Limitations on Religious Rights: Problematizing Religious Freedom in the African Context

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LIMITATIONS ON RELIGIOUS RIGHTS:
PROBLEMATIZING RELIGIOUS FREEDOM IN THE
AFRICAN CONTEXT

Makau wa Mutua

It is not my intention in this article to discuss what limitations, if any, should or could be placed on religious rights per se. Rather, I propose to explore the historical experience of religious penetration and advocacy in a very specific context and demonstrate the possibilities of conflict between certain forms of evangelistic advocacy and some human rights norms. With the African theater as the basic laboratory, I intend to unpack the meaning of religious freedom at the point of contact between the messianic faiths and African religions and illustrate how that meeting resulted in a phenomenon akin to cultural genocide. The main purpose here is not merely to defend forms of religion or belief but rather to problematize the concept of the right to the free exercise of messianic faiths, which includes the right to proselytize in the marketplace of religions. In societies, such as the African ones where religion is woven into virtually every aspect of life, its delegitimization can easily lead to the collapse of social norms and cultural identities. The result, as has been the case in most of Black Africa, is a culturally disconnected people, neither African nor European nor Arab. In other words, I shall argue that imperial religions have necessarily violated the individual conscience and the communal expressions of Africans and their communities by subverting African religions. In so doing, they have robbed Africans of essential elements of their humanity. In as much as this chapter is a protest, it is also a plea for the better understanding of African religions, their freedom from imperial faiths, and the necessity for the rights regime to devise norms and mechanisms for protecting them. I base this argument on several premises.

Since the right to religious freedom includes the right to be

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left alone - to choose freely whether and what to believe - the rights regime by requiring that African religions compete in the marketplace of ideas incorrectly assumes a level playing field. The rights corpus not only forcibly imposes on African religions the obligation to compete - a task for which as non-proselytizing, non-competitive, creeds they are not historically fashioned - but also protects evangelizing religions in their march towards universalization. In the context of religious freedom, the privileging by the rights regime of the competition of ideas over the right against cultural invasion, in a skewed contest, amounts to condoning the dismantling of African religions. I also argue that the playing field, the one crucial and necessary ingredient in a fair fight, is heavily weighted against Africans. Messianic religions have either been forcibly imposed or their introduction was accomplished as part of the cultural package borne by colonialism. Missionaries did not simply offer Jesus Christ as the savior of benighted souls; his salvation was frequently a precondition for services in education and health, which were quite often the exclusive domain of the church and the colonial state. It makes little sense to argue that Africans could avoid acculturation by opting out of the colonial order; in most cases the embrace of indigenous societies by the European imperial powers was so violent and total that conformity was the only immediate option. In making this argument I shall also rely on notions of human rights law which, as I shall seek to show, suggest that indigenous beliefs have a right to be respected and left alone by more dominant external traditions.

This reasoning poses serious questions that go to the root of

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1 The case of the Akamba a Kenyan community targeted by European missionaries for conversion and colonization, was typical. As told by a European writer, for “most Africans the turn to education (formal European education) brought a new involvement with the Christian religion. School and church were closely intertwined because almost everywhere missionary organizations had a monopoly on educational facilities and expertise. Problems of educational mobilization, therefore, could not be separated from the problem of adjustment to a new faith and values. School and church affairs were of vital concern to Africans seeking to come to terms with the colonial situation . . . .” See F. Munro, Colonial Rule Among the Kamba: Social Change in the Kenya Highlands 1889-1939, 147-148 (1975).
the rights regime. Some difficulties are obvious. A key ideal of the human rights movement, and indeed of liberalism, is the unwavering commitment to the open society in which the freedom to advance, receive, and disseminate ideas is assumed necessary for the greater social good. Though not absolute - permissible limitations can be placed on what ideas and under what circumstances advocacy is allowed by the law - this commitment creates a rights regime conundrum in conversations about the universality of human rights norms. Questions arise about the validity of the advocacy of certain norms beyond the borders of their origin. The right of advocacy itself and its centrality in the human rights corpus becomes an issue. Is it possible, for instance, to question advocacy in connection with other creeds, ideologies, and institutions? Should advocacy by the industrial West to spread free markets and democracy to non-democratic, non-Western cultures, complete with their power to transform and fundamentally change economic, social, and political systems, be protected under the human rights regime? Could theocratic states, for example, seek protection for their political orders and social systems under the rights corpus? Other examples come to mind: should human rights law invade cultures that subordinate women and seek to eradicate gender bias through advocacy? Are these acceptable forms of advocacy which the human rights movement should protect? Ultimately, one must ask, who decides what is good for the universe and what should be advocated transnationally?

I mention these problems only to indicate the scope of the dilemma posed by this article; it would require another exercise to address them. My particular concern here is with a certain historical experience and the results of that experience: specifically, I shall address the nature and forms of religious advocacy employed by the two major messianic religions - Christianity and Islam - in Africa and the tension between those forms of advocacy and certain norms and ideals of the human rights movement.

I have organized the article into several parts. First, I briefly sketch the history of the human rights movement and outline those ideals within it that are relevant for my purposes. Secondly, I discuss the view of the messianic religions towards human rights and other
religious traditions, particularly indigenous religions. My goal here is to indicate some of the bases for demonizing "the other" and draw attention to possible contradictions between the human rights corpus and some of the positions taken by messianic religions. Thirdly, I briefly review the human rights, constitutional, and other legal bases for religious freedom and the protection of indigenous religions in Africa. I then explore the forms of proselytization preferred by both Islam and Christianity in Africa and the use of coercion, both physical and cultural, as a tool in that process. The last segment addresses the tension inherent in the rights regime and the dilemmas posed to the human rights movement by the practical and historical experience of evangelization in Africa.

A discussion about limitations on religious rights at first blush appears to frustrate some of the major ideals of the human rights movement. It raises the question about the tension between the restriction of the right to evangelize or advocate a point of view and one of the central ideals of the human rights movement, the promotion of diversity and the right to advocate ideas or creeds. An exploration of the manner in which the human rights corpus ought to view religious rights—whether further to limit or to expand the protections they currently enjoy—raises this fundamental tension:

2 The movement's emphasis on respect for diversity and tolerance of difference implies that societies remain permanently open to inquiry, change, and challenge; it could be argued that this philosophy betrays the bias of the human rights corpus for a liberal, democratic society, a favoritism that could diminish the movement's claim of universality. But scholars of the movement argue that with the possible exception of its, "That movement institutionalizes no one ideal of social order. To the contrary, it explicitly allows for many faiths and ideologies while denying to any one among them the right or power to impose itself by force. It expresses a humanistic commitment to ongoing inquiry and diversity, as well as a deep skepticism about any final truth. It denies governments the right to close avenues of reflection, criticism, advocacy, and innovation in order to impose an orthodoxy . . . ." Henry Steiner, Ideals and Counter-Ideals in the Struggle over Autonomy Regimes for Minorities, 66 NOTRE DAME L. REV. 1552 (1991). Steiner's comment would seem to give credence to the view that the movement institutionalizes liberalism as a political order because the "openness" required by the movement appears to be one of the essential qualities of a liberal society.
how does a body of principles that promotes diversity and difference protect the establishment and manifestation of religious ordering that seeks to destroy difference and forcibly impose an orthodoxy in Africa—as both Christianity and Islam, the two major proselytizing religions, attempted, and in many cases successfully did? Precisely because of the ethos of universalization common to both, the messianic faiths sought to eradicate, with the help of the state, all other forms of religious expression and belief and close off any avenues through which other competing faiths could be introduced or sustained. This coerced imposition of a religious orthodoxy implies a desire and a social philosophy to seek the forcible destruction of that which is different. Yet, it seems inconceivable that the human rights movement would have intended to protect the “right” of certain religions to “destroy” others. In this chapter, I shall attempt to explore this tension—between protecting the right to proselytize in Africa while limiting the circumstances in which that right can be exercised—within the confines of the human rights corpus.

It is my argument that the free exercise of religion and belief should find protection within the human rights universe in the context of respect for diversity without giving license to the destruction of other religions and cultures. While I attempt to explore the nature, context, and purposes of proselytization in Africa from a rights perspective, I also seek to see whether proselytization in that context constituted a human rights violation, and if so, what the response of the human rights regime should be.

I shall briefly sketch the history of the development of human rights movement to situate my discussion and provide a context for my views on religious rights in the African setting. The human rights movement—that collection of norms, processes, and institutions—is largely a product of the horrors of the devastating war of 1939-45. Its rise, development, and elaboration cannot be understood without resort to the abominations committed by European states and their agents during that war. Drawing on the Western liberal tradition, the movement arose primarily to control and contain state action against the individual. The two principal instruments on which it is based—the 1948 Universal Declaration of Human Rights (UDHR) and the 1966 International Covenant on Civil and Political Rights (ICCPR)—
- establish negative rights that either limit or prohibit altogether governmental reach into the private and individual realms. Primarily, the movement has been restrictive of state power. In the recent past, however, as the traditional human rights movement has grown in strength and effect, its language has been appropriated by other causes which recognize its legitimizing power. Women's groups, gay and lesbian organizations, environmentalists, and advocates of economic, social, and cultural rights, all seek recognition by the "official" human rights movement.

There is a growing realization internationally that the struggle for human rights is a quest for the reduction of conditions that engender weakness; in effect, it is a push against the denial of certain fundamental rights by any individual or institution regardless of its relationship to the state. Certain institutions, such as the family which traditionally have been part of the private realm, are now coming under increasing scrutiny to comply with international human rights standards. The state - the political instrument that gives legal personality and protection to private institutions - is being pressed to intervene to secure basic rights for individuals under the control or influence of entities in the private realm. Advocates base their claims on the influence or control that the state ought to exercise over such entities. The challenge for the human rights movement is to move beyond the singular obsession with wrongs committed directly by the state - although it remains the most important obligor of the

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3 What constitutes a fundamental human right is a subject of great tension and disagreement within and without the human rights movement. The more traditional activists in the movement only recognize as legitimate those rights that implicate raw state power, such as freedom from torture, extra-judicial executions, arbitrary arrest and detention, denials of procedural due process, and the suppression of free speech, and assembly and association. More recently, non-Western scholars and activists have insisted on the indivisibility of human rights and have emphasized the importance of economic, cultural, social, and group rights. Many in the West still refuse to recognize these as rights, referring to them instead as 'equities.' This dichotomization of rights is also a legacy of the logic and struggles of the Cold War.
discourse-and invade non-state actors in order to contain and control human rights violations in the private sphere. To do so, the movement has to take on powerful private institutions in the private realm, including established religion. In this paper, I argue that although religious human rights must be defined, secured, and protected, there is a correlative duty on the part of religions to respect the human rights of non-believers and adherents of other religions or faiths and not to seek their coerced conversion either directly or through the manipulation and destruction of other cultures. Although Article 18 of the ICCPR guarantees the "right to freedom of thought, conscience and religion," and provides for certain limitations, it does not spell out the duties that must be borne by proselytizing religions. I attempt in this article to balance the interests of these religions with those of African societies, both individual and collective, and to explore ways, if possible, in which the respectful co-existence between these radically different spiritualities could be imagined and worked out.

DEMONIZATION: THE UNHOLY VIEW OF "THE OTHER"

The two most geographically diverse religions - Christianity and Islam - are also the most imperial: they are proselytizing and universalist, that is, they seek to convert into their faith the entire human race. Although these religions are not spread through physical violence today, they have historically been forcibly introduced. They have also been negatively competitive against each other as well as other creeds as they have fought over the souls of third groups and

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4 The designation of non-believers—individuals who do not profess the trinity of Judaism, Islam, or Christianity—by both Muslims and Christians as either pagans or infidels is one manifestation of belief in their own superiority over other religions. Christian missionaries and Islamists evidence this zeal and drive to universalize through the conversion or salvation of unbelievers from what they regard as eternal damnation. For a more detailed analysis of the attitude of Shari'a, or Islamic jurisprudence, towards non-believers. See generally Abdullahi Ahmed An-Na'im, Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives, HARV. HUM. RTS. J. 3, 13 (1990).
individuals. But central to them is the belief in the racial superiority of the proselytizers; the other is quite often depicted as inferior. Arab Muslims, for example, have historically viewed Black Africans as racially inferior; Islamized Africans are regarded as having taken an important step towards overcoming that inferiority. The capture and enslavement of millions of Africans by Arab Muslims over the centuries bore the trademarks of this theological and racial justification. It does not require a profound knowledge of history to prove that both Arab and European perceptions of Africa have been decidedly racist over the centuries. Asserting that the "Bantu mind" was inferior to that of the "civilized man," a leading European missionary described Africans thus:

It is suggested that the mere possession on the part of the Bantu of nothing but an oral tradition and culture creates a chasm of difference between the Native "mind" and that of civilized man, and of itself would account for a lack of balance and proportion in the triple psychological function of feeling, thinking and acting, implying that thinking is the weakest of the three and that feeling is the most dominant. The Native seeks not truth nor works, but power - the

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5 The wars between the Christian Portuguese and Moslem North Africans are well documented. In the fifteenth century, the Portuguese under the command of Prince Henry carried the crusades to Africa as part of the campaign to win back the continent from Muslims. An admiring portrait of Prince Henry said that the "flame that lit the Soldier of the Cross was kindled in his heart in early youth, and to win back Morocco from the Moors was the ambition of his life. He never drew his sword in any other cause...." See H. Debrunner, A History of Christianity in Ghana 15 (1967). Elsewhere, he is called the "commander of the Portuguese Crusaders' Order of the Knight of Christ." Id. Even among different Christian denominations, competition for souls often turned violent as evidenced by the conflict in 1637 between the Dutch and the Catholic Portuguese at historic Elmina, part of what is today Ghana. A Catholic account of the conflict said that the "new conquerors, the Dutch, were then bitter enemies of Catholicism. Wherever they came, they burnt and destroyed the churches and would not allow a Catholic priest to preach to the people." See H. Pfann, A Short History of the Catholic Church in Ghana 8 (1965).
dynamical tool.6

Writing about the importance of evangelization in Africa, another European missionary asserted that the "Mission to Africa was the least that we [Europeans] can do to strive to raise him [the African] in the scale of mankind."7 The catalog of writing by pioneer missionaries in Africa is inexhaustible and uniquely similar. Paternalistic at best, African missionaries left no doubt of their belief in the superiority of their race, religion, and culture, and the necessity of "freeing" the African from his heathen and sub-human belief and status.

Such attempts, often quite successful, at the universalization of the messianic faiths have resulted in untold suffering throughout history. The religious crusades and jihads waged by both Muslims and Christians, in which millions were killed and enslaved, are just one example of the destruction that accompanied or was the excuse for proselytization. In strange symbolism, the cross, with its linear structure, becomes a sword once turned on its side.8 The causal link, historically, between evangelization and war appears to be indisputable.9 The philosophy and practice of re-making "the other"

6 D. SHROPSHIRE, THE CHURCH AND THE PRIMITIVE PEOPLES xix (1938). The author goes on to write that, "[t]hough he [the Native] relies a good deal on what he has observed, he will always seek the true cause in the world of unseen powers above and beyond what we call 'Nature' - in the metaphysical realm in the literal sense, and his peculiar mental activity is largely due to his lack of distinction between what is actually present to sense and what is beyond." Id.
7 A.H. BARROW, FIFTY YEARS IN WEST AFRICA 29 (1900).
8 M. FOX, A SPIRITUALITY NAMED COMPASSION 112 (1990); "Crusades, inquisitions, witch burnings - which invariably meant the burnings of heretics and gay people, of fellow Christians and of infidels - all in the name of the cross. It is almost as if Constantine, and his empire's conversion to Christianity in the fourth century, uttered prophecy when he declared "'in the name of this cross we shall conquer'. The cross has played the role of weapon time and time again in Christian history and empire building." Id.
9 See id. Christian armies, much in the same way that Muslim crusaders saw themselves, considered it an honor to die for Christianity. According to many, "the supreme sacrifice was to die fighting under the Christian emperor. The supreme self-immolation was to fall in battle under the standard of the cross . . . . But by the
appears therefore to be based on the contempt for that which is
different and belief in the superiority of the aggressive creed. Major
bodies of both Christian and Islamic jurisprudence directly assert the
inferiority of and disrespect for non-believers. Although some
scholars argue that Shari'a, for example, is just one particular
interpretation of the Qur'an, the definitive word of God and
Muhammad, his Prophet, it is the only coherent, unified body of law
for the world's Muslims. Other, more liberal interpretations of Islam
have been of little consequence to the lives of Muslims. Yet Shari’a
itself contradicts basic human rights standards by discriminating
against non-Muslims. Abdullahi An-Na’im, a leading advocate for
reform of Islamic jurisprudence to bring it into conformity with
international human rights standards, has written:

The claim that Shari’a is fully consistent with and has always protected human rights is problematic both as a theoretical and a practical matter. As a theoretical matter, the concept of human rights as rights to which every human being is entitled by virtue of being human was unknown to Islamic jurisprudence or social philosophy until the last few decades and does not exist in Shari’a. Many rights are given under Sharia in accordance with a strict classification based on faith and gender and are not given to human beings as such. As a practical matter, fundamental inconsistencies exist between Shari’a as practiced in Muslim countries and current standards of human rights.11

10 Shari'a, the legal and ethical regime of Islam, is derived from both the Qur'an and the Sunna, the Prophet's collaboration of the Qur'an through his statements and actions.

11 An-Nai'm, supra note 4, at 22 (emphasis added).
A number of theoretical and scriptural examples illustrate this point. Unbelievers, defined by Shari'a as non-Muslims except Jews and Christians or those who do not believe in the "revealed heavenly" scriptures, are not regarded as fully human and could be legally enslaved. Shari'a only discusses the manner in which slaves ought to be treated; it does not prohibit the enslavement of non-believers. In addition, according to Shari'a, only Muslims can fully enjoy the benefits of citizenship in an Islamic state. Even members of other revealed faiths such as Jews or Christians are only entitled to the lesser status of dhiminta under which their security of person and property is guaranteed with some freedom to practice their own religion. In return, they have to pay taxes and submit to Islamic rules in all public matters. Shari'a also punishes by execution Muslims who repudiate their faith. The assumption of the "right" to Islamize and then prevent others from converting - or counter penetrating - is at the very least a manifestation of intolerance for difference and diversity.

Bigoted clergymen and their followers, from South Africa to the United States, have continuously searched the scriptures for references to the sub-humanity of Africans to justify apartheid, slavery, and other violations of basic freedoms based solely on race and skin color. In the United States and the European colonies and

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12 Not surprisingly, the revealed scriptures are only the Bible, the Qu'ran, and Torah or the Old Testament, the holy books of Christianity, Islam, and Judaism respectively. It is inexplicable that Shari'a would disregard all other religious persuasions such as Hinduism and indigenous African or native American religions, among others, as illegitimate.

13 An-Nai'm, supra note 4, at 22-23.

14 Id. at 24. An-Nai'm adds that, "non-Muslim subjects of an Islamic state can aspire only to the status of dhimmia under which they would suffer serious violations of their human rights. Dhimmis are not entitled to equality with Muslims. Their lives are evaluated as inferior in monetary terms as well: they are not entitled to the same amount of diya or financial compensation for homicide or bodily harm as Muslims." Id.

15 The crime of apostasy, which disallows individuals from freely changing their faith, violates human rights standards by preventing the freedom of choice.
possessions in Africa, law and religion were often synthesized to create an oppressive social philosophy in order to justify the institutionalization of slavery, colonialism, and the ubiquity of white or European power over blacks. Many settled on the story of the curse of Noah's son, Ham, in Genesis 9 as the divine curse on all people of African descent. Religion and pseudo-science were often hand-woven to “prove” the bestial, sub-human characteristics of Africans. These philosophies and practices allowed “good” Christians brutally to subjugate or to acquiesce with a clear conscience in the subjugation of African cultures and religious traditions.

THE PROCESSES AND EFFECTS OF PROSLEYTIZATION IN AFRICA

In this segment, I explore the views of the evangelizer and the processes of evangelization in Black Africa and raise some of the human rights issues implied by their penetration of the continent. I attempt to highlight the tension between proselytization, coupled with force and power, and respect for difference and cultural identity.

Islam was introduced to Africa through military conquest by the Arabs. Thereafter, the processes of Arabization (in North Africa and the Nile Delta) and Islamization (in East and West Africa) proceeded simultaneously through force, the slave trade, and general commerce. The entry of Christianity into the continent was no less violent, coming as it did in partnership with the colonial imperial powers. Most European missionaries saw their duty in the image painted by Rudyard Kipling in 1899, “[t]ake up the White Man's burden, send forth the beast ye breed. Go bind your sons to exile to serve your captives’ need. To wait in heavy harness on fluttered folk and wild

16 Many African communities did not see any functional distinctions between the colonial administrators and the missionaries. “The political factor [colonialism] worked to the disadvantage of the missionaries in that the Kamba [an ethnic community in Kenya] like all other Africans, viewed the newcomers in terms of their local political situation. They identified the missionaries, arriving with the colonial power which gave them its support and approval, as part of the colonial authority system, barely distinguishable from administrative officers. In 1913, for example, elders in Mwala Jarea of Kenya inhabited by the Akamba I went to the mission at Kabaa to obtain licenses for sugar-mills.” Munro, supra note 1, at 104.
your new-caught, sullen peoples, half-devil, half-child.”¹⁷ A missionary who worked among Zimbabweans early in the twentieth century exemplified these beliefs; to him, “unlettered” Natives were in “the technically barbaric and pre-literacy stage of cultural and social development.”¹⁸ In a book written for those “responsible for the development of a primitive people or are concerned for their progress missionary and administrator, government official and teacher, employer and civilian,”¹⁹ the missionary stated starkly:

Indeed, primitive people all over the world who have not yet acknowledged a sovereignty of reason arm themselves with similar weapons against their physical and spiritual foes and have the same elemental passions, emotions and instincts. Institutions and beliefs such as initiation ceremonies, the medicine-man, witchcraft, and all the magico-religious assumptions are part and parcel of the lives of such peoples.²⁰

In contrast, Christianity which has undergone “centuries of theological learning,” “labour of intellect, and subtlety of reasoning throughout its whole history, stands for a literary type of religion giving prominence to beliefs that can be put into ideas as dogma and doctrine.”²¹ That is why, according to the missionary, he was “amazed at my own impertinence in desiring to impose a new and strange religion and culture upon a primitive people with whose

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¹⁹ Id. The author develops a methodology for evangelization in "primitive" cultures and pleads for the "careful discrimination, preservation, transmutation and transformation of the religious and cultural institutions and beliefs of the Southern Bantu [the African peoples: of southern Africa], by and within a full-orbed presentation of the Christian religion." Id. at xix.
²⁰ Id. at xiii-xiv.
²¹ Id. at xxiv.
cultural inheritance I was quite unacquainted."²² Hence he advises, "[b]efore sowing, know your ground."²³ He emphasizes that the purpose of the evangelist is not "merely to civilize but to Christianize, not merely to convey the Gifts of Civilization."²⁴

European missionaries, sociologists, and anthropologists have historically treated African religions as bizarre and primitive phenomena completely different from and inferior to the messianic faiths. Part of this process of demonization betrays the prejudice, ignorance, and the cultural vantage point of the outsider. Hence the description of Africans as heathens and pagans. Many of the writers and missionaries describe African religions as superstitious, unscientific, and without reason.²⁵ Missionaries therefore sought to discredit and dismantle those African religions and cultural expressions that they deemed un-Christian or resistant to Christianization and Westernization. Some missionaries, however, did not advocate the full destruction of "false religions" but rather a process of "assimilation":

It is becoming increasingly clear, and governors and missionaries alike are coming to realize, that the method of the destruction of religion and culture of primitive races, as happened in the cases of the Tasmanians, Australians . . . and American Indians is both scandalous and futile. For such a method destroys all the values that give meaning and zest to their lives, rendering them impotent and ill-equipped to face the future, cutting them loose from all their moorings on a vast and uncharted sea where they drift

²² Id. at xiii.
²³ Id.
²⁴ Id. at 425.
²⁵ Id. See E. AYISI, AN INTRODUCTION TO THE STUDY OF AFRICAN CULTURE 57 (1972): "It has been said that they [African religions] lack any theological ideas and all the elements which make Judaism, Islam or Christianity sublime are lacking in African religion. People who should have known better, especially missionaries, were completely misguided about African religion, and by their muddled thinking propagated erroneous ideas about African religious beliefs."
to despair and finally destruction.\textsuperscript{26}

This paternalistic approach, which sought to “secure, at whatever cost, the fullness of the development of the personality of the African,” would not simply target African religions but would be a “concerted attempt” in the “spheres of religion, law, medicine, politics and economics for the simple reason that the life of those we are seeking to transform is all of a piece.”\textsuperscript{27} In this process of re-education, missionaries ended up denouncing as satanic African ceremonies and actions of worship for the spirit world. African dances, marriage ceremonies, female circumcision, and polygamy were deemed pagan or heathen practices incompatible with Christianity. Among the Kikuyu and Akamba of Kenya; for example, parents who permitted female circumcision were not allowed access to churches and schools, although the practice was deeply bound up with other cultural norms.\textsuperscript{28} As one writer has mildly put it:

The missionaries, as even devout Christians will admit, were extremely narrow in outlook. They taught that Christianity was the only right religion and that all other religions and practices must stop. Such

\textsuperscript{26} SHROPSHIRE, supra note 18, at 425.
\textsuperscript{27} Id. A more forceful method was favored by others as this description of Henry the Navigator reveals, “The heathen lands were kingdoms to be won for Christ, and the guidance of their backward races was a duty that must not be shirked. Henry shouldered this responsibility. If he had the spirit of a crusader, he had that of a missionary as well. Wherever he explored, his aim was to evangelise, to civilise, and to educate the simple natives.... He sent out teachers and preachers to the black men on the Senegal [river].” H. DEBRUNNER, A HISTORY OF CHRISTIANITY IN GHANA, 15.
\textsuperscript{28} In most African cultures, the private/public distinction appears to have been absent or insignificant in the construction of social and political reality. Earthly existence constituted one whole: life was at once social, political, religious, cultural, and economic. The state (or the socio-political organism for the orderly running of the community, such as the council of elders) among many of the Bantu peoples of East Africa, was not apart from the community or contradictory to it. Life was one continuum, neither wholly private nor completely public. Religion has permeated every aspect of life.
teaching confused the Africans, who believed that all religions were good.29

The deliberate destruction of African values was epitomized by the introduction of a "white" god and Jesus Christ and a "black" devil or Satan. The visual images displayed and popularized by missionaries to date - drawings and other impressions of Jesus Christ, the Virgin Mary, and God - are those of whites with blue eyes and long, usually blond, hair. Verbal and written descriptions of these figures also gave the impression that they were European. Growing up in Africa as a young boy - and my experience was typical - I thought that God was a silver haired white sage resident somewhere in the deep blue sky. The system of formal education introduced by the missionaries and the colonial authorities emphasized the superiority of Europe over the rest of the world. This educational and religious orientation was meant to disembowel, and did so, African traditional outlooks and replace them with Western, Judeo-Christian conceptions of life.

The alliance between, and in many cases the practical fusion of the Church and the colonial flag, even where naked force was not applied, served to quash African values. As a reaction to the Eurocentric and racist curricula of the mission schools, together with


"Indigenous African religions, on the other hand, are basically communal rather than universalist. As with Hinduism and modern Judaism - and unlike Christianity and Islam -indigenous African traditions have not sought to convert all of mankind. The Yoruba do not seek to convert the Ibo to the Yoruba religion, or vice-versa. Nor do the Yoruba or the Ibo compete with each other for the souls of a third group. By not being proselytizing religions, indigenous African creeds have not fought with each other." Mazrui thinks that Africa probably did not experience religious wars before the arrival of Christianity and Islam. He attributes the lack of religious wars in pre-Islamic, pre-Christian Africa to the non-proselytizing nature of indigenous religions and traditions.
their opposition to African cultural and religious practices such as female circumcision, Africans in Kenya started in the late 1920s to establish independent schools under the leadership of Jomo Kenyatta, later the first president of Kenya. This frontal attack on religious values and practices and ethnic and racial identities developed over hundreds of years was particularly damaging because religion was an integral part of being African. African religious beliefs centered individual and group existence; their subversion overthrew ethnic identities. The devaluation of their culture dehumanized Africans and created a self-hatred that continues to devour the continent today. Predictably, different denominations of Christianity, primarily the Protestant and Roman Catholic, introduced bitter rivalries between African communities. The rivalry engendered by the competition for converts created deep political antagonisms between ethnic groups and introduced one more cleavage in societies already destabilized by colonization. In countries like Uganda, these sectarian rivalries have periodically erupted into ethno-political violence. In countries such as Sudan or Nigeria, the primary source of violence has been inter-religious: between Muslims and Christians.

It was not the purpose of this segment to document the destruction of African religions and cultural values through the agencies of the messianic religions and colonialism. My purpose was to explore the views of the missionaries and the methods employed

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30 According to a leading African scholar, religion is an essential element of African culture. "Africans are notoriously religious, and each people has its own religious system with a set of beliefs and practices. Religion permeates into all the departments of life so fully that it is not easy to isolate it." See J. MBITI, AFRICAN RELIGIONS AND PHILOSOPHY 1 (1970).

31 Since independence, successive Sudanese governments—which have been dominated exclusively by Sudanese Arabs—have sought to force Islam on Black Africans who are adherents of African traditional religions and Christianity in the south. In Nigeria, political instability— and the resultant inability to create a viable, economically prosperous society in spite of enormous material and human resources—must be attributed, at least partially, to the religious animosities between Muslims in the north and Christians in the south, a cleavage that also corresponds with ethnicity.
in their work. There is little doubt that the coupling of Islam with force and Christianity with the colonial state - with a technologically superior base - virtually assured the decimation of indigenous religions or, at the very least, the imposition of alien religions. The material and military resources available to the colonial administrators enabled them to crush resistance and establish political hegemony. From their privileged vantage points, the missionaries utilizing equally sophisticated means of pacification and communication - were able to force and pressure whole communities to abandon their indigenous faiths if they hoped to benefit from the new order. In all probability, the dismantling of African religions and cultures - even under colonialism - would have been much more difficult without the combination of proselytization with racism. According to Basil Davidson, the Africanist, none of this was an accident or a mistake:

By racism I mean the conscious and systematic weapon of domination, of exploitation, which first saw its demonic rise with the onset of the trans-Atlantic trade in African captives sold into slavery, and which, later, led on to the imperialist colonialism of our yesterdays.

This racism was not a "mistake," a "misunderstanding" or a "grievous deviation from the proper norms of behavior." It was not an accident of human error. It was not an unthinking reversion to barbarism. On the contrary, this racism was conceived as the moral justification - the necessary justification, as it was seen by those in the white man's world who were neither thieves or moral monsters - for doing to black people what church and state no longer thought it permissible to do to white people: the justification
The subject of indigenous religions is one of the most underdeveloped areas of inquiry in human rights. Indeed, it remains a question whether the view adopted by the human rights corpus on the freedom of religion, belief, and conscience - in Article 18 of both the UDHR and ICCPR - took into account indigenous religions and their historical relationship with messianic faiths. In this segment, I shall briefly examine what protections, if any, are afforded indigenous religions in the human rights regime and in several African countries. For the purposes of my argument, I shall not attempt to define the complex and contentious term “indigenous peoples.” Instead, I shall focus my attention on “indigenous religions” which I define as non-messianic faiths but excluding dominant and politically established religions such as Judaism, Buddhism, and Hinduism. The key to the inclusion of a religion as indigenous is its history of attack and domination by the imperial faiths and colonialism and its status as the cultural inheritance and spiritual expression of the original, non-white, non-Arabic peoples of Africa.33

But I also examine United Nations documents regarding the cultural rights of indigenous peoples to indicate how the human rights regime might consider thinking about the protection of indigenous religions.

The UDHR and the ICCPR do not specially recognize indigenous religions in relation to dominant faiths or cultures; they do not even refer to them. Article 18 simply provides the right of everyone “to freedom of thought, conscience and religion” and prohibits the use of coercion to “impair” the freedom of others to have or to adopt a religion or a belief of their choice. The freedom to


33 Simply put, I define as indigenous all African traditional religions which predated Islamization and Christianization. Similarly, the term could also be used to denote the religious beliefs of native, non-settler peoples in the Americas and parts of Asia.
"manifest one's religion or beliefs may be subject to such limitations as are prescribed by law" or limited to protect public "morals or the fundamental rights and freedoms of others."

This provision prohibits the use of force to make converts as was the case in early European crusades in Africa and the conquest of parts of the continent by Arab Muslims. It would also appear to disallow using state resources—such as educational, health, and other services—to disadvantage particular faiths. Missionaries who worked against other religions with the help of colonial regimes would seem to be in violation of this provision.

While no authoritative human rights body has issued a definitive interpretation of such construction, the Human Rights Committee recently adopted a General Comment on Article 27 of the ICCPR, providing that states are under an obligation to protect the cultural, linguistic, and religious rights of minorities. It said, in part:

Although the rights protected under Article 27 are individual rights, they depend in turn on the ability of the minority group to maintain its culture, language or religion. Accordingly positive measures by States may also be necessary to protect the identity of a

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35 The ICCPR, the principal civil and political rights human rights treaty, establishes the Human Rights Committee, the body responsible for the elaboration, interpretation, and the encouragement of the implementation of the treaty. See ICCPR, supra note 34, art. 28.

36 Article 40(4) of the ICCPR directs the Human Rights Committee to "study" state reports and to "transmit its reports, and such general comments as it may consider appropriate." The general comments are meant to be authoritative interpretations of the ICCPR's provisions.

37 Article 27 of the ICCPR provides that "in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with others members of the group, to enjoy their own culture, to profess and practice their own religion, or to use their language." Id. art. 27.
minority and the rights of its members to enjoy and develop their culture and language and to practice their religion, in community with other members of the group.\(^3\)

In its 1981 Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion and Belief,\(^3\) the United Nations did not address the subject of indigenous religions. The Declaration was little more than an elaboration of article 18 of the ICCPR.

Some more recent developments, however, indicate a willingness to recognize indigenous religions within the ambit of the United Nations. Through the relentless and focused advocacy of indigenous peoples and their supporters, the General Assembly in 1992 instructed the Working Group on Indigenous Populations to draft a Declaration on the Rights of Indigenous Peoples for consideration by the Commission on Human Rights.\(^4\) The Draft Declaration, which now awaits action by the Commission on Human Rights, explicitly recognizes indigenous religions and goes further than any other United Nations document in recognizing the rights of indigenous peoples and protecting their indigenous religions.

The Draft Declaration, in dramatic and definitive language, affirms in the preamble that, “all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable
and socially unjust. . . .”

The Draft Declaration would find unacceptable the philosophical and theological assumptions propagated by missionaries in Africa; the demonization of African religions as backward and inferior would violate the letter and spirit of the document. Elsewhere, the Draft Declaration protects indigenous peoples from any “adverse discrimination, in particular based on their indigenous origin and identity.” More importantly, the Draft Declaration prohibits “cultural genocide” and disallows “any form of assimilation or integration by other cultures or ways of life imposed on them . . . .” In a sweeping assertion of sovereignty, the Draft Declaration appears to prohibit all forms of advocacy or proselytization by agents external to the indigenous culture when it calls for the “prevention of and redress for,” among other things, “any form of propaganda directed at them [that is, indigenous peoples].”

The objective of this reasoning is to create space in which indigenous peoples and their cultures are left alone by external agents including imperial religions. If adopted, the Draft Declaration would provide guidance for the human rights movement in understanding indigenous religions and creating processes to protect them.

While the protection of indigenous cultures appears to be gaining international currency, African states remain uninterested in reclaiming the pre-colonial past and restoring those aspects of traditional norms and values, including elements of spirituality, which were discredited during the colonial era. The lack of interest in the past is partially due to its thorough demonization and the shame and backwardness with which the Westernized and Christianized or Islamized ruling African elites associate it. Good culture in Africa today is defined by its distance from traditional cultures and


\[42\] Draft Declaration, art. 2.

\[43\] Id. art. 7 (d).

\[44\] Id. art. 7 (e).
proximity to Western values. In many instances, African states continue to carry out "modernization" campaigns against "backward peoples" such as the Masai of Kenya and Tanzania. So-called African customary laws, for example, are ordinarily overridden by received colonial laws in most legal systems and jurisdictions in Africa. In many African countries, there have been no national debates to evaluate and contextualize African customs and laws within the modern state. Many traditional practices, from polygamy to traditional healing and worship, which were discredited by the colonial state, are actively prohibited and punished by the new African-led governments. In this process of continued acculturation, African religions have been one of the major casualties of the culture of imitation.

The exception to the general disregard of the African past is the African Charter on Human and Peoples' Rights, the continental human rights instrument adopted by the Organization of African Unity in 1981. In its preamble, the African Charter recognizes the "virtues" of Africa's traditions and its civilization. Elsewhere, it imposes upon individual Africans the "duty to preserve and strengthen positive African values," although it neither spells out those values or mentions African religions. But its use of the word "positive" betrays a Eurocentric bias and implies that there is much that is negative in African culture. The only reference to religion is a boiler plate provision, taken mainly from the ICCPR, that protects religious freedom.

Predictably, African constitutions and laws have since independence from colonial rule been of little help in addressing the problem. A survey of the constitutions of several African states make

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46 Id. art. 29 (7).

47 Id. art. 8.
no mention of indigenous religions choosing instead to provide the
generic protection of religious freedom contained in international
human rights instruments.\textsuperscript{48} The wording of several other
constitutions suggests that some forms of evangelization may be
restricted.\textsuperscript{49} The constitution of Zambia, for example, guarantees the
freedom of religion except that limitations could be placed to “ensure
that the enjoyment of the said rights and freedoms of any one
individual does not prejudice the rights and freedoms of others.”\textsuperscript{50}
The constitution of Mauritius seems to limit attempts at
proselytization by protecting “the right to observe and practice any
religion or belief without the unsolicited intervention of persons
professing any other religion or belief.”\textsuperscript{51} Although the laws
respecting indigenous religions is quite thin if not lacking, the general
orientation of the policies of most African states has been hostile to
pre-colonial, pre-Islamic, or pre-Christian values but very protective
of one or both of the messianic faiths. In many cases, states continue
to actively prosecute campaigns to root out “unenlightened” customs
and traditions.

\textbf{IDEALS VERSUS REALITIES: THE DILEMMA}

The two basic human rights documents - the Universal
Declaration of Human Rights and the International Covenant on Civil
and Political Rights - seek to entrench and encourage the free
exchange of ideas\textsuperscript{52} and the respect for difference and diversity. The

\textsuperscript{48} See, e.g., The Constitution of the Republic of Ghana, 1979, Section 27 (l); The
Constitution of Mozambique, 1975, Article 33; The Constitution of Mali, 1977,
Section 11.
\textsuperscript{49} See The Constitution of Mauritius, 1971, Section 11 5 (b); The Constitution of
Zimbabwe, 1980, Section 19 5 (b).
\textsuperscript{50} The Constitution of Zambia, 1974, Section 13.
\textsuperscript{51} The Constitution of Mauritius, 1971, Section 11 5 (b). The Constitution of
Zimbabwe, 1980, Section 19 5 (b), repeats almost verbatim the corresponding
section of the Constitution of Mauritius.
\textsuperscript{52} Article 19 of the UDHR provides, “[e]veryone has the right to freedom of
opinion and expression; this right includes the freedom to hold opinions without
interference and to seek, receive and impart information and ideas through any
emphasizes placed on the importance of creating and maintaining a
diverse society is one of the most striking characteristics of human
rights law. Diversity is encouraged, though not required, by the rights
corpus in cultural, religious, political, and other endeavors and
pursuits. Through this emphasis, human rights law "evidences
throughout its hostility to imposed uniformity." According to
Henry Steiner:

The ideal of encouraging and protecting diversity
informs many human rights provisions. No other
norm in the human rights corpus plays as vital a role
in the struggle to realize that ideal as the principle of
equal protection, perhaps the preeminent human rights
norm. *Its premise of the equal worth of individuals
and their right to equal respect necessarily applies to
the ethnic groups with which individuals are
associated, for discrimination has the same systemic
character whether it is directed against a group or
selectively against a member.*

Indeed, Article 26 of the ICCPR prohibits discrimination on the basis
of race, color, sex, language, religion, political or other opinion,
national or social origin, property, birth, or other status. Article 27
affirms the same philosophy by requiring states to - make sure that
minorities shall not be denied the right to enjoy their own culture and
to profess and practice their own religion. Elsewhere, the ICCPR
repeatedly confirms its adherence to difference by protecting the
rights of persons to assemble peacefully and to associate freely with

media and regardless of frontiers." Article 19 of the ICCPR is the equivalent
 provision although it warns that these rights carry "special duties and
 responsibilities" and are therefore subject to "certain restrictions" for the "respect
of the rights . . . of others" and for the protection of "national security or of public
order (ordre public), or public health and morals." ICCPR, *supra* note 34, art. 19.

53 Steiner, *supra* note 2, at 1548.
54 *Id.* (emphasis added).
55 ICCPR, *supra* note 34, art. 27.
56 *Id.* art. 21.
others.\textsuperscript{57} Lawful restrictions, however, could be imposed on the basis of national security, the protection of public health or morals, or the protection of the rights and freedoms of others.\textsuperscript{58} Although it is clear that human rights law is obsessed with the creation, protection, and preservation of diversity, it is also clear that rights advancing this ideal—which is central to the movement could also be curtailed to protect the rights of others.

This propagation of diversity through the freedom to exchange ideas and to associate across divides and traditional cleavages such as race, religion, culture, national origin, and gender by human rights law assumes—an assumption that is still being tested—that there is inherent benefit in cross-fertilization or contact with "otherness." When the ICCPR declares, for example, the "freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers,"\textsuperscript{59} it presupposes, without final proof, an ultimate good in the exercise of that right. There are presumed "goods"—growth, vitality, search for truth, and new challenges—that would benefit humanity from interaction, difference, and diversity. Ethnic separation—whether voluntary or enforced—is not preferred; instead, openness and transparency towards "the other" might nurture respect for difference and reduce bigotry and demonization. These assumptions raise certain difficulties that I will return to later.

With regard to the right to religious belief, the ICCPR grants a wide latitude:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.\textsuperscript{60}

\textsuperscript{57} Id. art. 22.
\textsuperscript{58} Id. art. 22 (2).
\textsuperscript{59} Id. art. 19 (2).
\textsuperscript{60} Id. art. 18 (1).
LIMITATIONS ON RELIGIOUS RIGHTS

Significantly, the covenant also provides that no one shall "be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." Additionally, the freedom to "manifest one's religion or beliefs," could be lawfully limited on the grounds of public safety, order, health, or morals or "the fundamental rights and freedoms of others." Article 18 of the UDHR also provides for the "right to freedom of thought, conscience and religion."

Taken together, the provisions advocating difference and diversity and those providing explicitly for religious rights, would seem to allow proselytization by the messianic religions, although they also provide for certain limitations which might be read as possibly excluding certain modes of evangelization. For example, proselytization through force, coercion, or in the context of colonization would appear to be excluded.

Although human rights law amply protects the right to proselytize through the principles of free speech, assembly, and association, the "pecking" order of rights problematizes the right to evangelize where the result is the destruction of other cultures or the closure of avenues for other religions. It is my argument that the most fundamental of all human rights is that of self-determination and that no other right overrides it. Without this fundamental group or individual right, no other human right could be secured, since the group would be unable to determine for its individual members under what political, social, cultural, economic, and legal order they would live. Any right which directly conflicts with this right ought to be void to the extent of that conflict. Traditionally, the

61 Id. art. 19 (2).
62 Id. art. 18 (3).
63 ICCPR, supra note 34, art. 1, "[a]ll peoples have the right of self-determination, By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Article One of the International Covenant on Economic, Social and Cultural Rights, the other treaty which together with the ICCPR and the UDHR makes the so-called International Bill of Human Rights, is identically worded.
self-determination principle has been employed to advance the cause of decolonization or to overcome other forms of external occupation. The principle was indispensable to the decolonization process. This usage of the principle - as a tool for advancing demands for external self-determination - could be expanded to disallow cultural and religious imperialism or imposition by external agencies through acculturation, especially where the express intent of the "invading" culture or religion, as was the case in Africa, is to destroy its indigenous counterparts and seal off the entry or growth of other traditions. Furthermore, the principle could also be read to empower internal self-determination, that is, the right of a people to "cultural survival."\(^6^4\) This usage of self-determination is advanced by the Draft Declaration on the Rights of Indigenous Peoples. It is also an argument against cultural genocide. It is one of the ideas advanced by advocates of autonomy regimes for minorities: unless groups are given protection against invasion and control by others, their cultural and ethnic identities could be quashed by more powerful cultures and political systems. The violent advocacy of the messianic religions in Africa could be seen as a negation of this right particularly because religion is often the first point of attack in the process of acculturation.

Christianity and Islam forcibly entered Africa not as guests but as masters.\(^6^5\) The two traditions came either as conquerors or on the backs of conquerors. As they had done elsewhere, they were driven by the belief and conviction of their own innate superiority - and conversely what they saw as barbaric African religions and cultures. This belief was not a function of an objective assessment and reflection about African religions and cultures. It was born of the contempt and ignorance of that which was different and the exaggerated importance of the messianic faiths. The messianic

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\(^6^4\) See Steiner, supra note 2, at 1545-1547.

\(^6^5\) Christians and Muslims came to Africa to holy wage war, as it were, and to subjugate and eradicate indigenous religions and cultures. They did not come to persuade; they came to conquer and did indeed conquer. This is a contradiction of the right to self-determination.
religions - Christianity to be precise - came to Africa at a time of
great technological and scientific imbalance between the West and
the continent. Already the beneficiaries of the industrial revolution,
the colonial church and state commanded superior resources in the
areas of the military, economic organization and finance, the media,
and other social and political spheres. Africa was no match, and the
successful imposition of colonialism is proof of that fact. The West
was able through coercion, intimidation, trickery, and force to impose
a new political, social, cultural, and thanks to the missionaries,
religious order in Africa. African political, social, and religious
traditions were delegitimized virtually overnight.

Thus begun the process of de-Africanization through
large-scale cash-crop farming for European industries,
industrialization, urbanization, and the wholesale subversion of
traditional values and structures. Africa - from top to bottom - was
re-made in the image of Europe complete with Eurocentric modern
states. Christianity played a crucial role in this process: weaning
Africans from their roots and pacifying them for the new order.
Utilizing superior resources, it occupied most political space and
practically killed local religious traditions and then closed off society
from other persuasions. It is in this sense that the practice of colonial
Christian advocacy constituted a violation of the fundamental
freedoms of Africans. Islam, which had invaded Africa at an earlier
date, was equally insidious and destructive of local religions. Its
forceful conversions and wars of conquest together with its
prohibition of its repudiation, were violative of the rights of Africans
as well.

CONCLUSIONS

Individuals do not exist in the atomized language prevalent in
the human rights movement. Usually, individuals, even in the
industrial democracies of the West, are members of an ethnic, social,
religious, or political group. Quite often, a single individual will fall
under several classifications. Although many of the rights enumerated
in human rights law attach to individuals, they only make sense in a
collective, social perspective. This is the case because the creation or
development of a culture or a religion are societal, not individual, endeavors. I make this point to underline the importance of culture or religion to individuals and groups. An individual’s morals, attitudes towards life and death, and identity come from this collective construction of reality through history.

No one culture or religion is sovereign in relationship to any other culture or religion. From the perspective of the human rights movement, all cultures are equal. This view rejects the notion that there is a hierarchy of cultures or religions; that some cultures are superior to others even though technologically they may be more advanced. Belief in the contrary has led to military invasions to “civilize,” colonize, and enslave, as was the case with Christianity in Africa. Cultures, however, have always interacted throughout history; there are no pure cultures, as such, although many traditions retain their distinctive personality. In many cases, the voluntary, unforced commingling of cultures has led to a more vital and creative existence. Several lessons can be drawn from this premise. The human rights movement should encourage the crossbreeding of cultures and tolerance for diversity. It should also frown upon homogenization and the imposition of uniformity.

As I mentioned at the beginning, the human rights movement is premised on societies being open to new ideas and challenges; even when a creed seeks homogenization, it must be open to persuasion from other traditions. Although I agree with and share this basic ideal of the human rights corpus, I am deeply concerned that the movement’s central tenets may support forms of advocacy that negate certain rights and give legitimacy to abusive conduct. In the case of Africa, the arrival of Christianity, for example, was so violent towards indigenous traditions that the possibility of the free exchange of values and a voluntary commingling was non-existent. The missionaries and the colonial authorities defined local cultures as demonic; one had to choose between the old and the new. The new ways were promoted as the salvation from a satanic past. Progress, culture, and humanity were identified entirely in Islamic or Christian terms, never with reference to indigenous traditions. But the new converts could not become fully “Christian” or “European”; many, to this day, remain suspended between a dim African past and a
distorted, Westernized existence. Many have been robbed of their humanity.

It was not the intention of this article to circumscribe religious human rights. I share with other scholars and activists in the human rights movement the importance of protecting religious human rights and enjoining governments from unduly burdening or prohibiting the free exercise of religion. But I am concerned by those dimensions of messianic religions that claim a right not merely to persuade individuals or groups of peoples of the "truth" as they see it but rather actively demonize, systematically discredit, and forcibly destroy and eventually replace non-universalist, non-competitive, indigenous religions. Quite often, indigenous religions anchor a total worldview and their destruction usually entails a fundamental distortion of ethnic identities and history.

Perhaps there is nothing that can be done today to reverse the negative effects of forced or coerced religious proselytization during the era of colonialism in Africa. Nor is it possible to reclaim wholly the African past as though history has stood still. This does not mean, however, that we should simply forget the past and go on as if nothing happened. The anguish and deprivation caused by that historical experience is with me and millions of other Africans today. We bear the marks of that terrible period. For those Africans who choose not to be Christians or Muslims, the past is not really an option: it was so effectively destroyed and delegitimized that it is practically impossible to retrieve. It is this loss that I mourn and for which I blame Christianity and Islam. The human rights corpus should outlaw those forms of proselytization used in Africa, because their purpose and effect have been the dehumanization of an entire race of people. It could do so by elaborating a treaty that addresses religious human rights but provides for the protection and mechanisms of redress for forms of proselytization that seek to unfairly assimilate or impose dominant cultures on indigenous religion.