

# Witchcraft

a study in  
bias, prejudice and discrimination  
in South Africa

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by Damon Leff

When discussing Witchcraft in polite company, one discovers that although not everyone permits their personal bias to evolve into open discrimination, those with bias against Witches carry their prejudice like a moral compass. In less than civil society, bias against Witchcraft is often overtly smug and pretentious, as though the prejudice itself was some form of badge of honour indicating one's measure of commitment to the moral struggle. If you're a Witch, social bias against you is pervasive and perverse.

This short study in bias, prejudice and discrimination is intended to begin to peel back the shameful and barbarous layers of institutionalized cultural bias that exists against Witchcraft in South Africa.

'Witchcraft' makes no apology for its lack of academic qualification. The study is an honest portrayal of bias, prejudice and discrimination experienced by real South African Witches. It is not intended to be an exhaustive examination of the psychological effects of stereotyping, prejudice or discrimination, nor is it intended to be unbiased. It is intended to be a critical indictment against the avarice of superstitious fantasy that barely mimics logic and reason in our nation's psyche.

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## Part One

### Bias

*During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.*

**Nelson Mandela's statement from the dock at the opening of his trial on charges of sabotage, Supreme Court of South Africa, Pretoria, April 20 1964.**

On 15 December 2008 Jacob Zuma, President of the African National Congress (ANC), addressing thousands of ANC supporters in Dan Qeque stadium in Zwede, Port Elizabeth (Eastern Cape), called the leaders of the newly formed rival political party, the Congress of the People (COPE), Witches.

The National Post and the Star reported Zuma as saying,

*"It is better when you have an enemy that you don't know. If you know the enemy, then it is more difficult. In Zulu we refer to a form of witchcraft called ukuphehla amanzi, where your enemy would mix dirt from your body in a calabash and stick a spear into the mixture to cause you sharp body pains. When the witch is a family member, we know that it's more dangerous than an enemy from outside." [1]*

The Star concluded its report, *"In Bloemfontein, Lekota told delegates that the ANC's response to the formation of COPE had left sections of society paralysed with fear akin to the terror that gripped the nation under apartheid leaders, John Vorster and PW Botha." [2]*

Terror Lekota's statement may prove to be an exaggerated response to political intimidation by ANC cadres intent on discrediting ex-ANC members now disillusioned with the ANC. Indeed, the election tone of the ANC's 2008/9 campaign, like no other campaign before it, has largely focused on verbally abusing and denigrating the dignity of defecting ANC members, many of whom have chosen to join COPE, by publicly vilifying them, referring to them as traitors, dogs, snakes and baboons.

In an interview with Al Jazeera, Themba Ndaba the chairperson of the Sedibeng ANC Youth League branch secretary told an interviewer,

*"People like Terror Lekota and all those people who want to destroy the history of the organisation (ANC), they behave like cockroaches and they must be destroyed". [3]*

When asked what was meant by the word destroyed Ndaba responded, *"We must kill them."*

Independent Democrat President Patricia de Lille cautioned the ANCYL secretary against using hate speech against COPE by reminding him *"of the use of the word cockroaches by Hutus to describe Tutsis in the months before the Rwandan genocide."* [4]

Here one must pause and consider the influences and consequences of emotionally charged bias on a political platform with unfettered access to the media. In a country struggling to come to terms with opposition to the status quo, the unthinkable curse of almost every African democracy on the continent looms ominously on the rainbow horizon.

*The African National Congress, which considers itself the rightful heir to power in South Africa for having delivered the country from apartheid in 1994, is terrified by COPE.* [5]

The divisive figure at the centre of this new counter-revolution is Jacob Zuma, and its generals in waiting are ANCYL President Julius Malema and Cosatu secretary general Zwelinzima Vavi, both of whom have publicly pledged to kill for Zuma.

*"Let us make it clear now: we are prepared to die for Zuma. Not only that, we are prepared to take up arms and kill for Zuma."* Julius Malema [6]

In an ongoing attempt by Zuma supporters to protect their party's President from facing 16 corruption and fraud charges, including racketeering, corruption and money laundering [7] Kwazulu-Natal Cosatu secretary warned South Africans that if Zuma is tried on corruption charges *"there will be blood all over in the country"*.

The almost cult following of the populist Zuma has drawn sharp criticism from politicians. When Ace Magashule, the ANC's Free State chairperson claimed that *"Zuma had been persecuted like Christ"* [8] , Patricia de Lille demanded the ANC *"stop using Jesus Christ, the Bible and Christianity in general to garner votes from the poor and the vulnerable."* [9]

At an early election rally in Polokwane, Limpopo Province, in November 2008 Zuma had referred to those who had left the ANC to join COPE as being *"like the donkey on which, according to the Bible, Jesus rode into Jerusalem."* Zuma said, *"The people were waiting for the Son of Man who was on the donkey. The donkey did not understand it, and thought the songs of praise were for him."*

*According to Zuma, the donkey later tried to return to Jerusalem on its own in order to once again experience that moment of glory, but the people chased it away. In the same way the Congress of the People (Cope) leaders will find they are nothing without the ANC, Zuma said.* [10]

Bushbuckridge Mayor, Milton Morema [11] is reported to have said to a crowd of supporters at a rally,

*"I am here on behalf of the ANC to remind you of election time. There is only one party that led you from the hands of the Pharaohs in Egypt to Canaan. Since van Riebeeck landed here in 1652 the whites have oppressed the blacks. White people took away our land. The ANC has led the politics of resistance and many people have died in the struggle. The ANC follows the teachings of Jesus Christ. When Jesus walked the streets of Jerusalem he*

*identified with the poor. That is what the ANC does. Jesus Christ suffered because he wanted to see people sheltered. The ANC provides Bushbuckridge with houses. Jesus Christ would have loved to see people living in healthy situations. The ANC provides clinics and food parcels. Jesus fought poverty and suffering in his preaching. The ANC provides grants to stop people from suffering. Like the Pharaohs, God did not support the Apartheid government. That is why they did not last. But God supports this government. It does what Jesus does. It will rule till Jesus comes back."* [12]

As the model custodian of the Moral Regeneration Movement, Jacob Zuma has assumed the position of High Priest in the minds of former liberators and according to his followers, he can do no wrong. Is our constitutional democracy, under a Zuma government, preparing to shed the principles of equality and dignity in which leaders are elected to serve and protect the constitution, for an all-inclusive ANC Christian hegemony?

We can only hope that all this bluster is merely bluff, but one would be foolish to ignore or dismiss the depth of racial, ethnic and religious bias fueling this rabid fervor. Where there is substantial bias, there is always the potential for prejudice to evolve into discrimination and violence, especially when strong and positive leadership is absent. Incidences of intimidation and violence have already started between ANC, COPE and Inkatha Freedom Party (IFP) supporters. [13]

For many observers of this slowly unfolding count-down to South Africa's 2009 elections the ANC's aggressive election campaign is a reflection of deep-seated anxiety among the ruling elite and ordinary citizens are beginning to feel the consequences of this political insecurity.

*In every region of the world, it seems that human rights are being rolled back. Frustration and bitterness are fuelled by economic policies which make the rich richer and the poor poorer. And governments seem unwilling or unable to do anything about it. ... But they are prepared to go to great lengths to cover up their crimes.*

**Pierre Sané, Amnesty International Secretary-General**

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## Part Two

### Prejudice

*"When you look at the kind of thing that happens in some of these [party] congresses, it's unbelievable that people will not give one another a chance to speak. You would have thought that one of the things we were trying to promote in our struggle [was that] we said we are not going to allow ourselves to be dictated to, we are not going to be shouted down. Our young people are learning bad habits. We should have been training them. Now we think that shouting or using language where you are threatening people is equal to debating."*

**Archbishop Desmond Tutu (June 2008 – in response to Julius Malema)**

The conversion of bias into prejudice takes many forms. Men who are taught to believe that women who wear short skirts are asking to be raped are more likely to verbally and or physically assault women caught infringing their bias. [14] Men who are taught to believe that Lesbians are 'unnatural' are more likely to commit "corrective rape" in an attempt to shame and ostracize Lesbians. [15] Men and women who are taught to fear Witchcraft as a cause of misfortune, illness and sudden death are more likely to make an accusation of Witchcraft against someone within their own family or neighborhood. [16]

Jacob Zuma's assertion on 15 December 2008 that COPE leaders were Witches set the inevitable stage for more accusations of Witchcraft. IOL reported on 26 December that two women and a six-year old girl were killed by two men in a Christmas day attack and that the suspected motive behind the murders was believed to be accusations of Witchcraft. [17]

This apparently unrelated Christmas-day Witch hunt, one of many that occur every year in provinces throughout South Africa, passed unnoticed by toyi-toying ANC cadres in Zwide township as they cheered in concert with Tokyo Sexwale as he proceeded to verbally attack COPE members on a public platform by saying,

*"Our mothers are taken, house to house, they are also paraded on TV, these people are performing witchcraft with our mothers....They are liars. You can't have respect for people who use older people in that fashion."* [18]

COPE spokesperson Palesa Morudu responded to Sexwale's defamatory statement.

*"Sexwale and his party must understand that the constitution guarantees freedom of association. Everybody has a right to belong to a political party of their choice, including senior citizens in our society. Linking senior citizens who are women to witchcraft at a political rally is downright irresponsible, dangerous and highly disrespectful of the elderly. Sexwale must therefore retract these offensive remarks and apologise to the many elderly women who have joined Cope."* [19]

In the new South Africa the rule of thumb on Witchcraft is, if you aren't a Witch, do not rock the proverbial sinking struggle-boat or you may just be accused of being one. If you are a Witch, forewarned is forearmed. No matter what the constitution and its bill of rights enshrines regarding prohibiting hate speech and discrimination, Witch-hunters abound in many guises.

General public attitudes towards Witchcraft may be categorized into three groups; skeptics, believers and the indifferent.

**Skeptics** argue against accepting a belief in Witchcraft as anything other than superstition.

*Professor Thias Kgatla of the University of the North and a team from the Holland Institute of Social Studies and Utrecht University suggest that rural communities be made aware of the causes and prevention of illnesses and natural disasters such as lightning strikes so that they do not blame such incidents on witchcraft. Kgatla said witchcraft could be raised as part of the school curriculum so that it can be relegated "to the scrap-heap of history in Africa" as it had been in Europe. [20]*

**Believers** fuel Witchcraft accusations in response to perceived spiritual attack, financial misfortune, unexplained illness, chronic poverty, social unrest, jealousy, paranoia, and in response to a desire for revenge or retribution.

*Scholars from the Catholic University of Eastern Africa (CUEA) expressed concern that the church continued to dismiss the dark arts as mere superstition, thereby unwittingly helping the devil advance his reign. For that reason, Christians who suffer because of witchcraft are often dismissed by priests as being superstitious, the scholars said. Because they do not get adequate help from pastoral agents, they seek the assistance of witchdoctors or join the mushrooming evangelical denominations that offer healing, exorcism and deliverance, they said. Many African priests fear witchcraft or are ignorant of their own power to confront the devil, the scholars said, adding that Christians visit diviners and magicians to seek practical solutions which the church and science apparently do not offer. [21]*

**The indifferent** are incapable of understanding that a religious minority who self-define as Witches may do so not because they seek to be maligned, ridiculed and shamed into obsequious silence, but because they are what they say they are.

*Local government and housing spokesperson Simphiwe Kunene said people should not jump the gun. "It is very presumptuous for people to think this draft is infringing on their constitutional rights. This is not an Act, just a sketch to show what we are trying to prevent," said Kunene. [22]*

The sketch to show what Kunene (and the Mpumalanga law makers who had drafted it) were trying to prevent was called the Mpumalanga Witchcraft Suppression Bill of 2007 and as its name suggests, the Mpumalanga Legislature intended not only to prevent accusations of Witchcraft, it also intended to suppress Witchcraft entirely in Mpumalanga. [23]

In order for me to attempt to illustrate the unintentional callousness on the part of 'the indifferent', consider this scenario in a slightly different paradigm. Let's assume,

for the sake of example only, that this Bill was called the Jewish Suppression Bill. In this imagined scenario the very thought of suppressing the practice of Judaism in Mpumalanga would, to any reasonable person, constitute a grievous act of religious intolerance. One only need look at the speed with which the Deputy Minister of Foreign Affairs, Fatima Hajaig, apologized to the South African Jewish Board of Deputies after it lodged a complaint against the Deputy Minister for stating (on 14 January 2009) that the United States was "in the hands of Jewish money power" to see the ANC government's commitment to, in the words of Foreign Affairs spokesperson Ronnie Mamoepa "fighting all forms of racism in all its manifestations, including anti-Semitism". [24]

When discussing Witchcraft in South African society however, existing legal, cultural and religious stereotypes and biases have already pre-determined, at least for the vast majority, a conformist negative social response to a complaint by actual Witches against a prejudicial use of the word Witchcraft on a public political platform.

To paraphrase comments received by the South African Pagan Rights Alliance (SAPRA) from ANC members on the ANC's official Facebook group [25] in response to a complaint lodged by the Alliance [26] against Tokyo Sexwale's Witchcraft accusation against COPE,

**ANC Respondent A.** - *I must say that you are one of the most confused witches I know...the witches that we know as black people are real witches...a witch cannot stand on top of a table and claim that I'm a Witch because that is dangerous.*

**ANC Respondent B.** - *I think there is a fundamental difference between 'witchcraft' as used by Tokyo [Sexwale] and rituals as practiced by 'witches' which if I remember correctly are Druid rituals. You are thus picking a non-issue. The issue of 'witchcraft' being referred to is of African origin, not European.*

*As to your issue, it really is a non-issue. 'Witchcraft' in the African tradition does not refer to any group of people, who practice magic and rituals as part of their religious practice. It generally refers to people who harm others via some mysterious powers. Sexwale derives from the African tradition. I guess Sexwale thinks COPE is a mysterious force.*

*4) Witchcraft (African tradition) and I am probably going to be attacked for this, is based on superstition, nothing more. Crimes against people called 'witches' have more to do with communal tensions that with any real 'witchcraft'.*

*5) You choose to identify as a Witch instead of a Wiccan precisely because it gives you the opportunity to be outraged when people refer negatively to witches, witchcraft, etc. I suggest 'growing up', may be a more appropriate response that your outrage.*

*6) Attacks on people for practicing witchcraft (African version), must be brought to an end. When African witchcraft is finally seen as a superstition, you can have the word 'witch' all to yourself.*

*If Tokyo does apologize to SAPRA I shall be very angry.*

**ANC Respondent C.** - *Eeyo! Personally I think you should shut up and get a life. This is nonsense, there are REAL issues and challenges that confront this country, grow up, wake up and smell the ANC, were going nowhere.*

Despite taking great pains to explain SAPRA's position, the reasons and motivations for lodging the complaint against Sexwale, and despite outlining the ANC government's already documented commitment to seeking an end to Witchcraft-

related violence through the adoption of the Thohoyandou Declaration, in order to justify its relevance for discussion on an ANC forum, the entire topic was removed by the group's administrator on 6 February.

This summary dismissal of the concerns of South African Witches by indifferent ANC cadres actively deployed to campaign for the ANC, in a very real sense, to represent the policies and ideals of the ANC, confirms the dire observation made by Archbishop Tutu in June of 2008 in response to Julius Malema's "*kill for Zuma*" statements quoted at the start of this chapter.

ANC members on the ground are merely reflecting the inherent social bias and prejudice underscored in public statements by Jacob Zuma and some of his most ardent campaigners. This prejudice is already manifesting itself in brazen discrimination against South African citizens who are indeed the real Witches.

In the new South Africa archaic national legislation (the 1957 Witchcraft Suppression Act) [27] reminds us that Witchcraft is still considered a superstitious belief and that admitting to being a Witch, or to having knowledge of Witchcraft is a criminal offense, albeit one that is obviated by the existence of the Bill of Rights. [28]

Under the guiding example of Jacob Zuma, Julius Malema and others, the Bill of Rights has become a law daily circumvented through an appeal to a non-existent right to maintain and propagate cultural, religious and racial prejudice that is in contradiction with the spirit and intent of the Bill.

ANC respondent A. appeared to take some pride in the fact that "*real Witches*" were not able to publicly admit to being Witches for fear of being murdered. One could read in to her comment either an implied threat or a sincere warning – in admitting that one is a Witch, one is automatically placing one's life in danger. In effect, if your skin happens to be black and you admit to being a Witch, you have absolutely no right to defend your own right to religion, belief or conscience. You will not be afforded the apparent luxury of being presumed innocent until proven guilty of causing harm to the community in which you live. The cultural and religious bias against you is unequivocal and absolute. Cadre A. is an indifferent believer.

ANC respondent B. takes a more measured approach in expressing his own bias and eventual prejudice against Witchcraft and admits to being an indifferent skeptic. He deduces that there is a difference between African Witchcraft and European Witchcraft which he then incorrectly identifies with Druidry.

I will not examine the similarities and differences between Witchcraft and Druidry in this study as it is not relevant to the topic being examined. I must say that Witchcraft and Druidry are two very distinct and very diverse spiritualities despite their overt similarities and despite the fact that many Witches have evolved a syncretic approach to both religions. Both of these spiritualities are already well documented by better researchers and experienced practitioners. Witchcraft however is not Druidry any more than an Apple Tree is an Oak.

Respondent B. defines African Witchcraft as generally referring to "*people who harm others using mysterious powers*". B's statement is certainly confirmed by popular consent in both academic and religious circles. Within the context of South Africa, these so called mysterious powers are elevated in charismatic African Initiated Christian movements to demonic influences. [29] As already demonstrated in A

Pagan Witches TouchStone, accusations of alleged Witchcraft in Africa are not unlike those made against alleged Witches in Europe before the 17th century, despite having undergone unique cultural transformations and mutations.

B. candidly admits that he personally believes that African Witchcraft is nothing more than superstition and that "*crimes against people called 'witches' have more to do with communal tensions than with any real 'witchcraft'.*"

If one can assume that a far larger percentage of alleged Witches murdered in Britain, Europe and the Americas were actually innocent of the charges brought against them on the grounds that their confessions were extracted through severe torture [30], one can assume then that in Africa, most, if not all alleged child Witches in Malawi and Nigeria are simply normal children seeking nurture and nourishment in abnormal environments.

The findings of both the 1995 'Commission of Inquiry into Witchcraft Violence and Ritual Murder in the Northern Province' chaired by Professor N. V. Ralushai, and the Commission for Gender Equality's 'National Conference on Witchcraft Violence' in Thohoyandou, Venda in 1998 lend credence to the suggestion that persons accused of bewitching others in South Africa are in almost all instances innocent of the allegations made against them, and that Witchcraft is a phenomenon closely associated with societal turmoil or unrest, in which the victims of Witch purging represent the scapegoats for that societal distress. [31]

But, where does this leave white-skinned African and European Witches in the African perspective? All three respondents expressed the same conviction; Pagan Witches, like our allegedly non-existent African cousins, do not merit the same rights afforded to Africans in general. Like the Thakathi / Baloyi of urban legend and the ex-ANC cadres of COPE, the white-skinned Witch must be reduced in credibility and dignity in order to serve the status quo.

*As a nation we need values. The long-term impact of not having a value-based society is that South Africans will be damned," says Tutu. "If we do not have the right values of truth, honesty, love and compassion, then we are for the birds. Our nation will self-destruct.*

**Archbishop Emeritus Desmond Tutu**

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## Part Three

### Discrimination

*You can't kill the Spirit,  
She is like a mountain.  
Old and strong,  
She goes on and on and on ...*

**Monica Sjoo**

The international community defines discrimination as "*any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, language, religion, national or social origin, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms*". [32]

Article 27 of the 'International Covenant on Civil and Political Rights' states:

*"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language".* [33]

Article 5 of the 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' obliges all governments to consider the legitimate interests of minorities in developing national policies and programmes. It is important here to note that these minority rights are not subject to official recognition of a minority by a government.

This international right is echoed in section 31 (1) of Chapter Two of the Constitution of South Africa:

*Section 31 (1)*

*31. (1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community*  
*a. to enjoy their culture, practice their religion and use their language; and*  
*b. to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.* [34]

According to both international and South African law the African National Congress, as the governing party of the republic, is legally obligated to consider the legitimate interests of South African Witches in developing national policies and programmes to correct inequalities to which Witches are subjected. In this instance, with special regard to ensuring that Witches in this country are able to benefit equally from every other right enshrined in the Bill of Rights.

A refusal to engage with or speak to representatives of our religious minority constitutes a crime under international convention and law. Dismissing the legitimate concerns of Witches in a country prone to sporadic Witch-hunts constitutes criminal negligence in the pursuance of the protection of the rights of an already visible and recognized religious minority.

### **Are the concerns raised by the South African Pagan Rights Alliance legitimate?**

In order to allow the reader a context within which to judge the answer to this question it is necessary to review an existing precedent for both legitimacy of concern and government intervention.

During the 1990's the expelling and killing of suspected Witches occurred frequently in several provinces. The frequency of occurrence of Witch hunts within the Limpopo Province prompted the former Premier of Limpopo Province in 1995, Advocate Ngoako Ramathlodi, to appoint a Commission of Inquiry to investigate, amongst other things, the phenomenon of Witch purging. The 'Commission of Inquiry into Witchcraft Violence and Ritual Murder in the Northern Province' chaired by Professor N. V. Ralushai revealed the tragedy of Witch purging. The Ralushai Report found that prior to 1980 suspected Witches identified through various methods of divination by "witchdoctors" (diviners or traditional healers acting as Witch-finders) were apprehended by members of their community and killed without trial. Many testified before the commission that some murders were politically instigated.

In response to the ongoing purge of alleged Witches the Commission for Gender Equality (CGE) convened a 'National Conference on Witchcraft Violence' in Thohoyandou, Venda, in September 1998. The **'Thohoyandou Declaration on Ending Witchcraft Violence' (1998)** [35] was issued by the CGE in response to the findings of the conference on 10 September. Participants of The Witchcraft Violence Conference, including survivors and perpetrators of violence against suspected Witches, supported the assertion that accusations of Witchcraft were most often simply motivated by jealousy and that victims of such violence were innocent of the allegations made against them. The Commission released its final report on the conference in Pietersburg in March 1999.

The National Conference on Witchcraft Violence served as a catalyst to structures that previously ignored the life-threatening effects of violence against accused Witches on families and communities. Political parties including the African National Congress, safety and security institutions, civic organizations, religious groups and labour movements committed themselves to stopping the violence with the adoption of the Declaration.

Following the findings of the 1995 Ralushai Commission and several successive national and regional Conferences, the Commission recommended, a) encouraging Traditional healers to "emphasize the curative and preventative aspect of medicine, instead of pointing out so-called witches", b) prosecuting perpetrators of ritual murders (including human mutilations) and instigators of Witch hunts, and c) drafting appropriate legislation to govern the activities of Traditional Healers.

In response to the findings of the Conference the CGE launched its **'Action Plan for the Eradication of Witchcraft Violence' (1999)** [36] by committing itself to monitoring the progress of "legislative reform, victim support, the reintegration of

victims into communities, and reconciliation and public education programmes” aimed at eradicating ‘witchcraft violence’.

Incidences of Witchcraft accusations and revenge attacks have however continued unabated despite the findings of the Thohoyandou Declaration on Ending Witchcraft Violence and in spite of the CGE’s undertaking in 1999 to monitor the progress of reconciliation and public education programmes aimed at eradicating Witchcraft violence in the execution of its ‘Action Plan for the Eradication of Witchcraft Violence’.

In its own independent review of both commissions and summary proposals to end Witchcraft accusations and violence against suspected or alleged Witches, the South African Pagan Rights Alliance has identified the following concerns as being of relevance to Witches as well as to government with regard to the implementation of national policies and programmes aimed at preventing ongoing Witchcraft related violence.

### **Ralushai Commission of Inquiry into Witchcraft Violence and Ritual Murder in the Northern Province'**

#### **a. Ralushai Commission failed to identify stakeholders.**

Whilst the Ralushai Commission’s recommendations appear to have been addressed, especially with regard to Traditional healers, as is evidenced by the establishment of codes of conduct for registered Traditional healers that emphasize the role and function of iSangomas and iNyangas as healers, and through the drafting of legislation to regulate the activities of Traditional healers, the Commission failed to consider the concerns or elicit the testimony of important stakeholders – Witches themselves.

Generally held bias against Witches by both the communities who participated in this Inquiry, as evidenced in Professor Ralushai’s findings on the Inquiry chaired by him and in his subsequent testimony before the CGE’s national conference on the definition of Witchcraft, merely served to reinforce prejudicial Witch stereotypes.

It should be self-evident that a complete and thorough understanding of the phenomenon of Witchcraft within a South African context would require, at the very least, a comparative narrative between traditionally held beliefs concerning Witches and actual first hand testimony of what Witchcraft is from an actual practitioner of Witchcraft.

#### **b. Ralushai Commission presentation of findings and recommendations based on prejudicial hearsay.**

The Commission was presented with hearsay evidence concerning Witchcraft by people who did not self-define as Witches and who had no actual experiential knowledge of Witchcraft. In every instance the testimonies of Witch hunters and victims of Witch hunts portrayed Witchcraft solely as a malevolent force or action which leads to harm.

The commission's selective and culturally as well as religiously biased inquiry could never have identified the need for already identified stakeholders such as Traditional healers to engage with actual Witches to find solutions to ongoing Witchcraft accusations which would not prejudice Witches as an unintended consequence.

It could be argued that the drafting of the Mpumalanga Witchcraft Suppression Bill in 2007 by the Mpumalanga legislature to suppress Witchcraft in the province could have been avoided entirely in 1995 had the Ralushai Commission been made aware of the existence of a religious minority who used the terms 'Witch' and 'Witchcraft' with which to define themselves and their religion.

It is important to consider also, given the existing prejudice against Witchcraft, whether or not self-defined Witches living in the northern provinces in 1995 would have been welcomed to testify before such an Inquiry, and also whether their testimony would have been permitted to contribute towards a renewal or rehabilitation of the stereotypical definitions of Witchcraft presented and reaffirmed by the Commission.

### **c. Ralushai Commission findings institutionalized deliberate bias and prejudice against Witchcraft and Witches.**

The presentation of testimony on Witchcraft before the Commission was deliberately biased against Witchcraft in that it prejudged both the nature of Witchcraft and stereotyped its adherents as morally delinquent, spiritually bereft and criminally complicit in the harm perceived generally and reinforced by the retelling of well-worn urban legends and, in many instances, deliberate defamation and slander. One need only review the actual testimony to confirm this.

Given the absence of a moderating perspective, albeit one derived from within a European Pagan context, Professor Ralushai defined and later, testifying before the Commission for Gender Equality, reinforced the definition of a Witch as,

*... a person who through sheer malice, either consciously or subconsciously, employs magical means to inflict all manner of evil on their fellow human beings. They destroy property, bring disease or misfortune and cause death, often entirely without provocation to satisfy their inherent craving for evil doing. [37]*

The unintended consequence of reinforcing and institutionalizing negative stereotyping against Witches merely served to reinforce the erroneous notion that Witches are indeed sub-human, unconscious of their evil influence, and always to be regarded with suspicion and loathing.

*Persistent negative stereotypes add fuel to the fire within institutionalized racism. The presence of stereotypes matters because of their influence on interpersonal interactions. Stereotypes not only contribute to patterns of social segregation, they also shape views of crime, crime policy, and welfare policy, especially if contextual information is stereotype-consistent. [38]*

As has already been discussed previously, the recent use of this negative stereotyping by both Jacob Zuma and Tokyo Sexwale against members of the Congress of the People once again served to reinforce public prejudice against Witchcraft and Witches.

South African Witches regard harmful stereotypical definitions of Witchcraft as injurious to their dignity and the use of the terms Witch and Witchcraft to describe criminal activities as unfair discrimination. Accusations of Witchcraft (in any language) brings into disrepute anyone who may self-identify as a Witch, irrespective of whether or not said self-defined Witch is a European Pagan or a practitioner of Traditional African magic.

## **Commission for Gender Equality 'National Conference on Witchcraft Violence'**

### **d. CGE Commission failed to monitor progress of legislative reform.**

#### ***Extract from the 'Thohoyandou Declaration On Ending Witchcraft Violence' (10 September, 1998)***

*LEGISLATIVE REFORM: The Witchcraft Suppression Act 3 of 1957 falls short of a pragmatic approach to the issue of witchcraft, and may in fact be fuelling witchcraft violence. Legislative reform is required as matter of urgency. We call on the government to repeal the Witchcraft Suppression Act and introduce;*

*(1) Legislation dealing with the issue of witchcraft, so that those who are engaged in harmful practices can be separated out from those who are falsely accused; and so that those who make false accusations can be brought to book. Such legislation would, inter alia,*

*\* Represent a paradigm shift from the current act which operates from a premise that denies the belief in witchcraft; leading to the Issue being dealt with outside the criminal justice system.*

*\* Provide clear definitions for words and concepts such as "witch", "wizard" and "witchcraft".*

*\* Introduce structures to deal with certain witchcraft-related complaints by means of conciliation and mediation, thereby attempting to resolve underlying tensions.*

*(2) Legislation to control the practice of traditional healing: which should be accompanied by a Code of Conduct to ensure that the practice of traditional medicine is separated from sinister practices.*

*The conference requested the Commission for Gender Equality to convene a meeting with the Ministry of Justice and other interest groups to initiate the above legislative reform in October. [39]*

The CGE failed to honour its commitment to monitoring the progress of legislative reform.

Given the absence of evidence before the National Conference on Witchcraft Violence of the existence of a primarily caucasian religious minority who identify their religion as Witchcraft and who self-define as Witches, the CGE failed in its undertaking to identify all relevant stakeholders by relying solely on stakeholders identified at the conference [40]. The consequence of this error of omission has resulted in the following failures.

The CGE's recommendation to government to "*represent a paradigm shift from the current act which operates under the premise that denies the belief in witchcraft*" seeks to institutionalize a legislative definition of Witchcraft, one that prejudices all Witches, irrespective of skin colour or cultural origin, as criminals.

Professor Ralushai and the work and findings of the Ralushai led 1998 Commission served as an important stakeholder in consultations with the CGE. It is therefore logical to assume that the given prejudicial definition of Witchcraft presented by Ralushai in Thohoyandou in 1999 before the CGE, and again before the Truth and Reconciliation Commission amnesty hearing on 12 July 1999 [41] would become the accepted and unchallenged definition of use when approaching legislative reform.

*"A Witch is said to be a person who through sheer malice, either consciously or subconsciously, employs magical means to inflict all manner of evil on their fellow human beings. They destroy property, bring disease or misfortune and cause death, often entirely without provocation to satisfy their inherent craving for evil doing." N.V. Ralushai*

The recommendation to reinforce and institutionalize a negative stereotype against Witches and against Witchcraft prejudices both citizens of this country and an internationally recognized and identified religion.

The same errors of omission and prejudice were repeated in Mpumalanga in 2007 when a similar recommendation to address the "*problem of Witchcraft*" in this province prompted the Provincial Department to draft a Witchcraft Suppression Bill. The Bill sought to criminalize South African citizens who defined their religion as Witchcraft. [42]

The drafters of the Bill were unaware of the unintended consequences of their draft on an existing religious community. One may presume that the drafter/s were operating on the assumption that either a) Witchcraft was a superstition used by unscrupulous individuals to cause harm to others, or b) Witchcraft was a real threat to communities and individuals and needed to be suppressed. The content of the Bill certainly confirms this assumption.

In February 2007 the South African Pagan Rights Alliance submitted a request to the Commission for Gender Equality for a formal inquiry into the ongoing persecution of innocent persons falsely accused of being Witches and of practicing Witchcraft in South Africa. The letter of appeal, dated 12 February 2007, has never been responded to by CGE, despite numerous and continuous reminders.

*The conference requested the Commission for Gender Equality to convene a meeting with the Ministry of Justice and other interest groups to initiate the above legislative reform in October. (1998)*

In July 2007 the Alliance requested the Minister of Justice and Constitutional Development and the South African Human Rights Commission (SAHRC) to intervene to prevent the passage of the Mpumalanga Bill and appealed for legislative reform to the Witchcraft Suppression Act (Act 3 of 1957 as amended by Act 50 of 1970). [43] The Alliance also requested the South African Law Reform Commission (SALRC) to repeal the Witchcraft Suppression Act. In July 2008 the Law Reform Commission agreed to conduct a preliminary investigation in order to determine whether or not the Act should be repealed. [44]

In a combined submission in motivation of repeal of Act 3. on behalf of the Pagan Rights Alliance and the South African Pagan Council (SAPC), the Alliance made specific reference to the recommendation of the Commission for Gender Equality in 1998 to convene a meeting with the Ministry of Justice and Constitutional Development to request that Act 3 be repealed on the grounds that it may be fuelling Witchcraft violence.

One may be forgiven for assuming that CGE was requesting the Department of Justice to repeal Act 3 on the grounds that it criminalized South African citizens who defined as Witches. To date, the Commission for Gender Equality has not responded to the numerous requests made to participate in recent developments regarding Witchcraft legislation.

#### **e. CGE Commission failed to identify all victims of Witch hunts.**

Given that the CGE Commission had failed to consider the unintentional constitutional infringement of the rights of a religious minority in its attempt to bring an end to violence against alleged Witches, one may assume that the CGE did not regard actual Witches as potential victims of Witch hunts, or considered this to be of secondary importance to the attempt to reintegrate victims of Witch hunts who did not self-identify as Witches.

No previous commission or conference on Witchcraft has identified the need to investigate if and in what manner, negatively stereotyping and institutionalized prejudice against Witchcraft has resulted in unfair discrimination against Witches. The assumption that it hasn't unfairly prejudiced caucasian Witches because they have not been the victims of Witchcraft violence, an assumption often directed at Witches campaigning for religious equality, does not take cognizance of the full effects of institutionalized prejudice.

In 1990 the Canadian Supreme Court described the harm that might result from institutionalized prejudice by examining the effects of the advocacy of hatred.

*"Although the words 'advocacy of hatred' are capable of a narrow construction, the focus is likely to be placed on the second element: 'incitement to cause harm'. In R. v Keegstra [1990] 3 SCR 697, the Canadian Supreme Court described the 'harm' that may result from hate speech. The Court stated that emotional damage caused by words may have grave psychological and social consequences. A response of humiliation and degradation from the individual targeted by hate propaganda is to be expected. A person's sense of human dignity and belonging to a community at large is closely linked to the concern and respect accorded the groups to which he or she belongs. The derision, hostility and abuse encouraged by hate propaganda therefore have a severely negative impact on an individual's sense of self-worth and acceptance." [45]*

#### **f. CGE Commission failed to facilitate reconciliation and education.**

The CGE's recommendation to facilitate reconciliation and public education programmes aimed at eradicating witchcraft violence did not facilitate reconciliation

between Traditional Healers who still believe that Witchcraft should be suppressed, and Witches who seek to eradicate bias and prejudice against Witchcraft.

It also failed to reconcile the fundamental differences between two opposing cultural and religious world-views when addressing Witchcraft. Instead of facilitating an understanding of Witchcraft from a Pagan perspective the CGE supported culturally biased and prejudicial assumptions about Witchcraft. No public education or policy programmes to combat prejudice against Witchcraft were introduced.

***Elegy for a Dead Witch***

*To think that you are gone, over the crest of the hills,  
As the Moon passed from her fullness, riding the sky,  
And the White Mare took you with her.  
To think that we will wait another life  
To drink wine from the horns and leap the fire.  
Farewell from this world, but not from the Circle.  
That place that is between the worlds  
Shall hold return in due time. Nothing is lost.  
The half of a fruit from the tree of Avalon  
Shall be our reminder, among the fallen leaves  
This life treads underfoot. Let the rain weep.  
Waken in sunlight from the Realms of Sleep.*

**Doreen Valiente – to the memory of Robert Cochrane**

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Witchcraft Violence - We have a Plan
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## Conclusion

*She dwelt among the untrodden ways  
Beside the springs of Dove,  
A maid whom there were none to praise  
And very few to love:*

*A violet by a mossy stone  
Half hidden from the eye!  
Fair as a star, when only one  
Is shining in the sky.*

*She loved unknown, and few could know  
When Lucy ceased to be;  
But she is in her grave, and, oh,  
The difference to me!*

**William Wordsworth**

Do Witches benefit equally from the constitutional right to Equality, Human Dignity and Freedom of Religion and Belief? Yes and no!

From the preceding chapters I have demonstrated that the persistent reinforcement of traditionally held stereotypes regarding Witches permeates the society in which we live. The inherent bias in every sphere of civil society against Witchcraft in both black and white communities prejudices and prejudices citizens who are Witches. I have also demonstrated that this bias and prejudice against Witchcraft has been institutionalized in law (the Witchcraft Suppression Act and the Mpumalanga Witchcraft Suppression Bill) and state institutions established and intended to support constitutional democracy (the Commission of Gender Equality's failure to identify the constitutional rights of an existing religious minority).

In chapter 2 of 'A Pagan Witches TouchStone' [46] I explored some of the religious and cultural beliefs that motivate societal prejudice against Witches. These ingrained beliefs, reinforced by successive generations through hearsay, urban legend, local folk-lore and cultural taboo are intentionally given legitimacy in law, academia and politics, and result in unfair discrimination against Witches.

*Prejudice is an unfair, intolerant, or unfavorable attitude toward a group of people. Prejudicial beliefs are virtually negative stereotypes. Social scientists view prejudice as the possession of negative attitudes targeted against members of a particular religious, racial, ethnic, social, and/or political group. These attitudes give rise to negative or unfavorable evaluations of individuals seen as belonging to that group. The perception that one belongs to a certain group is the precipitating factor in prejudicial feelings—not the actual attributes or behaviors of the person being judged. [47]*

Between 2000 and 2008 Witches in South Africa have directly experienced this unfair discrimination in a number of ways; the denial of service, the refusal of employment,

and the refusal of membership and participation in organizations and government programmes established with the express intent of promoting and encouraging religious equality.

Religious bias against Witchcraft also prejudices interactions between Witches and both state and private institutions established to protect or promote equality, and between Witches and political organizations, simply because such institutions and organizations are composed of people with both religious and cultural bias against Witchcraft.

The ongoing prevalence of Witchcraft related violence against non-Witches as the result of defamatory accusation in virtually every province raises legitimate concerns regarding the present and future safety and security of Witches who choose to make their religious affiliation public knowledge. How can citizens feel safe when they are afraid to tell others that they are Witches for fear of being scapegoated?

*Scapegoating is the practice of blaming an individual or group for a real or perceived failure of others. It is not uncommon to blame others for our own mistakes, and especially to affix blame on those who are unable or unwilling to defend themselves against the charges. Minorities are often the targets of scapegoating. First, minorities are often isolated within society and are thus an easy target. Those in the majority are more easily convinced about the negative characteristics of a minority with which they have no direct contact.*  
[48]

Is there a road-map to justice, equality and dignity for Witchcraft in South Africa? What national policies and programmes could be developed to correct inequalities and prejudices to which Witches are subjected?

### **1. Rehabilitate discriminatory stereotypes.**

South Africans who already possess bias and express prejudice against Witchcraft will no doubt argue, and indeed have argued, that Witches who seek to rehabilitate existing negative stereotypes of Witchcraft are attempting to force a European perspective and context on black South African cultures who regard Witches as a source of evil and harm. This unfortunate cultural bias, one supported by the African National Congress and its alliance partners, seeks to deny caucasian Witches the right to dignity and equality. This racial prejudice against Witches of European descent seeks to negate the right of citizens born in South Africa to freedom of religion and belief.

Discrimination and scapegoating based on the tacit acceptance of negative stereotypes have served elsewhere as the precursors to persecution, violence, and genocide. They can not and must not be ignored or dismissed as non-issues. The rehabilitation and restoration of human dignity for Witches in South Africa depends on the introduction and institutionalization of positive stereotypes about Witchcraft.

To the extent to which government and institutions have reinforced these discriminatory stereotypes against Witches, government and institutions established to promote and support our constitutional democracy should be obligated to

undertake national programmes of reconciliation to rehabilitate these stereotypes and to discourage prejudice against Witches and Witchcraft.

## **2. Institutionalize positive stereotypes.**

The Witchcraft Suppression Act 3 of 1957 must be repealed entirely on the grounds that it contributes toward the criminalization of Witchcraft in both law and public opinion.

Act 3 was created with the intention of suppressing indigenous African practices, practices incorrectly identified as Witchcraft. Traditional Healers have already publicly stated that they have never and do not identify their traditional African practices and religions as Witchcraft and regard the existence of Act 3 as prejudicial to their constitutionally guaranteed right to belief and religion.

The continuing existence of Act 3 criminalizes identified practices, some of which are associated with and practiced by both Traditional Healers and self-defined Pagan Witches. The Act criminalizes South African citizens who do self-identify as Witches and who do practice Witchcraft, by prohibiting anyone from professing to be a Witch or to practicing Witchcraft.

Act 3 of 1957 contradicts several sections of Chapter 2 of the Constitution of the Republic of South Africa (Act 108 of 1996), including:

### **A. Section 1 (a)**

1. The Republic of South Africa is one, sovereign, democratic state founded on the following values:

a. Human dignity, the achievement of equality and the advancement of human rights and freedoms.

### **B. Section 3 (2) (a)**

3. (2) All citizens are (a). equally entitled to the rights, privileges and benefits of citizenship.

### **C. Section 7 (1) and (2)**

7. (1) This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

(2) The state must respect, protect, promote and fulfill the rights in the Bill of Rights.

### **D. Section 9 (1) to (4)**

9. (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.

(2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

(4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

E. Section 10

10. Everyone has inherent dignity and the right to have their dignity respected and protected.

F. Section 12 (1)

12. (1) Everyone has the right to freedom and security of the person.

G. Section 15 (1)

15. (1) Everyone has the right to freedom of conscience, religion, thought, belief and opinion.

H. Section 16 (1) (b)

16. (1) Everyone has the right to freedom of expression, which includes (b). freedom to receive or impart information or ideas;

I. Section 18

18. Everyone has the right to freedom of association.

J. Section 22

22. Every citizen has the right to choose their trade, occupation or profession freely.

K. Section 31 (1)

31. (1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community

- a. to enjoy their culture, practice their religion and use their language; and
- b. to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

Chapter 2 of the Constitution of the Republic of South Africa recognizes and enshrines human dignity, the achievement of equality and the advancement of human rights and freedoms. Section 9(2)(4) of the Bill of Rights provides for the enactment of legislation to prevent or prohibit unfair discrimination, to protect and advance persons or categories of persons disadvantaged by unfair discrimination, and to promote the achievement of equality for a specific historically disadvantaged religious minority.

The South African Pagan Rights Alliance and the South African Pagan Council have already requested the Minister of Justice and Constitutional Development to enact legislation to prevent and prohibit unfair discrimination against Witches. Such legislation must not seek to regulate Witchcraft, but rather provide for the protection of self-defined Witches, to protect Witchcraft as a recognized religion, to prohibit discrimination against persons claiming to be Witches, or alleged to be Witches, or of practicing Witchcraft, and to prohibit the discriminatory use of the terms Witch and Witchcraft intended to defame or denigrate the dignity of citizens. [49]

### **3. Promote and support reconciliation.**

In accordance with Article 5 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Article 27 of the International Covenant on Civil and Political Rights, and Section 31 (1) of Chapter Two of the Constitution of South Africa, the South African government, in conjunction with institutions such as the Human Rights Commission, the Commission for Gender Equality, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, must promote respect for and further the protection of the rights of Witches by initiating information and education programmes to promote public understanding of Witchcraft in a non-discriminatory and non-prejudicial manner. These programmes must acknowledge the legitimate concerns of Witches in developing national policies to correct inequalities to which Witches are subjected.

In conclusion, the right to life, liberty, equality, dignity and belief belongs to all South African citizens equally by virtue of birth. The recognition of these and other rights enshrined in the Bill of Rights are not apportioned on the basis of cultural affiliation or skin colour. The right to cultural prejudice is not enshrined in the constitution of South Africa. No South African citizen may discriminate against Witches on the basis of religious or cultural bias or prejudice. No political organization may justify imposing prejudice and discrimination against Witchcraft.

Witches must rise to the challenge and demand equal consideration from the South African government. The future of successive generations of Witches demands that this generation not forgo, through fear or indifference, the obligation to defend and protect their birthright to equality and dignity.

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