

INDIGENOUS KNOWLEDGE IN ZIMBABWE!

Laying Foundations for Sustainable Livelihoods

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Chapter VI

Proverbial Jurisprudence: A Shona Social Teaching for Social Cohesion in a Multicultural Society

Erasmus Mafema

Introduction

Modern African states have become synergies of cultures, thanks to the globalization phenomenon, Zimbabwe is no exception. Globalization has had significant impact on cultures, Africa in general, and Zimbabwean cultures in particular, leading to transformations of the cultures. Globalization has also resulted in cultural diversities or existence of different cultures within geographical areas or states.

As a matter of fact, the globalization tendency has been to replicate and insinuate the 'European' system while at the same time undermining and uprooting all others (Elwood 2001: 12; Waters 2001: 2; Steege 2003: 19). The same has occurred to African forms of organization which include social, legal and political organization. Scholars such as J. G. Driberg (1934: 237 - 238), J. F. Holleman (1974: 12), and M'Baye (1975) attempted to disregard and sideline the existence of political legal organization among Africans and of course Zimbabweans. Despite these attempts, several African scholars among them J. Murungi (2004), W. Idowu (2006), E. Gwaravanda (2011) have also worked tirelessly to assert the existence of political legal organizations among Africans. Murungi (2004: 523) and Idowu (2006: 45) explicitly, and Gwaravanda (2011) implicitly, assert that there is no society that could and can exist without any kind or form of political and legal organization, and this is the fact of African societies. This chapter shares the same sentiments of the philosophers mentioned. In particular, the chapter affirms the existence of Shona legal systems which has been preserved in the form of proverbial jurisprudence. Furthermore, the chapter argues that, the application and the teaching advanced by the juridical proverbs are non-discriminatory and thus fit a necessary foundation for building multicultural societies. That is the case, it is essential to note that besides the inclusive and binding nature of African, and Shona, laws, the indigenous laws have been widely used to play a secondary role to the European laws. This is the indigenous laws have now generally been referred to as customary laws and applied to lesser important communal legal matters and

issues. The unfortunate effect of relegating African laws is that the moral appeal of the African law is neglected. Morality, then, refers to appealing to and building of a positive communal well-being. This is achieved through disseminating the necessary codes of conduct which include how to behave and not to towards others (Idowu 2006: 44 - 45; Gert: 2011). Thus, modern African legal system neglects the indigenous system of communal building of human thinking through influencing behaviour within society in preference for the western separation correctional system which really is not in touch with reality. In the African sense therefore, law and morality are intertwined and both serve the same function of furthering societal interests, maintaining order, social cohesion and equilibrium (Idowu 2006: 44). In the western legal system, however, morality and law are separate entities serving different purposes.

The failure of western laws to appeal to building societal well-being accounts for their having little effect on changing or dealing with hostilities and feelings of vengeance and hatred that characterize the modern world. Thus as a result conflicts based upon religious (Christian versus Muslim), nationality (xenophobic attitudes tribal/ethnic genocides), political and racial differences among others have created dividing lines in modern society. The conflicts are a result of western laws failure appeal to a way of thinking and practices that binds all (the lack of thinking in favour of communal well-being that is present or found in African and Shona laws). This is the void where the Shona values and practices expressed through Shona proverbs and proverbs seek to advocate for. By so doing, the chapter asserts the importance of African proverbial teaching and philosophy. The chapter argues that the world may learn from. In saying, thus, the chapter asserts that certain Zimbabwean values and practices have about the best of both, these values linked to social cohesion, cooperation and tolerance in diversity, and communitarian way of life.

The Shona

The term Shona refers to both a tribal, cultural and linguistic group of people found mostly in Zimbabwe. The Shona speakers are one of the largest ethnic groups of people mostly found in Zimbabwe (Mazema 2010: 121). In addition the term Shona is a designation of a number of linguistic groups ... namely the Karanga, Zezuru, Ndeu, Kalanga, and the Manyika.

(Chemhuru, Masaka 2010: 121). The group occupies the large parts of the country meaning that they are widely dispersed in the Zimbabwean state. As a cultural group, the Shona abide by the principle of *Hunhu* or *Urhhu* which is also known as *Uburutu* among the different Nguni languages (Ramose 1999; Samkange and Samkange 1980).

The Shona cultural thinking is deeply connected to *Urhhu* or *Uburutu*. *Urhhu* or *Uburutu* is "a philosophy that sets a premium on human relations" (Samkange, Samkange 1980: 34). Chimuka (2001: 26), quoting Gelfand also argues that *Urhhu* is "a wide range of values, which regulated conduct and moulded ... [commendable character]". Ramose concurs and adds to Samkange and Samkange, and Chimuka's thinking by saying that *Urhhu* is also the "wellspring flowing with African ontology and epistemology" (Ramose 1999: 49). In precise words, *Urhhu* or *Uburutu* refers to the very life of Shona living, *Urhhu* contains the Shona thinking and teachings on what they value, believe and how to live. The concept of *Urhhu* is a result of reflection upon life and has been informed by lived experience. Thus, *Urhhu* involves the dictates and dictums of society; the dictums, include how to and how not to behave at a particular time, what to value and what not to value; to this effect, Samkange and Samkange say *Uburutu* embodies,

... the attention one human being gives to another: the kindness, courtesy, consideration and friendliness in the relationship between people, a code of behavior, an attitude to other people and life ... (1980: 39).

In this regard, *Urhhu* places special emphasis on social values of oneness, harmony and communalism rather than individualism. The main aim of *Urhhu* therefore is the respect and preservation and continuity of life, not to neglect and forget that *Urhhu* promotes the important aspect of ensuring social harmony and cohesion. Thus, *Urhhu* is a cherished heritage that contains the epistemic Shona social value concerning building good and acceptable social relations among community members despite their differences. Human life is respected and has to be preserved for the sake of continuity and for the sake of human life; this is why the idea of communal living is performed by *Uburutu* thinking. Pertaining individuals, *Urhhu* is obligatory. The role of individuals in society are expected to adhere to the dictates of *Urhhu*. This is also why individuals can be labeled as having *urhu*, *uhuru*, *and hurhu* (a worthy person) or the opposite *Murhu* *and* *hurhu* (a not worthy person). Individuals are therefore expected to show *urhu*

uphold the human attributes of *Urhhu*. As a consequence, *Urhhu* contains the laws and the moral thinking of the Shona people.

Understanding Multiculturalism

Multiculturalism generally refers to a concept that defines societies in which different cultures exist side by side. As for the term culture, Kwame Anthony Appiah (2003: 443) defines as the "shared beliefs, values, signs and symbols" about the world, that are transmitted through the medium of language and practices found among a group. In other words, Appiah avers that culture is a shared expression of a group of people's and or their view concerning the relationship between the human, the natural and the supernatural worlds. As a matter of fact, it is apparent that any given society is made up of different individuals and groups as well. The groupings are centered around, but not limited to, religious, tribal, dialectical, and political groups. It is thus plausible to argue that in any society diversity of cultures exists. That being the case, it is important to note that cultures interact with each other to such an extent that intra- and inter-change of ideas among the cultures is possible. For that reason, it is plausible to argue that the interaction leads to cultures changing through some traits remain.

Due to the interactions and intra and inter exchanges of ideas or world views, Bell (2002: 62) quoting W. L van der Merwe avers that as one interacts with others (individuals, society and cultures as well) there is the reweaving and reformulation of the world view, in other words the creation of new cultures. The interaction between individuals and societies inevitably leads to altering of certain principles (a result of understanding and trusting each other) thus even leading to the creation of a new shared worldview (Kymlicka 2007: 464). In a sense the interaction results in a creation of a new worldview (a shared worldview) and may result in resistance, recognition, respect and acceptance of the differences among the different cultures. (Kymlicka 2007: 464). However, not all interactions result in peaceful exchanges, some interactions have resulted in resentment and revenge, and this is seen the case with cultures that have been imposed and strongly foreign to others. That be the case, it is important to note that diversity continues to characterize societies and is always that results attention. Thus diversity of cultures existing side by side in diverse multicultural societies. However, this chapter is arguing for a respectful and tolerant existence of cultures despite their differences. In definite words, the acceptance of

differences is equal to accepting cultural diversity, accepting multicultural relations. In short multiculturalism is the building of social relations that is based upon accepting, understanding, and promoting diversity with the aim of doing away with discrimination of any kind that is based upon cultural differences. Kynlicka (2007: 464, 470) furthers the argument for multiculturalism by saying that, multiculturalism also nurtures trust and solidarity that aims at promoting common good.

Understanding Shona Social Teaching

In defining the term 'social teaching', the Conference of American Bishops avers that Catholic Social Teaching involves the moral judgements that the Church has on economic and social matters. The base of the judgement is based upon the church's commitment to building communal and social relations that recognize all members of the human family as invaluable and worth of respect (United States Conference of Catholic Bishops). In the same manner the Shona people are committed to building communities that live in a communal nature that also respects the dignity of each and every member of the society. As such the Shona teachings that were passed on from one generation to the other have been directed towards building relationships that bind together people in society. The Shona people place greater importance in realizing that people are by nature social and as such it is important to foster social cohesion as absence of such is bound to create chaos in society.

Thus Shona social teaching is basically the theoretical and practical passing on of ideas that cultivate and promote the spirit of living together of member of society as contained in *Unhu/Ubuntu* thinking. In a sense the social teaching of the Shona is based upon the promotion of good and acceptable interaction of the individuals of society. Thus the inter-relations that exist among members of the society are a major thrust of the teachings. It is prudent, therefore, to say that, the Shona Social Teachings are interested in disseminating ideas and practices that encourage the building of peace, justice, inclusion and cooperation. There is therefore a sense in which Shona Social Teaching is concerned with how people are to live together peacefully in society despite any differences. The teachings are thus founded upon the moral thinking of the society. It is these ideas and practices that this chapter argues are necessary for the creation of multicultural societies. As a matter of fact, these ideas and practices are contained within the *Ubuntu* thinking that is well expressed and disseminated in the Shona proverbs.

Proverb in the Shona Society

The Shona use different types of figurative language to inculcate, influence behaviour, socialize and control social character. Some forms of figurative language used include metaphors, proverbs, idiophones, and similes among others (Pongweni 1989: 1). The proverbs in particular are traditionally coded messages that are transmitted from one generation to the next (Pongweni 1989: 3). Thus proverbs are sayings that are pregnant with meaning and are relevant in the global village as they express the beliefs, values and knowledge of the Shona that express the ideas of promoting a common good. Messenger (1965: 299 and 304) clearly puts the point across by saying that proverbs are used to sanction institutionalised behaviour among other things which also include the thinking and judgements of the people. Note that Messenger says nothing about the origin, sex, race of individuals; rather for him it is the created wanted behaviours in society that proverbs aim to establish.

Thus proverbs are used so as to influence behaviours and practices in society. As such proverbs were and are used to ensure that people act in an acceptable behavior that promotes the smooth flow of social interactions. In a sense, proverbs are a vehicle through which the Shona people used to teach, regulate and to enlighten on other concerning how they were to live and interact. The teachings and regulating imply that the proverbs had some legal or moral undertones that aimed at fostering and advocating for a cohesion in society. Among other juridical and moral duties performed by proverbs in the Shona society is that they serve as a reference point, they serve as the actual standard of how to and not to do, and that they teach and educate society. Proverbial precepts thus, takes note of the reality that a society full of discord generates undesirable as it does not guarantee progress and development. In this case therefore, proverbs perform the duty of fostering the moral link in modern society that is social cohesion (human connection) of different people from diverse cultures that exist in society.

In a sense, different kinds of proverbs provide and promote a framework in which judgements about society could be made. Proverbs therefore provide enlightenment and lessons from the past on how to live together in society. As such, proverbial precepts are a necessary component in modern societies since it is crucial in dealing and bridging the gap that is created by differences in political, racial, cultural and religious ideologies among diverse people in modern society.

Understanding Jurisprudence in an African Setting

Jurisprudence is a hallmark of African social living. To begin with jurisprudence is defined as "the ... body of thoughts on law – its nature, scope, functions, limitations ..." (Idowu 2006: 34). Thus jurisprudence is the study of the different aspects of how society regulates itself this includes studying the legal doctrines, rules, and principles of legal systems. This, among others, involves understanding the origins of law in customs, the relationship between legal norms and societal needs and interests, and analysing meanings of and concepts in legal concepts. This chapter limits itself with how law were made among Africans and its functions within the same society(ies). The debate on African jurisprudence is both a challenge to positions that denied and questioned the existence of African law. The definition, thus, puts to rest some questions and puzzles that have been advanced concerning the nature and kind of African jurisprudence. Indigenous laws as this paper argues are embedded in metaphorical languages. The language indirectly and cleverly exposes the expected way of thinking and behaviour. Another fact is that the indigenous laws are in oral.

Indigenous Shona jurisprudence generally was interested in establishing order and fostering social cohesion, peace and acceptable political behaviours (Idowu 2006: 40 – 41; Murungu 2004: 524, 525). In order to achieve this, the Shona jurisprudence involved the rules of the society. While rules included the don't's and the do's of society, these were further enforced by the moral aspect which influenced, inculcated and encouraged attitudes and behaviours intended to build common good and living. In a sense the Shona jurisprudence was thus marked by precedence and rational influence rather than the use of coercion. The laws and morals were thus a reflection of the community's experience and reflection on the general life. Thus, the laws and morals were a result of interaction of people in a reaction to situation that were dealt with through rational dialogues (Murungu 2004: 525).

Shona proverbial jurisprudence and the formation of multicultural society

It has already been alluded to that the Shona people use different forms of language, in particular proverbs to regulate their and influence behaviour and form necessary attitudes. Proverbs

jurisprudence therefore is the guiding principle that could be utilized by people in modern society to formulate relationships that promote and celebrate differences though at the same time encouraging working together and co-existence of different cultures. In effect this means that Shona jurisprudence is informed by proverbs and functions as to regulate attitudes, and behaviour. Like any other laws, in other societies, proverbial jurisprudence provides the basis upon which (criminal) cases and (expected social) behaviours are judged. As a matter of fact, Nyembezi (1954: 41) connects the moral and legal functions of proverbs by saying:

... some models of conduct are embodied in proverbs, which serve the purpose of instructing the younger and ignorant generations, or serve as reminders to the old, who have been remiss in their observance of the rules of conduct expected in society.

This effectively means that proverbs have a didactic, legal and moral tone and purpose: implying at the same time that proverbs are verbalized customary laws and rules of conduct in society (Chimhundu 1980: 41). For the indigenous Shona people, proverbs were a reference point and thus served the purpose of setting a legal precedence (Chimhundu 1980: 41; Pongweni 1989: 3). It can therefore be concluded that proverbs were a repository for Shona laws and morals, as they contain the values and norms of the people.

In light of the above, this part of the chapter will focus on revealing the connection between selected proverbs, the effects of the proverbs upon society and the legal (controlling) effect the proverbs have upon social interactions. Thus the chapter argues that proverbial jurisprudence functions as a standard of how to maintain order, resolve disputes, protect liberties and rights of individuals.

Nature of Proverbial Jurisprudence

The process of making law in society was done through the law and court system. The principle behind the date was that decision and mutual agreements were necessary for building society's cohesion and inspiring collective aspirations and hopes (Munyira, Chingombe 2013: 105). Laws are basically people made and as they are a result of people's input and not something imposed upon the people. In Shona societies, laws and even customs are a result of people's discussions at a local date or meeting place (Munyira, Chingombe 2013: 105; Gwaravanda 2011: 150).

During the meetings, members of society were given chances to contribute their views without any form of discrimination; and in the final stages of making up a decision, all the inputs would be put into perspective, though the final decision is made by the chief and his advisors (Mandova, Chingombe 2013: 105; Gwaravanda 2011: 150). The views of the people were not taken for granted rather they were put through critical analysis not only from the chief and his advisors but even from other members of society. Thus in the Shona system, the laws are people oriented and people centred, since it is the people who formulate and accent to the law. Though this may have been the case, the chief and advisors worked within the will of the people. In so doing the chief and his advisors act in accordance with some Shona proverb such as *kutonga vanhu* (to govern and have ideas is the result of people); *mazano marairanwa* (you need others to advise you); *ishe makurukota* (a king is his council). The proverbs reveal the importance of dialogue and consultation in making laws. Furthermore, these proverbs point to the fact that laws are made by the people and the chief is there to enforce and confirm the people's wishes. The idea of dialogue and mutual agreement is always lacking in modern societies, consideration of various views is missing and the absence of dialogue inevitably breeds resentment and conflicts, which could easily be avoided if discussions were adopted.

Thus Shona proverbial jurisprudence also reveals how justice and social cohesion were achieved. These were achieved through discussion. Through discussion, the ideas of unity and understanding were fostered; cooperation and well-being of the ordinary members of society as well as the community at large were upheld. As such discussion for the Shona was the bases of fostering and attaining justice and social cohesion. For the Shona dialogue was important as it was the channel through which grievances, aspirations and interests of all people in society were made known. It is through dialogue as well that the formulation of collective aspirations and hopes for all in the contemporary globalized communities can also be realized. Different proverbs were therefore used, and can be used in the contemporary world to foster social cohesion in multicultural societies as they ensure, encourage attitudes that aim at good, collaborative and respectful living.

Functions or Purposes of Proverbial Jurisprudence

It is the expectation of most laws to advance, maintain and promote order in society. To this end, any law acts as a guidepost for minimally acceptable behavior in society. Because of this, certain activities and behaviors are considered anomalies and even criminal since they are not in-line with societal expectations. For instance certain behaviors that injure or damage persons or their property are considered out of the norm. Among the Shona, people were expected to be accommodative, hospitable, tolerant and respectful even to persons who did not originate in that particular society. Social order was to be attained through observing and acting according to the expectations of the society. Thus the expectation became the norm or rule that guided people on how to behave. The idea of observing and following the societal expectation was a direct result of the teaching and influence of Shona proverbs. The proverbs thus were a standard, a rule upon which laws were to be based. Thus among the Shona, order was to be achieved through welcoming, recognizing and respecting others. At the same time this was in accordance with Shona proverbs, legal and moral expectation which exhorts people to be accommodating, welcoming and work together. The proverbs *mbwa mbiri hadzitorerwi nyama* (Meat cannot be taken away from two dogs); *Kuchera mbeva kukomberana* (Digging after mice involves surrounding them); and *Kuwanda huuya* (To be many is good or the more the merrier) clearly express the Shona people's legal and moral thinking of attaining social order. These proverbs, while encouraging, also point to the fact that for the Shona tolerance and working together was an expectation of society and thus a law promoting good communal living. Thus the proverbs' main moral and legal duties were to encourage the formation of good relations among people in society. Also the proverbs indicated the feeling of belonging among members of society. There is therefore a sense in which the juridical proverbs encourage co-existence, unity in diversity among people in society, the cementing of relations was necessary so as to avoid unnecessary conflicts in society.

Another important function of the Shona proverbial jurisprudence was that it aimed at promoting and protecting liberties and rights of people. The idea of liberty and rights of people is enshrined within the idea of human dignity which the Shona affirm to. The word dignity etymologically comes from two words one Latin (*dignus*) and the other Greek (*digraias*) (Labeach 2014: 7). Both words *dignus* and *digraias* mean having and showing highest worth and value

(Lebech 2014: 1). Thus human dignity generally deals with how people are treated, that is the attitudes that people should have towards each other. In this case the treatment ought to include non-violation of people's freedoms. Freedoms such as freedom of speech, to own and dispose property, conscience, and freedom to choose who to and not associate with. Schachter (1983: 849) avers that proper human dignity involves recognition of the other through respecting and having proper regard for them. Pritchard (1972: 301) adds to the above by saying proper human dignity is achieved through doing away with ideas and ideals of oppression, manipulation and exploitation. In other words proper human dignity should do away with all humiliating, demeaning and degrading tendencies in society (Schachter 1983: 850; Pritchard 1972: 299).

This includes taking into considerations the beliefs, attitudes, ideas and feelings of people; thus respecting human dignity can be viewed as a way of doing away with physical and psychological coercion which the modern world is experiencing. The same idea of liberty and rights are well contained in the proverbs noted and discussed above. Chimuka (2001: 35 - 36) adds by saying that the Shona were very much interested in promoting each other's well being, happiness and self-realization; in saying thus, Chimuka insinuates that the Shona were interested in upholding mutual respect and understanding as a way of forging the way forward and binding people together since they have an inclusive tendency. As such the same ideas can be imported and become the modern attitude in building and guiding multicultural societies. This is possible since the thinking imparted by the Shona proverbs promote inclusiveness and tolerance. The Shona proverbial jurisprudence is not exclusive in nature but rather exhorts the acceptance of different people despite their nature and their difference in thinking. When thinking of multicultural societies, then, the legal and moral encouragement of the proverbs makes sense.

The Shona proverbial jurisprudence also functions as the standard for good governance especially how governors are to behave. The governing members were and are to be individuals who are ready to engage with the different members of society. For the Shona people, all people are to be treated as equals despite the backgrounds of individuals in society. In this regards, proverbs such as *ushe habuzviongi* (Chieftainship cannot rule itself) *Ziso rinwe cheha harina ukomba* (One eye does not make for a striking appearance) advise and set down rules that the governing members of society are

to follow. The idea expressed by the proverbs is that no one individual can rule and thrive without others or can survive without others. At the same instance a governor cannot rule for his own sake rather it is the will of the people that guarantees his post. Thus for the Shona, the sharing of ideas is always something to be cherished as it promotes diversity of ideas, contributes towards good governance while doing away with limited individual thinking and governance which promotes tyranny. In actual fact, societies and cultures exist and thrive because of the interaction and exchanges with others. One culture's views maybe limited and can at the same time create myopic thinking and even indoctrination which is a dangerous position in multi-systems and multi-cultures.

The above rule of conduct is strengthened by the Shona paradigm of rule and law making normally done through the *dare* or court. Among the Shona people, rules and laws are centred on the people and people centred as well. Gwaravanda (2011: 149) has noted that through the different court systems (*dare*) – the family, village and chiefs courts, the Shona decide on how they are to live in their societies. In other words laws and morality in the Shona culture was made by the people and then endorsed by the rulers (Gwaravanda: 2011; Mandova, Chingombe 2013: 105; Chimhundu 1980: 39). The *dare* system is inclusive, participatory, and respectful while at the same time recognizing different ideas of individuals in the community. The *dare* system reveals and is consistent with the democratic aspects that modern systems uphold. In brief, democracy is a political principle that expresses the will of the people that also includes promulgating laws that are consistent with people's needs and aspirations. When referring to people, the term, *people*, refers to all members of the human family and does not limit itself to race, color religious or political affiliation. Thus the *dare* and the democratic system encourage existence in diversity, a necessary standard to be adopted in creating a multi-cultural society. This is inline with the proverbs *ushe habuzviongi* (Chieftainship cannot rule itself) *Ziso rinwe cheha harina ukomba* (One eye does not make for a striking appearance). The proverbs instruct that good governance is people centred, implying that rules and regulations ought to be from the people concerned.

While law making among the Shona involved the general populace, there was also a special group of independent critical thinkers who helped in shaping and reflecting upon the society's standards of living which included laws.

This was the role of the sages. Sages were the repository of knowledge (society's history) and were responsible for critical reflections. Ochieng-Odhiambo (2010: 118 - 120) notes that sages were people generally gifted in the history of clans, experienced in social living and were capable of executing critical, coherent and independent thinking. In other words, the sages were capable of bringing individual critical reflection on issues rather than merely falling into social unanimity. The sages reflected critically, while taking history into consideration, upon issues and even laws that were to be adopted by society. For the Shona the sages' knowledge was based on experience and this is necessary in making any laws. The proverbs *Miere moto unogokwa* (Knowledge is like fire, it is sought after), *Kuziva mbya huudzwa* (In order) to know the mother-in-law, one has to be told (about her) fits in well with the thinking of consulting sages. The proverbs point to the fact that knowledge is experience based and generally experience is the best teacher; sages are the repository of knowledge and experience therefore the need to consult them. With that in mind, the sages reflected upon standards that people in society were to make and made recommendations. Thus the sages acted as advisers to the chief and society as a whole especially on how to handle issues and the laws that were to govern society. In relation to building multicultural society, sages would be important and relevant in that their input and views would rationally justify and make clear analysis of activities, communal positions on how to coexist with foreigners or migrants. The sages would thus provide rigorous reflection upon how to coexist by offering ideas or laws that promote existence in diversity.

Apart from how to govern, the Shona proverbs also provide the standard on how to be governed. For those already members of society, Shona proverbs as already noted encourages participation. Beyond this, the proverbs also have advice to those migrating to other places. Visitors in new lands are reminded to be polite and respectful of the people (and their laws) they are meeting. The following proverbs reflect the ideas just mentioned *Mwana washe muranda kunwe* (A chief's child is a subject elsewhere); *Chafamba chasvava* (One who has travelled has faded); *Jongwe harikuridze pane rimwe*, *rinorurwa muchochoro* (A cock does not crow where there is already another otherwise it will be humbled or in simpler words those who fail to comply are shamed). The migrants are encouraged and counselled to be wary of the fact that every place has its own laws and different ways of organization that need to be respected and observed.

As a matter of fact, each place has its own laws and customs as such a stranger cannot simply enforce or impose his or her own laws for doing so is tantamount to contempt of others' systems. Where contempt is manifest, there is bound to be friction and the creation of instability. The Shona people were not interested in creating animosity that is why they counsel their own members and indeed members of the world to first submit, comply, conform and adhere with what is on the ground before embarking on offering different ideas among other things. For the Shona one has to be accepted and bond with others so as to become an active member.

Thus being respectful, meek and humble is necessary for acceptance and respect. This is an aspect missing in modern societies. People forget the fact that they are coming against others who already have a way of existing, so there is no need to impose one's own over others. Imposing own ideas upon others is equal to colonization, something that is greatly resented by the colonized. Colonization is the reason why there is anger and resentment in or of societies. Colonization is also the cause of apathy in building multicultural societies. So in order to foster cohesion, the Shona propounded proverbs that aim at ensuring that both the visited and visitors respect each other and live amicably. The visitors ought to be people with respect but who at the same time will be accorded a chance to air their views. The proverb *kugara huruzwana* (in order to get settled peacefully (at a place) one should be on good terms with neighbours) poignantly expresses the Shona thinking about how people ought to live in society. The proverb advises the society that it is necessary to have cohesion and cooperation so as live peacefully and the proverb also clandestinely encourages dialoguing among members of society in order to reach a decision and understanding of each other. The proverb, thus, encourages participation and sharing of ideas through respecting each and every person who contributes to the discussion. Thus the Shona proverbs play a dual function that is of being a law on how to interact with each other, and a rule of conduct on how to govern and be governed in society. As a summary to this section, the Shona juridical proverbs thus are interested in forming morals and rules, though some act as laws or standards that encourage perception and attitude that foster cohesion and cooperation. Cooperation in multicultural societies is important in that it helps do away with unnecessary confrontations and disputes.

In this regard, some Shona proverbs such as *Mukarirano wakapisa umba* (confrontations burnt the house down); *Kuchera mbeva kukomberana* (Digging after mice involves co-operation and surrounding them) and *Zano ndega akapisa gumbenze* (Mi-know-all burnt his blanket) express the Shona people's perception of how life in society should be like. The proverbs also reveal the importance of existing in multitudes rather than in singles. In fact they reveal and emphasise the importance of communal existence. Most importantly, the proverbs inform people of the necessity of tolerance and advise people of the importance of having laws that are all encompassing that is well informed from all that are in society. In the same vein, Gelfand (1970: 14) poignantly noted that "a man is part of a whole and therefore cannot make decisions for himself and disregard society". In regard to this, one needs to note that modern societies are made up of different cultures and the more the need for respecting and recognizing the differences. Good social relations, promoting common good, creating an atmosphere of family within the Shona society and community are emphasized and encouraged; as such the same should become the hallmark of modern societies. In the same light, the saying - *munhu munhu nevanhu* -being is with others - and -no person is self-reliant or self-sufficient (Wanjohi 1997: 142) concretize the Shona thinking or reiterates *Ubuntu* and *Unhu* thinking. The sayings also reveal the extent to which jurisprudence in the Shona system is informed by proverbs.

Conclusion

It is the aim of Shona proverbial jurisprudence to create an environment that promotes common and communal good. This idea is also espoused in the *ubuntu* philosophy which exalts and upholds the idea of creating a family environment. Beyond that the Shona proverbial jurisprudence and *ubuntu* are also connected to the Shona Social Teaching which is promotes the ideas of respect, tolerance, mutual care and sharing. It is the same ideas that this chapter argued for and presented as transmitted through Shona juridical proverbs. Beyond that, the chapter made a connection that exists between the proverbs as a traditional way of teaching society how it should exist (social teachings) and at the same time as a bearer of rules and morals of society. Over and above all, the chapter made the assertion that the Shona proverbial jurisprudence is the basis for multicultural existence which ought to be promoted and emulated the world over.

References

- Appiah, K. A. 2003. 'Speaking of Civilizations.' In *The African Philosophy Reader*. Edited by Coetzee P. H and Roux A. P. J. London: Routledge.
- Bell, R. H. 2002. *Understanding African Philosophy: A Cross-Cultural Approach to Classical and Contemporary Issues*. New York: Routledge.
- Chemturu, M. and Masaka, D. 2010. 'Taboos as Source of Shona People's Environmental Ethics'. *Journal of Sustainable Development in Africa* Volume 12 No 7 pages 121 - 133.
- Chinhundu, H. 1980. 'Shumo, Tsumo and Socialization.' In *Zambezia VIII*.
- Chimuka, T. A. 2001. 'Ethics Among the Shona.' *Zambezia XXVIII* (1) pages
- Driberg, J. G. 1934. 'The African Conception of Law.' In *Journal of Comparative Legislation and International Law* 230.
- Ellwood, W. 2001. *No-nonsense Guide to Globalization*. Oxford: Oxford University Press.
- Gelfand, M. 1970. 'Unhu-The Personality of the Shona.' In *Studies in Comparative Religion* Vol 4 No 1. www.studiesincomparativereligion.com
- Gert, B. 2011. 'The Definition of Morality.' plato.stanford.edu/entries/morality-definition/
- Gwaravanda, E. T. 2011. 'Philosophical Principles in the Shona Traditional Court system.' *International Journal of Peace and Development Studies*. Volume 2 (5) pp 148 - 155.
- Hamulynei, M. A. and Plangger, A. B. 1996. *Tsumo-Shumo: Shona Proverbial Lore and Wisdom*. Gweru: Mambo Press.
- Holleman, J. F. 1974. *Issues in African Law*. The Hague: Mouton and Company.
- Idowu, W. 2006. 'Against the Skeptical Argument and the Absence Thesis: African Jurisprudence and the Challenge of Positivist Historiography.' Volume 6, July <http://psl.org/archives/african-jurisprudence-and-challenge-positivist-historiography/> pp 34 - 49.
- Idowu, W. 2006. 'Law Morality and the African Cultural Heritage: The Jurisprudential Significance of the Ogboni Institution.' *Nordic Journal of African Studies* 14 (2) pages 175 - 192.
- Kymlicka, W. 2007. 'Community and Multiculturalism.' In *Companion to Contemporary Political Philosophy* Volume II. Edited by Goodin R. E, Pettit P, and Pogge T. Malden: Blackwell Publishing.
- Lebeck, M. 2014. 'What is Human Dignity.' eprints.nuim.ie/392/1/Human_Dignity.pdf
- Mandova, E. and Chingombe, A. 2013. 'The Shona Proverb as an Expression of Unhu/Ubuntu.' In *International Journal of Academic Research in Progressive Education and Development* Volume 2 (1). Pp 100-108.
- M'Baye, K. 1975. 'The African Conception of Law.' In *The Legal System of the World and their Common Comparison and Unification* Volume II, International Association of Legal Science.
- Messenger, J. C. 1965. 'The Role of Proverbs in a Nigerian Judicial System.' In *The Study of Folklore*. Edited by Dundes A. New Jersey: Prentice-Hall Inc.
- Murungi, J. 2004. 'The Question of African Jurisprudence: Some Hermeneutic Reflections.' In Wiredu, K. (ed). *A Companion to African Philosophy*. Malden Massachusetts: Blackwell Publishing Ltd, pp 519 - 526.
- Nyembezi, C. L. S. 1954. *Zulu Proverbs*. Johannesburg: Witwatersrand University Press.
- Ochieng-Odhiambo, F. 2010. *Trends and Issues in African Philosophy*. New York: Peter Lang.
- Pongweni, A. J. C. 1989. *Figurative Language in Shona Discourse: A Study of the Analogical Imagination*. Gweru: Mambo Press.
- Pritchard, M. S. 1972. 'Human Dignity and Justice.' *Ethics* Volume 84, # 4 pages 299 - 313.
- Ramose, M. 1999. *African Philosophy Through Ubuntu*. Harare: Mond Books.
- Sankange, S. and Sankange, T-M. 1980. *Hunhism or Ubuntuism? A Zimbabwe Indigenous Political Philosophy*. Salisbury: Graham Publishing.
- Schachter, O. 1983. 'Human Dignity as a Normative Concept.' In *The American Journal of International Law* Volume 77 # 4 pages 848 - 864.

Steger, M. 2003. *Globalization: A Very Short Introduction*. Oxford: Oxford University Press.

United States Conference of Bishops. www.usccb.org/beliefs-andteachings/what-we-believe/catholic-social-teaching

Wanjoni, G. J. 1997. *The Wisdom and Philosophy of Gikuyu Proverbs*. Nairobi: Paulines Publications Africa.

Waters, M. 2001. *Globalization*. London: Routledge.

Chapter VII

Rethinking the African family as a business unit: An Afrocentric perspective

Michael Mazuru

Introduction

The African family was regarded as a small business unit in the Shona traditional cultural milieu. The unit would attend to the needs of the immediate and extended family in an effort to provide comfort and sustenance to its members. The family engaged in different activities that would enable it to maintain itself under different economic conditions. It is against this backdrop that this chapter seeks to revisit the Shona culture in order to explore the ways in which it can help to remodel the contemporary African family so that it can be able to reposition itself as a viable business entity. The viability of the business entity comes out in its ability to be profitable and sustain the African family concerned. This will help it to expand into bigger enterprises once it has established an enterprising attitude among its members. The family is the primary unit in every community and nation that helps to shape the focus of its people. The White Paper for Social Welfare (GN'1108 in GG 18166 of 8 August 1997:93) defines family as "individuals who either by contract or agreement chooses to live together intimately and function as a unit in a social and economic system. The family is the primary social unit which ideally provides care, nurturing and socialization for its members." Becker (1965:495) concurs as he says: "a household is truly a 'small factory'; it combines capital goods, raw materials and labour to clean, feed, procreate and otherwise produce useful commodities." It is therefore the argument of this chapter that the family should be remodelled against machinations that seek to derail the manner in which the African people were trained to become active and productive members of the community. In line with the forgone argument Rogers (1990:2) argues that, "the household is not an undifferentiated unit, but "an economy in microcosm, a system of exchanges, entitlements, and responsibilities allocated among members in a group whose boundaries are far from clear". The discussion of the family in this chapter is anchored in these definitions.