

'Domestic Violence Act¹ and the Apartheid of Gender': A Critical Analysis of the Perceptions of Christian Women in Masvingo Province of Zimbabwe.

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Abstract

The article critically analyses the perceptions of Christian women in Masvingo Province on the Domestic Violence Act enacted by the Government of Zimbabwe in 2007 following a steep rise in the cases of domestic violence. It is quite sadistic to note in this article that women, all over the world, find great difficulties in articulating their own oppression. Domestic violence is a general concept which encompasses ill-treatment of men, children, the disabled, and many more but this article is an appraisal of a new world order that should oppose the apartheid of gender through the proper implementation of the Domestic Violence Act. The study reveals that the Act creates a more equitable, peaceful and co-operative world to eliminate all forms of domestic violence. Those who indicated lack of confidence in the Act argued that it is contrary to the teaching of the Church. Overall, the study will further reveal that the Act is an important piece of legislation as it complements the efforts of the growing number of women's organisations that are involved in the fight against their subordination in the whole world in general and Zimbabwe in particular. The marginalisation of other variables prone to violence are not of particular interest here. Women are more vulnerable than men in the same circumstances. It is demonstrated in this research that women face serious obstacles to development because of social and cultural discrimination against them on grounds of sex. The article therefore recommends to feminist academics, political activists, resource centres, women's groups, gender and development agencies, and policy makers to raise awareness of the importance of this useful piece of legislation, the Domestic Violence Act in entitling women to key resources such as land and employment. This Act confronts the socio-cultural and ideological roadblocks to women's empowerment and develops a positive action.

¹ The Zimbabwean Government enacted Domestic Violence Act into law in 2007.

Introduction

The article ignores the marginalisation of a whole host of other domestic violence variables namely children, men, people living with disabilities and many more because it would be too long. Over the ages, women worldwide have always had to work against the grain. Men have asserted and reasserted their power and control, stemming from particularly, extending over to women's sexuality and individuality. Violence, throughout various societies, pervades the lives of women resulting in tremendous physical harm and psychological trauma. A list of abuses against women range from rape, domestic violence, molestation, sexual exploitation, battering, lobola-related torture, to female genital mutilation, female infanticide and foeticide to mention but a few. The list of violent assaults on women is long as Omvedt cited in Eade and Williams (1995 : 190-1) puts it:

Women face specific forms of violence: rape and other forms of sexual abuse, female foeticide, witch-killing, sati [murder of women on their husband's death], dowry death, wife-beating. Such violence and the continued sense of insecurity that is instilled in women as a result keeps them bound to the home, economically exploited and socially oppressed. In the ongoing struggles against violence in the family, society and the State, we recognise that the State is one of the main sources of violence and stands behind the violence committed by men against women in the family, the work-place and the neighbourhood.

Most of these cases in Zimbabwe go unreported because there are social sanctions embedded in culture that heightens patriarchal suppression. Men are victims too, but the forms of violence suffered by women and children specifically focus on their sex and entail specific assaults on their sexuality. Culture and identity should be crucial variables in the process of social change. People do not choose to be born female or black, but when that happens then one should be the agent of change and determine the kind of a person one wants to be. Mariano Lopez, a Tzotzil Indian leader in Eade and Williams (Ibid : 226) avers :

Culture is like a tree. If the green branches – a people's language, legends, and customs — are carelessly lopped off, then the roots that bind people to their place on earth and to each other also begin to wither. The wind and the rain and the elements carry the top soil away; the land becomes desert.

Since culture is dynamic, it has to change over time and be part of everyone's history and identity. Culture also responds to social, political, economic and historical factors. The enormity of all these factors varies according to circumstances like the class identity of the people. Class gives birth to social difference, which is a vehicle for discriminatory and oppressive tendencies that manifests itself in most women. In the same vein, Nwankwo (2003:99) says about culture:

It is the sum total of the way of life of a people that determines their politics, economic interests, knowledge, beliefs, attitudes and any other capabilities and habits acquired by man as members of a society. Culture and social relations of production are therefore fundamental to gender relations.

Women used not to be considered an important factor in production but to show the dynamism of culture, there are various transformations in policies that should take women on board.

The Theoretical Framework of Feminism and Africana Womanism

Feminism and Africana Womanism, as theoretical frameworks, seek to fight against domination, segregation and oppression of women from social patriarchal structures that promote male chauvinism. Women have been disadvantaged in almost all spheres namely; economic, political, cultural and many more. Why are gender issues devoted to women's equality and equity, important as they are, but so slow in being implemented? The biblical story of Lot's wife becomes valid here. Instead of moving forward with the present challenges, they, the contemporary *Lots* of this present world, the women, keep on looking back as they head nowhere. The present situation can be best understood when we diagnose and understand the past whose structures of male dominance seemed to be "*institutionalised and gender discrimination codified.*" (Roweb-Campbell, 1999:13). The past should only help us understand the present and how we can forge ahead into the future.

Right back from classical times, evidence of androcentrism is clear. Aristotle quoted by Selden (1988:128) declared that "*the female is female by virtue of a certain lack of qualities,*" and Saint Thomas Aquinas believed that women is an "*imperfect man.*" When Donne wrote "*Air and Angels*"

he alluded to Aquinas' theory that form is masculine while matter is feminine; "*the superior, godlike, male intellect impresses its form upon the malleable, inert, female matter*" (Selden : 128). The other male argument advanced by Apollo is that a mother is no parent to her child. Men regarded their sperms as the active seeds, which give form to the waiting ovum, which lacks identity till it receives male's impress. The above sentiments reduced women to being minors and gender discrimination was justifiably codified and accepted. Dr Samuel Johnson quoted by Rowan-Campbell, (1999:13) sums up the thinking of this era:

During the seventeenth and eighteenth centuries western society began to find solutions to the problems of organisation brought by the changes that occurred in technology, agriculture, industry, commerce... Discrimination against women as opposed to prejudice against women and injustice dealt women by particular legal practices became part of the new structures that emerged, and as these new structures emerged and as they affected the lives of more and more people in more and more ways, so discrimination against women became more and more widespread, more and more accepted and more and more difficult to combat...The late eighteenth century and early nineteenth century see the construction of a particular culture through western society, and this results in new and particularly damaging levels of discrimination against women.

It is these anti-women attitudes rooted in patriarchal dominance that feminism seeks to overhaul. Home becomes the most dangerous place for women and girls to be. Feminism is complimented with Africana Womanism because of a multiplicity of reasons. Firstly, there is the unquestionable need to reclaim African women. Secondly, they are perplexed over the racist origins of feminist movement and thirdly they have found little solace in the doctrines and mission of the feminist movement. The fourth point is that the realities, struggles and expectations of the two groups remain on different planes (Hudson-Weems, 1993:2). Feminism is to African women as post Mandela apartheid is to Black South Africans. The article locates the eighteen culturally derived African womanist characteristics self-namer, self-definer, family-centred, in concert with male in struggle, genuine in sisterhood, strong, whole

authentic, flexible role player, male compatible, respected, recognised, adaptable, respectful of elders, spiritual, ambitious, mothering and nurturing. (Hudson-Weems, 2004: XIX-XX). This article has therefore seen the need to advocate a theory that is properly labelled, more attuned and appropriate to the cultural needs of the African women. By employing the theoretical frameworks of feminism and Africana Womanism, our focus is on:

... women's movement which speaks to the most profound yet basic of changes in the roles, the rights and the relations which govern connections, commerce and intimacy between women and men. This movement offers a vision of equality in society, equity in partnership and freedom from gender stereotyping – freeing each person to pursue the roles best suited to their needs and talents. The movement has been dynamic because the struggle for change takes place not on the world's battlefields but at home and in the most intimate space, the human heart. (Rowen-Campbell, 1999:11).

Society should devise mechanisms where roles and relationships between women and men are determined socially, politically and economically but not just biologically (Nwankwo, 2003:99). Apart from analysing the notion of woman as the 'other', feminism proceeds to analyse the distinction between female/male and feminine/masculine. It argues that there is not necessarily a one to one equivalence between female– feminine and male – masculine. This is because feminism and Africana Womanism maintain that female/male are merely a biological gender distinction while masculine/feminine is a cultural distinction and has concepts or expectations which are separable from biological determinants. What is masculine in one culture is not necessarily masculine in another. For example, among the Shona people of Zimbabwe, thatching huts is a masculine activity while in the Ndebele society of the same country, that same activity is constructed as feminine. This is why Nwankwo's (2003:99) observation is apt:

While sex is biological maleness and femaleness, which is physiological, gender is cultural. One's biological sex is naturally given while gender is constructed. It is the socially constructed and differentiated roles and responsibilities of men and women in a given culture or location.

The roles and expectations vary across cultures, societies and histories.

Zimbabwe's liberation struggle was a protracted one but both males and females took part and brought independence in 1980. This brought a dramatic and significant impact on the history of African culture. Women were more conscious and concerned with access and equal opportunities in whatever men did. This Chimurenga War was well executed by both sexes even though biological differences were understood to form the basis of political and social gender roles. These biological differences were not politically valid reasons for discrimination in the struggle. Tariro Chikomo (2004) in her article "*Even War Discriminated Against Women*" argues that African battlefronts, since time immemorial were perceived as a male domain because blood is split and lives lost, so women, weaker as they are believed to be, would not withstand the tortuous moments. This is why, says Chikomo (2004:4):

... women who joined the war were confined to the rear bases in Mozambique such as Chibawawa, Osibisisa and Nyadzonja where they carried out nursing, teaching and secretarial duties. By confining female fighters to the rear and limiting their participation to what the commanders perceived as the real battle front in the war against Rhodesian security forces, women's chances of promotion in the liberation army's hierarchy were few.

Soon after independence in 1980, people realised that women were mere victims of a patriarchal and oppressive African culture but the fact still remains, Kennedy (2005:8) puts it that "*There are very few jobs that actually require a penis or vagina. All other jobs should be open to everybody.*" Chimurenga War taught Zimbabweans a lot of lessons and chief among them was that women's fight for equal rights and clamouring for equal franchise in academic spheres and equal job and promotional opportunities there is equal pay for equal work, were to be granted.

Domestic Violence Act : A Castration of Male Hegemony

Violence is the common denominator that unites all women of the world. Women in Zimbabwe are aware of the socio-cultural realities that prohibit them from resisting violence. They do not enjoy and exercise their human rights and basic fundamental freedoms fully. Women's relationship with

other institutions is mediated through men in their capacities as fathers, husbands, uncles, brothers, sons or sons-in law. The UN's Forward Looking Strategies to the Year 2000, at the close of the UN Decade for Women had the view that:

Women, by virtue of their gender, experience discrimination in terms of denial of equal access to the power structure that controls society and determines development issues and peace initiatives.

Domestic violence still persists so many years after the much talked about Beijing World Conference where ambitious proposals were lined up but no progress has been made since then. Women's issues, besides facing patriarchal opposition, Longwe (1999:64) rightly puts it that "*Gender policies have a strange tendency to "evaporate" within international development agencies...as a patriarchal cooking pot.*" In Zimbabwe, therefore, the Ministry of Women's Affairs becomes the "*patriarchal cooking pot*" where everyone is waiting to see how this Domestic Violence policy will "*evaporate.*" This policy has been formulated and it is now an act, the implementation stage can be a daunting task. With the eight-member Anti-Domestic Violence team in place, its challenge is in its ability to intervene and to overcome domestic violence as a crime against humanity.

Economically, women experience prejudice, which starts from the school curricula and continues to mirror conventional images that segregate women. The gendered nature of African culture in society helps to prevent women from entering schools and training colleges. This is finally carried forward in employment and self-employment. It reinforces the gendered nature of the Zimbabwean curriculum when education is supposed to be a basic human right. A university like Midlands State University has embarked on a deliberate Gender Policy that favours the girl child and this has mitigated the colonial injustices as we face future challenges. The Domestic Violence Act would assist in decolonising the systematic violent condition against women who are treated as second-class citizens and scorned with inferiority complex. Professor Balanle Awe quoted by Nwankwo (2003:101) notes that:

Such inferiority complex is reinforced by a particular system, which confers on the woman the status of second class citizen. Her attempt to get to the top are often frustrated and met with resistance in a male

dominated structure. Socio-cultural factors which encourage early marriage, plurality of children, excessive dependence on the man for support in the absence of access to education and income generation activities weigh her down and constitute a serious handicap to any spiritual efforts to improve her lot.

There are African traditional practices that constitute abuses against women like female genital mutilation (FGM), food taboos, early child marriage, male child preference, widowhood practices, and biased inheritance procedures. The 4th World Conference of women held in Beijing, China in 1995 identified violence against women as one of the twelve critical areas of concern that required urgent attention and action plan but little progress, if it is there at all, is envisaged. As a follow up to the special UN General Assembly resolution of November 1985, all gender-based abuse suffered by women which can be broadly categorised as “*violence against women*” is defined as:

Any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivations of liberty, whether occurring in public or private life.

It is an existing truism that male violence against women is common across the whole world. What is most disheartening is the fact that all classes and races share this perpetration of violence.

The Domestic Violence Act of 2007 in Zimbabwe has been enacted in the light of an increase in cases of domestic violence assuming a variety of forms, notably physical, sexual and economic abuse. There has not been any law that dealt specifically with domestic violence and violence against women. As such, if any form of domestic violence was reported to the police, it would be slotted in to any of the common law offences of common assault; assault with intent to cause grievous bodily harm, indecent assault and many others. In Zimbabwe, domestic violence has long been considered as primarily a private family affair to be resolved silently within the privacy of the home. The Act seeks to make punishable, by public law, all acts designated as forms of domestic violence except emotional, verbal, psychological and economic abuse referred to in section 3 (2)(c) and 3(2)(d) respectively, (Domestic Violence Act 2006: 214). Punishable offences under

this legislation include among others, physical abuse, sexual abuse, intimidation, harassment, damage of property, and entering in to complainant' place without the consent where the parties do not share the same residence. The Act also considers the abuse derived from any cultural or customary rites or practices that discriminate or degrade women such as forced virginity tests, female genital mutilation, forced wife inheritance and other such practices (Domestic Violence Act 2006: 213). This Act confirms the strong endorsement to the campaign for women's rights by the World Conference on Human Rights held in Vienna in June 1993 whose declaration in paragraph 9 states that :

The human rights of women and the girl-child are an inalienable, integral and indivisible part of human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, safe maternity and health care, and social support.

In the light of such human rights and cultural practices, some of which have a religious orientation, it is interesting to establish societal views on the value, applicability and desirability of the Domestic Violence Act. It seeks to ensure that women live in peace and develop their full potential typical of their male counterparts. The Act also mentions among other things that there should be victim-friendly facilities at all police stations. The norm has been that women would make their reports in front of other people in the police station and this invariably makes reporting of such cases as rape and physical abuse very difficult for women (Zimbabwe Lawyers for Human Rights 2006). Armstrong (1998) notes that some battered women felt that it was embarrassing to report domestic cases to the police. Where laws are in line with the convictions of the society, such

laws are likely to be supported by the society. On the contrary, where people see the law as imposing values and practices that are not in consonant with their interests, needs, attitudes and convictions are generally negative (Tsanga 1999). Therefore, this research sought to establish whether Christian women in Masvingo view this Act as in keeping with Christian ethics or not.

Perceptions of Christian Women were considered because of the dominance of Christianity in Masvingo and the implied benefit of the Act to women, who are viewed as the main victims of domestic violence. Payment of *roora* (bride price) is one of the reasons why men in Africa ill-treat their wives. In countries where bride price is still common, women are seen as the property of men and are expected to become the servants of men. The International Network News, cited in Burn (2005) has it that when a man has paid bride price he may view his wife as property that has been purchased to do with what he pleases including abuse. Mapara (2007:8) confirms this view saying:

Kune vamwe varume vasinganzwisisi tsika dzavatema vanoona kuroora sekutenga munhu kwete kuvaka ukama. Vanhu vakadai vanogona kuti vakaita pavasinganzwisiani nevakadzi vavo kana pavanotsiurwa voti havadi kutsiurwa nevanhu vavakarooro” (There are some husbands who do not understand African culture who perceive bride price as the purchase of wives and not as a way of establishing relations. Such people are not willing to be corrected or advised by their wives when they go wrong because they have paid bride price)

The religious orientation of the study has been propelled by the fact that religion affects so much of the people's lives to the extent that in some cases the distinction between culture and religion is tissue thin. Bloom and Ottong (1987) reiterated that religion influences life. They argued that religious beliefs and practices are rarely far from every day life in Africa. In view of the preceding argument, Christianity, as a religion influences people's way of life by defining what is morally acceptable and what is not. The present study sought to establish whether Christian women

perceive the Act as having the capacity to protect victims of domestic violence as well as curb domestic violence. The Act suggests that matters pertaining to intimate relations can now be prosecuted in the public courts. According to Armstrong (1998), women consider it culturally inappropriate to disclose problems within the marriage to outsiders, whether police, workmates, medical workers or others. In addition to these sentiments, gender biases and inequality between sexes are sanctioned by African tradition where Owomoyela (1990:2) rightly comments:

Beginning from the domestic domain, females are at a disadvantage even before they are born, male children being preferred by all parents. The preference ramifies into the differential treatments children of the two genders receive as they grow: the male is groomed to become a responsible family head in the future, assured of inheriting his father's property and status, while the female is simply held in waiting until she is old enough to be delivered to a husband, in return for a paltry bride price. Not only has she no inheritance from her father, she also shares her husband with other women. Further, as a wife, she must bear and rear her husband's children, do his laundry, keep his house clean, cook his food and generally pamper him, quite often to be rewarded with different varieties of physical abuse.

Do the Christians in Masvingo cherish the same sentiments? Should men and women be silent in the face of domestic violence? The quest for answers to these questions has prompted the present study. Findings of the study would hopefully help many victims of domestic violence who are suffering silently in the homes. Also, the research is expected to go a long way in assisting policy makers or legislators map the way forward regarding domestic violence.

Research Methodology on Domestic Violence

The data used in this research was collected through interviews and questionnaires. The respondents were Christian women who were drawn from five denominations. These are the Roman Catholic Church, Reformed Church in Zimbabwe, Methodist Church in Zimbabwe, Zimbabwe Assembly of God (ZAOGA) and Apostolic Faith Mission. The age of the women ranged from 30-69 years. Interviews and questionnaires,

which sought to gather perceptions of Christian women on the Domestic Violence Act, were administered to thirty-two women. Each respondent was first interviewed and then asked to complete a questionnaire at the end of the session. Results of the study are discussed in the light of information obtained from books, monograph, and the Domestic Violence Act. The respondents were asked whether:

- They fully conceptualised the Domestic Violence Act.
- The Act is in line with the teachings of the Church.
- The Act has the capacity to curb domestic violence.
- The Act provides protection to the victims of domestic violence as it purports.
- It is appropriate to take family problems to public courts.

Results and discussion

Table 1: Biographical Data

Variables	Frequency	Percentage Frequency
Age		
30-39	8	25
40-49	10	31.25
50-59	12	37.5
60-69	2	6.25
Total	32	100
Denomination		
Mainline Churches	18	56.56.
Pentecostal Churches	14	43.75
Total	32	100

Table 1 above shows that a majority of the respondents were aged forty and above, suggesting that they were mature. A greater number of participants were drawn from Mainline Churches. The inclusion of the Mainline and Pentecostal Churches ensured some heterogeneity in the sample, which might in turn enhance some generalisation of results.

Respondents of different marital status were included in order to harness opinions of people from different and diverse social backgrounds.

Respondents' Conceptualisation of the Domestic Violence Act

The study revealed that the majority of respondents understood domestic violence as denoting physical abuse (including battering), verbal abuse (scolding and scoff included), sexual abuse, economic abuse and intimidation committed in the home. This corresponds with the caption of Mapara's (2007) monograph, *Mhirizhonga Mudzimba* (Violence in the Homes). Almost all respondents agreed that men perpetrate most cases of domestic violence against women and children. However, a substantial number of women were of the opinion that stepmothers commit most cases of domestic violence against children.

In spite of their ability to explain the concept of domestic violence, the interviewees confessed ignorance of the contents of the Domestic Violence Act, although it was publicised before it was made into law. As such, the researchers had to educate the respondents on the essence of the Act before proceeding with soliciting their opinions on the Act. Some respondents suggested that awareness campaigns should be executed before the full application of the Act, as most people were not aware of its provisions. Women's lack of knowledge might limit their power to protect themselves against domestic violence. These sentiments are alluded to the Southern African Research and Documentation Centre (SARDC) (2000), which suggests that in most societies in the Southern Region of Africa women have limited knowledge of legal provisions that seek to protect their rights and this prevents them from taking advantage of the law.

The Domestic Violence Act and Christian Theology.

A majority of the respondents indicated that the Act was not in line with the teaching of the Church. They indicated that disputes should be settled within the home and Church. One member from ZAOGA remarked, "*Tine mutongi mumwe chete anotonga kuburikidza nevabati vake*" (We have one judge who rules through his ministers). In most Churches Pastors, Church Fathers, Sisters, Elders and Adult Christians are given the mandate to settle disputes among church members, using the Bible as the reference point. According to most respondents, the Bible speaks against violence and emphasises love. This teaching is consolidated in various family life

groups such as 'Ruwadzano', 'Nzanga YaMbuya Anna', 'Nzanga yaJosefa', 'Sungano YeVarume' and 'Sungano YeMadzimai' In these groups, members are encouraged to forgive each other and live according to the teachings of the Bible. A close analysis of the teaching of these groups indicates that they are influenced by their Shona culture, which as we have indicated, is not keen to publicise domestic affairs. In view of the preceding point the teaching of the Bible is perceived as protecting Church members against domestic violence by preventing such cases from occurring. This therefore renders the Domestic Violence Act irrelevant to some extent and thus not in keeping with the ethical teaching of the Church.

Nevertheless, some of the respondents viewed the Act as an important piece of legislation which complements the effort of the church. Seen in that light, the Act is in keeping with the teachings of the Church. Both the Church and the Act aim at instilling the spirit of non-violence in the society. The respondents who saw harmony between the Church teaching and the Act noted that the courts, just like the rulers of this world (Romans 13:1-7), are put in place by God and should be given due recognition. Some respondents pointed out that the Act instils discipline among wayward Christians who are impervious to the teaching of the Bible. They indicated that the Bible alone could not protect victims of domestic violence, as it does not punish the perpetrators of violence in most cases. As such it would be important to invoke the Domestic Act which clearly states that culprits would be brought to book. The Act can therefore be a deterrent measure. While preference should be given to biblical solutions, some respondents suggested that if the Church fails to handle cases of domestic violence, as it sometimes does, the victims should seek refuge in the legislative system of this country. They also argued that there is no need to stick to Christian principles if one is suffering violence in the hands of an abuser who is not a Christian and as such is not guided by Christian principles. In connection with this point Mapara (2007:16) pointed out that taking issues of domestic violence to Church is helpful if and only if the entire family recognises the authority of the Church leaders. His words are worth noting:

*Kana mhuri yose ichipinda chechi izvi zviri nyore kuita.
Zvinobatsira kana mhuri yose ichikudza utongi hwechechi
kana kuti mumwe wevari kukakavadzana ari nhengo*

yechechi. (This method is easy to follow if the entire family goes to Church. It helps if the entire family recognises the authority of the church leaders or if one of those in conflict is a Christian.)

Some also pointed out that some victims would suffer silently as their culture does not allow them to report the cases even to the church. In Shona culture, wives are not encouraged to report that they have been beaten by their husbands. In fact, wife battering is sometimes viewed as a sign of love. Therefore, very few cases of domestic violence will be reported to the church and the police thereby rendering the two ineffective in reducing domestic violence.

The Act's Provision of Protection to Victims of Violence

Respondents expressed mixed feelings on whether the Act can protect the victims of domestic violence. However, the overall impression was that the Act provides protection to some extent. It was noted that by pronouncing prosecution of offenders, the Act actually protects victims of domestic violence. Those who felt that the legislation could not protect the victims as it purports argued that it might lead to social disintegration. They said that the victim might lose the material support of the perpetrator of violence if the victim was a dependent of the perpetrator. This might worsen the predicament of the victim. As one respondent puts it "*Munozogarisana here mumba iwe wamhan'arira murume?*" (Would it possible to live in harmony with your husband after reporting him to the police. Many respondents pointed out that the Act threatens the institution of marriage. They expressed that taking family issues to courts may lead to divorce. Many churches discourage divorce arguing that it militates against the teaching of the Bible. Some respondents cited Matthew 5:31-32 and 1 Corinthians 7:10-11) as some of the key texts where Jesus and Paul condemned divorce. In Matthew 5:31-32, which is part of his sermon on the mountain, Jesus is said to have ruled out any possibility of divorce. Contrary to the views of contemporary, Rabbi Hillel for whom all kinds of reasons, even trivial ones were sufficient grounds for legal divorce, Jesus said, "...every one who divorces his wife except on the ground of unchastity, makes her an adulteress; and whoever marries a divorced woman commits adultery" Similarly, Paul in his letter to the Corinthians (T:10-11) said "*The wife should not separate from her husband (but if she does, let her remain*

single or else be reconciled to her husband) -and the husband should not divorce his wife." These verses are interpreted to mean that God forbids divorce and therefore that any one who divorces his wife is a sinner.

This interpretation is misleading. It among other things ignores the exceptional clause in the statement of Jesus (except on the ground of unchastity), which clearly confirms that Jesus does not rule out the possibility of divorce completely. Although Paul does not include the exceptional clause found in the statement of Jesus, the parenthesis in his statement is clear evidence that he accepted the possibility of divorce. There is nothing in these texts that shows that divorce is strictly forbidden. Although adultery appears to be the only reasonable ground for divorce for Jesus and Paul, we not think that condoned any form of violence, whether public or private. No doubt, one could not be punished for separating or even divorcing a husband who abuses her physically, emotionally or even psychologically. However, we do not accept Hillel's view that any reason for divorce is acceptable (Shillebeeckox 1965: 143). Divorce should be taken as a last resort as it might be traumatic, both to the victim and the perpetrator.

It was also revealed that some victims fail to take advantage of the law for fear of reprisals from perpetrators of violence and their relatives. These sentiments expressed by Spradley and McCurdy (1997) who say that for taking a man to court a woman may be chided. The reason is that when a woman drags a man to the magistrates' courts, the dirty laundry is made public, much to the embarrassment of the man. This is against the Shona culture as we have noted above. Since there are social and psychological constraints to the application of the law by victims of violence, the Act becomes incapacitated as far as protecting victims of domestic violence is concerned. That the *de facto* application of the Act is likely to be limited is parallel to Maboreke's contention, cited in Hellum and Stewart (1999: 271) who argues that "*...the socio-economic realities of our country and the patriarchal ideology pervading our societies...prevent the translation of abstract rights in to substantive rights*". Sharing a somewhat similar frame of mind, Kesselman, McNair and Schniedewind (2003) point out that fear of social judgement and shame often prevent victims of domestic violence from speaking about their lives. Some respondents suggested that the Act is only concerned about punishing perpetrators of violence but is not committed

to providing material protection to the victims. From the sentiments of the critics of the Act it can be extrapolated that there are limits to the role that the official law can play. However, to those who defy all odds and report perpetrators of domestic violence to the police, as some respondents pointed out, the Act provides both the vision and the power to achieve freedom from further abuse.

The Act's Capacity to Curb Domestic Violence

A majority of respondents said that while the Act cannot eradicate domestic violence totally, it could, to some extent, minimise cases of violence. However, it was noted that many victims of domestic violence do not report cases of violence to the law enforcement agents for fear of victimisation. Many perpetrators of violence threaten their victims so much that they would fear to report. The respondents also pointed out that the police, who are the first port of call have not always treated cases of domestic violence seriously. Furthermore, there are many incidences of domestic violence perpetrated by the police. Such culprits, no doubt, would not deal with cases of domestic violence impartially. Jacob Mafume, the Coordinator of Crises Coalition in Zimbabwe rightly notes that there is need for public scrutiny of individuals who are being appointed in offices and they should be questioned on issues relating to gender and women's rights (Zimbabwe Lawyers for Human Rights Women's Litigation Conference 2006: 11). It was also noted that the fine that is charged for committing domestic violence is not punitive enough. In Zimbabwe, punishment in the courts is graded in levels and in many cases of domestic violence a level three fine is imposed. The fine is usually US \$2, 50 (United States dollars) such a fine trivialises the importance of the legislation in the fight against domestic violence (Zimbabwe Lawyers for Human Rights and Women's Litigation Conference 2006).

Nevertheless, some respondents indicated that the Act could curb violence by deterring the would-be offenders. They believed that the arrest and subsequent prosecution of the guilty would deter those with a propensity to be violent. The assumption behind this assertion is that the prosecution of perpetrators of domestic violence would give a lesson to those who have not yet committed crime of such nature. Thus the capacity of the Act to successfully deal with the cases of domestic violence depends on their being reported to the police.

Appropriateness of taking family problems to public courts

There were mixed feelings about this issue. Respondents who are for the idea of taking family problems to courts pointed out that this might be in the best interest of the victim. They argued that there is no need to be secretive when this family secrecy endangers their lives. Furthermore, they stated that the very idea of keeping family secrets that are abusive has promoted the continuation of domestic violence. In addition, they argued that the family should provide comfort, love and security to individuals and self. For them, it is better for people to separate than to let the violence continue unabated as this might result in further damage to victims. The respondents claimed that suffering silently in the name of the so-called family secrets causes high blood pressure in the homes. They also noted that since Churches could not solve all cases of violence, there is need to take recourse to the public courts. Cases such as murder and rape as well as child marriages should not be allowed to go unpunished as they militate against the commandments of God (Deuteronomy 5:17-21). What is most worrisome here is that rape is not considered to be a violation of human rights anywhere in the world as C. Bunch and R. Carrillo cited in Eade and Williams (1995 : 177) put it:

Significant numbers of the world's population are routinely subject to torture, starvation, terrorism, humiliation, mutilation, and even murder simply because they are female. Crimes such as these against any group other than women would be recognised as a civil and political emergency as well as a gross violation of the victim's humanity. Yet, despite a clear record of death and demonstrable abuse, women's rights are not commonly classified as human rights.

The World Council of Churches in 1992, had reported the systematic rape of Muslim women by Serbian fighters in Bosnia with the hope that it would be considered a war crime. Those who said that family matters should not be taken to public courts argued on the basis of 1 Corinthians 6 that problems affecting Christians should be resolved within Church circles and that it is better to suffer wrong than to go to heathen courts for the settlement of disputes. In this passage, Paul was responding to the question whether it was lawful for Christians to drag each other to the pagan courts to settle their grievances. Paul responded by first giving a series of rhetoric questions which demonstrate that it was not godly to take their disputes to

such courts. These include among others: When one of you has a grievance against a brother does he dare go to law before the unrighteous instead of the saints? Do you not know that the saints will judge the world? And if you judge the world, are you incompetent to try trivial cases? Do you not know that we are to judge angels? (1 Corinthians 6:1- 4). These questions imply that the Christians were given the mandate to solve their own disputes without reporting to the law enforcement agents. His Jewish background might have influenced Paul. Jews would not take each other to pagan courts to solve their differences as this was seen as tantamount to blaspheming against the divine law. To them, justice was far more a thing to be settled in a family spirit than in a legal spirit (Barclay 1975). They would rather suffer injury insult and loss rather than inflict them on someone. Paul expected Christians, even those with the remotest tinge of God's love to do likewise. His advice to the Corinthians seems to reinforce the Shona cultural beliefs. As noted before, the Shona people regard as uncultured to publicise what goes on in the private homes. In this respect the Act is not insignificant to some Christians alone, but also to those who still value their cultural beliefs. The above sentiments are echoed when Rowan-Campbell (1999:20) contends that:

Violence against women is a critical tool in the maintenance of male hegemony; it is the means by which the patriarchal requirements of conformity and obedience are extended to women and enforced. In hierarchies, men may obey through fear of losing jobs, status or power; women are made to fear violence. As violence is inextricably linked with male hegemony, only ending that hegemony is going to reduce violence and persuade citizens that it is an issue for societal concern rather than as isolated private problem. It is also crucial to reduce women's complicity in the violence against them, by rejecting the socialisation which allows women to pretend that to be beaten is to be cared about, and the asymmetrical relations of power which require the bartering of self for money and protection.

Customary laws that dates back to antiquity govern family relations including marriage issues, inheritance divorce, maintenance, child custody to mention a few and laws of the state reside over all other matters. Domestic violence was neither here nor there. It was an issue that was not supposed to be debated beyond the domestic boundaries. African

traditional wisdom also advises that "*chakafukidza dzimba matenga*" translated to domestic issues have to be discussed indoors and end there. This debate moved out to global stages with a series of world conferences devoted to women's issues. What comes out of these conferences is mere rhetoric without real change taking place but ironically increases in violence perpetrated against women.

An analysis of Paul's teaching to the Corinthians shows that he was not against Christians reporting perpetrators of domestic violence to the police today. The context and situation in which the Corinthians found themselves are totally different from that of the Zimbabweans. Most of the Corinthian converts were part to the Greek community where dragging each other to courts was viewed as a form of entertainment and hence Barclay (1975: 49) notes, "*The law courts were one of their chief entertainments*" Paul was possibly trying to discourage Christians from embarrassing fellow Christians in pagan courts.

The Minister of Women's Affairs, Oppah Muchinguri on Monday the 5th November 2007 announced the establishment of the Domestic Violence Committee, set to oversee the enforcement of the Domestic Violence Act, which became law on Thursday the 1st of November 2007. Zimbabwean ministries and institutions are quite skilful in crafting policies where we witness bills that are passed into laws almost daily but as one artist sang "*Asi chabuda hapana*" (It's a wild- goose chase).

Minister Muchinguri appointed an eight-member Anti-Domestic Violence Council, which will "*review cases of domestic violence, disseminate information on domestic violence and promote research and services delivery in domestic violence cases*" (The Zimbabwean, 2007:3). The Act has been widely received countrywide by civil society and women's non-governmental organisations. The chief reporter's comments in The Zimbabwean (2007:3) newspaper are useful:

The Act provides a comprehensive definition of violence covering physical, economic, emotional and sexual aspects. It also unpacks the wide scope of domestic violence, describes police officers' expected role in prevention through the provision of arrest without a warrant.

The post-colonial Zimbabwean experience should have dispelled the myth of female inferiority but women continue to be marginalized with female ex-combatants being under-represented in almost all circles including parliament. Cultural stereotypes excluded women from policies that sought to put them in seats of power.

Conclusion

Putting an end to Domestic Violence should be everyone's concern. The United Nations should be commended for a job well done with an array of world conferences held under its auspices but formulations and activation of such policies, statutes, conventions, declarations, procedures and mechanisms without ensuring their implementation means women's rights are still constrained. Strategies would be a cry in the wilderness and far from assuring women's self-determination. The 1993 World Conference on Human Rights in Eade and Williams (1995: 39) emphasised:

... the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism...Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response.

This article has managed to respond to the UNICEF's call to dismantle "the apartheid of gender" by demanding a major overhaul of patriarchal structures to be brought about by the Domestic Violence Act and the frantic transformations of the world order, of policies and changes in personal behaviour. This, we believe, would put roadblocks to male hegemony. Since religion is a powerful element of culture, peoples who define themselves as having other cultural or ethnic differences practise Christianity.

The Bible, particularly the New Testament, condemns violence. The ethical teachings contained therein are meant to promote peace and love in the

homes. Christians should apply exegetical and hermeneutical methods to the biblical texts in order to benefit from its teachings. Applying critical tools to the biblical passages would help them to place the biblical texts into their contexts. We have, for instance, seen that the context of Jesus and Paul's teachings about divorce is chronologically distanced from ours, which implies that we cannot just cut and paste it to our situation. Besides, it should be noted that domestic violence could lead to the breaking of other commandments of God such as those that condemn adultery, theft, especially where the guardian deprives the victim of basic necessities, and killing. (Deuteronomy 6: 17-20) In this regard it is better to report cases of domestic violence to the law enforcement agents than break the divine commandments. While we admit that Christians should be guided by Christian principles in settling their problems, we are convinced that these are not adequate and therefore should be augmented with government laws that seek to eradicate domestic violence. The Church leaders should educate their members on the relevance of the Domestic Violence Act as it seeks to complement their effort to eliminate domestic violence. Discussions should continue unabated in both private and public media to equip the victims of violence with knowledge.

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