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## CHAPTER TEN

# THE ROLE OF RELIGION IN THE REVIEWING OF THE TANZANIAN CONSTITUTION

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### INTRODUCTION

The president of the Republic of Tanzania has constituted a commission of 30 members, representing different political parties, religious organizations, NGO's and other interested parties, to review the Fourth Constitution. The commission that officially began its work on 1st May 2012 was expected to present a draft to the parliament by the end of October 2013. What is the role of religion in this review process? Though religious organizations have been represented in the commission, the membership is neither equally distributed, nor proportionate to the religious affiliation of the general population of the country. Considering that this is a secular country where the number of Christians and Muslims is almost equal, it is strange that 21 of the commission members are Muslims and only 9 are Christians. Was this a lack of sensitivity to religious affiliations, or a covert expression of a politicised religious agenda?

Moreover, some questions that could be the concern of the review commission are also relevant to religious traditions:

- i) The relationship between Zanzibar and mainland Tanganyika is a very vital consideration. Besides their native affiliation (hailing from mainland or the islands), religion has also played a big part on whether people support or reject this separation agenda.
- ii) Reproductive Health Rights is also a very sensitive issue. There is a bill being debated that has been supported by the Pro-choice groups, which would make abortion easier while criminalizing Pro-life doctors who refuse to offer abortion services.
- iii) The third issue that is likely to raise considerable debate based on religious sentiments will be the same sex relationships.

These pressing issues notwithstanding, given the nature of this study session – that it is academic in scope – our answer to the question of “What is the role of religion in the reviewing of the Tanzanian constitution?” has to be based on some sound theoretical framework rather than pragmatically suggesting a list of nitty-gritty details, which, of course, I will reserve to the final section. The question of the role of religion actually entails a chain of other fundamental questions: what is the nature of the relationship between the sacred and the secular; what is the appropriate boundary between religion and society; and what could be the ideal type of interaction between church and state. More precisely, the present paper will focus on three questions:

- Should there be any interaction between religion and society (and by extension, the state) in Africa, and Tanzania in particular?
- What type of religion are we talking about, anyway; and what type of interaction?

- What does all this imply for the constitution review process in Tanzania?

### 1. The Interaction between the Sacred and the Secular in Africa

According to Durkheim (1915), the separation of the sacred and the profane constitutes the very essence of religion. In other words, according to the French Sociologist, human societies can be said to be religious only when they begin to recognise not only the distinction, but also the separation, between the sacred (“things set apart or forbidden” – group values that are embodied in symbols) and the profane (mundane individual concerns) (G. Lynch, 2012). Does Durkheim’s conjecture hold good for all societies across the globe?

Almost half a century later, basing himself on ethnographic approach, Evans-Pritchard (1965) repudiates the assumption of Durkheim:

Surely what [Durkheim] calls ‘sacred’ and ‘profane’ are on the same level of experience, and far from being cut off from one another, they are so closely intermingled as to be inseparable. They cannot, therefore, either for the individual or for social activities, be put in closed departments which negate each other, one of which is left on entering the other (Evans –Pritchard, 1965).

I tend to think that Durkheim’s statement comes from his theorising on the social phenomena in the context of the post-reformation European Christianity and the urban capitalist culture of the West. On the other hand, Evans-Pritchard’s is based on his anthropological participant-observation among the Zande and the Nuer people of Sudan.

In many non-Western societies, including some cultures in the Eastern Europe, the separation between the sacred and the secular, between religion and society, between the church and the state, may not be obvious even in the present day. Similarly, despite all the variety that is undeniable in the religious expressions found in Sub-Saharan Africa, one commonality that is acknowledged in African Traditional Religion is that there is no separation of the sacred from the profane (M. Magesa, 1997; John Mbiti, 1969). Because of the inseparability of religion and society among the African peoples, scholars have often spoken about African philosophy and culture in conjunction with African religions (J. V. Taylor, 1963), to the point of downplaying African traditional religions. This is an attempt to fit the global variety in the straightjacket of Western scholarship of religion that has been largely influenced by the theology of Christianity and the history of Reformation. This attempt could be simply an expression of what some authors have called, 'academic imperialism' (V. Hereniko, 2000; R. Sayer, 2000), and an exemplification of what Wulff termed, 'the reification of religion' – that is trying to define religion in very narrow terms (D. M. Wulff, 1997).

Returning to our focus on Africa – both traditional and contemporary – where people tend to be "notoriously religious" (John Mbiti, 1969), the boundaries between the sacred and the secular, religion and society are enmeshed. And most of Africa is untouched by the enlightenment-post-Christian-secular Western agenda. In such a context, "Should there be any interaction between religion and society (and by extension, the state) in Africa?" is not even a relevant question. More pertinent questions would be:

- What type of religion should interact with the state?
- And what should be the nature of the interaction?

## 2. What Type of Religion should interact with the State?

### 2.1 Religiosity versus Spirituality

Some people in the Western society are developing a way of identifying their 'religious affiliation' in terms of being 'spiritual-but-not-religious.' Results of a cross-cultural study indicate that 40 per cent of American respondents and 20 per cent of German respondents identify themselves this way (R. M. Csof et al, 2009). Social sciences that study religion and spirituality have taken this phenomenon into account. Some academic journals and learned societies have been renamed to accommodate this development. For instance, after much debate (Pargament, 1999, Stifoss-Hanssen, 1999), Division 36 of the American Psychological Association, which used to be called, 'Psychology of Religion,' has been renamed as 'The Society for the Psychology of Religion and Spirituality,' since August 2011. Moreover, it has become a matter of routine in the introductory sections of the works of sociology or psychology of religion to draw the distinction between religion and spirituality (P. Heelas et al, 2005; P. C. Hill et al, 2000, R. W. Hood, Hill, & Spilka, 2009). Often these discussions get polarised to imply that religion and spirituality are not only just distinct constructs, but also separate entities.

Generally, 'religiosity' is measured in terms of simple belief in the tenets of a particular religion (creed), observance of the directives of the religion (code), frequency of attendance in religious practices (cult), and sometimes also in their attitudes towards the believing community (Francis & Katz, 1992). Religion is associated with institutional affiliation, whereas spirituality refers to individual and personal experiences that may or may not be even related to the 'sacred'. In more sophisticated terms, while religion may be identified with ritualism and formalised belief, spirituality is related to "a search for meaning, for unity, for connectedness, for transcendence, and for

the highest of human potential" (R. A. Emmons, 1999). Spirituality does not require an institutional framework; it is personal; it is based on value commitments; and it could be without a deity.

Can this Western wave of 'spirituality' sweep over Africa in general and Tanzania in particular? It is a difficult question to predict an answer. However, it must be noted that often this polarisation is a reaction against bad religion that in turn is an exaggeration of religiosity bereft of spirituality. Such a religiosity becomes the breeding ground for fundamentalism, fanaticism and radicalisation of religion. Would we be comfortable with these religious attitudes influencing the constitution review process in Tanzania? It becomes imperative then to distinguish different types of religious sentiments. Here, insights from Allport become useful. He distinguished between intrinsic and extrinsic religion, though initially he had referred to the "mature and immature religious sentiments".

Allport described 'the mature religious sentiment' in terms of the following attributes (G. W. Allport, 1950):

- Differentiation: arriving at a multiplicity of religious sentiments (beliefs and expressions) through a reflective and even critical process. The individual expresses an internal order of religious sentiments which are maintained in a multiplicity.
- Dynamism: the mature religious sentiment exhibits a willingness to break out of the comfort zone of magical thinking and self-justification.
- Consistent morality: when intense religious sentiment is able to transform character, "producing moral zeal, engendering consistency upon men's purposes" (G. W. Allport, 1950).

- Comprehensive: mature sentiment is ordered and coherent, infused with motive. Since mature faith just knows 'God is' but does not narrowly insist 'God is precisely what I say He is', it is tolerant and inclusive.
- Integral: related to being comprehensive, mature religious sentiment expresses harmony that engenders freedom.
- Fundamentally heuristic: "A heuristic belief is one that is held tentatively until it can be confirmed or until it helps us discover a more valid belief" (G. W. Allport, 1950).

It is this type of mature religion (S. G. Selvam, 2013) that might play a growth promoting influence on the society in general and the state in particular. Of course, the judgement on the nature of particular religious groups is not an easy task. However, it is also possible that the Constitution of Tanzania stipulates criteria to distinguish radicalised cults and sects from religious groups that contribute to human flourishing.

## 2.2 Social Secularism versus Political Secularism

Someone may object: after all, Tanzania is a secular state and hence all religion is to be out of the scene. We have already pointed out that such an agnostic model of secularism is hardly meaningful in the African context. Moreover, there are also different political models of secularism that are operative in countries across the globe. To begin with, political secularism needs to be distinguished from social secularism. What I call, 'social secularism,' "refers to a situation in which religious faith, for one reason or another, is felt to be superfluous. It is a state in which religion loses its hold both at the level of social institutions and at the level of human consciousness" (A. Shorter, 1997).

On the other hand, though generally political secularism implies the separation of the political affairs from religion, there are two strands in this: one, an agnostic secularism that rejects all religions and their interference; two, pluralistic secularism that is open to all religions equally. In any case, in both the models of secularism there is no state religion. However, agnostic model of secularism is hardly identifiable across the globe, nor is it meaningful in Africa. Consider for instance, a country like UK that is secular: prayers are said at the beginning of the parliament sittings; the queen of England is anointed by the Archbishop of Canterbury, and she is the symbolic head of the Anglican Communion. Similarly, some states in India, which is also a secular country, offer subsidies for Muslim pilgrims to Mecca and Christian pilgrims to the Holy Land. Given our previous reflection of the inseparable relationship between the sacred and the secular in Africa; and given the continued role of religious organisation in the development of African nations including Tanzania (Blair, 2008), it seems meaningful for Tanzania to adopt a pluralistic model of secularism. This then would imply that religions need to play a greater role in the review of, and the contents of, the new constitution.

### 3. What type of relationship?

In the historical address of Pope Benedict XVI to the august members of both the houses of parliament and other dignitaries in September 2010 at the Westminster hall in London, he delineated precisely how the relationship between religion and state could be negotiated. He pointed out that the challenge of democracy lies in finding criteria for governments to find moral principles underpinning the democratic process itself. These criteria cannot be based on mere majority opinion. And religions can provide those moral criteria.

Just because these moral principles come from religious traditions does not imply that they are inaccessible to non-believers. The Pope adds a clarification:

The Catholic tradition maintains that the objective norms governing right action are accessible to reason, proceeding from the content of revelation. According to this understanding, the role of religion in political debate is not so much to supply these norms, as if they could not be known by non-believers – still less to propose concrete political solutions, which would lie altogether outside the competence of religion – but rather to help purify and shed light upon the application of reason to the discovery of objective moral principles.

He also points out the dangers of ethical principles drawn from religious traditions which are not “corrected” by reason. This is the source of sectarianism and fundamentalism, which “can be seen to create serious social problems themselves.” Therefore he suggests:

It is a two-way process. Without the corrective supplied by religion, though, reason too can fall prey to distortions, as when it is manipulated by ideology, or applied in a partial way that fails to take full account of the dignity of the human person... the world of reason and the world of faith – the world of secular rationality and the world of religious belief – need one another and should not be afraid to enter into a profound and ongoing dialogue, for the good of our civilization.

This well-reasoned statement of the Pope could be meaningful even in the context of the constitution review process in Tanzania. This review process – again borrowing the words of the Pope – should “seek ways of promoting and encouraging dialogue between faith

and reason at every level of national life.” How could this be achieved in very concrete ways?

#### **4. What will be the Role of Religion in the Reviewing of the Tanzanian Constitution?**

As a non-citizen, though having lived in Tanzania on and off for 10 years (but in East Africa for almost 20 years), I dare to make the following suggestions. And these suggestions are merely based on the theoretical framework suggested above.

##### **4.1 Sensitivity to Authentic African Sentiments**

The review commission needs to have an extra-ordinary sensitivity to authentic African sentiments that presupposes a non-separation between the sacred and the secular. It would be too easy for the commission members – who, I suppose have had the privilege of Western education, and some of them may have studied abroad – to be sucked into the fad of Western models of secularism. As the Pope pointed out to the British parliaments, in the West:

There are those who would advocate that the voice of religion be silenced, or at least relegated to the purely private sphere. There are those who argue that the public celebration of festivals such as Christmas should be discouraged, in the questionable belief that it might somehow offend those of other religions or none. And there are those who argue – paradoxically with the intention of eliminating discrimination – that Christians in public roles should be required at times to act against their conscience. These are worrying signs of a failure to appreciate not only the rights of believers to freedom of conscience and freedom of religion, but also the legitimate role of religion in the public square.

Despite its Christian bias, the above statement remains practical and meaningful for the Tanzanian situation.

##### **4.2 Transparency of the Review Process**

It is appreciable that the Review Commission has collected opinions from nearly one million Tanzanians so far, on the desired contents of the envisaged Constitution, and a further 50,000 people have aired their views through mobile phones and the social media. It is imperative that the commission is transparent in every step that it takes towards the making of the new constitution. Given that there would be no referendum on the new constitution, but only a vote in the parliament, only transparency will motivate the mass media to get involved to gather public opinion on the drafts.

##### **4.3 Un-polarised Discussions**

This process of review is also a testing ground for religions and faith organisations. Will they uphold the welfare of the people of Tanzania, or will they stubbornly hold on to their petty peculiarities. It is a testing time for fundamentalism and fanaticism. Religions have the power to influence their adherents towards the destruction or the protection of the social apparatuses. Religious sentiments could flare up emotional reactions and mass hysteria. It would be meaningful for religions to play a mature role in the run up to the approval of the new constitution.

##### **4.4. Reason and Religion**

As it emerges from the speech of the Pope to the houses of the British Parliament in 2010, policy makers have to be willing to be open to the purifying role of religion in political processes. At the same time, religious sentiments have to be tamed and corrected by reason.

The constitution review process needs to be guided by the world of reason and the world of faith.

#### 4.5 Proper Definitions in the Constitution

As pointed out earlier, the new constitution should define and differentiate cults, sects and religions. Clear criteria thus provided, will, not only streamline any future involvement of religions in any political processes, but also help identify less helpful religious movements. Human flourishing could be one such criterion.

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