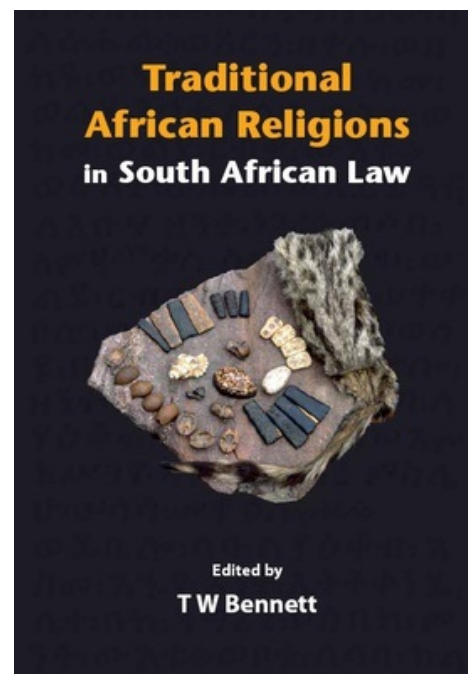


Traditional African Religions in South African Law (eBook)

Edition:
Publication date: 2011
Author/Editors: Bennett, TW
eISBN: 9781920541125
Format: eBook
Number of Pages: 304 Pages
Retail price: R445.00 (incl. VAT)
Website Link: juta.co.za/pdf/25310/



About this Publication:

Traditional African beliefs, together with African cultural traditions, are enjoying a new-found respect in South Africa, due in large part to the advent of the country's democratic constitution. In fact, a large majority of the South African population adheres to some form of traditional belief, often in combination with observance of other religions. Even so, the traditional faiths are poorly understood and, in spite of constitutional guarantees, receive far from equal treatment, a situation quite at odds with the country's commitment to equality and religious and cultural diversity.

While there are numerous works on the subject of religion in Africa, there are no works on traditional African religions and their legal implications. The issue is nevertheless of serious political and legal concern in South Africa, since it raises diverse questions involving freedom of religion, the equal treatment of religions, traditional healing, witchcraft, animal sacrifice, circumcision, marriage and burial.

The overall purpose of the book is to consider whether indigenous African religions, independent African churches and traditional practices deserve constitutional protection and recognition by the state. If recognised, they will then become subject to certain state controls and benefits: the need for registration; the licensing of ministers as marriage officers (with consequences for the validity of customary and other marriages); and significantly, of course, tax exemptions. This book thus explores the legal and constitutional implications of traditional religion and, in particular, the state's intervention in religious matters.

Contents Include:

- **Introduction:** The definition of traditional African religions – *T W Bennett, University of Cape Town*
- **Chapter 1:** African Traditional Religion in Pluralistic Africa: A Case of Relevance, Resilience and Pragmatism – *NM Nyaundi, University of Eastern Africa*
- **Chapter 2:** The Practice of African Traditional Religion in Contemporary South Africa – *S Masondo, University of Cape Town*
- **Chapter 3:** Religion vs Culture: Striking the Right Balance in the Context of Traditional African Religions in the new South

- **Chapter 5:** The Constitutional Framework for the Protection of Religious and Related Rights in South Africa – *L du Plessis, Stellenbosch University*
- **Chapter 6:** Recognition of African Initiated Churches for State Purposes: Doctrinal Opposition or Procedurally Correct? – *W du Plessis*
- **Chapter 7:** Superstition and Religious Belief: A ‘Cultural’ Defence in South African Criminal Law? – *K Phelps, University of Cape Town*
- **Chapter 8:** Witchcraft and the Constitution – *N Tebbe, Brooklyn Law School*
- **Chapter 9:** Rainbow Healing: Traditional Healers and Healing in South Africa – *M Eastman, University of Cape Town*
- **Chapter 10:** Towards Harmony between African Traditional Religion and Environmental Law – *L Feris and C Moitui*
- **Chapter 11:** Ubuntu, the Ethics of Traditional Religion – *J Patrick and T Bennett, University of Cape Town*

Of Interest and Benefit to:

Lawyers (both academics and practitioners) and law students; academics and students of religious studies and social anthropology.