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5 July 2007

Office of the Premier
Mpumalanga Provincial Government

For attention: Advocates B. Thomas and H.M. Mbatha
and L. Pretorius

With reference to: P.15/5/15 Comment as an Interested and Affected Party: Mpumalanga Witchcraft Suppression Bill 2007.

Registered I&AP: The South African Pagan Rights Alliance

The Alliance would like to thank the Advocates Thomas and Mbatha and L. Pretorius for this opportunity to submit comment and recommendation as an interested and affected party.

I have had an opportunity to study a draft of the proposed 'Mpumalanga Witchcraft Suppression Bill 2007' on behalf of the South African Pagan Rights Alliance.

The Alliance finds, in objection to the proposed draft, the following for consideration:

1.

The title of the proposed bill - Witchcraft Suppression – and the intent of the bill stated in the first paragraph of the draft as “to provide for the suppression of witchcraft...” constitutes a deliberate contravention of the Bill of Rights with respect to the protection of an established and already identified religious community’s right to practice their religion. [Chapter 2, section 31 of Act 108]

The religious community to which I refer defines its spiritual occupation as Witchcraft, and its adherents define themselves as Witches. It should be noted that most, but not all, members of this Alliance define themselves as Witches or as members of 'the Wicca'. The English word 'witch' is derived from the medieval English word 'wicche'. The medieval word in turn derives from the Anglo-Saxon words 'wicca' (meaning a male Witch) and 'wicce' (meaning a female Witch).

The Anglo-Saxon derivation of the word 'witch' places this discussion of witchcraft within a pagan / heathen context. Witchcraft is described as an occupation closely associated with divination and the practice of natural magic, and its practices are understood as something sacred and spiritual. It is in this context that modern Pagan Witches use the terms Witch and Witchcraft.

The South African Witchcraft Suppression Act (Act 3 of 1957 as amended by Act 50 of 1970) does not provide any definition for the words witch, sorcerer or wizard. These words are used interchangeably throughout the act. The word 'sorcerer' derives from the Middle English 'sorser' and originates from the Old French 'sorcier'. A sorceress is defined as a woman who practices magic and divination. The Middle English 'wisard', meaning wise, is defined as a person (male) who practices magic, i.e. a magician. It may then be assumed that the words sorcerer, wizard and magician are cognate with that of 'witch' in the sense that all were ascribed at varying times and places to people who used magic.

Pagan Witches in South Africa do not refer to themselves as either sorcerers or wizards and I will therefore not use either term in reference to Witchcraft. Nor will I use the term 'magician' to refer to a Witch. Modern Pagans understand a magician to properly refer to a practitioner of ceremonial magic. Ceremonial magic differs in practice from 'natural or sympathetic magic' i.e. witchcraft.

The South African Pagan Rights Alliance defines Witchcraft as : a religio-magical occupation that employs the use of sympathetic magic, ritual, herbalism and divination.

Witchcraft is an ancient magical system that employs the use of divination, sympathetic magic and ritual practices, but does not confine itself to the worship of deity, nor to any specific religion or culture. Contemporary Witches define their religio-spiritual practices as a craft. Modern Witches ply their craft as herbalists, diviners and magic workers.

As 'Wicca', Witchcraft has evolved into a modern Pagan mystery religion. Wicca is an initiatory, polytheistic (with exceptions), Pagan mystery religion inspired by various pre- and post-Christian western European beliefs and spiritual practices. Wicca was popularised in England in the 1950's by Gerald Gardner. An initiate of 'the Wicca' is one who traces his or her initiatory lineage back to Gerald Gardner or his initiates.

Not all Witches define themselves as 'Wicca'. Contrived disassociation of the term 'Wicca' from 'Witch' in order to support a cultural and religious world-view of good (the Wicca) versus evil (the Witch) is grossly misleading. The Wicca are (with exception), by self-definition, Witches.

2.

Chapter 6 of the proposed bill criminalises members of a recognised religious minority – Witches - by making it illegal for self-defined Witches to admit to being Witches or to practicing Witchcraft.

3.

The bill undermines the right of members of a recognised religious minority to freedom of religion and belief.

4.

The bill undermines the dignity and security of self-defined Witches by characterising Witches as a threat to the well-being of communities within which Witches live and work.

This Alliance is aware of the urgent need by the Office of the Premier of Mpumalanga to prevent further incidences of ongoing violence against innocent citizens falsely accused of, or alleged to be witches or of practicing witchcraft.

Despite numerous inter-governmental investigations into the phenomena of 'witch-purging' by individuals and communities within South Africa and in spite of numerous very detailed published

reports, including the Thohoyandou Declaration, no attempt has been made to reconcile the two very different world-views at stake when discussing witchcraft from a traditional African and Christian perspective, and Witchcraft from a South African Pagan perspective.

The Alliance would argue that our stated reasons of objection to the Mpumalanga Witchcraft Suppression Bill apply equally to the Witchcraft Suppression Act (Act 3 of 1957 as amended by Act 50 of 1970). The Alliance will be submitting substantial objections against both this Bill and Act 3 directly to the Minister of Justice and Constitutional Development in due course in order to ensure that constructive debate and action on this subject prevents any future limitation of the right to religious freedom for self-defined Witches.

We appeal to the Premier and to the drafters of this Bill not to proceed with the enactment of any legislation which would in any way prohibit or criminalise South African citizens on the grounds of religion or as the result of automatic inference of criminality. Existing criminal law already comprehensively covers the identification and punishment of criminal acts irrespective of the context within which such acts are perpetrated.

The South African Pagan Rights Alliance reserves the right to submit additional comment on the proposed Mpumalanga Witchcraft Bill.

Yours Sincerely

Mr. D. Leff
Convenor: South African Pagan Rights Alliance