

# Cultural weapons: Why lift the 99-year ban at peak of conflict?

CULTURAL weapons — what they are and whether they should be carried in public — have become an issue central to violence.

But what are these weapons and why the storm over the issue?

As far back as 1891, the carrying of assegais (spears), axes, knobkerries, sword sticks (intsumentshu), sticks shod with iron staff and sharp pointed sticks (ubnoku) by blacks in the Natal colony, was unlawful — unless one had written authorisation from the Administrator of Native Law (as he was then called), or one was a constable or engaged in public duty, hunting, or genuine night travelling.

These were the cultural weapons.

The official reason behind the ban was to reduce intra-ethnic conflict among the black people in Natal. However, it has been argued that the real reason was to minimize the chances of an uprising against the colonists by blacks.

The ban against these “cultural weapons” continued in one form or another despite fundamental developments in the country. The ban survived the establishment of Union in 1910, the formation of the Republic and the establishment of the homelands including the KwaZulu homeland in 1971. In fact, the ban was in force in Natal and KwaZulu until August, 1990. In August the Natal Code of Zulu Law, was passed by President F.W. de Klerk.

The effect of this law was to provide for the carrying of these weapons without authorisation from any person, for as long as the carrying was in accordance with Zulu usages, custom or religions.

The KwaZulu Legislative Assembly also passed a law in October 1990, to the same effect; the KwaZulu Amendment Act on the Code of Zulu Law. The KwaZulu law unlike the Natal law, lifted the ban unconditionally.

The reason put forward for lifting the ban was that they were an essential part of “Zulu culture, tradition or religion.” And the government in lifting the ban, was acknowledging this. The same reason was given by KwaZulu government, Inkatha (IFP) officials and was supported by some academics.

Professor O.I. Nxumalo, Zulu writer and head of the Department of Sociology of Education at the University of Zulu-

land, said a Zulu man would feel incomplete without his loin skirt (ibeshu), shield, spear and stick, though it is not clear to which Zulu man or which time period the learned professor was referring. The King of the Zulu's, King Goodwill Zwelithini, said the ban was an insult to the manhood of all Zulus.

Those condemning the lifting of the ban argued that this aspect of Zulu tradition was outdated and that not only Zulus carried the weapons: Xhosas, Sothos, and other black ethnic groups did so. Moreover, Afrikaners and other cultural groups, have similar cultural traditions. They too, should be allowed to carry their cultural weapons.

*T.S. THIPANYANE, of the Centre for Criminal Justice at the University of Natal, traces the history of legal restrictions on the carrying of weapons in Natal.*

One can imagine the chaos if every person was allowed to carry his or her cultural weapon in public and at any time as long as it is in accordance with that person's “culture, tradition or religion.”

The ANC and its allies claim that weapons have been used extensively in the political violence which since 1985, has claimed more than five thousand lives. And the call for a ban on carrying the weapons was one of the seven demands by ANC when it threatened to withdraw from negotiations.

The reaction of the government to the protests was quite interesting. Initially, the government stuck to its guns on grounds that the carrying of such weapons was a legitimate cultural activity of the Zulus. Later, however, it banned the carrying of all these weapons except spears and battle-axes. These were said to be an intrinsic part of Zulu culture. After more pressure the government ultimately banned the carrying of all weapons including spears and axes in designated unrest areas in the Transvaal.

The ANC and its allies, continued to press for a nation-wide ban.

In KwaZulu the KwaZulu government, supported by Inkatha, refused to heed the objections on the basis that the weapons were part of the Zulu culture, and that the call for the ban was a

propaganda ploy by the ANC. Inkatha officials even said that few deaths in the political violence had been caused by these weapons.

The issue is sensitive and it is now not easy for people to be objective and rational about it. Essentially, however, the question is not whether such weapons are cultural, but whether in the light of the prevailing conditions the law, which is there to protect and preserve society so that people can live and love and labour in peace from generation to generation, should allow them to be carried in public: lethal weapons, which have been used in the political violence with impunity.

The safety, comfort and well-being of a people, is the highest ideal and the highest law. Practices, be they cultural or non-cultural, which threaten the lives, comfort and well-being of a people should be prohibited by law. Public policy and public interest so require!

One need not go very far for examples. Take the consumption of alcohol. This can be regarded as a universal culture. Almost every culture on earth engages in this activity. However, all societies and communities have realised the harm it can cause if allowed to continue unabated. One can also mention laws controlling the use of firearms, which are also a part of some people's culture.

It becomes difficult therefore, to comprehend why the authorities have such difficulty in the matter.

It is imperative, that they be banned in public, especially at political rallies. Their use should be strictly limited to such cultural activities where there is no likelihood of their being used as instruments of death.

One also fails to understand why the ban was lifted by both the South African and KwaZulu governments last year, during the peak of the violence and more so, after almost a hundred years of being in effect.

Dacey, the noted British constitutional lawyer, observed that “men legislate not in accordance with their opinion as to what is good law, but in accordance with their interest.”

One can only wonder what interest our law makers were serving when they lifted the ban at the peak of the political violence. ●