and the family concerned, hence three processes are involved: prophesy, confession and verification or confirmation. If a prophet indicates that the girl has lost

her virginity, she will have to be told to confess and have elder women within the church go and verify and report back before the decision is made on her behalf.

The prophesy take place at the gate because JMAC believes that, only the clean should be allowed to enter and eat the Passover. If one has a position in the church and is found to be unclean one is stripped off one's position and it would be given to the next in command. Ranks in the Church are given according to seniority. In order to achieve transparency and fairness Johanne Marange himself mans the gate with a rod in his hand and anyone that he points at is unclean and the bouncers would be ready to throw the person away. If one has a leadership position; one automatically gets removed from that position to become an ordinary church member. Johanne Marange plays limited direct roles in JMAC; he presides over Passover; prophesy; teaches and screens people at the gate. He delegates many other functions to the Lieubumahs.

The informal respondent had this to say, with regard to what happens at the gate:

In JMAC, Marange does not preach but stand at what is referred to as 'pa line' meaning on the line where he fingers witches and wizards. Every person passes through where he will be. In JMAC he starts with those with key positions in the church, ordinary members and lastly children. There will be bouncers at the gate and when he points at you the bouncers would through you out of the gate and if you had a position in the church, it will be taken away from you. In JMAC no evil or dirty person is allowed to eat the Passover feast. If you fail to take the Passover, your church position is automatically taken off and given to the next in command. And the ranks referred to as 'ma B' are thrown away and you automatically became an ordinary church member. This explains why there is strict adherence to the JMAC doctrine.

With regard to the interlinks between prophesy, gate and child marriages, the interviewee had this to say,

Of note at the gate that where the majority of child marriages take place, the prophets will be manning the gate and any girl who would have lost virginity or had romance (gwiti) would be identified. Old ladies would be assigned to go and confirm if indeed the girl had lost virginity hence the practice of virginity testing. It is not like every girl is tested for virginity. The church would instruct the girl to bring or identify the church member who would have defiled her or had romance with; and the church would instruct the church member to marry her immediately. If the person involved is a non-JMAC member, the girl concerned is just paraded and picked by any willing member with or without her consent. If one defies the church's doctrine, the church would take away the rights one had and those of the immediate family, hence it making a decision on one's behalf.

Apart from direct involvement of the church in marriage issues, the Passover is an event attended by almost all JMAC members, presenting an opportunity for JMAC members to interact and

negotiate for marriage on behalf of their children. Marriage is a public relations exercise which strengthens relations. In addition, through interaction and exposure, the poor will identify the rich and they make manoeuvres to offer their children to them. Usually in Marange the sons-in-law take care of their in-laws. Men spend money on goods and food that sold at the Passover venue. President Mnangagwa helped the JMAC in the construction of a big stadium at the shrine which now serves in accommodating the attendees.

At the Passover they live like people in barracks, women and children on their own and men on their own. All women bring food to their husbands and the men would put together the dishes and eat. During the Passover ceremonies men feast and vend. Wives compete to cook for their husbands. It is like women have to buy love, affection and attention from their husbands. Those who cook delicious meals are usually, given sexual attention than those who do not. It is more like a cooking and vending contest during JMAC Passovers. Whilst men are camped on their own, they negotiate with each other to marry each other's children. The Passover is structured in such a way that it has three events, social, prayer and vending. Only bona fide JMAC members are allowed to sell inside the venue in a bid to promote business from within since in JMAC members are encouraged to be entrepreneurs. Goods are fairly expensive but members buy from impulse as they seek to outshine each other. Men will be parading their wealth in a bid to attract the female minors.

The respondent stated further that,

At Bocha Passover, only marriage arrangement is done because at the shrine couples are not allowed to sleep together. Men will be on their own; doing marriage negotiations privately. The marriages at the Passover are not publicly announced as is the popular belief. Marriages take place as families interact at the Passover. The JMAC church has a somewhat relaxed Passover programme to allow marriage negotiations and vending. The real Passover is merely a day but people congregate for more than 7 days. After the Passover event people retreat to their homes and one may not be able to tell who was married off and to who because of the numbers of people who attend the event. Open marriages take place in various other JMAC programmes and congregations. Various researchers and news-crew over years visited the Passover event anticipating witnessing child marriages taking place; and their hopes were shuttered down after the event ended without visibly seeing child marriages taking place. This is why people do not get any evidence of child marriages because they are focusing on the wrong platform.

Men and women do not mix at the Passover, and if ever there are marriage arrangements taking place these are entirely private arrangements. Since men do sleep with their wives at the shrine it is very difficult to snoop into private discussions where people would be making marriage arrangements. Women and girls would be in their own tents, the only thing one can see are pregnant teenagers and breastfeeding ones.

And the dressing of lob garment and veil will again obscure anyone who would want to observe.

Perhaps what can be observed is the impact of child marriages and lack of access to proper health care by observing mass graves and burials at the shrine and women secretly burring children along the rivers in line with the African culture that, if one buries infants on the dry land the mother would not conceive. Those who die are hurriedly buried since the shrine does not have mortuaries and those that prefer to bury their relatives are allowed to do so. What the church does not allow is to burden the church with keeping a corpse. In JMAC the death of a chicken is treated better than the death of a child or a person. The manner in which the affected members grieve speaks volumes on how serious the church members are with regard to 'death'. They handle these cases casually and bouncers will be present to manage grieving families so that, they do not disturb the event. In JMAC grieving is a public affair. The church doctrine is so manipulative and it suppresses its members from exercising self-determination.

Women apart from being denied their basic rights are also viewed by men as unclean. The church has delimited their roles and chores. Men wash their own garments because women are regarded as unclean and therefore, they must not touch male garments. If they are in their menstrual cycle, they are not allowed to cook food for the family. If a man let his wife wash his garments, he becomes unclean. JMAC leader Marange's garments are washed by men and not women. Women in JMAC symbolize sin and they are treated as if they are agents of Satan.

Apart from working to feed their families; women are also supposed to provide free labour to JMAC farm. Women and children are the key sources of free labour at home and at church. For them not to complain, at the Passover in Bocha, women carry only relish, the church provides free mealie meal from the church farm located in Chipinge. At the farm women and children are the sources of free labour. The farm is called St Noah and at the farm there is diverse farming; include animal husbandry, poultry, crop husbandry amongst others. In JMAC labour laws and minimum wage policy is not recognized or adhered to. Men are the ultimate beneficiaries in any interaction between men and women. There is religious slavery under the name of religion and surprisingly the government in this 21st century is silent about it, perhaps because they want votes.

What was obtained from the informal interactions with the Bocha community and through observation resonates with what was found in literature, where religion created slave trade. The church has a history of making people slaves and the Roman Catholic Church was the proponent of slavery by the church. JMAC followers are slaves to the JMAC theology. The doctrine of discovery decree was issued by the Pope and contained in the document Dum Divers as issued in 1452. Pope Nicholas V even wrote to King of Portugal, King Alfonso instructing him to invade,

capture, vanquish and subdue all pagans and to reduce these pagans into slaves. In addition, to take away all their possessions and property (inter ceatera papal bull, 1452:345).

6.2.5 Church State Relationships

The JMAC members believe that,

Nothing happens in the country without the hand Marange. If the president is voted into power or removed, they say we had already put him/removed him on that position spiritually. In the past JMAC members could not vote, they believed that, it was pointless to vote if the church can spiritually put or remove a president from power. The church teaches that it knows the outcome of an election before the voting process. The church believes that; she has a duty to direct the state and not the other way round. The respondent quoted Vice President and Health Minister Chiwenga's speech when he declared that, all small and medium enterprises must be vaccinated for them to operate, the members of JMAC said, 'uyu akutofarisa takuzomubvisa pachigaro manje', meaning he is getting out of hand and we will remove him from the office. JMAC members believe that, they have the power to remove from office any leader who violates their church doctrine. This means that laws and policies that are designed by the state to benefit women and children will never be in effect as long as Marange is not willing to, for he has power over the state and even to enthrone and remove political leaders.

Our church philosophy on church state relationships resonates with Martin Luther's doctrine of two kingdoms. Luther taught that, God rules the earth using the sword (law/state) and the Word (church). If one is to read history well God use the church and the state to execute his mandate. Luther like the JMAC is very clear that, whilst God use the sword and word, the sword does not have much influence over the Word but the Word has the authority over the sword. This means the church directs the state and not the other way round.

The insights from the responded resonate with what was obtained in literature review regarding the nature of the relationship between the church and the state. The President is empowered by the law to appoint a Commission to investigate pertinent issues that affect the state. JMAC was founded in 1936 and has been violating the rights of children and women since 1936 to-date. No President has ever bothered to appoint a commission of inquiry into glaring abuses of women and children. Only unlimited politically motivated commissions of inquiry have been appointed. The Constitution empowers the President to investigate any violations of the Constitution and this is supported in Chapter 12, Section 232 and Section 242 (Constitution of Zimbabwe, Amendment 20 Act, 2013, Sections 242, 232:95, 92). This section deals with the establishment of the Zimbabwe Human Rights

Commission (ZHRC); and Section 245 on Zimbabwe Gender Commission (ZGC) to respond to the Human Rights concerns from any section of the society. There are gross Human Rights violations in JMAC cascading from church doctrine and the President should use the powers enshrined in the Constitution to deal with JMAC theology, especially those elements of its theology that violate the rights of women and children.

6.2.6 Marital Rights, GBV and Divorce

Issues of marital rights, GBV and divorce in JMAC have always been a front-page item and topical issue at various fora. This was found to be key as the study wanted to understand how women are treated in their matrimonial home. The answers to this question help to complete the puzzle on child marriages, in that apart from child marriage how are women treated in their marriages. The aspect also answers a key Human Rights question regarding to the nature and scope of rights enjoyed by women in marriages and available remedies in case of Human Rights violation.

In order to answer these pertinent questions, various informal group engagements were done and it came out that:

In JMAC it is very easy to marry as many wives as possible but it is very difficult to divorce each other or engage in petty domestic squabbles. The church is very strict and tough on marriage issues. The church declares one wan'ora meaning profane and unoraswa meaning expelled from the church, if one violates the marriage laws and regulations set by the church. Even if a wife indulges in extra marital relationships, the church opens a docket and the matter is heard before the elders of the church.

Women are beaten at home and at church gatherings (Gate 7) with impunity. This physical abuse has been accepted by the victims as a way of life. It is like a child being beaten for a wrong doing, they don't see it as abuse but a correctional measure. After being beaten they will apologise because the JMAC doctrine has stripped women the inner sense of being fully human with full rights.

If the wife complains that the husband is not satisfying or visiting his wives equitably, the husband is locked in a church prison just like the secular remand system. The husband will be locked together with the wife who is complaining of inadequate sexual services. The husband can only be released from that remand after the wife acknowledges that, she is now satisfied sexually. In JMAC the church has total control over its congregants in all aspects of their lives be it private or public. The church doctrine controls the congregants firmly.

6.2.6.1 On the Invincibility of the Leader

The study wanted to understand why women and children who are being subjected to a plethora of Human Rights violations cannot rise against their leader in the same way feminists rose to challenge patriarchy. It is heart-breaking to note that, the study could not engage more women who happen to be survivors of Human Rights violations by the church doctrine. Women seem to defend their abusers and are not free to discuss their abuses with non-JMAC members whether formally or informally.

The JMAC believe strongly in their leader and other churches are termed burial societies. The JMAC does not recognize any other church denominations and those who do not go to church totally. Everyone else other than JMAC members is termed vanhu vemunyika meaning heathen. The JMAC does not tolerate or recognize other church denominations hence other churches do not have any influence on its theology. This is unlike in other AICs where there is a lot of interaction and an exchange of ideas. A number of AIC transformed their theologies from within. There were a number of AICs who would not value education but to-date they have built schools and universities for example ZAOGA and the Zion Christian Church (ZCC). Women in ZAOGA are highly empowered and they occupy key positions in the church. Whilst other churches are engaging each other and adapt to the prevailing secular environment, JMAC theology remains unchanged. JMAC followers believe that, it is better not to go to any other church after being expelled from JMAC. Similarly, one does not marry vanhu vemunyika or outsiders or report church related problems to them.

Life in JMAC revolves around the word from Mutumwa meaning one who was sent. In JMAC it's not about faith, born into the church or join it later, it's all about what did Mutumwa says. The church's allegiance is on Mutumwa. JMAC teaches that, the Messiah is Mutumwa Marange; hence he is viewed as Moses incarnate. Whilst Moses could have prophesied about the coming of a Messiah referring to Jesus Christ, in JMAC the Messiah is Mutumwa Johanne Marange. In Paul Mwazha's church, they claim the Messiah is Paul Mwazha. This is how AICs especially messianic church doctrines differ and churches are failing to find a common ground. Selective reading of scriptures is common in messianic churches. They only refer to verses that support their doctrines.

The church interprets the visits by presidents, senior politicians where they will be given a rod, garment and platforms to speak as proof that they are the ones who put leaders in power. Indeed, leaders of political parties, stampede to get endorsement from the JMAC leader. In JMAC there is no political plurality, whoever, the JMAC leader endorses is voted for, by each and every eligible JMAC member.

6.2.7 Johanne Marange and Eye Lenses

It was confirmed by respondents that, JMAC leader Noah Taguta (Johanne Marange) puts on eye lenses. The eye lenses are prescribed by an optician and are subject to review after every two years. Whilst JMAC leaders visit hospitals secretly, ordinary members are expelled from the church permanently for seeking medical help from hospitals. The church teaches that, there is no disease that the church cannot heal even HIV and AIDS as well as COVID 19. The JMAC leader failed to lead by example. This issue of eye lenses is important in that it exposes the double standard nature of the JMAC doctrine. This resonates with KIIi who revealed that, in JMAC, there are two doctrines, one for the poor and the other for the elites. The respondent argued that, the majority of JMAC followers are dunderheads, they do not care whether their leader lives a different lifestyle, all they value is to marry and eat.

6.2.8 On Child Mortality and Illness

On whether every married woman in JMAC had miscarriage, still birth or children who died below the age of 5 years, the respondent revealed that the death of a child is taken as simple as the death of a chick. It is never taken seriously. The respondent reiterated that the church's doctrine says *mwana chitinha chikafa toforoma chimwe* meaning a child is a brick if it breaks, we will simply mould another. True to the *mwana chitinha chikafa toforoma chimwe* church doctrine, husbands do not wait for their wives to heal emotionally and physically before they are impregnated. In a space of a month after a woman would have lost her child, she would be pregnant again to replace the 'broken brick.' In JMAC women are 'brick moulders,' meaning child bearing machines. The men pretend as if nothing happened especially when newly born babies die. JMAC women do not undergo social counselling after losing their babies. They should not even show to their men that they are grieving; instead, they should be ready for sex to replace the 'broken brick.'

The carefree attitude of men over the death of their children is perhaps due to many wives and children they have. Even when the child is ill the father ignores as if it's nothing. At *chitsidzo* those ill are given sacred water and are prayed for. The *Rabauma varapi* are there to treat the ill. The church prefers that it is better to die than to go to hospital. Pregnant women also undergo *chitsidzo chekuzvarisa* meaning the local midwives to whom pregnant women take a vow of life

and death during delivery. The JMAC pregnant women camp at the homesteads of these midwives. In the event of the death of child on delivery the midwives can bury the child without even notifying the father. The idea of not going to hospital is one such doctrine where anyone who defied it is completely expelled from the church.

6.3 Responses from K11iii

The study having noted gaps in literature and observed married minors, it sought to find out on the factors that promote child marriages in JMAC. Since JMAC is a closed society these factors are hidden and can only be found if one interacts with the phenomena under discussion. Through the informal engagements with the JMAC congregants especially those who have left the church, information was gleaned on how child marriages take place. The information obtained helped the study to fill gaps in literature on JMAC theology.

6.3.1 Hidden Variables to Child Marriages in JMAC

The issue of child marriages can be traced to the concept of virginity testing, a common practice within the church. Under the practice, unmarried young girls from the puberty age undergo mandatory virginity tests during church gatherings. Thus, when a girl loses virginity, she is deemed unclean on the basis that she could have committed adultery. Essentially, this is one of the genesis of early marriages within the church. The theology of JMAC teaches that, no unclean person enters the kingdom of God. The JMAC theology went on to teach that, when a girl loses virginity she commits a sin and that the girl can redeem herself if she gets married. Thus, the girl is not totally condemned unlike when she commits adultery after marriage. The girl is pressured into marriage because the assumption is that if the unclean person dies before she cleanses herself through marriage, she will not enter the kingdom of God. The parents by encouraging and forcing their children into marriage, who would have lost their virginity, they view it as a favour by helping their child to cleanse herself and secondly, to make her eligible for the kingdom of God. The church doctrine teaches that, one can only be clean by being married after losing virginity. Those found not to be virgins are condemned by both the church and the society. Those found to have lost their virginity are further humiliated through the sitting arrangement in the church. In JMAC virgins do not sit together with none virgins, they are made to sit on their own so that, they do not influence others. The humiliation and the fear of losing the chance of entering the kingdom of God usually compel or contribute to child marriages in JMAC. The virginity test is done by three elder women to avoid bias. Water is used to test virginity.

On child marriages, any male adult from the church can approach the believing family and ask for a hand in marriage from any girl despite the age. The suitor approaches the father directly and once the father agrees, he informs the mother and the girl is only informed of the decision made on her behalf. The majority of marriages in JMAC are more of secret arrangements between parents. There are more of private family affairs without the involvement of relatives. This is unlike in secular marriages where parents have insignificant role as compared to aunties and uncles. There are no marriage protocols in JMAC and as such it is very difficult to notice its occurrence. Once the parents decide, the second commandment is applied which says, obey your mother and father so that your days on earth would be increased. In JMAC the church does not believe in the entire Bible but in selected verses that support their doctrine. The church relies on continuous revelation and the Bible is only read if the selected verse helps to advance or justify a certain church doctrine.

JMAC does not use the Constitution to determine marriageable age but they use the rites of passage. It is the duty of the mother to teach the girl child to obey the church doctrines and to groom her to be a successful mother. If a girl child is not groomed well the blame is on the mother. A girl who disobeys the parents or violates any of the church doctrines is defined as not having been groomed well and her name is used as an example in the church and community of believers. The other aspect is that, in JMAC children are married whilst they are very young to consent and they still have strong confidence in their parents. The 10-year olds and above tend to be targets in prearranged marriages; maturity is measured by having menstrual periods. Once a girl child experiences her menstrual cycles and develops breasts, she is deemed mature enough to get married and start a family.

The children are lured into marriage before they are old enough to decide for themselves. The parents present their minors as if marriage is an achievement and is exciting. The parents conceal the marriage challenges to their girl child so that they don't get timid to marry. In JMAC the church is very strict on GBV and domestic violence and congregants kiss each other when greeting. Women in a polygamous relationship are not allowed to fight or shout at each other. Most JMAC families are often admired by many communities and the excessive church doctrine help husbands to manage their polygamous big families.

The majority of child marriages start from grade 6 to form 1 hence schools with large numbers of JMAC members experience massive school dropouts from grade 6 to form 1. There are limited secondary schools in Bocha due to limited number of children who proceed to secondary education. There is

less demand for secondary schools. The culture of going to school is not there in JMAC. The Church doctrine values marriage over school.

There are a number of factors that were cited as influencing child marriages. The children left in the custody of believing relatives are more vulnerable because they can be easily married off as way of relieving the burden of looking after orphans. The church doctrine would be merely a scapegoat under such circumstances. The economy is now the biggest threat as large families are no longer sustainable due to economic hardships and erratic climate changes especially in Manicaland Province. In Manicaland, it is either the province is hard hit by floods, cyclones, cholera, malaria and drought amongst others. These vulnerabilities are also influencing the high rate of child marriages amongst the members of JMAC.

Whilst JMAC made a historic achievement by building a school right at the heart of JMAC faith in Bocha, one would expect that to transform JMAC theology, later developments on the same has set the church on a factory-reset. In Marange, Bocha the church-built St Noah School but later surrendered the school to the government. Marange was advised by his Lieubumahs that, the idea of a school was going to dilute and compromise the church doctrine in the long-run. The church started to beat children who misbehave and the government was against the idea of corporal punishment which was outlawed in the Zimbabwean educational system. The church having realized that, they have limited control over the behaviour, disciplinary issues, corporal punishment and curriculum studies, St Noah became a threat to JMAC doctrine, hence the option to withdraw their children and surrender the school to the government.

What was found from the informal interviews and group discussions with members of JMAC confirms what was found in literature that JMAC violates the rights of women and children. The findings of the study after reviewing various literature genres confirms the assumptions of the study that the government of Zimbabwe is deliberately turning a blind eye on abuse in JMAC since JMAC is a key voting constituency for ZANU PF. The government of Zimbabwe is failing to adequately protect children and women from toxic religious practices. The government has all the institutions and legal instruments which enable it to respond to child marriages and various theological Human Rights violations on women and children. The failure to tackle abuse by JMAC church was found to be a deliberate ploy since JMAC is a key political ally of ZANU PF party.

Zimbabwe has a clear obligation under international and regional treaties and conventions and national legislation to take measures to prevent child marriages and address all forms of violence against women and girls. Sections 78 and 81 of the Constitution provide that anyone below the age of 18 years is a child, and the Constitutional Court has confirmed that marriage with children under 18 years is prohibited. Section 78(2) of the Constitution provides that no person can be compelled to enter into a marriage against their will. Section 70 of the Criminal Law (Codification and Reform) Act (Chapter 9:23) provides that any person who has sexual intercourse with a person below the age of 16 years, with or without their consent, shall be guilty of rape or aggravated indecent assault or indecent assault. The Domestic Violence Act (Chapter 5:16) criminalises abuse derived from any cultural or customary rites or practices, including child and forced marriages that discriminate against or degrade girls and women. Sadly, in spite of these legal protections, there is an on-going and unabated practice in religious and cultural sects of rape, child abuse, and marrying-off young girls, exposing them to child pregnancies and worse.

6.3.2 The role of Community Based Organisations (CBOs) in Ending Child Marriages

Despite the government being the responsible authority in terms of protecting the rights of women and children, it is shockingly silent on the abuse taking place in JMAC. However, CBOs are the only visible elements that are single-handedly fighting child marriages and abuse in JMAC. The JMAC followers strongly believe that the silence by the government means the government does not see JMAC as the violator of Human Rights. All the Presidents and various senior government officials since 1980 who annually attend the JMAC Passovers never attempted to talk about JMAC doctrine. Instead, they use the time given to them by JMAC to shower praises and accolades on JMAC church. There is no known government inquiry so far done on JMAC after reports of gross violation of women and children's rights.

The church is continuously devising strategies to avoid state and NGO interventions to stop child marriages. A number of Community Based Organizations hereinafter CBOs are continuously engaging communities teaching them sexual reproductive health education. The teachings are regarded as targeted at JMAC doctrine. Since the chiefs, headsmen and local leaderships are involved, the JMAC congregants are devising new marriage methods. They are no longer marrying off minors in the same communities. In JMAC the minors are married off very far from the sphere of their community and their parents. Parents usually lie that the minor would have visited her

aunties or sisters when in fact she would have been married off. This was after the NGOs like Regai Dzive Shiri Mazai haana muto started reporting JMAC members to the police hence the new strategy of saying they have visited. Congregations are sources of child marriages in JMAC. The majority of parents do not return with their girl children. When they return, they lie that, the child has visited and the issues of marriage would filter after years into the marriage. The burden of proof has always the greatest hurdle for NGOs since JMAC is a closed society and there is no law that bars people from visiting. JMAC takes advantage of the limitations in NGOs and continue to marry minors to long distance suitors. Lies are sustaining church marriages. One wonders why NGOs and CSOs are the only ones being vocal when the government is silent about the JMAC doctrine. The government is in support of what the church is doing. The government is the key supporter of the JMAC doctrine by its silence and failure to act.

In some instances, minors are simply married off locally, and people because of fear to strain family relationships do not report them. Whistle-blowers are often exposed and there is general fear of JMAC leader who is regarded as the greatest prophet. Stories said by JMAC believers about their leader created a myth of a mysterious leader who is feared by both JMAC and Non-JMAC communities. The way in which JMAC violate laws with impunity like COVID 19 regulations, child marriages leaves more questions than answers. The government or the president has not publicly or privately condemned some of the JMAC teachings. Instead, the government heap-up praises to the Church and its leader even if the church violates the laws publicly. The public silence by the government is a contributing factor on why communities are lacking confidence to report child marriages. There is no zeal on the part of the government to prosecute JMAC members. The government always compromise or turns a blind eye when it comes to JMAC.

Whilst the government has instruments and structures to advance the rights of women and children, the government is deliberately turning a blind eye to JMAC. The Zimbabwe Republic Police and Human Rights institutions such as the Zimbabwe Human Rights Commission (ZHRC) and the Zimbabwe Gender Commission (ZGC) are yet to investigate these issues and bring the perpetrators to account according to Section 245 of the Constitution. The 1982 first Central Committee report by ZANU PF, under the theme, ‘The Year of National Transformation’ declared that, the ZANU PF party shall direct the government and all the policies of the government shall emanate from the ZANU PF party. In Zimbabwe, it is important to mention that political parties are supreme to the government, hence political interests reign supreme. The structures that are there to promote the rights of women and children have not been utilised because the government is benefiting politically from the

church's unwavering political support of the ZANU PF party. In turn ZANU PF led government would always make frantic efforts to deny and protect the JMAC theologies.

The Parliament of Zimbabwe is highly an ineffective institution in Zimbabwe in terms of protecting the rights of women and children. The Parliament of Zimbabwe is known for politically motivated hair-splitting arguments yet fails to address pertinent issues like religious abuse. The issue of religious abuse has never been tabled in the Parliament of Zimbabwe and yet there are numerous reports on the abuse of women and children in religious settings. The Parliament takes years to pass bills that are non-political; hence the political nature of the Parliament is a major setback. The Parliament of Zimbabwe needs to pass the Marriage Bill 2019 into law as a matter of urgency, during its current sitting to align the legislation with sections 78 and 81 of the Constitution by repealing outdated provisions allowing young girls to get married at 16 years, or younger with the consent of the minister.

The United Nations in Zimbabwe is also another sleeping giant which does not go beyond issuing of statement and never acting. All the UN does is condemning Human Rights abuse in violation of the *pacta sunt servanda* doctrine but will never take any action. Countries, organisations and groupings are violating Human Rights and yet the UN has offices in those countries. The UN is aware of religious abuse and is doing nothing. There is no UN Treaty, Protocol, Convention and Agreement on religion and yet religion had been a catalyst in Human Rights violations across the globe. The 1648 Treaty of Westphalia is the only attempt made to regulate the religious behaviour and conduct. The role of the UN in theology is another new gap identified by this study requiring further research.

6.3.3 Witchcraft and Child Mortality

The study wanted to inquire on why JMAC followers do not blame the church for the deaths that occur en masse in JMAC. The study inquired on the relationship between witchcraft and child mortality in-order to explore strategies being used by JMAC to divert congregants from real challenges that they are facing. The church tells people to avoid going to hospitals and clinics and when a member dies the church blames witchcraft. The issue of witchcraft is central in JMAC and witches and Satan are the most hated elements in church. This is why in JMAC

people do not blame failure to go to hospital as the cause of high mortality rates in the church; but relatives especially non-believers. If a child dies, other women in the polygamous relationship are blamed. The church created an artificial lifestyle of competition amongst women who are in a polygamous relationship so far that there is no unity of purpose amongst them. There is a strong belief that due to jealous and wanting to outdo one another in the polygamous union, some of the women tend to use black magic to cause still birth, miscarriages, child death amongst others. Unity amongst the wives tends to be a mirage in most cases as a result. Suspicion and hatred are in most cases deeply entrenched.

The issue of witchcraft is very central hence communities fear being bewitched by JMAC members. In any society witches are very difficult to detect and control. Traditionally whenever a person dies relatives vainorova gata (They would consult spirit mediums for the cause of death), for an African does not die; but is killed. This is a historical problem that affects us as Africans; and JMAC has replaced the role of traditional healers with prophets and healers. Healers and prophets are trying their best but witches are fighting the kingdom of God. Satan and his agents are fighting the kingdom of God. There is no hospital that cures witchcraft that is why people are also dying in hospital.

JMAC members are feared for their witchcraft and the majority of child deaths are attributed to witchcraft within the polygamous relationships. Witchcraft is at the centre of JMAC theology far that congregants blame witchcraft for the death of children and not the church which refuses its congregants opportunities to access medical facilities. Families blame each other for child mortality. There is too much talk of witchcraft in JMAC far that, to outsiders JMAC is a church of witches and wizards. Manicaland Province especially Chipinge and Bocha are known for suspicions of witchcraft. This is why outsiders do not report JMAC people to the police or traditional leaders. Besides JMAC leader is feared for his mysterious behaviours and stories that are said by JMAC members. A lot of people think that JMAC is more of a cult than a church, the cases of death are just but too much and not easy to comprehend.

6.3.3.1 Political Connections

The study sought to understand why the state is not raiding homesteads of the *varapi* (healers) and taking patients to clinic since the Public Health Act is very clear that access to health is a health security issue. The Constitution also defined the right to health as a fundamental Human Right issue. Raiding is one such strategy used by police where there is a suspicion of a crime. The mentioning of police raids was informed by grey areas in literature where JMAC members beat police officers during some leadership wrangles in

JMAC. The researcher wanted to understand if the act is theologically sanctioned. The study also sought to understand why the perpetrators were not arrested and charged for assaulting police officers on duty. Apart from police raids, the study wanted to understand why the government is not deploying its security arm to investigate historical allegations of Human Rights abuses in JMAC. The state is guided by the Minnesota Protocol on Investigations which set out principles to be adhered to when law enforcement is investigating cases. Whilst the UN raised concern over the death of Anna Machaya alias Memory Machaya (It was later discovered that the deceased was in fact Anna Machaya; and not Memory as claimed by her parents as they sought to defeat the course of justice. The two were cousins; Memory is alive and aged 22 years). On 7 July 2021, emphasis should have been on equipping and supporting Zimbabwe Republic Police to adhere to the Protocol. The much-needed justice on Machaya and Tapiwa Makore, also a case of religious ritual case which can only be achieved if the Minnesota Protocol on Investigations is adhered to. Here is what an interviewee had to say regarding the intervention of law enforcing agents in the JMAC:

The government cannot arrest God, is it the church that puts and removes the government. The state falls under the authority of JMAC; if it misbehaves, Mutumwa will simply remove it spiritually and replace it with another one. The government must serve God's purpose. We removed the Smith government for persecuting us and the liberation struggle was instructed by God to execute the removal in the physical realm. In 2017 we removed Mugabe from power for being ruled by his wife because the heavens were angry with that. What people saw in the streets was the manifestation of God in the physical realm. Kingdoms and kings are destroyed by women and God was angry with Mugabe for transferring church given authority to his wife. It is the church that gives political directions in the country.

We openly vote for ZANU PF because mwana wesangano (the party is a member of the church). By voting for it we will be putting it in the physical realm that is why the church can tell who is going to win the elections before people even cast their votes. So how can you talk of police raids or police investigations? Mutumwa sees things before they happen. Even if we beat them Mutumwa anobata munamoto nyaya yotopera (Marange's prayers would dilute the case and it dies off naturally). The problem is that some people do not understand the power that, Mutumwa has.

The president often calls Mutumwa seeking guidance and direction on how to run the country. We advise the president and you talk of investigations, what investigations? People must just leave us alone. The issue of Memory Machaya (real name Anna Machaya) inoshamisirei (is not unique), people die even in hospitals giving birth. The death of women dying giving birth has totally nothing to do with age, it is just unfortunate events and witches are the ones who cause these problems.

The issue of us defying COVID 19 regulations is a laughing matter. COVID 19 is a beast from the sea and the church has the solution and not the state because we are dealing with a demon a spiritual matter. What COVID 19 laws can you put on us if you do not even understand the problem that you are dealing with? It is a reminder that Satan is real and people must repent and join kereke yakadiwa Nashe (the church that was loved by God).

ZANU PF has never mentioned all these things you are talking about because they know what we are doing is right. In fact; we and ZANU PF fought alongside each other to dislodge the Smith regime. Where was MDC, NGOs, CSOs or UN that you are now telling me that they want to observe Human Rights? Whose Human Rights because in Marange we have our own teachings and they must be respected. Why should we take their values and not them taking ours? Mugabe akazviramba zvema rights zvenyu izvi (Mugabe refused to entertain these Western Human Rights you are peddling). But for real do you want us to be gays and lesbians because your Human Rights include key populations? Is God happy about Human Rights? People must read the reasons why Sodom and Gomorrah were destroyed. It is very clear that, God does not want to hear about your issue of Human Rights.

Do not ask about MDC Mutumwa clearly stated that we are ZANU PF and we vote for ZANU PF, that is what we do; simple. Any JMAC member who votes or contest under an MDC ticket is automatically expelled from the church. Go and ask Muzerengwe who defected to MDC and voted senator we expelled him from the church. Ma B ake takabvisa (we stripped him of his rank) and he became a nobody. Even if you win and occupy any position under MDC the position of the church remains unchanged. To make sure we win resoundingly we all register to vote and families are instructed to ensure that all their children have national identity cards and are fully registered. On the voting day, all fathers must lead their families to the polling stations and ensure that, each of the members vote for ZANU PF. We monitor our people, operation wavhotera papi (operation who did you vote for) and if we find out that you voted MDC, we take you to Gate 7 for discipline and then finally expel you from the church.

On taking positions in ZANU PF, ask the Manicaland Province ZANU PF cadres they will tell you that in Bocha musangano takabata (we are the pillars of ZANU PF in Bocha). Yes, women who are willing can take positions in the church as long as they seek divine nod from Mutumwa. In JMAC you do not just do what you want, you ask for the guidance from the prophets and Mutumwa. It is common even in our tradition that, before you travel you seek divine protection from your ancestors. This is a common practice to ask for permission and Mutumwa is the greatest prophet he can scan into your future and advise accordingly.

The issue of saying we do not recognize women is merely a political talk by those who hate us. Our women are there in key positions within ZANU PF and our women in church have positions. If they have positions it means that, they are leaders in their own right. Our women have 'Ma B' (ranks) in the JMAC. Their ranks include women

as varapi (healers) and vaporofita (prophetesses). JMAC recognizes and respects positions given to women by God for example the gift of prophesy and healing. Women congregate at the homes of varapi (healers); there is high recognition of women with special talents in JMAC. Prophetesses prophesy in the church and they stand at the gate to Bocha shrine screening people. However, people tend to create propaganda and end up believing in their own lies and even at state level; conspiracy theories are there and countries are struggling to deal with them.

For your benefit as non-JMAC members, I may need to explain to you the ranks in JMAC so that whenever you talk of ranks in JMAC you will be having full knowledge of what you will be talking about. The ranks in JMAC are AP meaning vavhangeri (preachers) at local level, APE are vavhangeri for gumano (preachers responsible for larger congregations), APEL muvhangeri wemagumano mashanu (a preacher overseeing five congregations), APELU leader of all vavhangeri ve pasika (an evangelist of high rank with responsibility over all other evangelists during the Passover). The APELU have direct access to Noah Taguta. These are key positions in JMAC and women do not occupy these key positions. The issue of gender relates to inferior positions

6.3.4 Issues of Discipline

Churches, organizations, states and interstate agents have their disciplinary procedures and protocols. The reason why the issue of discipline was inserted as a subject matter in this study is based on the treatment of women and children at Gate 7 in JMAC. Women are physically assaulted for various offenses and the nature of whips used is also a cause of concern. Women are beaten indiscriminately in violation of the sanctity of women's body. Girls are also beaten for various sexual misconducts and yet it is their right to choose to remain virgin or not. Parents are beaten for the misconduct of their children. All the factors combined generated more questions around the much-touted Number 7. Notably, the primary goal of this study was to identify all the theological teachings, practices and beliefs that impacts negatively on the rights of women and children.

Number 7 is for disciplinary issues and is mainly for prophets who would have violated the church doctrine. Those with three Vs are the ones whose issues are referred to Number 7. Mothers who let their children drop faeces everywhere at the Passover premises; those who engage in sexual behaviours at the Passover; those who steal at the Passover etc. It does not matter whether one is male or female. The majority of women are beaten for letting their children drop faeces everywhere. The beating of women indiscriminately violates the dignity of a women.

Whilst the issue of Number 7 was discussed in other informal discussions by the researcher, this engagement added other elements. The pointers raised help to explain various abuses

experienced by subjects of this study by the church itself. The Number 7 sets a very bad Human Rights precedence. These elements identified play a key role in informing the recommendations by this study.

The new data that emerged which complement the existing data previously collected in other informal engagements relates to parents having their ranks stripped because of the behaviour of their children. The removal of *ma B*(ranks) is meant to ensure that parents force their children to strictly adhere to JMAC doctrines. This helps to answer a grey area in study on why parents decide theological and social matters on behalf of their children. The other aspects relate to those caught doing sexual misconduct at the shrine. This also applies to married couples. There is no form of sexual relationship that is allowed at the shrine. Those caught are referred to Number 7 where they will be beaten thoroughly.

The other component which came out relates to thieving at the shrine. The majority of thieving cases involve minors who, because of socio-economic deprivation at home, would be attracted to other people's foodstuffs. At Number 7 they beat these minors as if they are beating an adult and this is also influenced by the church doctrine on children which equate them to bricks. Also mentioned above is the indiscriminate beating up of women. The integrity and self-esteem of a woman is grossly violated.

6.3.5 Romance, Indecent Exposure and Virginity Loss

The study in trying to identify how some of the practices in JMAC help to protect girls from abuse came across a very important aspect of romance, indecent exposure and loss of virginity that obtains within the church. Whilst there are concerns around virginity testing in JMAC, translating to the church's efforts to protect the girl child from sexual abuse, during the informal interactions in Bocha it came out that:

In JMAC you can only have sexual intercourse with a woman who is your wife. Premarital sex and fornication are strictly prohibited such that if JMAC improves on the legal age of marriage it has a strong mechanism to protect the girl child from sexual abuse. To ensure that the unmarried girls are not sexually abused the church conduct regular virginity test on girls. Parents with ranks risk having the ranks stripped off for bad socialization of their daughters.

The church is also strict on romance with any woman other than one's wife. JMAC strictly prohibits romance among unmarried individuals. The church tries by all means to cut the temptation of fornication, premarital sex and adultery. The church's principle is; marry and have romance within the auspices of marriage. It is a crime to touch a woman's body with whom one is not married to. Once the prophets pick it up, the girl is instructed to bring the man who touched her breast and the church instruct for immediate marriage. A number of men take advantage of this; and touch the breasts of minors knowingly that the church would make them marry them. In some cases, if a woman turns down the men's proposal, he will forcibly touch his body especially her breast knowingly that at the next Passover the woman would be forced to marry him by the church's doctrine.

In the event that the men who deflowered or touched her breast is not from the church, the girl concerned is married off to any willing member of the church. The gwiti or touching of the breast does tremendously disempower the girl child; making them more vulnerable. Even virgins are not immune to forced marriages.

Men in JMAC are not allowed to put on underwear in their garments. If a man put on underwear in JMAC and the prophets notice it, the concerned person would be sent to gate 7 to be beaten thoroughly. The men without underwear sit on the front row facing girls. The idea is to lure girls through their manhood, even though indecent exposure is a criminal offense in JMAC.

6.4 Respondent KIIiv on the General Sentiment about JMAC Doctrine

The study in this section wanted to explore various mind maps with regard to JMAC doctrine. The responses on the impact and effects of the doctrine on the JMAC followers help the study to categorize whether the doctrine can be said to be radical or not. The perspectives were derived from non-JMAC societies who live together with members of JMAC. The feedback is very important in informing the recommendation of the study and on the conclusion of various objectives of the study.

The respondent on JMAC doctrine revealed that:

The JMAC doctrine enslaves people. JMAC members do not have an independent life. Congregants are too narrow and almost linear in terms of the way they see things in life. The way JMAC women for example defend polygamy and most doctrines that enslave them is shocking. It also promotes lazy men and workaholic women. Only women in JMAC work and the main role of men is to marry many wives and satisfy them sexually. It is the duty of the women to feed and look after their families. Men demands unnecessary attention from their wives and their demand for too many plates are driven by greedy and the desire to create unsustainable competition amongst the wives in the polygamous marriage union.

6.4.1 Are they good citizens?

They are good citizens in that, their narrowness in terms of how they see things make them follow religiously what their leader says. Their leader believes that leadership is from God and the only party that they work with, is ZANU PF. Whatever, the leader says, they all follow and they do not do anything without the approval of their leader.

They are good citizens when it comes to working with the government of the day. Whoever does opposition politics is stripped off any rank in the church for defying Johanne Marange. Senator Muzerengwa was stripped off of all the positions and ranks in the church and he became an ordinary member. Dr Christopher Mushowe who is Methodist but a member of the Bocha community, the headquarters of JMAC; had his political support by JMAC cut off when Mugabe was removed from power. The church did not want to be seen to be furthering Mugabeism against the incumbent. Various accusations of deceit and political lies started to emerge against Mushowe by members of JMAC. Mutumwa picked an ordinary member of the church and declared that from today you are now our member of parliament who will be representing our interests. Let me take this opportunity to correct the misconception on Mushowe as a lot of people think he is a JMAC member because of his association with JMAC church. Mushowe was Mugabe's confidante and was his point person with the JMAC. Mushowe is from Marange area and not from Marange church. He is Methodist.

6.5 KIIv on What the JMAC does Right and What it Does Wrong

The KIIv gave his opinion on JMAC in terms of things that the church does right and those that need to be revised. This was done to guide the recommendations of this study on what JMAC believers think about their own church doctrines. The researcher wanted to triangulate his abstract recommendations with what people who interact and are former members of the church had to say.

6.5.1 Marital Rights

It is important to appreciate and strengthen those religious practices that protect the sexual rights of women in JMAC. In JMAC it is an offense for a man to deny sex any of his wives. It is the church's position that a man must fully satisfy his wives. The church discourages men from working because he will get tired and fail to satisfy his wives. The church promotes equal access to sex by all married women. The church maintains that it is a sin and a crime to deny a wife sex. A woman is allowed to report the husband for denying her sexual rights. The woman has the right to be heard and in promoting fairness the husband is called to give the side of his story. In Manyika they say *chitekedi chinyepi chimwe chisipo* (two sides must be heard in any case).

The church provides counselling and psycho-social support to women who report their husbands. The respondent denied that, the church has cells to lock those who deny their women sexual rights. Instead, the church assumes the role of aunties and unfortunately the composition of the court will be male. JMAC members believe in the fairness of issues as men compete to outshine each other as capable leaders. Justice to women usually comes as an indirect benefit from men who will be showcasing their abilities to reason more than the other. The more a man is capable of handling delicate issues the more his chances of rising up in terms of church ranks. Usually, they pick from those men with many wives and living an exemplary life.

6.5.2 Hardworking Women

JMAC creates women who work hard for their families. Their life skills result in JMAC families living better lives economically than non-JMAC members. Even in the event that they widowed, JMAC women are able to cope since they are used to be breadwinning for their families. More encouragement should be done however to men so that also work for their families. In JMAC women have the sole prerogative to look after their families. Since most JMAC women are not educated and gainfully employed, they are unable to take their children up to secondary level and the majority of school dropouts occur from grade 4 to 7. To relieve pressure of upkeep of bigger families, women would be forced by circumstances to agree with their husbands to marry off their minor children. Issues of sustainable livelihoods contribute immensely to child marriages. The majority of JMAC women quickly get old because of too much menial labour. The socio-economic conditions in Zimbabwe make big families unsustainable. The majority of non-JMAC families have small families and they are on family planning. In JMAC family planning methods are equated to murder and going against nature.

JMAC teaches love and harmony within the families in order to achieve a unity of purpose. It is out of love that, they cook and provide for their husband despite him just seated at home, eating and having sex.

6.5.3 Children as Commercial Assets

The effort must put on changing the names and perceptions on children. The names used to describe children have an impact on their rights for example calling children bricks. Whilst

children are considered bricks, those who survive are a commercial asset to the families. Marriage on the other hand is a method of cushioning lives as big families are sources of labour and children are married to richer families and in turn those rich families would cushion their in-laws.

6.5.4 Polygamy

Equality amongst women in a polygamous relationship must be promoted. In a polygamous life; the eldest wife is in-charge of other wives. She teaches them discipline, obedience to the church and husband, entrepreneurship, in case the husband brings anything she is the one who distributes to other wives, in most cases she is the one who selects and proposes love to other women/girls on his husband's behalf. Other wives are obliged to obey the eldest women.

6.5.5 Divorce

Women must be allowed to divorce their husbands without them being expelled from the church. Similarly, men should be allowed to divorce their wives than to abuse them so that they initiate divorce resulting in them expelled from the church. On divorce, the church clearly states that, no man is allowed to divorce a wife because of witchcraft but because of infidelity.

The doctrine of the right be to heard must be maintained in JMAC. In JMAC no woman is allowed to have an extra marital affair. However, men must provide enough evidence of infidelity, otherwise the permission to divorce is very difficult to obtain. In JMAC marriage is very easy than to initiate the process of divorce. A majority of those who got expelled from JMAC permanently; the reasons tend to revolve around their failure to manage divorce issues. This is done to protect family relations since the majority of marriages occur within the church. Women benefit by extension whilst the church tries to protect the interests of other church family members who would have been grieved by ill-treatment of their daughters. Additionally, JMAC as a church grow from reproduction within the church. The church encourages more marriages, children and it prohibits unjust divorce.

6.5.6 Women and position in church

The JMAC leader's wife does not occupy any position in the church. She can be *murapi* (healer) or *muporofita* (a prophetess) that is if she has that gift from God. The only time a woman stands in front of men; is when she is prophesying and healing. She is not treated better than any other woman in the church and she even sits with the rest of other women. There is no lady who is allowed to stand in front of the church and preach. Women and children are treated the same in JMAC. In the secular life the wife of the president or king has a special role in the society. This is also unlike in the Pentecostal churches where; the wife of the prophet becomes the prophetess and occupies a mother figure in the church. This is because JMAC is purely patriarchal; and the church is very clear that no man who is ruled by a wife will enter the kingdom of God or is allowed to occupy any church position. In addition, any man who takes advice from his wife will fall from the grace of God like Adam.

When a woman who in a senior government position visits JMAC; she is never allowed to sit at the same table with Johanne Marange during the church service. JMAC is very clear with regard to the sitting positions of women in church. The women dignitary can only be closer to Marange after the service and not during the service. The former Vice President Joyce Mujuru visited the Marange shrine numerous times but would never sit on the same table with the JMAC leader during the church service. No man mixes with women during service, the boundaries are very clear. That is how strict JMAC is as a church on women and children.

When a president visits the Bocha shrine during the Passover, he is seated in the front roll together with *Vabhabhatidzi* (Baptists). He is able to occupy such seats because he is male.

6.5.7 Inheritance of Church Positions

There is overall disgruntlement within the church over issues of inheriting church positions. In the event of the death of the JMAC leader Johanne Marange he is succeeded by one of his male siblings. There is not female sibling who would succeed the father's leadership position in the church. Besides the process is not smooth, it has a lot of fights, witchcraft and litigations. The major question is that, if the positions in JMAC are a gift from God, how is that gift inheritable. The other members of the church believe that, prophesy and healing for example are gifts from God but in JMAC upon the death of a prophet or healer, he is succeeded by his son. The issues of inheritance are a threat to the future of JMAC. The issue of yafa yabara (son taking

over from the father) is widely viewed as heresy. The majority of people have left the church because of such a practice. The gift of God is not given through blood line as is obtaining in JMAC.

6.5.8 JMAC and Politics

The nationalistic standpoint of JMAC backdates to the 1930s when the church was formed to fight all forms of religious domination by the white settlers. AIC leaders were arrested and harassed by the colonial government for advocating for indigenous churches, the same way the nationalists were ill-treated for demanding political and economic independence. The relationship between ZANU PF and JMAC are based on the shared liberation value systems.

The issue of Dr Christopher Mushowe is given as an example of how popular JMAC leader is, in determining the political direction of the country. Marange told Mushowe that his church was withdrawing its support on him because he was a liar who made unfulfilled promises to JMAC. Mushowe lost elections in Bocha and JMAC use him as a reference to how powerful their leader is in determining the political direction of this country. JMAC followers follow the JMAC leader's word. His situation was further compounded by the fact that he is United Methodist belonging to the UMC and attends services at Inner City. The JMAC now prefers their own church members that they have total control over.

6.6 Various Perspectives from Non-State Actors on Child Marriages

In line with the objective on recommendations to the study, this research engaged non state actors on their various social media platforms since the research adopted a non-formal engagement. The purpose of data mining approach was to allow a free flow of ideas and divergent perspectives from the non-state constituency which encompasses NGOs, CSOs and the academic world. The researcher engaged the audience using a recent and emotive story covered by Manica Post publication of a 14-year-old Memory Machaya (real name Anna Machaya) who was married to Hatirarami Momberume aged 26 years alias Evans Momberume a relative to JMAC founder. Memory reportedly died around 9 AM on 15 July 2021 and was secretly buried two hours later. As if that was not enough, Anna's parents Edmore Machaya (45) and Shy Mabika (36) reportedly offered their nine-year-old daughter to Hatirarami Momberume (26) as her late sister's replacement (*chigadzamapfihwa*). The story drew the attention of the government departments, ordinary citizens, CSOs, NGOs and United Nations Zimbabwe amongst others. On the 19th of August 2021, the Zimbabwe Republic Police (ZRP) through its Press, Public and International Relations Senior Staff Officer Assistant Commissioner Paul

Nyathi issued a press statement informing the public about the arrest of Hatirarami Momberume for contravening section 70 as well as Edmore Machaya and Shy Mabika for pledging a minor for marriage as well as attempting to defeat the course of justice by claiming that the woman who died at child bearing was Memory Machaya (22). Police investigations revealed that Memory was Machaya is a daughter to the late Anna's uncle Ernest Machaya. Memory Machaya aged 22 years is alive and married to Lameck Makonye alias Sigodhla aged 54 years in Mhondoro. It is worth noting that this is one case involving members of JMAC that the law enforcement agents have followed with keen interest, probably due to the public outcry over the death of the minor whilst giving birth.

Over the death of the 14-year-old Anna Machaya whilst giving birth, various perspectives emerged from the civil society. Some proposed hard-line interventions and some proposed engagement over retribution. These various and divergent perspectives obtained through data mining from social media perspectives help to shape recommendations in this study. The contributions from various non state actors help to harness the mind maps of various quotas of the societies in terms of what they believe is the best approach to confront issues of child marriages.

Group Respondent (GR) 1... Yes, policies are good for ensuring that pregnant mothers have access to health care but let us not just look at the death of this child as pointing to the lack of a health policy. The main cause here is child marriage. They are children not mothers, wives or sexual partners. Child marriages must be condemned in its totality.

GR 2...I think as NGOs and CSOs we need to look seriously at what we advocate for. One time we are asking for laws and policies to be reviewed so children can access services. When we say children can consent to sex before the age of majority those are some of the consequences we get. We need to be focussed when advocating on what to be done with and for children who get pregnant whilst at school, that is; should they be allowed back to school or not. Are we not promoting sexual intercourse with minors? By saying sexual consent is 16 years and marriageable age is 18 years, is this not a self-contradiction to say have sex with children aged 16 years but don't marry them. We as non-state actors we have failed to be role models. Very sad, we are advocating for the sexual child rights to apply to minors without having a strategic foresight.

GR 3...For the first time in history we spoke as one voice for Memory Machaya (real name Anna Machaya), government, civil society, media, rights activist, ZRP, law makers, the UN and many more. The combined effort did send a signal to JMAC and Vadzidzi VeChishanu in Goora who have recently adopted the concept of arranged

marriages following the death of Madzibaba Wimbo. The wholesale intervention will correct the belief amongst JMAC members that they are invincible and immune to the law. The Rabauma and Vaparidzi have been telling their followers that the church is supreme to the state and it is Johanne Marange who put and remove leaders from power.

GR 4...What happened to Memory Machaya (real name Anna Machaya) is very difficult to classify, whether it is child marriage; rape, murder, forced marriage, culpable homicide or child abuse. Whilst the government is against child marriage it is yet to define the essential elements of what constitute the crimes of child marriage. The majority of cases are dying a natural death in courts after the minor tells the court that she was not raped but the sex was consensual. The other challenge of applying the law is that, whoever reports JMAC theology to secular authority is excommunicated from the church and subsequently from the family. The ministry of social welfare services in Zimbabwe is dysfunctional and is failing to perform its mandate of providing social and material protection to the victims. The institutions created to respond to women and children's rights are poorly funded, rendering them white elephants. The UN and other international organisations must put more funds towards child rights by empowering government organs created to eradicate women and child rights abuses. As long as children in JMAC are not empowered it will be difficult for them to speak out on their abuses. We need to empower communities and psycho-social support systems like BEAM must be more visible amongst JMAC children. And more Child rights awareness in rural and in churches must be bankrolled. And also, economic empowerment

GR 3...JMAC congregants are very religiously stubborn people who knew that what needs to be done but they take advantage of inaction by the state to cascade evil theological practices. They are aware that children are human beings and not bricks; and that children are not wives, mothers or parents. In some of their sermons they do preach against child marriages and these sermons do not have any impact in JMAC unless the JMAC leader speaks. JMAC in terms of authority is like Roman Catholic Church where unless the pope speaks or declares the church doctrine remains static. On child marriages, I don't think this is still a question of lack of knowledge / information in this branch and its leadership. To me it's an issue of stubbornness hiding behind faith. The law needs to bite this time around, if the theology of JMAC is to change. Marange church goers are evil, stubborn and very arrogant people who even physically assaults police officers, hide perpetrators and openly defy the government. The government must be firm on church doctrines and more engagements must be done using a whole of government approach were all systems of government and non-state elements combine effort to condemn women and child abuses theologically.

GR 1...The problem of secular intervention is that they scratch on the surface of the problem. JMAC is very clear that, any JMAC member who reports church issues or cooperate with the secular authority will be excommunicated from the church permanently. This is a closed religious society with its own laws and courts. A leader there can excommunicate the accused's family and there will be nowhere to run. They are afraid of the leader not the police who can arrest the physical body. They are

afraid of the unseen mental arrest. So, if there has to be change it must start with engagement to listen, listen and give views not judging. That way steps can begin, it is a life journey not an event to transform JMAC theology; if arrests are to be made then the prisons will be overwhelmed because almost every woman in JMAC was married as a minor. To what extent will the arrest stretch, since we are dealing with a historical crime that backdates to 1930s.

GR 4...The journey may seem to be long but it is a community engagement that we must all be involved in for a positive change. The issue of child marriages was extensively written by scholars and civil society without the government being moved by these research findings. In Hurugwe community engagement by key advocacy groups has little change as some girls are now being allowed to go to secondary school. Some are even taking it upon themselves to fight being married off and the resistance is paying off. We need to move on and not wish the whole branches cruel unrepentant and not worth engaging. They are part of the solution to the problem of child marriages

GR 5...The use of hard power, like police and even UN agencies would only reduce the whole intervention to an academic exercise. We have been following this fruitful conversation by NGOs, government, Church organisations and UN agencies if the approach is retributive or restorative; in the end nothing will change. JMAC congregants are more radicalised and they are prepared to be martyrs in defence of their doctrine than to be forced to obey the secular authority. At the end of it all, JMAC followers only obey their leader and not any secular authority including the President himself because it is the church's position that, the state is subject to the JMAC church they can put or remove it whenever they feel it is no longer serving its purpose. This is why they have been congregating in violation of the COVID 19 regulations.

GR 1...The government is using wrong mediums in its communication because most JMAC followers are illiterate, they do not buy newspapers, listen to radios and they are not on social media platforms. Whatever, the government is saying their medium is ineffective because the government is using improper channels of communication. The story of child abuse is awash in various media houses but it hasn't reached JMAC followers. They only listen to what the church founder says or instruct them to do.

GR 6...Why are village heads and Chiefs who were given vehicles by the government not intervening since they are the direct custodians of people who live within their societies. Why not scale up their role on preventing child marriages. We need to revive the ubuntu philosophy which says the child belongs to the community and it takes the community to raise a child. This English culture of saying your child is your child has seen people ignoring to report these violations. In the colonial era the Rhodesian government would appoint Native Commissioner to micro manage societal ills together with the local structures. The village heads, councillors, members of the special constabularies, Chiefs must be given support and proper channels to report women and child abuses within their jurisdictions.

GR 7...*The engagement of local leadership has empirical evidence of its effectiveness on traditional healers and the Chiredzi community that was practising genital mutilation. Chiredzi used to have a whole lot of female genital mutilation practices and virginity testing. To resolve this toxic cultural practice, the communities and NGOs set down with chiefs and came up with memorandum of understanding hereinafter MOU that they would not do it to girls below 18 years. It was also resolved that, once they are adults they can "choose". The MOU is well documented signed and filed and for me that's a fair solution and compromise. The JMAC leadership the JAMAC leader and the Lieubumahs who are the advisors and the intelligence wing of Johanne Marange must be engaged and a compromise be reached taking into account the Chiredzi model. Child marriage is rape and resulting in death of minors especially when she is denied access to hospital. I do not really think the Marange issue is a national health policy issue and age of consent issue because the laws are very clear on that, it is an implementing matrix.*

GR 4...*The Machaya issue exposed the lack of coordination at governmental level in responding to child marriage issues and the implementation of existing laws and policies. The Machaya case fell under various ministries and government departments and no one ministry or organ was solely and wholly accountable. The Ministry of Gender and Women Affairs, Ministry of Youths and Sports, Ministry of Home Affairs, Ministry of State Security, Ministry of Healthy and Child Care, Ministry of Justice and Parliamentary Affairs, Ministry of Information and Broadcasting Services, National Aids Council, United Nations have a stake in the matter. The Ministry of Gender and Women Affairs on the basis that they were dealing with a woman though minor since she had a family. Ministry of Youth, Sports and culture because Machaya was a youth who was forced into marriage by JMAC theology and practice. Ministry of Home Affairs and Cultural Heritage since they are the ones who effect arrest and investigate crimes before they are presented to courts since we are dealing with a case of possible rape, culpable homicide, GBV amongst other essential elements of the crime, Ministry of State Security since health security matters are a national security item. Ministry of Healthy and Child Care since we are dealing with issues of maternal health and child care. Ministry of Justice and Parliamentary Affairs since the case shall involve courts, stiffer penalties to offenders and the harmonisation of marriage laws which the public feel it's long overdue. Ministry of Information and Broadcasting Services the government mouthpiece in terms of information dissemination, National Aids Council in terms of HIV/AIDS as a result of forced marriages and refusal to use protection and family planning. United Nations as the custodian of universal Human Rights, treaties, conventions and protocols. The government of Zimbabwe has a fairly progressive National Adolescent Health Strategy which must be fully implemented especially in the religious sector. The issue here is of old man marrying minors impregnating them and then denying them access to health services under the cover of church doctrines.*

GR 2.... *Since JMAC allows their members to attain primary education, the schools must be sources of intelligence on child abuses. The pedagogical training received by teachers place them at a vantage position to deal with these abuses. We need to create an environment where even school children can report if they suspect that one of them*

has been married off, villagers to make it normal to report any cases involving under-age girls. We must start from somewhere. This issue has created emotions on various social media platforms, it is the most topical issue at the moment, some are blaming politics and political parties that they go to the shrines and allow these things to happen as they want the vote because the apostolic faith sector has a significant number of people among voters. Others are blaming the family unity, as they say it begins there! However, is anyone above the law, if Kereke was arrested, Gumbura was arrested, the police must continue with arrest of such rapists until our prisons overflow and stiffer sentences. Just thinking aloud because these issues cannot be ignored.

GR 5...We might say it's not supported by data, but facts are that child marriage and women rights abuses in AICs and JMAC in particular is an issue for concern. Since JMAC is a highly closed society, the fact that there is no data yet on the quantum of child marriages in JMAC the government must engage JMAC leader and also support research. In JMAC child marriages, child mortality, neo natal deaths, is the order of the day and the death of Memory Machaya and the ever-escalating cases of women and child abuses should point us towards research and gathering data. There are a number of criminal behaviours that have been normalised in JMAC and many other AICs. Truthfully speaking, a 14 and 10-year-old is too young for marriage and her body is not ready to carry pregnancy, that's a baby and a child and the practice of child marriages should be stopped.

GR 3...If it's about respect for their beliefs, why can't they marry as many wives as they want once the girls are 18 and above (adults). We keep beliefs and values that holds communities and make us better traditionally kugara Nhaka (taking the deceased relative's wife) and kuripa ngozi (paying avenging spirit with virgin girls) was order of the day but communities recognized we needed to change and it has since changed to a greater extent. This is 21st century, values are agreed on by people and can be changed as time progressively transform people and societies especially when the concerned tradition, practice or custom do more harm than good.

GR 1...The abuses in JMAC are not knew that have been a front-page item at many forums but the government has not made remarkable efforts to engage the JMAC communities. The JMAC issue is more political than policy issue and if the government of the day really wanted to end this, we would be far but it became a numbers game (voting) so they give it a blind eye. As long the almost a million JMAC followers' political theology is open that the church support ZANU PF and any of its members who support opposition privately or openly is automatically expelled from the church, ZANU PF would not dare disturb its key voting constituency. In Zimbabwe or any African state, political interests supersedes any other national interests, it is the constant variable and all other elements of human existence are dependable variables.

GR 6...Quite a thought-provoking discussion going on. I think with ongoing engagements with communities, stakeholders and policy makers we will get there. Rome was not built in a day. We should also appreciate that there have been significant positive changes in these sects for example they have built St Noah School. This is a positive step given that, the JMAC theology is zealotistic in nature and scope. The

communities who live with JMAC members have tales to tell. The indoctrination is deep rooted and toxic, not easy to win the members hearts. The life in JMAC revolves around Mutumwa to whom they can die defending the theology of pledges/vows is very dangerous one where a member opts to die than to violate JMAC theology. With well-coordinated strategies and research work the war can be won.

GR 7...The majority of women are beginning to appreciate the importance of vaccination and family planning methods. What they do not want is to be exposed, the government need to think outside the box and reach to members of JMAC through community health workers or through engaging community health workers. In 2019 there was an outreach to vaccinate the children and when they reach at Marange there was a gungano (congregation) they asked for vaccination of their children you know what they were told to go by the elders. And when they were about to leave the some of the ladies would secretly come to the outreach nurses' vehicles and told them to go and park at a distance they will come during dead hours with their children for vaccination. The nurses ended up complaining after they were overwhelmed, and they would come one by one so that they would not be detected. And if the team did not improvise and work in terms of normal duties they would not have achieved their goal. If there is evidence of positive engagements, the government must fund more CBO activities so that, the communities educate each other on the dangers of child marriages and various women rights abuses. There is no budget at fiscus level an indication that, the fight against child marriage and women abuses is far from being over. The UN agencies instead of playing a megaphone role they must support and fund the existing community structures. They would have supporting chiefs with servicing of their vehicles and fuel to empower them to carry out their traditional duties effectively. Whilst the UN is condemning the abuses on women and children they are not fully and sustainably, supporting the sector. Condemning and peer reviewing states without meaningful intervention reduces the whole exercise to be an academic one.

GR 4...Please lawyers tell us. I don't understand are church systems above the law? Surely how can the so-called status symbol be encouraged in marrying an underage girl, rape etc in the disguise of customary law?

GR 2...In as much the issue of Machaya is highly emotive issue; the approach to it requires strategic foresight. The hard-line approach has reaching implications as the country had made strides in engaging the apostolic branch for a positive church. The attendance by the President or his nominee is a public relations posture meant to create rapport which makes it easier for government departments, CSOs and NGOs to engage the closed society of religion for positive outcome. The advice is; while the circumstances surrounding the passing on of Memory Machaya, let's not make it a Apostolic first, it is a family issue before it is a community issue. Drawing our conclusions by association only may cost us the gains made so far working and partnering with the Apostolic Faith Communities. We respectfully need each key stakeholder on the table to put an end barrier hindering the Memories of this world to access health services. We are in it together

GR 1...*Ending child marriage cycle can only be achieved if mothers are engaged and made to understand that child marriages are the ones that are causing the challenges they are facing. JMAC blames the deaths, miscarriages and neo natal deaths to witchcraft. Women were diverted from the real challenges affecting them. Because of the historical nature of the problem; parents no longer see it as a sin because they saw their parents, grandparents and their great grandparents doing that. It is now more of a norm than a problem that a child can be married at 9 years and conceive a baby. When you grow up seeing your mother in a polygamous life it becomes usual for them to register in their mind that polygamy, being married as a child, not going to clinic or going to school is normal. It's now registered in a grade 7 child that very soon she is going to start my own family. They are groomed that you don't refuse what your parents or elders of the church say to you. The African adages which says if you go against your mother you will struck by an avenging spirit (kutanda botso). You have to put on sacks and rags, moving around the community shouting that, I have beat or shout at my mother and they will give rapoko till the bucket if full but before they give you they must first beat you and scold at you. At the end you will have to brew beer and the uncles will make you pay if you are to remove the curse. These myths make children to fear to challenge their parents, especially the mother. The JMAC doctrine brainwash the mother hence child marriages easily occur and concealed. On the other hand, going against the church elders is viewed as going against the Holy Spirit or God himself. If you want to voice as a child, they will quickly say you are demon possessed you need deliverance and you be taken to the church for more prayers.*

GR 7...*The husbands have absolute power in the household, even if children die enmasse the husband still maintain that, there is no disease that the church cannot heal. The JMAC members strongly believe in their religion and to them church solve all their problems. What about prevention of mother to child transmission; and immunisation; since they do not go to hospitals? It's a complex issue than what meet the eye, if the law is applied, is it feasible to arrest 20 000 plus abusers? They will need a massive correctional facility to be built. So, what is the way forward? The answer is Engagement and nothing else.*

GR 6...*The health facilities must innovate to accommodate the members of JMAC. The ministry of health and child care must relax some of its laws, of being strict on the nurse in case of death whilst giving birth. This waiver should apply in a case involving JMAC members whose pregnant mothers must be allowed to sneak into hospitals and clinic and deliver their babies. To some JMAC members they are beginning to appreciate the importance of healthcare and are ready to access these facilities secretly. They fear their fellow church members. Nurses must also privately train their traditional midwives. On family planning they can be administered depo and the nurse keep the card privately. Usually men don't carry all their wives to church functions and that's the opportune moment to engage the remaining women and once they begin to realise the benefits of immunisation gradually the radical elements and perception change will be achieved.*

GR 2...*The Constitution of Zimbabwe and JMAC theology are also facilitating and endangering the rights of children. The Constitution states that, parents determine for their children the religion and tradition to follow. It is now legally supported that; the church of the parents is automatically the church of the children. Children do not have any choice on the subject matter. The law should have considered either first to transform theologies or put in place measures that makes it difficult for theology to violate the rights of children. Children must be allowed to choose religion of their own choice. A lot of children want to run away but they have nowhere to go due to economic hardship and strained family relations.*

GR 4...*This topic is quite emotive and some of the people involved with these minors are well respected leaders in society but belong to some religious sects which condone this practice. To stamp this out parents of these young girls have to be empowered both economically and socially because these minors are married off to men of means. In this era of corruption even if you report them, they can buy their freedom. The issue of Tapiwa Makore is a classical case, money exchanged hands and the docket was shabbily done to kill prosecution. Some police officers and the judiciary members have become cheaply corrupt, and you can only be arrested and prosecuted if you don't have money.*

GR 3...*Very true they don't care about child mortality but a few are beginning to open up. A girl aged 18 once said, she was accused of having an anti-marriage spirit for being 18 years and being single. She had step moms below 12 and if a girl runaway from an abusive marriage you will be beaten at church by vadare meaning judges till you go back to your husband. Interestingly, parents do not easily accept their own children who return from their husbands. They argue that, they will influence other children because it is regarded to be a spirit to return from marriage. The majority of JMAC women had to endure toxic marriages because they fear their own homes. The level of vulnerability is a contributing factor.*

GR 7...*There are a number of unrecorded suicide cases where minors and women end up committing suicide due to excessive abuses. Imagine being beaten by vadare and what about at home. These minors are being subjected to all sorts of abuses physically and psychologically. Imagine calling a child a brick if it breaks, we will mould another when he/she fell sick and if he/she dies imagine blocking the mother from crying. The harsh words they use on their wives and children are so heart-breaking. The women spend the whole day selling bananas and madhumbwe so that she cooks the best food for the husband so that he eats with other men. If the food is little the mother and the children are the ones who go hungry. There is gross violation of women and children's rights sadly our politicians are entangled in this mess and conflicted because the apostolic churchcommunity votes and if their leader says let's vote for this person, he/she will protect us they do vote and they have a potentially swinging vote.*

GR 5...*The goal is really not to castigate the apostolic faith or anyone, we want a community that protects each other within their beliefs but guided by national health policies. I know emotions are running high right now but Zimbabwe being Zimbabwe,*

Memory Machaya will just be a #Hashtag and statistic like Tapiwa Makore's murder case. The murder confessed but the case is dying a natural death. Emotions not supported by data and political will; may not save our children's lives. We are at a time we must come up with solid solutions. Policies that do not end up pushing people underground. The faith communities have shown over the years the willingness to engage and have done so well. There are still gaps such as this and glad that the, The Child Justice Bill talks about this.

GR 1...The role of research cannot be understated. Has there be any research conducted to find out how many girls forced in these death trap marriages have died over the years, causes of death, mitigation and what happened to the perpetrators? The starting point is to research about the problem.

GR 3...In JMAC if a child dies at the homestead of the murapi meaning healer, you either burry her quietly or if you wish to bury at your own home the mother is told to carry the dead body on her back and pretend as if she/he is alive. Image the pain of carrying a dead child on your back and expected to smile all the way so that people do not suspect. Those who die whilst giving birth they are buried instantly because they are not considered a human being. JMAC thrives on concealing things.

GR 5... The problem is that, Zimbabwe is a dual law country and when we say a country is a dual law country it means there are two laws that are bind and are operational in Zimbabwe. The two laws are customary law and Roman Dutch Law. Roman Dutch as it operated in Cape town sometime June 1891 means those that want to practice Roman Dutch Law can practice it and those that want to practice the Customary Law they can also practice it. And generally Customary law is practised in areas that practise customary law and in Zimbabwe people and societies can choose to practise customary law. As long is accepted by the people and recognised as a custom at law that will be the fact. On the issue of age there is rebuttable presumption that a child between the age of 14 and 16 may consent to sex but that is rebuttable given the circumstances. Rebuttable means it can be refuted or it can be challenged that's why we have statutory rape. You may concede or a girl 14-16 may concede to having sex but then it is considered statutory rape because our statutes stipulates that, you cannot have sex with someone under the age of 16. The law might say statutory rape but in customary law a woman that has undergone puberty is presumed to have the capacity to get married. There is clash between customary law and Roman Dutch Law and the Bocha community is using the Customary Laws. The AICs in Zimbabwe follow the customary law unlike orthodox churches. In JMAC marrying many wives, minors are known and is accepted hence it's now a custom. The law is agreeable with the customary practices. The issue of child abuse and rights denial in Marange should be understood in this context.

GR 6...the biggest problem in Zimbabwe is that, we don't know things to major on, we major on the minor. The problem in Zimbabwe is that people are highly legally illiterate they don't understand the laws that govern them and their time is spent glued on social media socialite's news. The referendum that citizens rejected in 2000 was the

one that was supposed to rectify all these legal anomalies. If a person is a minor and is 14 years; the Minister of Justice can sign for that person to get married. The problem is that in churches, they are attended by key government officials who are reluctant to review church theologies for personal and political expedience. On child marriages in Marange the church has Commissioners of Oath who can act on behalf of the Minister of Justice therefore we agreed to marry the 14-year olds because they consented to sex and marriage. At law Commissioners of Oath are part of the judiciary system and they have representation powers. At law even if arrests are to be made it is very difficult to convict them unless laws are amended. In Zimbabwe a 14-year-old can be married and it will be legal. In Zimbabwe a 13-year-old can consent to sex but if sleep with her its considered statutory rape, what a legal contradiction and rape is on a 12 year and below. From 13 to 16 years the minor can consent to sex and the majority of sex offenders are getting away with it after the minor tell the court that I consented and is my husband. Some are given light sentences like community service. On the other hand, a 13-16-year-old can be married under customary law which is recognised in Zimbabwe. Customary marriage has no age limits but uses puberty as a yardstick. In JMAC they use customary marriage and at law they are not guilty of anything.

The data obtained from the informal engagements help to guide the study when answering the objective on the recommendations for the study. The Memory Machaya (real name Anna Machaya) case helped the country to relook and reflect on church theologies that violate the rights of women and children. The abuse of women and children within religious settings is a front-page item globally. States are reluctant to confront the religions because they are their key voting constituencies, and most of these religious groupings tend to appeal to political powers for protection.

6.7 Chapter Summary

The chapter was able to informally engage the Bocha community and non-state actors with the view to complement observation towards filling literature gaps. The available literature on JMAC could not sufficiently answer on the nature of the relationship that exists between JMAC theology and Human Rights abuse on women and children. This study is novel in linking theology and the law and how the relationship impacts on the rights of women and children. The next Chapter is on Summary of the Study, Conclusion and Recommendations to the Study.

CHAPTER SEVEN

RESEARCH SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

7.0 Introduction

Chapter six was able to present data and analyse it. Whilst analysing data, key research gaps were identified and formed the basis for the recommendation by the study. This chapter now gives summary of the research, conclusion and recommendations to the study.

7.1 Research Summary

7.1.1 Chapter One: Introduction and Problem Manifestation

Chapter one was able to give an introduction and background to the problem manifestation in the study. The study enlightened on how the interface between theology and Human Rights has a detrimental impact on the rights of women and children in Zimbabwe. The research also formulated objectives of the study to guide the research and two theoretical frameworks were identified. The research further made presumptions for the study and the relevance of the study which determined the beneficiaries of the study. The limitations to the study and their corresponding solutions were also tackled. The study also laid the foundation for research methodology which adopted qualitative research and the data gathering tools were informal because the study was predominantly a desktop research with non-human element. However, in order to address the noted research gaps, the researcher visited the Johanne Marange Apostolic church headquarters in Bocha and carried out informal interactions with the Church membership to obtain primary data as well as the triangulation of desk top secondary data. The need for research ethical clearance was therefore invalidated by the absence of formal human interaction.

7.1.2 Chapter Two: Understanding Theology: A Review of Relevant Literature

The review of literature falls under this chapter. Printed and internet literature was consulted in a bid to understand theological dynamics in relation to apostolic church girl child and women rights issues. The study also traced the historical nexus between Human Rights and theology. The Roman Catholic Church Papal decrees were evaluated especially those proclamations that help to explain the relationship between theology and Human Rights. The study explained the role of the church in protecting and promoting the rights of women and children. The study also

unpacked the role of the church in the provision of psycho-social support and how Church institutions like the Catholic Peace and Justice plays a pivotal role in advancing Human Rights in general and even confront the state to observe Human Rights especially the rights of women and children. The Catholic doctrines of discovery and dominion were cited as key documents that entrenched Human Rights violations ecclesiastically. The two documents sanctioned Human Rights violation by the church and even supported the state to violate citizens' rights. The USA hegemonic attitude has its roots in the two doctrines by the Roman Catholic Church. The documents aided the study to appreciate the depth of this historical problem which was structurally adopted by some sections of the society as its customs and traditions. The study identifies that the issue of Human Rights violations is not limited to JMAC but is also prevalent in almost all ecclesiastical institutions of the world. The study went further to explain the relationship between Human Rights and JMAC theology and how it impacts on the rights of women and children.

This chapter did also trace the history and the development of JMAC theology and doctrine since 1930s when it was formed. The history of JMAC remains important to this study because it presents factors which influence the formulation of JMAC theology and its implications to the Human Right component. Theories on patriarchy and various JMAC doctrines were also articulated by the study. The study noted that the JMAC anti-Western theology originates from its resistance to the Rhodesian government maltreatment of the local black Zimbabweans. The JMAC denomination believed that rinder-pest which destroyed their livestock and influenza which killed millions of people were being caused by the whites. JMAC and many other AICs began to preach against Western concept of religiosity and civilisation. The chapter looked at the history of JMAC and some of its fundamental theological tenets. The link between theology cooked in an African pot and Human Rights was contextually explored. The study noted that child marriages and other practices like virginity testing prevalent within the JMAC were borrowed from the African Traditional Religion. The study argued that whilst JMAC theology might have been influenced by African Traditional Religion, the African Traditional Religion has since shed off some of the practices and realigned itself to the modern Human Rights dictates.

7.1.3 Chapter Three: Research Methodology

This chapter presented how the research was actually done and the tools used to gather data. The study adopted qualitative methods and tools of gathering and analysing data. The study due to COVID 19 regulations used non-human elements for the greater part and all the engagements done by this study in Chapter 7 were informal and social media group debates on the topical issue of a 14-year-old, Anna Machaya, who passed on 15 July 2021 whilst giving birth and was secretly buried two hours later at the JMAC Bocha headquarters in Mutare west. The study adopted storytelling method of gathering data whilst conducting informal engagements to understand the observed phenomena. The research also triangulated data through observation to complement gaps on the existing Johanne Marange literature through the visit to the Church headquarters in Bocha by the researcher. The chapter centrally focused on how the research was actually carried out, identified the research design, gave and justified the research instrument used, the data collection techniques, as well as data presentation and analysis procedures.

7.1.4 Chapter Four: Female-Led Churches in Zimbabwe

The chapter highlighted the contribution made by female led churches in Zimbabwe. The Mai Chaza's church Guta RaJehova was extensively researched on since she was perhaps the only woman to establish and lead a Church at the peak of colonisation and patriarchy. The study also looked at the development and rise of women led churches in Zimbabwe. However, due to the shambolic registration process of churches in Zimbabwe, this made it difficult to have statistical data on the number of women led church. The study also noted ZAOGA, ZCC as being later day AICs churches that are promoting and recognising the right to education and gender balance. The study notes that whilst other AICs are aligning their theologies with the constitutional law on universal Human Rights, JMAC continues to cling on traditional conservative religious practices which violate the rights of women and children. The evaluation of women in ecclesiastical leadership impacts on the recommendations by this study.

7.1.5 Chapter Five: The Interface Between the Zimbabwean Constitution and JMAC Theology.

The study recognised that Zimbabwe is a constitutional democratic state hence Human Rights discourse can only be discussed within the confines of the law. The study arguably discovered that the Constitution especially the customary law both aid and abate the abuses of women and

children by the church. The recognition of two legal systems customary and Roman Dutch law in Zimbabwe presents leverage for the abuse of women and children. The chapter exhausted most treaties, conventions and protocols to which Zimbabwe is a signatory in the context of the study. The research also scrutinised the relevant legal provisions in the Constitution and related them to Human Rights and JMAC theology on women and children. The study identified that there are even international treaties that support the marriage of twelve-year olds. The study recognised that a foetus is not recognised as a human being in Zimbabwe and whilst a foetus is not a child their rights are being violated in JMAC. Pregnant women are being insulted leading to pre-term labour, miscarriage, criminal abortion, threatening abortion and the law does not protect the rights of the unborn child. Regarding the rights of children in the constitution, the sections only refer to the rights of a born child. The only reference to the unborn child is when the law talked about conditions for abortion. The chapter grasps that most researches previously done on AICs did not quote the Constitution and yet they claim credit for advocacy on Human Rights violation issues. The research was able to add to the body of knowledge the legal element in systematic theology.

7.1.6 Chapter Six: Data Presentation, Analysis and Gap Identification

The chapter presented data obtained from research tools. Data analysis was made to enhance interpretation. The data presented was obtained from observation, informal interviews, informal group discussions and research gaps were identified. Various opinions and insights are given on child marriage, child rights, the physical and emotional treatment of women, the handling of grievances, the status of children, how marriages actually take place in JMAC, the rights of women in the matrimonial home, the role of parents in facilitating child marriages, the gendered positions in the church, legal perspectives to child marriages and the proposed models to end child marriages by the NGO and CSO sector.

7.1.7 Chapter Seven: Research Summary, Conclusion and Recommendations

The chapter is a summary of each and every research Chapter and gives an overview of issues discussed therein. The Chapter summary is followed by the Conclusion of the study where each and every objective is evaluated on whether its primary goal was achieved and if not why? After conclusion, a recommendation follows proffering possible solutions to the identified key

problem. The study also generated theories in-line with qualitative research which established theories from the data obtained from research.

7.2 Conclusion

7.2.1 Unpacking the Concepts of Human Rights and Theology and Their Application in The Contemporary World.

The goal of this objective was achieved because the study was able to unpack the concepts of Human Rights, theology and their application in the contemporary world. The study concludes that the Roman Catholic doctrine of discovery and dominion transformed the role of the church from being a guarantor and protector of Human Right to predatory theology. The study notes that Human Rights violations are not limited to AICs but to orthodox churches like Roman Catholic Church where nuns had their rights being violated in the formation houses. This is not to understate the role of the Roman Catholic Church through Catholic Peace and Justice of challenging nations to adhere to constitutionalism in the provision of Human Rights. Meanwhile, the Human Rights discourse has not been able to transform the JMAC theology to protect and promote the rights of women and children. The JMAC theology despite the gendered general Human Rights transformation which took place around the globe, JMAC in this 21st century is still holding on to old cultural practices under the banner of advancing African initiated theology. The study also concludes that, whilst JMAC theology might have based its theology on African Traditional Religion and its practices, the culture has transformed to meet the contemporary Human Rights demands and JMAC theology remains unchanged. To add on, whilst JMAC might have initially refused social services like clinics and schools as a way to demonstrate their displeasure with the Rhodesian colonial government, the protest continues even when Zimbabwe has attained its independence. The study, therefore, calls for a review of JMAC theology based on changed socio political circumstances. The study concludes that, the non-state actors play a key role in engaging the government on Human Rights related matters and also to clandestinely engage the victims and in this case, JMAC women and children with the view to assist and educate them. However, in some cases the NGOs and CSOs, contradicts themselves by advocating for the use of contraceptive pills by school children, push for pregnant children to continue with their education and on the other hand they are fighting child marriages and child sexual rights.

7.2.2 Analysis of Debates Over Church-State Relations and Their Implications on the Observance of Human Rights.

The study achieved the requirement of the objective by exploring how church-state relations are impacting on the rights of women and children in JMAC. The study based on reviewed literature concludes that there is a strong ligament that connects church-state relations to the abuse of women and children. The JMAC in post independent Zimbabwe uses political hand to hide scrutiny of their church doctrine. The JMAC is a self-declared ZANU PF protégé and anyone who votes or joins opposition politics is automatically expelled from the church. The ZANU PF party seem to be protecting their voting constituency, by turning a blind eye to women and child abuses in JMAC. The visits by political and government leadership to JMAC Passover is interpreted by critics and analysts as endorsement of their male chauvinist theology. Meanwhile, the JMAC theology teaches that the state is subordinate to the church and that it has the power to install or remove it. The church teaches its congregants to disobey the state and not to visit its hospitals, schools, courts, social media, read newspapers and even approach the state for any other reason. The JMAC views itself as the flawless heavenly church on earth which treats the State as a secular world. The church, therefore, does not recognize the Constitution and only recognize the word from their Church leader whom they honour as the Ambassador of Jesus Christ on earth. The study also wraps up that, apart from the direct relationship between JMAC and the state, the state created laws through the Constitution which define its relationship with the religious sector. The Zimbabwean Constitution on Section 60 gives churches unlimited rights and the parents the right to choose for their children which doctrine they must follow. The state by so doing removed children's right to self-determination. The Constitution also does not clearly recognise a foetus as a human being with full rights. The two legal systems whereby both customary and civil laws are simultaneously recognised constitutionally create holes which are manipulated by violators of women's rights. The state has not been reacting to alleged Human Rights abuses by either setting Commission of Inquiry or police conducting investigations without waiting to be pushed by CSOs, NGOs and the United Nations. The study notes with concern that churches are capitalising on these hazy legal provisions to formulate theologies that abuse the rights of women and children.

7.2.3 Exploration of the Relationship between Feminism and Religious Doctrines.

The study concluded that feminism plays a key role towards advancing the rights of women and children globally. Whilst several attempts were made by the sector to address the issue of androcentric theology that impacts negatively on women and children's rights, feminism seem to lack in addressing the rights of women and children in religious circles. Female theologians have not impacted much in addressing the rights of women and children in the religious sector. Therefore, the objective of the study was achieved of exploring the relationship between feminism and religious doctrine.

7.2.4 Articulate Faith-Based Understanding of Human Rights Among Women and Children at The Backdrop of the Latter's Effort to Align Themselves in Realizing and Observing the Same.

The study concludes that whilst there are still Human Rights related challenges in the religious sphere, some AICs have since realigned their theologies and examples can be drawn from ZCC and ZAOGA. The churches are beginning to recognise and incorporate the Human Rights discourse in their theology which is in tandem with the 21st century wave of 4th generation rights. However, churches like JMAC have remained static and still regard Human Rights as a Western civilisation which has space in its teachings. One of the key reasons for the rise of JMAC was to challenge the colonial western hegemony and continues to resist all traits deemed western even in the independent Zimbabwe. The fact that Human Rights discourse as a subject matter has origins linked to Western civilisation becomes one of the factors why JMAC is reluctant to embrace the concept and on the contrary it incorporates African Traditional Religion and its customs. Be that as it may, JMAC must be applauded for building a school in Bocha, Marange an indication that the change is gradually taking place. The church is now interacting with the government at strategic level and a change from colonial era where the government was the key enemy. The JMAC members now vote and acquire personal identity document and in the past the church would claim to only vote spiritually. The JMAC is beginning to allow their women to participate and occupy key positions in ZANU PF politics which is an indication of a theological shift on the women's right to political determination. Church members particularly women are now secretly seeking medical help like family planning and immunisation, an indication of a shift in JMAC theology. JMAC women are beginning to entertain Community Based Organisations, NGOs and CSOs and secretly accessing social services. The study further

concludes that literature on JMAC largely focuses on the negatives without recognising the positive changes emerging within the JMAC theology.

7.2.5 Assess the feasibility of Attaining Equality in AICs and Mapping the Way Forward on the same.

The JMAC theological tenets are constructed around its leader and what the leader say becomes part of church's theology. The changes in leadership will eventually solve the problem just like what transpired to ZCC on the right to education. Samuel and Nehemiah Mutendi have different perceptions of the same. Nehemiah believed in education and under him ZCC built a numerous school and he also encouraged entrepreneurship in the ZCC theology. Similarly, under the current JMAC leadership of Noah Taguta schools are now being built such as the St Noah boarding school in Bocha. The school is a symbol of significant change on the JMAC theology. The JMAC status of the leader is similarly presented like the Roman Catholic Church's doctrine of papal infallibility.

The study also concludes that, JMAC children will never enjoy full rights unless there is a drastic change in its Human Rights nomenclature. Children in Marange are metaphorically resembled to bricks where if one breaks, they would easily mould many more. The metaphor is applied to mean that even if the JMAC children die due to the Church's anti-hospital policy, the parents still carry the capacity to sire many more children. This pejorative understanding of children in the JMAC requires more of perception change and psychologists, NGOs and CSOs must find a solution to this psychological challenge through engaging the church leader who unilaterally gives the church guidance and control measures. As long as men do not have any obligation in the social and private life where women fend for the husband and children, church members are encouraged not to charge lobola, men controls what the wives works, beat wives without them reporting them to police for GBV, the role of men in marriage is to be fed by wives and have sex, women defend, protect and protect abusing men would never wish to see the theological status quo changing. The JMAC theology portrays the psychology of male congregants as lazy and idle waiting to eat, run away from societal obligation and responsibility as heads of house hold. Rather, the men specialise in procreation sex and marry young women who are regarded as sexually hot bodied.

7.3 Recommendations

- The study having noted that, children in JMAC are not benefiting from child psycho-social support policies and government youths and women empowerment policies especially the religious victims of child marriages. The study, therefore, recommends that the government of Zimbabwe account for all minors in child marriages in all the AICs. The government must ensure their safety in terms of the Children's Act on rehabilitation. The intervention must be sustainable and not a public relation or a politically motivated intervention as is the case with most government interventions. Meanwhile, the aim should be restorative than retributive justice being pushed by most NGOs and CSOs. The Ministry of Public Service and Social Welfare, ZRP's Victim Friendly Unit, NGOs, CSOs and International Organisations have the duty to ensure that, victims of sexual abuse are rehabilitated.
- The government must make it mandatory and criminal for a child to drop school without any plausible explanation. The government must borrow contact tracing from the management of COVID 19 where all positive cases were effectively traced and managed. There must be a mechanism to trace all the school drop outs because studies on the new curriculum in Zimbabwe has shown that, schools are now centres of social safety nets. The child safety nets, emanates from the fact that, school has seen to be a protective factor because it teaches children about their rights, remedies in case of abuse and psycho-social support services. Parents no longer effective play their parentage roles, hence schools have become the harbingers of child safety nets and if JMAC children are to attend schools the problem of child abuse might fade over time.
- Having noted that, JMAC children and women JMAC are not reporting their abuses or cooperating with the law enforcement agencies. There is need to establish effective, victim friendly reporting mechanisms like suggestion box to allow the victims from close sects like JMAC or the general community to report cases anonymously. Africans by their nature are crime gossipers henceforth; such

mechanism would be very effective. There is, therefore, the need to establish reporting centres that are faceless.

- The JMAC congregants are barred from downloading social applications on their phones. Meanwhile, the call charges in Zimbabwe and the SADC region are exorbitant, hence out of reach for many poor families. Meanwhile, there is need to remedy the tariff gap by establishing a lot of hotlines or toll-free numbers so that reporting is not made difficult. The police stations are not friendly enough to handle sexual abuse cases from closed societies. There is a lot of intimidation at police stations and people have development theories and hypothesis about Zimbabwean police. The ZRP is suffering from image crisis and it is an important organ in terms of responding to cases of women and child abuse. The Gender Commission must institute mechanisms of establishing these remedies because of its social standing and its primary mandate of advancing gender issues. This means that, Gender Commission must be revamped and remodelled to be like institutions such as Zimbabwe Anti-Corruption Commission and Special Anti-Corruption Unit with arresting and prosecution powers. Thus, the Gender Commission must be given arresting and pre-prosecution powers for it to be able to tackle gender issues effectively. This will help this important institution, the Gender Commission to deviate from being a talk-show of gender discourse to a more effective grounded organ in fighting abuse and promoting Human Rights. The Gender Commission does not go beyond investigating reported cases of gender based Human Rights violations.
- The findings of the study indicate that, men are the key perpetrators of abuses in JMAC. In fact, the JMAC is predominantly patriarchal. The study, therefore, propose that the only way to effectively deal with the identified problems is through engaging the male perpetrators. The study must not commit a fallacy of using a blanket approach, there males who marry minors for examples and those who do not, there are those who send their children to school and there those who do not, there those who regard their children as bricks and there are responsible parents who value their children, there are those who abuse women and those who do not. The male

engagement must first target those JMAC males who do not practice extreme JMAC theology or key proponents of Human Rights abuse and turn them into peer mentors. Resources must be channelled towards, male engagement or perpetrator engagement, where all males are targeted for social transformation. Thus, investing in educating the JMAC males. This is based on a realistic perspective that, in JMAC men are powerful and gatekeepers of JMAC theology.

- The study also identified that, women in JMAC and parents in particular play a central role in facilitating child marriage. The mothers have greater influence over their daughters and naturally children tend to trust their parents. This explains why in psychology and sociology disciplines, socialisation is an important aspect in the growth of a child. In JMAC mothers teach their daughters that, the primary role of a child is to get married hence children are psyched that, marriage is an ultimate goal in life. The study, therefore, propose that, JMAC women be engaged and convinced that child marriages and related abuses are a Human Rights violation. It is, therefore, imperative to engage JMAC women who were identified by this study as proponents of child abuse by facilitating abuse, since they are the key socialisers in the family setup. This is not to negate other factors like societal, peer influence and observation where minors observe other minors being married.
- There is a training gap with regard to handling of sensitive cases in Zimbabwe by the security sector. The security sector has always been accused of taking political sides and corrupt tendencies. This is the perception within some sections of the society because social media is an entity that shape public perception and inform behaviour change has since its inception portrayed the security sector as enemies of the public. The media take pictures and videos of some rogue elements within the security sector applying heavy handed tactics to violent demonstrators and disseminate them to the public so that citizens hate them. In light of this hindsight, the government must invest in training security service in handling of sensitive cases. Currently, only the Victim Friendly Unit of the ZRP and the Public Relations officers in the military received training in handling of sensitive cases of abuse. There are allegations of political protection and religious fundamentalism in JMAC. In Zimbabwe politics

and religion are very sensitive issues that are delicate to handle. The JMAC is both a political and a religious entity. The majority of the security officers fear to apply the law in JMAC for the fear of political backlash. The JMAC members are politically connected far that there is euphoria that; they are invincible and immune to prosecution. This myth must be demystified with the government or political actors being clear with regard to women and children's abuse in Marange. Pertinent questions on whether ZANU PF party protects JMAC against the application of the law must be clearly answered. The opposition MDCs on the other hand are politicising the JMAC Human Rights violation, issue to portray the government as a banana republic where human rights violations are condoned.

- There is need to make Human Rights awareness campaigns, through engaging lawyers to advance justice for children and advocacy groups to educate communities on women and children's rights, to trace all cases of violence and child abuses that the community feel that, they were poorly handled or justice was manipulated. Additionally, the Justice for Children lawyers are expected to train communities on child rights, identify dormant laws and re-advocate about them, especially civil laws on children's rights. To teach the community on a new concept duped, community score card where the community is taught on how to evaluate government services. The community score card help to make government accountable in as far as safeguarding the rights of children is concerned. The Human security doctrine put importance on the security of an individual over the state security. Hence, it is important to ensure that, communities are aware of their rights and the government to put measures to promote and safeguard such rights.
- The state security apparatus in Zimbabwe must increase surveillance on all AICs shrines and weed out various religious abuses on women and children. The cases of rape by sex predators that are operating various shrines. These sex perverts, rape desperate women by targeting those with various marital problems especially infertility. This is a new form of rape in Zimbabwe where one establishes a shrine/church with the sole purpose of targeting vulnerable women for sexual gratification. The intervention would be in line with the global Human Security

theory which put supremacy on the security of an individual. In line with the Human Security theory the rights and freedom of an individual citizen is now the state's primary as it implements the UNR2P doctrine. The government has the primary duty to secure and promote the right of its citizens in all the facets of life, be it social, economic, security, religious and political sphere.

- The JMAC must be persuaded or forced to answer pertinent questions regarding some of its teachings, beliefs, traditions, practices and theologies. The study observed that JMAC use convenience approach and denial theory being one of the methods especially when the violation attracted public scrutiny for example the death of a minor Anna Machaya. The church denied that it practices and condone child marriages but when the police tried to arrest the perpetrator Momberume, the church members attacked them. The police had to resort to special tactics in order to effect the arrest. The JMAC theological doctrine must be clear on child marriages and related women abuses since the church deny that, child marriages are theologically sanctioned by the church. Meanwhile the church threatens and violently blocks investigations by the law enforcement agencies. Various attempts by none state actors and state actors are often frustrated by the church's actions. The lack of cooperation by the church on elements that it publicly denounces as alien to its theology, practices, teachings and doctrines demonstrate the church's serious double standard and theological contradictions.
- The study proposes the whole of government approach where all the relevant stakeholders on women and children's rights form a permanent national taskforce. The taskforce must be well-resourced to deal and account for all the ecclesiastical abuses not limiting the scope to AICs but to churches like Roman Catholic Church were its Formation Houses and Seminaries are also harbingers of Human Rights abuses.
- The Ministry of Home Affairs must ensure that, every child has a birth certificate in terms of the three-day rule. The Ministry must treat every burial without a burial order and post-mortem report to be serious crime. The study noted that, children are being access to health care and those who die are being buried secretly without

notifying the police. There is lack of monitoring and accountability by the government especially on the activities inside shrines.

- The study recommends that, there must be continuous non radical engagement between JMAC and the government towards a sustainable transformation of the JMAC theology. The study notes that the engagement has so far yielded positive strides towards behaviour change and so far JMAC has since built a school; created rapport with the government; JMAC women secretly acquiring family planning; JMAC members beginning to vote; members acquiring personal identity documents; media beginning to access the secret structures of the church and exposing the abuse in JMAC.
- The study also recommends that strategic communication is key because the belittling names ascribed to women and children contribute to their Human Rights violations. Terms such as *vana zvidhina* (children are bricks), *vakadzi vakan'ora* (women are sacrilegious) are some of the terms that contributes to gender imbalance and Human Rights violations. The language of JMAC is unbalanced and it promotes gendered theology.
- Media especially state media must cease to play conspiracy theories and propaganda to try and sway public opinion against the victims. The media should emphasize the need to condemn child marriages as well as sex with a minor known as statutory rape. Whether one marries the victim of statutory rape the case remains statutory rape, there is no marriage to talk about. Similarly, scholarship is to blame for failure to draw a straight line between statutory rape and marriage. The Constitution is clear that a child cannot consent, so her consent should not be recognised by the law as mitigation to the perpetrators. The law does not recognise omission or ignorance of the law as a defence for committing a crime.
- That the state should have mono legal system based on civil law. The study notes that child marriage and other related women abuses are now more of a culture than a theology. Cultures are supported by the customary law and in a dual legal system people have the right and freedom to choose either to follow customary or civil law.

To note, JMAC theology is based on African Traditional Religion and thus JMAC Christianised some African Traditional Religious and cultural traditions and practices which it assimilated through processes of inculturation. This is also in line with the 1962 Vatican II where the Roman Catholic Church advocated for the indigenisation, enculturation and domestication of theologies.

- The study recommends proper definition of the nature of church-state relations in Zimbabwe. The 1648 Westphalia euphoria is also a contribution to why churches are not obeying state authority. The JMAC church sees the state as the subject of its authority and not vice versa.
- The study recommends the removal of queer laws and terms. JMAC allows their children to attain primary education which is the fulfilment of the right to education and the law is silent or fail to criminalise deliberate or omission removal or withdrawal of a child from school. The literature which talks of rights denial on children's right to education missed this very important point. This also applies to the right of access to health care, Ministry of Health and Child Care recognise and certify the traditional midwives and they are applauded for complementing the health system. If JMAC women seek maternal help from traditional midwives who are part to Zimbabwe health system and if life taking complications happen, no prosecution will be taken against them since the Ministry of Health recognises their midwifery role. What is perhaps criminal is the failure to declare to the state underage children who come for their maternal health services.
- The study recommends the United Nations and other international organisations to move beyond rhetoric and be pragmatic in fighting for child rights. Child rights violation in Africa is so rampant. Structures and institutions that deal with child and women rights need to be supported adequately. The Department of Social Welfare require adequate support to be able to provide effective psycho-social services to women and children. The vulnerabilities which subject children and women to all vagaries of abuses theologically and otherwise should be dealt with. Third world countries lack resources to implement women and child policies. The children in

JMAC are not rebelling and resisting abuses because they were indoctrinated and radicalised from childhood.

- The study transcripts that globally few countries have laws which curtail oppressive church theologies. Whilst child marriage is a cause of concern, surprisingly the Zimbabwean Constitution rarely treats child marriage as a principal crime. Rather, at law, it is interpreted as rape or sex with a minor for it to be prosecutable. Zimbabwe is one among countries with twenty percent of child marriages in rural areas and yet the child response programmes by government or NGOs seem to be slow.
- Doctrines and theologies which are at cross purpose with the dictates of the national Constitution should be outlawed and should not acquire sanctuary from both state and non-state actors. The weakening of state case in order to protect JMAC member Momberume who had sexual intercourse with a minor by pressing wrong charges should not go unchallenged. In the case of Anna Machaya who died at the age of 15 whilst giving birth at a shrine, the accused who is the husband to the deceased wife teenager was charged with murder. The murder case being levelled against Momberume does not suffice the essential element of a murder case yet, the ideal prosecutable case should have been that of rape. Hatirarami Momberume is facing first offense of murder as defined in Section 47(1)(b) as read with Section 53(3) of the Criminal Law (Codification and Reform) Act Chapter 9:23. The second charge is having sexual intercourse or performing indecent acts with a young person as defined in Section 70(a) of the Criminal Law (Codification and Reform) Act Chapter 9:23. The second case is valid because it is based on '*dolus eventualis*'. The first accusation is most likely to be a legal nullity given the above noted prevailing circumstances. The state charged Momberume with murder and yet they do not have post mortem as the evidence that the baby belonged to the defendant and the body should be exhumed and examined to substantiate the case. The testimonial evidence might not be enough evidence to secure conviction. The late Anna Machaya 14 years was Momberume's 'wife' from an arranged marriage (recognised in terms of the customary laws of Zimbabwe) and died during child birth in the hands of a

traditional midwife who are part of the health system in Zimbabwe. The justice is being tempered with to protect the JMAC by weakening the state case.

- The Constitution empowers parents to determine the faith of their children and the State rushed to give such powers without considering the possible bearing on the theologies of African Initiated Churches as regards to the preservation of Human Rights and sanctity. The Church looks difficult to control because even the United Nations protect them. The United Nations should come out clean and encourage states to confront churches when they breach the Human Rights ethics. For the large of it, Churches act as a holier institution which does not err and should be perceived as superior to the State. The United Nations has even accorded State status to religion for example the Islamic Republic of Iran amongst others. The United Nation is helping churches to restore the 1648 Treaty of Westphalia where churches were the ultimate power and had political determination. The United Nations must reflect its position on religion in general if the fight for women and children's rights is to achieve theological emancipation for children and women.
- The study recommends the adoption of child theology theory, a theology that was proposed by the researcher in his Masters Dissertation at the University of Zimbabwe. Child theology is theology for children by the children themselves as they fight for the recognition of their rights both from secular and religious sphere. The study noted that JMAC, unlike other churches, does not have women and children's groupings. The church does not want its members to converge alone as a way to safeguard the Church institution from perceived foreign teachings divorced from their doctrine and theology.

7.4 New Theories

- **Leader's Eye Theory-** the study noted that, both state and church leadership have an influence on the rights of women and children. JMAC leader is the church's authority and is invested with unlimited powers to change and re-modify any church doctrine arbitrarily. Johanne Marange is an important variable in as far as the rights of women and children are concerned in JMAC. The same applies to the state leadership, the study noted that, there is lack of political will to implement the laws

and policies that are meant to protect the rights of children and women in Zimbabwe. The study noted that, whilst there might be few laws that need to be repealed and some amended, the already existing laws are capable of addressing the rights of women and children both ecclesiastically and in the secular sphere. The situation currently obtaining in Zimbabwe is that, Christians are being let to violate some of the laws because Zimbabwe is 80 percent Christianity and most of whom are key ZANU PF electorate. The eye or the perspective of the leaders (church and state) is very central in as far as the rights of women and children are concerned for example; the abuses in Marange are by and large doctrine related. A case in point is polygamy, children are bricks doctrine, failure to access schools and clinics were noted to be part of JMAC doctrine and they are prevalent because the church cherishes them. One thing, also noted, by this study is that, congregants religiously follow and respect their leader to whom they have invested unquestionable authority. The leader is the ultimate authority and there is no democracy which makes the JMAC leader an important variable in addressing the rights of women and children.

The theory was derived from deductive reasoning after a careful analysis of literature on AICs in general and JMAC theology in particular. Various literature genres and primary evidences confirmed that, JMAC considers their leader as equal to Jesus. The church does not preach of Jesus but of Johanne Marange who is believed to be the Messiah for Africa, hence such titles like Mutumwa. The study further notes that, most AICs operate like the Roman Catholic Church where the Pope is infallible and can unilaterally change or review the church's theology without his power being questioned. The leader's eye or perspective does shape the church's theology. The study further analysed synthetically that, each time there is succession in the church, the church's theology changes. The views of the new leader are often incorporated into the Church's theologies and its doctrines. Thus, leaders both at state and church level, influences the church's theology. To end, the theory proposes a deliberate policy, at state, regional and international level, where consented effort is put to convince and transform the leader into gliding with the international chapters/law on

Human Rights. In-turn the leader would in turn influences the theological shift in the Church.

- **Game of Numbers Theology**–Whilst the Constitution of Zimbabwe has not yet formally qualified Zimbabwe as a Christian state, quantitatively it is a Christian state. The absence of punitive laws against the church doctrines in Zimbabwe and inter alia is a reflection of the voice of the Christians during the Constitution making processes. Quantitatively, the government of Zimbabwe cannot succeed to put laws that are not favourable to them because the referendum would be turned down by Christians who are the majority. It is estimated that, Christians are between 75-90 percent of the country's population. In theory the state is supreme to the church but in practice it is the subject of the church. The powers and the ability of the state to challenge the Human Rights violations in the religious sphere must be understood from this context of realism as opposed to idealism.

Colonisation has impacted negatively on the African Traditional Religion, which the colonisers taught that it was evil spirit. Consequentially, Christianity and Islam had replaced African Traditional Religion in most parts of Africa. In the contemporary Africa, Christianity given its quantitative status, in the global politics, it is reaffirming its pre–Westphalia Treaty status. Prior to the Westphalia Treaty 1648 the state would derive its sovereign from the church. The church had authority over investiture of the state authority. A snap survey of religion around the world, states are gradually finding it difficult to rein over the religious sector. Religions such as Islam have since escalated terror tactics as well as humanitarian work to lure more converts. The early church religious scenario is trickling back were Islam and Christianity would stampede for converts and at times adopt terror tactics to the extent of destabilizing the world. With these developments the United Nations is yet to consider religion an international security item and there is no know United Nations Treaty or Convention to curb theological abuses and yet church related Human Rights on women and children are continuously escalating.

Politics on other hand is a game of numbers and the majority of politicians beg for religious support for them to remain in power. These politicians upon assuming power try by all means to protect and please the religious sector given their capacity to influence their followers to cause change of government through democratic voting processes. This explains why no Constitution globally has radical laws on religion. Theoretically, governments through UN R2P doctrine and the 1648 Treaty of Westphalia have the right to protect and promote Human Rights and the authority to regulate the church authority but in practice States do not have the actual power to enforce such over to the religious sphere. As long as religion dominates states quantitatively and qualitatively, the theological abuse of women and children will remain a permanent feature in our societies.

- **Image Protection Theory**—The study noted that the JMAC is highly sensitive about their image and the media blitz where only their negatives are covered is being perceived by JMAC as a deliberate ploy to undermine the church's theology, teachings, beliefs and rituals. The use of emotionally charged language against the members of JMAC by the media fraternity, NGOs, CSOs, secular publics has resulted in the church adopting a counter theological doctrine like barring its congregants from reading secular newspapers, be on any form of social media, bar media coverage, interviews and access to their places of worship. The church's behaviour of being a secretive church is often based on negative coverage and attacks on its doctrines, teachings and practices. The JMAC congregants can physically assault the outsiders who want to infiltrate their gatherings with the view to expose their theologies especially targeting the negatives only. JMAC like any other entity is very sensitive of its image and is prepared to do anything and everything to protect its image. Resultantly, practices such secret burials of minors including child maternal deaths, shunning of public institutions like hospitals where the health authorities report under age pregnancies resulting in prosecution of its members and discourage their children from furthering with their education where they will be enlightened about their rights, all in pursuit of its own image.

The theory noted that media in Zimbabwe is being unethical, when reporting JMAC child and women abuses. They influence the public to hate JMAC since media generally influences public perception, opinion and world view of the general populace. Whilst media is the fourth estate and can engage in investigative journalism, journalists must understand that religion is a very sensitive and topical area that requires high level ethical considerations. The religious community especially the AICs is highly indoctrinated with elements of zealotism which make them violent when their image is at stake and perceived to be under attack. The church often expels those who expose them and the government does not have effective social nets to cater for religious whistle-blowers. There is no incentive for the bold members who expose Human Rights violations ecclesiastically. This will help to promote the culture of reporting given that JMAC is a closed society. Currently, the government strategy is very weak when responding to the religious sphere and close religious sects in particular.

It is a common media practice that, the images and names of underage victims must not be published. However, social and print media in the contemporary aeon no longer observe these ethics. In the case Anna Machaya, the leaked police memorandum, social media and print media was awash with her name and image resulting in JMAC adopt a defensive and combative mood including failing to cooperate with the law enforcement agents. The tussle for image forestalls the efforts to transform the JMAC theology on women and children. The war on women and children's abuse requires full cooperation of the church itself based on the evidence of this research where the JMAC leader is the ultimate authority. Given the nature of authority in the JMAC, Human Rights responses must be based on the grounded evidences.

In Zimbabwe media and social media in particular has contributed to a surge in suicidal cases as a result of irresponsible reportage of children and teenagers. Children like any other member of the public in Zimbabwe fear media because of the manner through which it handles cases of sexual abuse. There is a lot of cyber bullying which is eroding public confidence in the media. Very little is being done to

protect the identity and image of the children, and many children end up committing suicide after public ridicule and jeering. The fight for Justice by media should also take into account ethical issues especially when dealing with victims and the vulnerable sections of the society like women and children. Media when covering child abuses it must be cognisant of the fact that, the child still has a future to be lived in dignity, after the abuse. Photos of the victims, trend on social media for example that of the late 15-year-old, Anna Machaya, a member JMAC who died while giving birth at a shrine.

The theory blames irresponsible journalism for the failure to respect and protect the dignity of victims of child abuse. Meanwhile, the JMAC no longer co-operates with arms of the state because of the manner in which the church is being portrayed by media. The more the media thrives to expose Human Rights abuses without being ethical, the more the targeted church doctrines, practices and beliefs are concealed. At Bocha, Marange, the media is not welcome at the shrine as it is viewed as symbolizing hostility. The media end up failing to cover abuses in AICs or Marange due to the inaccessibility of the Church premises. JMAC decreed that none of its members is allowed to install any social media application on his or her smart phone to avoid any form of leaks. Any breach of the directive leads to excommunication with readmission only possible through confession and denouncing social media as a sin.

- **Girl Child Feminism-** The study noted that, there are a number of feminist groups globally to advance the rights of women. However, there is no known girl child feminism to cater for the rights of under age children who are often the key victims of secular and theological abuses. Girl child feminism would be a movement for the children to advance their cause. This will be a platform for children to interact and educate amongst themselves, through the use of peer leaders trained to provide psycho-social support services, peer education, bridge model, teachings on children's rights and their obligation in the society and more importantly reporting of child related abuses.

The theory was based on research evidences where it was noted that, the girl child is the most affected by the church's patriarchal theology in Marange. It was also noted that Zimbabwean school syllabuses are criticised for not effectively enlightening children on their constitutional rights. The JMAC children attend primary education up to grade seven but they will still be unconscious of their full Child rights. The school, apart from teaching physical education, the curriculum should embrace Human Rights and psycho-social support. The socialisation of children at primary education is the missing link.

Under this theory, the government and non-state actors should sponsor Human Rights Clubs at school in order to create child rights consciousness and awareness in school children hailing from closed societies like JMAC thereby establishing a youth generation capable of repelling and exposing all forms of abuse. Human Rights Clubs being proposed here create a child friendly platform where children meet and share their experiences freely. The Club would act as Human Rights interactive centres with the help of teachers specifically trained in basic education pedagogy. They are to function in the same way feminist groupings establishments do help women to collectively fight for their rights. There are various church related organisations but none of them are child friendly or founded by children to advance the challenges faced by children.

- **Theological Bridge Model-** The bridge model is only concerned about the provision of life skills and the psycho-social support. The Bridge Model is about interventions to the identified problems to help victims of Human Rights abuse to cross the bridge. Children who got married as minors do not need media or United Nations opinions but practical interventions to the identified problems. The keyboard solution to problems does not help solve theological abuses; and institutions like JMAC are not allowed to even read secular news, newspapers and to even install social media applications on their phones. Thus, all the public condemnation on child marriages and abuse of women rights propagated on social medial may not impact on the JMAC community because the church outlawed and banned the congregants from using such platforms. The study identified that children in JMAC tend to have little

or no psycho-social support to help them cope with experienced abuses. JMAC marries minors, allows abuse, and compels the married minors to do menial jobs to feed the family without the help of their husbands. The study notes that JMAC teaches that the primary duty of a man is procreation while women are assigned duties of providing for the family including the husband. At Number seven (7), at the Church's headquarters in Bocha, women and children perceived to have immoral behaviour are beaten without any form of recognition of their rights. Women are treated as legal minors. Children are not supported to further their education and have no access to health care. Instead, they are labelled as 'bricks' and the bridge model is proposed on a case by case intervention.

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