

# **African Orature and Human Rights**

**By**

**M. M. G. Mugo**

**Human and Peoples' Rights Monograph Series  
No. 13**



**Institute of Southern African Studies  
National University of Lesotho  
Roma – Lesotho  
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## INTRODUCTION

The basic argument in this paper is that Orature<sup>1</sup>, like other written or non-written artistic forms expresses human experiences which often show human rights concerns. The compositions reveal to which extent the societies creating this literature re-enforce or abuse human rights. The creations also reveal a society's concept of what constitutes human rights, for the individual and the group.

Orature, the verbal art composition heritage is enjoyed by the majority of African people especially the workers and peasants. What is the philosophical world outlook underlying Orature compositions, and what do they tell us about human rights. Orature criticism has touched upon the issue of human rights discussing Orature values and ethics, but no detailed analysis of Orature and human rights exists. Yet, African Orature has such a great deal to say about this topic.

The paper begins with a discussion of the United Nations Charter on Human Rights and the African Charter on Human and Peoples' Rights. It describes the various perspectives of the human rights concept. The emphasis shifts, depending on the ideological position of the person defining the term. The debate between bourgeois human rights advocates and socialist human rights proponents is briefly recapitulated.

The paper then discusses the philosophical world outlook against which African Orature is produced and consumed, bringing out this world's perception of human rights. A particular economic system, and its modes of production influence the kind of Orature produced, the concept of human rights and the treatment of themes related to human rights. It is erroneous to lump all African perceptions of what constitutes human rights under one philosophical world outlook; this would be a simplification of the complicated reality facing us.

The paper then addresses the theme of human rights as treated by Orature of a particular society, the Gikuyu people of Kenya, illustrating the discussion with Orature taken from a particular community, the Ndia people of Kirinyaga district, on the slopes of Mount Kenya. The paper concentrates on Orature and human rights in pre-colonial Gikuyu society (depicting the communal and feudal modes of production). The rationale behind this choice is that one might begin with the source of Orature, in terms of human development. For, if the Orature of that period does constitute a serious commentary on human rights concerns, then the technological world - which should be an advanced phase of human development - needs to ask itself harsh questions as to what "development" means. It is hoped that this study will have follow-up investigations, looking at Orature and human rights under colonialism and neo-colonialism (the capitalist-imperialist phases).

Then, the paper briefly discusses the ethics and aesthetics promoted by the compositions, as these shed further light on human rights values in these creations. Illustrations from Orature compositions are then given and analysed. The paper concludes by highlighting the lessons we learn from Orature about human rights and how the concerns can be brought to the attention of interested groups in Africa, as well as beyond, in an attempt to promote the debate on human rights.

## I. SOCIETY AND HUMAN RIGHTS

Every human society has an understanding of what constitutes justice, civil rights, community rights and so on. This is based on an accepted code of ethics that governs the behaviour between people in a given society - whether this code be written or unwritten. Emphasis on one or the other aspect of human rights indicates priority, and this may depend on the kind of politico-economic set-up. For instance, under a communal mode of production emphasis on the rights of the collective group will override individualistic claims. In a feudal mode of production the supremacy of the ruler, or the ruling class, over the ruled (and their human rights) will be presented as god-ordained. Similarly, under a capitalist system the oppression and exploitation of workers and peasants is a norm which is not deemed inimical to.

human rights, while under a socialist set-up the proletariat dictatorship is perceived to ensure popular democracy. We will come back to these differences later. For now, this suffices to illustrate the complexity of the kind of backgrounds that the United Nations and the Organization of African Unity have compiled their Human Rights Charters against.

## II. AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

Since the primary purpose of this paper is to analyse the concept of human rights in African Orature, it is important to look at the African Charter on Human and Peoples' Rights in order to determine the extent to which the principles it upholds relate to those propagated by Orature. The comparison should indicate whether or not human rights concerns under the communal mode of production (the Orature environment) are relevant to those of present day Africa (the context that informs the pronouncements in the Organization of African Unity document). Further, we will attempt to find out what the latter adds to or deletes from the United Nations Charter on which it is based.

In its Preamble, the African Charter on Human and Peoples' Rights states that it seeks to re-affirm adherence to:

..... the principles of human and peoples' rights and freedoms contained in the declaration, conventions and other instruments adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations<sup>2</sup> (emphasis mine).

If we were to sum up the United Nations Human Rights Charter, on which the Non-Aligned Movement also bases its declarations, we would agree with H.G. Nicholas that the document seeks:

... to re-affirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small....

... to promote social progress and better standards of life in larger freedom.<sup>3</sup>

According to D. Selby<sup>4</sup> the charter addresses two broad categories of human rights: the liberty-oriented, or civil and political rights (covered by articles 1-12) and the security-oriented, or social cultural rights (addressed by articles 22-28). He argues that "some of these rights such as the rights to life, freedom and safety, may be put under a further heading - basic human rights".<sup>5</sup>

We will return to the "basic human rights debate" momentarily, but in the meantime, let us focus attention upon the African Charter on Human and Peoples' Rights and compare it with the United Nations Charter on the same.

While advocating the familiar universal claims to human rights such as freedom, equality, justice, dignity and so on, in its very title, the Organization of African Unity's document draws our attention to the specific question of peoples' rights. This term immediately calls to mind colonial and neo-colonial situations in which the masses are relegated to the periphery of historical focus and recognition, enjoying few, if any, human rights at the hand of imperialism. The Charter thus urgently addresses itself to problems of particular concern to Africa (and of course, the rest of the so-called third world), issues that the United Nations Human Rights Charter generalizes upon in passing. Let us illustrate.

In its Preamble, the Banjul Charter addresses, in quite a detailed manner, aspects of human rights that the United Nations Charter is silent on. For instance, the need to "eradicate all forms of colonialism from Africa", as well as to "co-ordinate and intensify... co-operation and efforts to achieve a better life for the peoples of Africa". It highlights the linkage between economic development and socio-political development, observing that:

...civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality... the satisfaction of

economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights<sup>6</sup>.

Similarly significant is the Charter's detailed inclusion of rights for the struggles that are committed to the total liberation of Africa. The Charter perceives the goals sought by such struggles as essential components of people's human rights. Thus the charter takes cognizance of the need, on the part of African peoples,

... to achieve the total liberation of Africa the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion and political opinion<sup>7</sup>.

Articles 5 of the document further declares:

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited<sup>8</sup>.

In Article 20, the Charter highlights "the inalienable right to self-determination".<sup>9</sup> ...

In the above and other respects, the African Charter on Human and Peoples' Rights could be described as a much more progressive document than the United Nations Charter - at least on paper. The latter generalizes and looks at human rights from a liberal western perspective, emphasizing liberties, political and civil rights, while saying little, or being rather vague in connection with economic rights - what some people have termed "basic rights". To re-enforce the argument

being made, we need to categorize human rights, analyzing what each category stands for.

D. Selby attempts such a categorization in his book *Human Rights*<sup>10</sup> and what he says is worth summarizing here. He argues that legal rights (as laid down in law) are the most solid of all rights in the sense that they can be defended or challenged in a court of law. He concedes that legal rights do not reflect all that is constituted by the entire concept of human rights, adding that people base their claim to rights on general principles of fairness and justice<sup>11</sup>. Further, he argues, rights arising out of such general principles of fairness and justice are called moral rights and, according to him, such rights may be particular or universal<sup>12</sup>. He also contends that a moral right may or may not be enforced and supported by the law of the land.<sup>13</sup> He conceives human rights as stemming from moral rights, defining them as rights which apply to all people at all times in all situations<sup>14</sup>. He concludes thus:

By definition, human rights are not earned, bought, or inherited. Nor do they 'go with the job.' Human rights are possessed by everybody in the world because they are human<sup>15</sup>.

More importantly, he recognizes that "some human rights are more important or basic than others. The right to life is the most basic of all for without it all other rights are in jeopardy<sup>16</sup>".

It is over the question of whether some human rights are more basic than others that we find a difference in approach between bourgeois and socialist proponents of human rights. Socialist human rights advocates criticize the United Nations Charter for being pre-occupied with civil and liberty-oriented rights at the expense of economic rights. The argument here is that economic security primarily guarantees the right to the three basic necessities of life - food, clothing and shelter - and that without such security, one cannot talk meaningfully about other rights. This position is well articulated in a publication by the Catholic Institute for International Relations, entitled, *Rights to Survive - Human Rights in Nicaragua*. Reflecting the two opposing perspectives mentioned above, the writers observe as follows:

..."Western-style democracies have never taken economic and social rights as seriously as political and civil rights<sup>17</sup>."

The argument proceeds:

...It is not claimed that subsidiary human rights are unimportant, simply that basic human rights are logically and morally prior to the rest. Without the fulfillment of basic needs and the protection of life and personal security, the others cannot be enjoyed<sup>18</sup>.

The last sentence is crucial to the general argument put forward by socialist proponents of human rights. The right to life and not just to survival is primary. In other words, every individual has a right to a decent home, a proper diet and sufficient clothing. These rights are not the monopoly of the rich, who live lavishly at the expense of the oppressed masses and who will often rationalize their position of dominance by blaming the poor for their poverty. Whereas a lot of the time bourgeois critics of human rights abuses will castigate the denial of freedom of thought and expression, freedom of association, the right for legal representation etc. etc., they will maintain silence in the face of economic rights abuses. They will, for instance, argue that an economic system that forces people to live under sub-human conditions in the slums of huge industrial cities does not in itself constitute an abuse of human rights. The contention here is that economic deprivation is an abuse of basic rights.

The consequences of hunger, malnutrition, disease, ignorance, insecurity and so on which result from economic deprivation are inhuman crimes against oppressed humanity. One is in full agreement with the assertion that:

In moral terms, a strong argument can be made that malnutrition, high rates of infant mortality, the prevalence of easily preventable diseases, hunger and ignorance do constitute gross violations of human rights, particularly in those countries where the availability of resources is such that these social ills could be cured by a change in economic priorities<sup>19</sup>.

Indeed, in a lot of the so-called third world countries, these social ills are fuelled by the imperialist domination of western capitalist economies through transnational and other agents of foreign ownership. In collaboration with the local bureaucratic and comprador bourgeoisie they deprive the workers and peasants of the right to a decent life. It is in this sense that the recognition of the abused economic rights of the people by the Banjul Charter of Human Rights was termed progressive earlier on - at least on paper. By emphasizing the right of oppressed peoples in their struggles against dehumanizing systems such as imperialism, colonialism, neo-colonialism, apartheid, zionism and their likes, the charter hits at the root causes of the brutalizing conditions violating the human rights of the majority of African and other so-called third world peoples.

In their report to the Government of Tanzania, entitled, "Basic Needs in Danger", Jobs and Skills Programme for Africa (JASPA)<sup>20</sup> discusses this question of basic rights for the masses, within the context of the theme "Basic needs approach." The report makes the following observation - which is of relevance to our discussion here:

The basic needs approach is a reminder of one of the most fundamental objectives of development: to provide every human being with the opportunities for the full physical, mental and social development of his or her personality<sup>21</sup>.

Struggles for human rights should perhaps make it a point of departure to argue that when it comes to the question of individuals or collective groups having the opportunity to develop to fullest human capacity and self-realization, there must not be social groups who regard themselves as "more equal than others."

Institutions that "rationalize" the inherent or divine right of ruling classes to wealth and political power, while "preaching" the virtues of poverty and disinheritance here on earth should be taken to task as contravening human rights for all. As Tom Campbell argues, this is not only "a myth" but "an historically conditioned expression of bourgeois interests<sup>22</sup>."

However, having made this basic point of departure, it would be an error to dismiss the need for advocating liberty and civil oriented democratic rights as merely "liberal" and "bourgeois". The record of abuse of these rights in the so-called "Third World" (and more particularly in many African countries) is an issue for alarm and urgent action. Neo-colonial military and civilian dictatorships in most of Africa seek to literally strangulate and silence the oppressed who question these abuses in very cruel ways, including the institutionalization of overt as well as covert repression. Practices such as political imprisonment, house arrest, detention without trial, torture, exile and so forth are not only dehumanizing, but basically destructive of life at the emotional, intellectual and physical levels. The practices often lead to more atrocious abuses of human rights such as murders, assassinations, massacres and so on, directed at those who resist the abuses. Furthermore, at the psychological level, the fear of political repression breeds an atmosphere of insecurity, instability, turmoil and terror. Under this kind of environment, the people's creative urge is curbed and even suffocated to the extent that it becomes a struggle to meaningfully engage in the production process. Paradoxically, this cycle takes us back to the situation where the rights to basic needs are threatened. In all this, the masses are the people who are most adversely affected and dehumanized. Given this fact, one cannot underline enough the significance of recognizing liberty oriented rights which should be viewed as important components of basic rights - the ultimate target for long-term focus.

### III. THE ORATURE WORLD OUTLOOK ON HUMAN RIGHTS

Orature, like all other works of art, is a part of the production process in society, with production taking place at the intellectual and imaginative levels, culminating in performance. Therefore, to meaningfully discuss Orature's pre-occupation with human rights concerns, we need to look at the socio-economic and philosophical environments that inspire its composition, its production and procreation we will be in a position to identify the set of ethics and aesthetics that in turn unearthed society's conceptualization of human rights.

Some scholars have argued that African people have a unifying concept of reality that can be termed "African philosophy". For instance, G. Parrinder in *Religion in Africa*, speaks of "African psychology" and in discussing its concept of "man", he alludes to the aspects of human rights reflected by that psychology. He argues as follows:

African psychology sees in man a living power, the greatest of all created human beings. Though he is not the strongest man he is able by his intelligence, like the hare in popular African fables, to outwit those who are physically more powerful. His power is both physical and mental, and the co-ordination of the two makes him a full man<sup>23</sup>.

He continues to define the essence of a "true man" as understood by his "African psychology", saying:

A true man, who is unified and in harmony with God and the spirits, lives according to the principles of this philosophy, recognizing human worth and not exploiting others, continuing the traditions of the past and adding new power to them<sup>24</sup>.

Immediately, one would ask Parrinder whether it is possible to really defend the blanket concept of "African psychology" in the face of the many differing socio-economic political systems that characterize the African reality. Consequently, one would question whether the notion of "true man" can possibly be the same, given the above differences.

For instance, under a feudal set-up, the ruling class and the institutions that support it, would consider the king or chief as the symbolization of "true man". To them the monarch is a deified hero who sets the standard to be emulated. Yet, to the masses who constitute the ruled, this monarch might be the very antithesis of "true man." In feudalism, an institution such as religion will go as far as rationalizing the oppression of the masses by the ruling class, (led by

the "true man") as something that is divinely ordained. Yet under communalism, particularly in horizontal societies<sup>25</sup>, this notion of "true man" would be an anathema because emphasis is on the collective personality. It is in this sense that one agrees with Karl Marx when he argues that the concepts of justice and humanness are relative to the system of production operative in a society at a particular time<sup>26</sup>.

This, John Lewis concludes, means that there is "feudal justice and capitalist justice and perhaps socialist justice<sup>27</sup>" - a summation that one agrees with, his "perhaps" notwithstanding. Basically, then, we are back to the debate on "bourgeois" and "socialist" human rights. But, the issue under emphasis at this point is that if we are to understand African Orature and the philosophy that shapes it, we must place the particular Orature being examined within the context of the specific mode of production from which it is generated.

Realizing this need, Kavetsa Adagala and Wanjiku Mukabi Kabira classify the stories in their edited Orature volume, *Kenya Oral Narratives*, into "communal-oriented" compositions and "feudal-oriented" compositions. Obviously here is recognition of the fact that social values differ from one mode of production to another and that the differences are reflected in Orature compositions. Adagala and Mukabi Kabira argue that in communal-oriented narratives:

... the social relationships depicted show the communal nature of society: people work together to overcome the difficulties in life and to fulfil their material needs... The group, the family and the community feature prominently in the narrative.<sup>28</sup>

Conversely, the critics demonstrated that under feudalism, the orientation differs quite significantly:

... there exists not only division of labour, but also division of society into classes... The struggle with nature is not as severe as the struggle between social classes, and therefore the narrators concentrate on the latter<sup>29</sup>.

In agreement with the need to particularize on the socio-economic and philosophical world views of the specific Orature under discussion, this paper will analyze Orature and human rights, focussing on the Agikuyu of Central Kenya. The communal-oriented socio-economic arrangement is treated in detail by, among others, Jomo Kenyatta in *Facing Mount Kenya*<sup>30</sup>. The study will particularize even further by concentrating on Orature from the Ndia people of Kirinyaga District, on the slopes of Mount Kenya. My choice of this community is based on the fact that this is the background I am best acquainted with historically, socially and linguistically. The question of linguistic competence becomes an issue when it comes to translating both the compositions and the responses<sup>31</sup> collected from those interviewed.

During the pre-colonial period, the prevalent mode of production among the Agikuyu was communalism. The most graphic way of describing the relationship between the people and the social reality around them is by using the onion structure as an analogy. We shall term this the Onion Structure Theory<sup>32</sup>. The onion structure begins with a nucleus, or inner core at the centre of its "being". The shape of this nucleus/core is round or circular. This is then surrounded by accumulating layers.... layers upon layers of increasing solidity. The layers also become larger and larger, or wider and wider in their "circularness" as we move outwards - away from the core/nucleus. These embracing and connecting circles or rings maintain tight contact with each other, harmoniously making one whole. If we were to peel off the outer layers of the onion, we would find that we had interfered with its completeness. The structure would not only suffer from incompleteness, but would be less solid. If we were to continue peeling off even more layers, moving towards the core, there would ultimately be nothing more of the onion structure left.

Like the onion, the Agikuyu world of Orature (during communal times) would view reality as constituting layers upon layers of interrelated co-existence.

There is the individual, the co-operate personality and the collective group. There is the family unit, the extended family, the clan and the community. There is the inner "world" of the personality - the sound, the heart, the intellect, the imagination etc. There is also the outer "world" of being - the physical human appearance. Then there is the

outside world - the environment, the natural world and the physical features that define it. The utmost circle of the outer world defines the world "up there" - the sun, the moon, the stars, the sky and the rest of the elements.

This world view also represents life in cyclic motions. The seasons rhythmically dance in and out of existence with: hoeing time, planting time, weeding time, harvesting time, resting time... The weather follows in similar rhythms with: hot weather, the dry season, wet weather, long (heavy) rains, short (light) rains, the cold season... The journey of life is depicted in terms of milestones which individuals and the collective group live through from birth, through second birth, initiation, marriage, elder status, into the sphere of ancestral spirits and the deity. The spirits are modelled after the world that the human beings wrestle with which is influenced by positive forces on the one hand and negative forces, on the other. Positive forces propel, induce and nurture growth: negative forces sabotage, limit and even suffocate growth. Thus the spirits, like human beings, can be positive or negative; benevolent or mischievous; creative or destructive. For this reason, society both reverses and fears them. People will address them genuinely or cynically seeing that at times they can be as temperamental and whimsical as the human beings themselves.

All the layers of the "human onion structure" must harmonize or the world will step out of measured rhythm and cause chaos. An individual can only fully be if he or she is a part of the collective group. Thus among the Agikuyu, the greetings are not casual, automatic exchanges between people, assuming monosyllabic, linear forms. They are full, rounded and repeated with variations, to ensure solidness in the world enquired about. The greetings can at times extend over time, going into elaborate details to ensure that the person addressed is harmoniously wholesome with himself or herself, society and the surrounding world.

How are you?

Are you well?

And your people?

How are the children?

How is their mother/father?

What about your neighbours? Are they still there?

And your cows - are you drinking milk?

Are you weeding the gardens yet? etc. etc.

In this world, one becomes one's brother's keeper. People seek contact, feeling solidarity, understanding, communication, dialogue. They attempt to break the barriers that negative silence can create between people, freezing natural human exchange. We are dealing with a world that emphasized collectivity, groupness, interrelatedness, co-operation, sharing, inter-dependence, togetherness etc. This orientation is antithetical to individualism, egocentricity, isolationism, alienation, cut-throat competition and so on. These are the kind of ethics and aesthetics of pre-colonial Agikuyu orature which explain the human rights concerns in the stories analyzed later.

Commenting on whether or not, under the described circumstances, there were any homeless people in pre-colonial Gikuyu society, the majority of those interviewed<sup>33</sup> seemed to think that this would never have happened under normal circumstances. Asked to elaborate on possible abnormal circumstances, some of the examples mentioned mainly pointed to ostracized criminals and other anti-social elements declared as outcasts by their communities, for instance: witches, dangerous maniacs, thieves who escaped capital punishment etc. In situations where war compensation captives were removed from their communities, the captors were bound by custom to provide homes for the strangers. Those who were adopted in this manner were put through rituals and ceremonies "to be born" into the adopting families if they proved themselves a part of the new world. An elder from the G family, living around B gave an example of his late father; who was brought into the community from another area of Kenya as a six year old during a severe famine. Barter traders had arrived at his home with food and the boy had been given away to the strangers in exchange for food to feed his family. He had been adopted by the G family and had ended up so distinguishing himself that in the end he had become the leader of his age group following initiation. Ultimately he became a famous chief elder who headed the ruling council of elders in his adopted community<sup>34</sup>.

A fictional example of this arrangement in another African society albeit a war victim, is Ikemefuna who became a member of Okonkwo's family in Achebe's *Things Fall Apart*<sup>35</sup>.

At this point we need to briefly look at the kind of government that existed under this arrangement and the sense in which it was expected to protect human rights at the individual and collective levels. Interestingly, most of the elders interviewed could not see the irony in the fact that it was inhuman to deracinate children and other people from their roots as victims of famine and war. They found it even more difficult to concede that a second home, however hospitable, can never redress the sense of loss and alienation experienced by the victims. They argued that custom allowed the exchange to take place and that as long as this was the case, no human rights had been violated. Yet, here is a case, surely, in which the individual seems to have lost his/her human rights in order to appease or bail out the community. Linked to this violation of individual human rights was the question of young girls who were even more readily used as compensation during crises such as the ones mentioned above, but also given away in marriage deals for generation of wealth. Again, this abuse of individual human rights was explained away in terms of accepted customary practice.

It is of course impossible to analyze the nature of the pre-colonial government in Gikuyu land in detail. A few comments however will be made to provide a rough idea about the kind of structures that characterized the political order. Apparently, elders of the community represented interests of the various clans and on coming together, would constitute the ruling council which then governed the land. From stories, legends and myths, it would appear that other forms of government had existed during antiquity. For instance, there was time when age groups ruled in turns. The arrangement was that all young men of warrior age who underwent initiation during a given period would make up an age group across the community. This generation would constitute the government for a specified period of time, after which they would hand the power over to another group and so on.

Other myths suggest that in ages gone by, the government of the country was matrilineal. Whatever the case, the point made is that in pre-colonial Gikuyu Kenya, the idea of a dictator was unacceptable: governments rotated every so many years and the method of governing was through a council of leaders or elders, made up of representatives delegated from all the clans in the community.

One of the major concerns that the council of elders handled was the equitable distribution and allocation of clan lands, ensuring that everyone had a rightful share. In connection with this, a question was posed to interviewees as to whether it was not a violation of human rights for women to have no rights to land. "Customary practice" was given as the response. However, one elder<sup>36</sup> explained that unmarried women who chose to live with their families and reared children outside marriage had the same rights to land as the men. This opinion was confirmed by most of the people interviewed on the question.

Other than the above, the council of elders dealt with the usual business related to the economics, politics and social concerns of any nation. The council possessed immense powers, but these powers only existed to the extent that the body was the custodian of people's power which they had delegated to it. In fact, most matters reached the council having passed through lesser structures for deliberation and verdict. In this sense, there existed a kind of check system to ensure that the council of elders did not abuse its powers. This way too, the people felt collectively involved in the governing of the land and this, in turn, promoted a sense of communal accountability.

In *Facing Mount Kenya*, Jomo Kenyatta makes the above point rather lucidly:

In fact, it was the voice of the people or public opinion that ruled the country. Individualism and self-seeking were ruled out, for every representative spoke in the name of the tribe. The personal pronoun "I" was used very rarely in public assemblies. The spirit of collectivism was so ingrained in the mind of the people that even eating, drinking, working and sleeping were done collectively<sup>37</sup>.

John Mbiti underlines this point in his book *African Religions and Philosophy*, asserting that in the kind of society described above, the individual concept of self was: "I am because we are, and since we are, therefore I am."<sup>38</sup> " In a situation like this, human rights are

more collectivized than individualized. Where the individual is denied human rights, the situation is seen as disastrous because it is as if the collective whole has been misplaced and this will affect its integrity as well as its completeness.

Asked whether or not, in practical terms, some people such as elders, men, medicine-men and medicine-women etc. did not enjoy more human rights than others, particularly ordinary women and children, a variety of responses yielded the information integrated<sup>39</sup> in summary form here below.

People's rights were, in the final analysis, defined according to their status along the life path which had milestones that marked their progress and development. The first milestone was birth, followed by initiation into adulthood. This second phase opened the way to marriage status and the peak of life was reached when one gained elder status. After that, of course, there was death - unless it decided to happen untimely - following which those who died proceeded to the world of the ancestral spirits.

The newly born child was received with happiness and collective celebration. He or she was not just an addition to the family into which he or she was born, but as a child of the extended family, the community and society at large. Cruelty to, or negligence of children was considered a gross abuse of human rights. The responsibility for ensuring that the child's rights were respected was enforced by the collective group. The child was brought up looking upon all women and men of his or her parents' age group (within the extended family as well as the community) as parents.

The children belonging to these people were supposed to be looked upon as brothers and sisters. This relationship was symbolically extended to the entire society. Under these circumstances children were supposed to be fed and cared for wherever they happened to be if they were not in their own homes. When this did not happen, owners of the offending house were severely reprimanded for failing to feed the children and were looked upon as anti-social elements. It would have been unheard of in this setting for children to be looked upon as nuisances and therefore undesirable. Within the pre-colonial Gikuyu world, having children was always a point in one's favour. As long as there were enough homes, enough food and clothing, children

became the first beneficiaries. Enough precautions were taken to ensure that children had protection at the levels of the family, the extended family, the clan and the community at large. The children had special relationships with those of their age group, aunts, uncles and grandparents who acted as watchdogs on their behalf against would-be-trespassers against the human rights due to them. Children were allowed to report any abuse of their rights to their "guardians" - normally aunts, uncles and grandparents - who also had the liberty to report the offenders (including parents) to the appropriate social institutions for redress.

However, as intimated earlier, there were ways in which the children's liberty rights were severely limited. For instance, they were expected to submit to the authority of older people without questioning. There were repeated incidents of customarily accepted corporal punishment and with women, children also suffered from exploitative treatment by the head of the family who saw them as his work force. Child labour went unquestioned, as a part of "custom". In the home, children were supposed to be seen rather than heard, unless they were making noise at play. At the gender level, male children did less domestic chores and were generally treated as being more important than female children.

On reaching adolescence, the youth underwent a ceremonial rite, circumcision<sup>40</sup>, during which they were initiated into adulthood. On achieving adulthood status, the young people acquired more rights. For instance, they could be seen and heard. They were allowed to argue back and to question their elders, so long as this was done in a civil manner. They had greater access to information (men more so than women). This was the case, especially over political matters. Men were consulted as individuals and as members of an age group, particularly over issues that pertained to the security of the community. They were encouraged to assert themselves and to move around without having to ask for permission from their parents, as well as to engage in independent decision-making.

At this stage also there was gender discrimination. Male adults had greater freedom than their counterparts. They were, for instance, socialized to demonstrate prowess and adventurous initiative while the females were schooled in domestication, shyness and subservience, especially towards the males, in readiness for marriage. At this point

of development, the males would be groomed for responsibilities related to property ownership as the heirs-to-be of their families. Women, on the other hand, were perceived as being in transition and were psychologically conditioned to view themselves as bound to move to another home on marriage. The men were encouraged to build their own houses in demonstration of adult independence but the women had to live with their mothers and were not allowed to do so on their own. Women were also expected to go into marriage as virgins. Even worse, while the circumcision operation performed on the males was done in such a way that they would enjoy sexual intercourse more than the uncircumcised, the women had to have the most sensitive part of their sexual organ, the tip of the clitoris, clipped. Clearly, then, women had individual and collective rights violated on account of their gender alone.

Apart from the above, in terms of security, both sexes enjoyed more institutionalized rights given to them. They belonged to recognized age groups that could be used as pressure groups and operated as brothers and sisters in defence of their rights. Beyond this, the young men and women had their rights represented higher up by the two "sponsors" who would have counselled and nursed them during initiation and who henceforth acted as second parents to them<sup>41</sup>.

Thus the adults had their human rights represented at the levels of the family, the clan and the age group, while relying on the support of the sponsors as well as the council of elders. All these provided platforms from which they could present their grievances and fight for their rights.

Once initiated into adulthood, the next milestone in life that determined the extent of one's rights was marriage. Marriage was considered a very significant event. Through marriage one was expected to perpetuate the life of the community and in this manner ensure the survival of the collective group. So, marriage came with increased social status and privileges. Married people were part of the network that was supposed to enforce human rights in the community. Mothers and fathers were not just parents of their biological children, but of all children in the community.

The woman's status improved greatly at this stage. The image of mother was seen as symbolizing a person who was at the heart of the

community's well-being. She was a revered figure. Indeed the mother image was so precious that it was considered the worst insult possible for an antagonist to abuse or speak disrespectfully about one's mother. A mother epitomized understanding, love, benevolence and security. There is still a Gikuyu saying that goes like, "the man may be the head of the home, but the woman is its heart". The centrality in status was reflected in the woman's role as the preserver and communicator of values - an educational role that was a part of the socialization and culturalization processes. In the Ndia community of Kirinyaga (under study) the majority of the most famous orature artists have always been women.

However, all said, the woman essentially remained the man's possession and that of the man's extended family and clan. Indeed, her worth, as opposed to the man's worth, can be seen in the fact that compensation for killing a man was more than double that imposed for killing a woman. So, "mother is supreme" could only have counted in terms of values other than wealth and tangible benefits.

The most important and prestigious status was that of elder. Elders were definitely supreme and their rights were extensive. As intimated earlier, elders constituted the councils that made ultimate decisions over various issues in the land. It was a crime to disrespect or abuse an elder. Elders were viewed as the embodiment of all that the community cherished - wisdom, justice, understanding, dignity, visionariness etc. Women elders enjoyed more power within the society than any other category of women in the hierarchical order of social existence - at the political, cultural and social levels.

Elders were never in a hurry when it came to dealing with cases of adjudicating justice and protecting the rights of the aggrieved in the community. They would sit for hours in council, listening to the complaints and defenses. Their sense of fairness was unquestioned. Through proverbs, sayings, stories and illustrations they would counsel, to show what needed to be done to remedy a given situation. They were the preservers and protectors of wisdom, accumulated through long years of communal experience. They were the guardians entrusted by the community of the living and the dead (the ancestral spirits) to ensure that there was harmony, coherence and well-being in the community.

The foregoing has been an attempt to describe, analyze and comment upon the complex socio-political pre-colonial background from which the orature artist drew his or her themes, while also examining the society's concept of human rights. We now need to discuss the role of the artist within this set up in order to appreciate his or her approach to human rights thematic concerns.

#### IV. THE ORATURE ARTIST, ETHICS AND AESTHETICS

The Orature artist conceived himself or herself as an integral part of the community. The idea of an artist who stands above the community, alienated from the mundane world, looking down at it from some elevated height way "up there" was alien in the world of pre-colonial Gikuyu Orature. The artist belonged to the people and was not above criticism or reproach. His or her task was to articulate the aspirations of the people, drawing themes from them and keeping constant touch with them for inspiration. The pieces that he or she composed were not personal property but a part of the communal heritage. In this sense, there were no copy rights in Orature even though the talents of individual artists were acknowledged and celebrated. The poems, stories etc. were composed for the people and often, with the people participating and restructuring the original so as to recreate it and enlarge its significance. There was thus a very close relationship between the artist and the audience-consumer, procreators and perpetuators. The centrality of their participation and involvement (especially at the performance stage) were so crucial that the compositions were considered incomplete without their presence. Indeed there would have been no performance, which is the culminating stage of the finished product, without them.

The Orature artist was a staunch advocate and defender of human rights. In their introduction to *Kenya Oral Narratives* Kavetsa Adagala and Wanjiku Kabira Mukabi have the following to say about this:

The thematic concern around social justice is perhaps one of the strongest in narratives. It is one of the most artistically depicted and one in which the narrator takes a stand on the side of those who are victims of miscarried justice. Children,

women, disabled people, orphans, the weak and impoverished, slaves and outcasts, are of deep concern to the narrator and the narrative is woven around them with sympathy<sup>42</sup>.

Over and above the responsibility of exposing, satirizing and denouncing anti-social behaviour and the abuse of human rights, he or she was also expected to inspire those struggling against injustice to change the oppressive conditions facing them. He or she was expected to point out alternatives and options that would help the oppressed to eradicate an oppressive system and create a more humane world in which they could reach a full realization of themselves as whole, dignified human beings. So, the theme of struggle against dehumanization and the possibilities of uprooting the oppressive structures from the path of human development was a central concern for the artist. Kavetsa Adagala and Wanjiku Kabira Mukabi have pointed this out in the above-mentioned source:

The conflicts of the narratives reflect the struggle between good and evil, life and death, right and wrong, justice and injustice love and hate, individualism and collectivism, and democracy and authoritarianism, poverty and wealth, wisdom and folly. In this struggle, the positive triumph over the negative, thus clearly demonstrating the society's desire for a better quality of life. This is the universal and eternal human aspiration<sup>43</sup>.

Orature aesthetics spoke further to certain fundamental issues of human rights. The principles of collective participation, involvement and collaboration were imbedded in both the way an artistic piece was produced, communicated, consumed and procreated or perpetuated. In the genres of the story and the song, for instance, there was an attempt to solicit participation and response in the way the pieces were structured. Stories often contained songs or refrains and the dialogue was punctuated by the narrator who would pose a comment or question that required a response from the audience to ensure that they were apace with the message being communicated. As the narrative was performed, the performing artist would, through direct invitation or embracing gestures, draw a member or some members of

the audience into enactment. The attempt to maintain communication and contact militated against dictatorship by the narrator or performing artist and made the whole process democratic. In this way monopoly, individualism and domination were discouraged. The process of democratic participation was further promoted through the accepted artistic rule that the audience was also a group of commentators and critics, who were at liberty to appraise what they consumed without fear. Because the skills of the artist were supposed to be a part of the community's harvest of talents, the audience criticized the pieces and performance as something of their own. This attitude of responsibility and accountability helped to break the tensions and barriers that could result in alienation between the artist and the audience. It also undermined the tendency of self-censorship on both the part of the artist and the audience. Instead, it promoted debate and dialogue. It encouraged assertion of the right to hear and to be heard. The artist descended from "up there" and became one with his/her audience in the dialogical process.

Linked to the notion of censorship was another important human rights principle: freedom of expression. In most Orature genres, artistic licence was extensive, but more so in animal tales, songs and proverbs. The question of detention or imprisonment never really bothered the Orature artist, for it was almost unheard of. In any case, the process of collective participation in the creation of Orature would have necessitated the imprisonment of a huge part of the community, consisting of all who had participated in creating the work. Such a situation would have made nonsense of whoever might be behind the attempted censorship.

In Gikuyu communal mode Orature, songs were used to criticize, mock, satirize, chastise, castigate, denounce, ridicule, provoke etc, in as much as they were used to counsel, teach, celebrate, implore, encourage, love, poetize, inspire etc. The best fictionalized examples of this double role of the song (outside the Gikuyu heritage) are Okot p' Bitek's *Song of Lawino*<sup>44</sup> and *Song of Ocol*<sup>45</sup>. During festivities such as initiation and marriage, songs were sometimes used to communicate rather unpalatable truths to those "on the carpet" and the harsh commentaries thus made were treated with schooled tolerance. If it became necessary to really have a dig at some sensitive target, the artist could always fall back on proverbs as an escape route, but with just as great an impact if not greater than

through the use of direct language. Animal tales provided another route for symbolic commentary on sensitive issues. Various animals were used to denote certain characteristics in human beings that promote or negate positive forces in life or vice-versa. The ogre, for instance, symbolized destruction and annihilation of life, with the human being as the real target. In appearance the ogres were huge, shapeless and ugly - having one leg, a single arm with extended octopus-like off-shoots, a single bleeding eye or huge hole for a supposed eye, protruding long teeth growing on top of one another, a mouth as wide as a trench, the ugliest of voices... and so on. The monstrosity of the ogres' appearance only matched their cruelty, sadism and tyrannical nature. They sought to annihilate human being from the earth through intimidation, tyranny, torture and bloodshed.

The hyena was another creature used as a symbolic commentary on human rights. He was greedy, grabbing, selfish and a bully. He too had an ugly appearance and ugly voice. Often, he was depicted as lacking in intelligence and as enjoying persecuting those with intelligence. He would use bullying tactics and treachery to get at his victims who were often small in size, young, weak or vulnerable. As long as the hyena satisfied his greed, it did not matter what means he used to get to the feast. A creature of no scruples, no principles, no dignity, he was so greedy that he would happily devour his mother to fill his stomach. The elephant was another bully which could reduce to dust all on its way in order to register power and bigness - the ability to dominate - the principle that might is right, coupled with arrogance and ruthlessness. The lion was also associated with power-mongering, the desire to rule, lead and dominate. He was intolerant and had a quick temper and whimsical behaviour. However, he was also wise, strong and alert. Among positive characters from the animal world were all the domesticated ones as a whole. Also animals such as the deer and, the monkey were seen as scheming, mischievous and even silly, but not vindictive as a rule. Then there was a hare or rabbit who was depicted as small but intelligent, quick alert and full of resourcefulness. They too could be mischievous, deceptive, selfish and so on, but they were never a threat to human life. One could go on and on characterizing the animals in order to demonstrate their significance to human rights thematic concerns. However, the point being made is that the use of animal tales and characters allowed even greater elasticity to the Orature artist in terms of handling themes that might have been a target for censorship. The

paradox nonetheless is that, the audience clearly knew who the target of criticism, ridicule, satire etc, was or what abuses of human rights were being highlighted. Therefore the use of the tales became only a convention of saying the "unsayable", as it were and not a means of escaping the responsibility of saying it.

Proverbial wisdom was the other valve to freedom of speech and expression in Orature. Proverbs were seen as the accumulated wisdom, formulated out of years of experience and practice. They were supposed to graphically recapture, through tight compressed poetic language, expansive areas of recapitulated experience.

A proverb could open up a whole sphere of understanding between one generation and another. Normally, the elders were best suited to use them, given their long years of experience, but people of all ages used them - the artist in particular. Proverbs philosophized on life and made commentaries on the world around human life. They provided counsel, contained historical information, rationalized the puzzling and mystifying, questioned the hidden, and alluded to possible alternatives during critical moments. As intimated, they were also often beautiful poetry. It is for all these reasons and others, that Chinua Achebe must have referred to them as the "palm oil with which words are eaten" as a part of the art of conversation among the Igbo people. Through proverbial language, a lot of hard-hitting truths were articulated in pre-colonial Orature and freedom of expression thus released.

Orature was a key vehicle in the non-formal education of communal society youth. As Jomo Kenyatta observes in *Facing Mount Kenya* in the communal set-up of Gikuyu society, there was no specific building known as the school. Life and the community were the schools. This, in human rights terms, means that every child in the community had a right to free education. The children had direct access to the education that was passed through Orature, either by an amateur artist with the family, or by professionals within the community. Universal education, therefore, was an assured human right to every individual in the society. The legends for instances were woven with historical fact and background information, while they also sought to teach those values that were admired in the heroes and heroines depicted. Most of these values had to do with the defence of human rights, threatened by external or internal enemies. The legends that depicted

the anti-heroes counselled the children of the community against those deeds that are anti-social, anti-people - the kind of undignified behaviour that undermined the human image instead of promoting it.

Among the most desired aesthetics in pre-colonial Orature were the following: rhythm, harmony, non-antagonistic antithesis in rhetoric, balance, order, contact, dialogue, wit, roundedness or circularness or curvedness, (as opposed to linear progression), energy, cohesiveness, communication, demonstrativeness, performance, articulateness, motion, openness, colour, debate, feeling, participation, involvement and many others. As can be clearly discerned, none of the ethics and aesthetics given above can be a threat to human rights.

#### **IV. ORATURE TALES**

To demonstrate Gikuyu communal mode Orature's concern for basic human rights, ten stories were collected from the Ndia people of Kirinyaga District on the slopes of Mount Kenya. However, due to limitation of space in this paper, only a few will be used and analysed. Focus will be on the general theme of basic human rights and in particular, the right to a home and to self-determination.

##### **A. The Man and the Elephant**

A long time ago when the world was mainly inhabited by animals, there lived a brave and hardworking man. Through tireless toil and labour, this man made a clearing on the fringes of a huge forest and built a lovely home. He worked hard on his piece of land, growing all manner of crops during the different seasons of the year, to ensure that he and his family had enough to eat.

Behind his home in the forest, there lived all the animals of the wild: lions, elephants, buffaloes, leopards, giraffes, monkeys, hyenas, deer and many more. The man and his family made friends with the animals so that they lived in harmony with each other. Although the way of life of the animals was so different from that of the human family, the latter respected the differences. Most of the animals were also at times puzzled by the lifestyle of the human beings,

but let them be. For instance, they could not understand why the man and his family went into all the trouble to dig in the fields and grow food, instead of simply eating what was in the natural bushes and the forests. Also, the whole business of spending hours collecting firewood in order to make a fire and cook the food was just as puzzling... Why couldn't these human beings simply eat their food raw? And then there was the whole tiresome routine of cutting down trees and collecting grass to build a house, not to mention the nonsense of using animal dung - of all things! - to plaster the walls of the house. Human beings were weird and liked to complicate life. Why not do what the animals did? There were enough trees and numberless caves to shelter under harsh weather.

There were also a few moments of tension between the man and the animals. Sometimes the man killed animals for meat and they did not like this. But in the animal world too there were offenders. The monkey stole from the man's garden and so did the wild pigs, the mole and the birds. These tensions never quite produced an outright war, but there were serious quarrels. On the whole, however, the two worlds continued living together side by side. And so years went by.

But one season of the long rains, black clouds piled up angrily in the sky. Through the clouds, there suddenly tore deafening explosions of thunder, accompanied by blinding flashes of lightning. In fury, torrents of heavy rain gushed through the angry clouds. The rain fell and fell and fell. It fell and fell for days and nights no end. Nothing could hold it back. Sometimes streaks of sunlight would make a feeble effort to push through the thick piles of dark clouds, but they would withdraw within no time, as if in apology to the thickness suffocating them. The rainbow also tried to challenge this accumulated fury, but every time it did, it was swallowed up, never to show its face again. Before long, all animals of the wild had their dwellings demolished by the angry floods and so, one by one they took flight to look for refuge in neighbouring wilds. Only Elephant remained.

"I am not running away like a coward", he said to himself. "I am strong and mighty. I will go and make the man's house my new home!" With this, he stampeded through the forest towards the edge of the forest where the man and his family lived.

Before the floods, the man and his family had re-inforced the house with more layers of grass thatching. They had re-inforced the walls with thicker plasters of mud and cow dung. And so, when the rains came drowning all the homes of the animals, the human home had remained.

The man and his family were sitting around the fire one evening, when they heard the stampeding Elephant knock at the door. His voice was unusually sweet and friendly: "My friend, man", he said, "it is wet and cold outside. Please allow me to take shelter in your house."

"Elephant, old friend," answered the man, "I would happily help you if I could; but look how big you are. This house is too small for my family and yourself."

"In that case", persisted Elephant, "do me a favour".

"I am listening", the man said.

"Please allow me to put in my trunk since it is the most sensitive part of my body and I fear I am catching a fever. That is all I ask for, my friend".

"If that is all, we will certainly make room for you. Bring in the trunk. The house is nice and warm".

The man could not have made a worse mistake. Hardly had he opened the door and allowed Elephant to put in his trunk, when the latter forcefully pushed himself in - the trunk, the tusks, the whole head and then his mountainous body. Insensitive to the protestations of the man and his family, Elephant established himself in the man's house, pushing him and his family out into the cold. He would not even allow

the human family to collect together their belongings to go and start anew somewhere else.

Angry, deeply hurt and gravely insulted, the man and his family left in search of a new home. But before leaving, he declared to Elephant:

"You bully, mark my words. I may not return this season, or even next season. But one day I will be back to claim what is mine. And nothing will stop me, *qukua kana uhona* (in the life and death struggle)!"

Jomo Kenyatta has recounted a longer version of this story in *Facing Mount Kenya*. The version shows that following his dispossession, the man takes his case to a court of law, presided over by Elephant's class of "big" and "powerful" animals, with Lion, King of the jungle, in the chair. The court rules against the man, assuming sides with the invader. The man launches a series of appeals, but to no avail. Eventually, it becomes clear to the man that if he is to win his home back, he has to use methods other than seeking justice through his antagonists' legal institutions. Needless to say, Kenyatta uses this story as an allegory to satirize the way settler colonialism dispossessed pre-colonial Kenyan people who had shown the invaders naive hospitality on their arrival, in keeping with their customary practice. But, going back to the version collected among the Ndia people of Kirinyaga, the story has a more elaborate message on basic human rights concerns.

Kirinyaga district is surrounded by thickly forested land, bordering Mount Kenya and the forests are inhabited by a lot of wild animals. In pre-colonial Kenya, the struggle to fulfil the basic human needs of food, shelter and clothing must have been vicious, with so many hostile natural forces in the way, including torrential rains and floods that can characterize an equatorial climate. Yet amidst all these antagonistic and sometimes overwhelming conditions, human beings had still managed to build homes, clothe themselves and cultivate crops to feed themselves. This heroic story, demonstrating determination on the part of pre-colonial Kenya society to assert basic and other human rights, was rudely interrupted by the arrival of a stranger.

The invader took advantage of the hospitality offered by the owners of the home, in keeping with accepted human rights principles. He used

force and might to occupy the latter's home, rendering them homeless. The invader crowned the cruelty by throwing them out into the cold and refusing to even let them pack up any of their belongings in the home. But as the man left his home with his family, he swore to return and reclaim his birthright and expressed readiness to die doing so, if need be.

This pre-colonial Orature story is the tragic tale of the workers and peasants all over Africa and in the rest of the so-called third world, under imperialist domination/exploitation, facilitated by their neo-colonial ruling classes. Under these conditions, the masses' very basic human rights are violated: they live under dehumanizing, impoverished conditions; they do not have enough to eat, or to wear; they suffer from poor health and many of them are either illiterate or semi-literate. The politico-economic systems that perpetuate their domination use economic power and political might to subjugate them. It is in view of this reality that the African Charter for Human and Peoples' Rights does well to recognize the struggles of the oppressed under colonialism, imperialism, apartheid and zionism as constituting a defence of basic human rights. In the above story the artist had closed the composition with highlighting the victim of human rights abuses asserting that even in the face of death he had chosen to engage in a protracted life and death struggle to fight for his self-determination through liberating his stolen home.

## **B. Wamutindi and Wanjau**

Long long ago in animal land, there lived a small deer called Wamutindi. She was tiny, so tiny that when she walked in the long bushes you could not see her. She was petite and pretty. Wamutindi was so lovely that you could have sat and watched her all day long. She was clean, hard working and gentle. Nobody would have wanted to harm little Wamutindi. She loved other animals and other animals loved her. In another part of animal land, there lived ugly creatures, the ogres. Some had horns, others had six feet, yet others had three heads and one leg... ugliness of all descriptions. You could find some that had huge, bulging eyes at the front and the back of their heads; you could find others with no eyes at all and then there were those who had no mouths. Where

lips should have been, you would see a huge pit gaping at you. As for the ears and noses, they would come in all monstrous shapes when they were there. Often, huge holes, oozing with pus or blood would leave long trails of smelly waste behind and around the beasts.

In giant land, there lived an ogre called Wanjau. Wanjau was big, big, big. He was so big that when he walked past, the earth trembled. He was also a big bully. When the animals knew he was around, they would clear out of his path long before he appeared. Wanjau's ugliness beat all the ugliness to be found in ogre land. He had a huge stomach that dragged on the ground as a result of overeating and long hands that could grab victims from distances away. The hands had thousands of ugly fingers that looked like hooks. His head had several shoots of other heads that faced in all directions. He had one enormous, red, single eye. The right side of the eye had a huge hole that was even more blood red. It oozed out with blood and pus, all mixed and smelled so badly that those in neighbouring parts could sometimes not sleep on account of the disgusting odour. Wanjau was feared and hated by all animals in animal land.

One dry season, Wamutindi gave birth to two sweet little deers. One of them had a lovely velvety black colour. The other one had a pretty deep chocolate body. Wamutindi loved her children and so did all the animals in animal land. Now, as the dry weather continued to get worse, Wamutindi found it more and more difficult to feed her children. After a lot of thought, the small brave deer decided to wean the children and then travel to distant lands, to look for food. She gathered as much as she could from around her home and leaving enough provisions behind for the children, she went off in search of more food. Wamutindi's children had grown as clever as their mother and so managed without problems in her absence. They remembered to keep the door to their house locked, pretending that there was nobody home. They did everything that their mother had asked them to do. Several days went past and it was nearly time for their mother to return.

The day on which their mother was supposed to return came. The baby deers were playing inside the house, peeping through the crack at the side of the door from time to time in anticipation of their mother, when they heard the earth beneath them tremble. Immediately, they knew that Wanjau was in the neighbourhood and disappeared under the bed. Outside they heard a voice trying to imitate that of their mother:

*"Twana twa Wamutindi umai muonge!* (Wamutindi's children, come out and breast feed). The clever children gave no response. *"Twana twa Wamutindi umai muonge!"* repeated Wanjau, making an effort to imitate Wamutindi even better.

The little ones inside giggled quietly and whispered to one another,

"You breast feed yourself, ugly thing!  
We are not idiots. We know our mother!"

The game went on until Wanjau lost his temper. He stomped around in agitation, shaking the earth like a leaf. His ugly single eye flashed this way and that way, oozing pus and blood that flooded the place where he stood. His long hands, with hook-like fingers, flew around in mad gestures. And then he could contain himself no longer. He gave the door to Wamutindi's house one big kick and stormed in. With his long hands, he hooked out the frightened children from where they were hiding and swallowed them in one gulp.

A short while later, Wamutindi arrived, with all the food she had gathered for her children. She dropped the load at the door and expectantly called out to her children:

"*Twana twa Wamutindi umai muonge!*"

Silence.

"The clever little ones have kept to my advice.

They think it is an enemy and refuse to come out.

Let me call once more," *Wamutindi told herself!*

"*Twana twa Wamutindi umai muonge!*"

When Wamutindi heard nothing and saw no response, she was frightened. Without waiting, she kicked the door open. She looked everywhere for the children: under the bed, in all corners, upon the ceiling, inside the pots... everywhere. Nowhere could she find them. Immediately, she knew Wanjau had done it. And she was angry. There and then she decided that small as she was, she would organize for Wanjau's elimination.

After mourning her children, Wamutindi set about her task. She went to every home in animal land and asked the inhabitants to join her in her war for justice against Wanjau. Some agreed and yet others were afraid but could not say so and instead, they smiled, promising. "We will think about it." In the meantime, Wamutindi sharpened her war weapons and prepared food to last her on the journey to look for Wanjau.

On the day agreed upon, all the animals, big and small, who agreed to go to war with Wamutindi, gathered at an appointed place. There were so many of them that Wamutindi felt as if they had already won the war against Wanjau. They made a long procession - big and small, young and old, trekking the path that Wanjau was known to use. As they marched they sang:

*Twathii kurua na Wanjau na Wanjau!* (We are going to war with Wanjau, yes, Wanjau)! *Wariire twaana twa Wamutindi* (Who devoured Wamutindi's children) *O gathwariga ari!* (All the little deer she had)! *Njamba cia Wamutindi* (Wamutindi's warriors) *Itiuragia weeru igukagwa!* (We do not care where we die waging war)!

The whole of animal land was astir. Something was happening that had not happened before. At long last, some animals were challenging Wanjau, the tyrant.

Wanjau heard about the group gathered to wage war against him and he was angry. His single eye flushed and his long hook-like fingers shot in and out as he flexed his arm muscles. He spit fire, mixed with blood and pus. He stomped around, roaring with fury. But before he knew it, the attacking army was upon him. He was attacked from so many directions that he did not know which side to defend. Before long, he lay on the ground beaten and defeated. Feebly he begged: "Please split my stomach and all I have taken from anyone will be restored."

When the stomach was pierced, nobody could believe what came out of Wanjau: birds, chicken, fish, children... everything he had ever devoured...

At the end of all these, came two sweet baby deers, one black and one brown, - Wamutindi's children.

There was a big celebration in all animal land, as re-unions between those long gone and the living ones took place. Wanjau was no more. Wamutindi and her children were the happiest in all animal land. They went home and lived happily ever after....

In this story, there is a clear contrast between the beauty of those values that represent humanness (and therefore, human rights principles and those that stand for the violation of the rights. The description of Wamutindi and her children is contrasted with the description of Wanjau's ugliness. Looking at the aesthetic considerations behind each of the descriptions, we immediately know the kind of human rights being championed and the opposites under challenge. Those listening to this story grow to abhor tyrants, bullies and dictators who would seek to annihilate life. The audience is delighted when Wamutindi and her army triumph. But the audience also notes that this only happens following a united effort to eliminate the enemy threatening community life.

It is also significant that this story features a big bully, threatening small animal and defenceless "children". Here, it is the "small" ones, easy targets for cruel bullies and defenceless children, whose human rights are at stake. Through solidarity and united action, the oppressed ones manage to get rid of their enemy.

Once more, without belabouring the message of this pre-colonial tale, the lesson is clear: through united action, the oppressed can level the final blow to the enemy, paving the way for a secure future for themselves and their children. The right to exist and to enjoy self-determination are, once more, underlined in this tale.

### C. THE CRUEL MAN

Once upon a time there lived a very cruel man. He was hated by the whole village where he lived. He had no friends even among the men of his age group.

His relations avoided him and wanted to have nothing to do with him because he was the talk of all the homes surrounding his village. The man's name was Kirundo.

Kirundo had killed five wives from beating. None of the five women had lasted more than two seasons in his homestead. All of Kirundo's children had run away from home and gone to live with relations far away from him to avoid being forced back. When this had happened the cruel man had gone to a neighbouring ridge where people did not know about his cruelty and had brought back a young girl for a wife. The girl's mother had died. She lived with her father and brother.

Since bringing Kanoro, the young girl, to his home, Kirundo had kept her under lock and key to ensure that she would not leave him. Whenever Kirundo came home drunk, Kanoro was his drum. Whenever he felt like shouting, he would make Kanoro the victim. Kanoro never saw the sun and she never looked at the rain falling. She was buried in the house like an animal in a hole. Within no time, Kanoro grew so thin that the wind could have blown her from the ground had she

been allowed to stand in the wind. This went on for months and then one day, Kanoro decided she would have no more of it.

That night, Kirundo had come home very drunk, and had beaten Kanoro up so badly that she was bleeding from the mouth. Kanoro pretended to have been so defeated that she could not even move. When Kirundo woke up the following morning, he found her lying on the floor where he had left her after the beating. Kanoro let her body go limp and made it appear as if she would die any moment. Cruel Kirundo kicked her with his legs and before leaving said, "I will give you two days to recover. If I come back and find you lying there, I will finish you off." He locked the door of the hut securely behind him and went away.

As soon as he had left, Kanoro crawled from the floor and struggling, she held onto the wall. On the wall, there was a big horn that Kirundo used to take on his drinking outings. Kanoro's mind was ticking fast. She knew that if she blew the horn there would be two possibilities.

The first one was that she might summon Kirundo back. The second one was that she might summon her rescuers. The persistent sound of the horn would always be responded to by the people on her ridge.

After some hesitation, Kanoro decided to take the risk. She was as good as dead, anyway and so why not let Kirundo kill her properly if he chose to return at the sound of the horn? On deciding thus, Kanoro blew the horn. She had little strength left in her body, but she blew and blew the horn until she became dizzy. Just as she was beginning to despair, she heard the sound of footsteps. People were running towards her direction. Some hunters had heard the horn on their way to a hunt and had come to Kirundo's homestead.

Banging on the door desperately, too weak to shout, Kanoro managed to attract the hunters' attention. On opening the door they found the weak young girl, all feeble and covered with blood. As she told them her sad story, one of the young

men jumped forward and embraced her with tears in his eyes. The young man was Mwembe, her elder brother. He had been away from home hunting when Kanoro had been sold to Kirundo by her father. On his return, he had been told that his sister had gone missing. The two wept tears of joy on their re-union.

Before his age mates, Mwembe swore to take revenge on Kirundo. He would never eat or drink until this promise had been fulfilled. As for his father, he would accuse him before the highest council in the land for selling Kanoro to this cruel man and for lying to him that she had gone missing.

The hunter took Kanoro home and there was a big celebration in her welcome. Her father did not show up his face at the feast for fear of being beaten up by the crowd.....

In this story, we have a cruel man whose behaviour was so anti-social that he was more of a beast than a human being. People hated him and he lived in isolation. He beat and killed. But his victims had, as it were, so been domesticated to the oppression meted out on them that they had come to put up with brutalization. As the cruel man dehumanized them more and more, so did he become even less of a human being himself. The tyrant was aided in his abuse of other people's human rights by a glutton who valued wealth more than the humanity of his daughter and who therefore, had sold his daughter to slavery. The only point of redemption for this greedy merchant is the intimation in the story that he and those who lived on his ridge did not know about Kirundo's cruelty. However, it is clear that he had a guilty conscience for doing what he had done because he had found it necessary to lie to his son.

In the story, it was the victim who had to make up her mind to rid herself of the dehumanization imposed on her and once she had done so, she was able to find help from the rest of humankind, as it were. The main lesson in this story is that victims of human rights abuses must say "no" to their plight and struggle against the abuses, at whatever risk. The solidarity shown by the hunters draws our attention to the fact that, under normal circumstances, fellow human beings will not pass by, leaving the oppressed to meet pain and death, but will lend a helping hand to their kind whenever they can. In this

case, Kanoro's brother even undertakes the responsibility of seeing that justice is done.

## CONCLUSION

Gikuyu pre-colonial orature, as demonstrated by the Ndia stories told above, was greatly pre-occupied with human rights concerns. This is not to say that the Orature did not have its moments of backwardness, for, some of it could be sexist, pro-patriarchal in values that deified the male principle and subdued the female, praiseworthy of war and conquest etc. but on the whole, it sought to promote communal oriented values that placed responsibility on the collective whole, even as individuals struggled for their personal rights. In this sense, it has a great deal to teach modern society, in which the poor and weak suffer from the very systems that are supposed to protect them. Under Africa's neo-colonial states, the poor and weak happen to be the majority of our populations. Their daily lives are epics of prolonged struggles against the abuse of basic and other human rights by their class enemies and the systems that these represent.

It was in view of this that the late Amilcar Cabral considered a "return to the source" significant, not in the sense of petty-bourgeois short-term opportunism (a return to traditions), but as a way of drawing the masses and their values into the mainstream of the anti-imperialist struggle:

... the "return to the source" is not and cannot in itself be an act of struggle against foreign domination (colonialist and racist) and it no longer necessarily means a return to the traditions. It is the denial, by the petite bourgeoisie, of the pretended supremacy of the culture of the dominant power over that of the dominated people with which it must identify itself. The "return to the source" is therefore not a voluntary step, but the only possible reply to the demand of concrete needs, historically determined, and enforced by the inescapable contradiction between the colonized society and the colonial power, the mass of the people exploited and

the foreign exploitative class, a contradiction in the light of which each social stratum or indigenous class must define its position... the "return to the source" is of no historical importance unless it brings not only the real involvement in the struggle for independence, but also complete and absolute identification with the hopes of the mass of the people, who contest not only the foreign domination as a whole<sup>48</sup>.

Addressed to a colonial situation, these words remain intact when applied to today's Africa's neo-colonial reality. In looking at pre-colonial Orature in order to explore where to draw from in our struggle for the assertion of human rights, Cabral's statement points out the direction that our "return to the source" ought to take if it is to be an "act of struggle" against dehumanization.

## REFERENCES AND NOTES

1. To my knowledge the term Orature came into being during the late sixties and early seventies among circles of African literature and "oral literature" critics in East Africa. Leading among the proponents and coiners of the term were Pio Zirimu and Austin Bukonya, of Makerere University in Uganda. For years, critics had pre-occupied themselves with the debate whether or not to use "Oral Literature". Orature was being defined in terms of literature and was being forced into the kind of "compartments" created for literature by structuralists; this tendency appeared to cause paralysis to this dynamic heritage. Hence Pip Zirimu and Austin Bukonya coined the term Orature. The spoken tradition should be simply known as Orature - the creative imaginative art of composition that relies on verbal art for communication and that culminates in performance.

In this paper the term Orature is used throughout to refer to this tradition.

2. "Preamble", *African Charter on Human and Peoples' Rights*, Banjul, Gambia, 1981, p.2.
3. H.G. Nicholas, *The United Nations as a Political Institution*, London, OUP, 1975 - Fifth Edition, p.237.
4. David Selby, *Human Rights*, Cambridge University Press, 1987, p.7.
5. *ibid.*, p.7.
6. *Banjul Charter, op. cit.*, p.1
7. *ibid.*, p.2.
8. *ibid.*, p.3

9. *ibid.*, p.7
10. David Selby, *op. cit.*, p.6
11. *ibid.*, p.6
12. *ibid.*, p.7.
13. *ibid.* p.8.
14. *ibid.*
15. *ibid.*
16. *ibid.*
17. Catholic Institute for International Relations, *Rights to Survive - Human Rights in Nicaragua*, London, Russell Press Ltd. p.1.
18. *ibid.*, p.2.
19. *ibid.*, p.3.
20. Jobs and Skills Programme for Africa (JASPA) - a Basic Needs Mission, International Labour Office.
21. JASPA, Basic Needs in Danger - A Basic Needs Oriented Development Strategy for Tanzania". Report to the Government of Tanzania by a JASPA Basic Needs Mission. International Labour Office, Addis-Ababa, Ethiopia, 1982, p.xix.
22. Tom Campbell, *The Left and Rights - A Conceptual Analysis of the Idea of Socialist Rights*, London, Routledge and Kegan Paul. 1983.
23. Geoffrey Parrinder, *Religion in Africa*, New York, Praiger Publishers, 1969, p.28.

24. *ibid.*
25. The late Comrade Amilcar Cabral used this term to describe societies that were ruled through representation in a country's governing body, as opposed to "vertical societies" which had kings, chiefs, queens etc., as ultimate rulers. Ref. "Identity and Dignity in the Context of the National Liberation Struggle", *Return to the Source*, New York, Monthly Review Press, 1983.
26. Quoted by John Lewis, in *Marxism and the Open Mind*, Connecticut, Greenwood Press, 1973, p.35.
27. *ibid.*
28. Kavetsa Adagala and Wanjiku Kabira Mukabi, *Kenya Oral Narratives - A Selection*, Nairobi, Heinemann Kenya Ltd, 1985, xii.
29. *ibid.*, p.xiii.
30. Jomo Kenyatta, *Facing Mount Kenya*, London, Secker and Warburg, 1959 (First published in 1938).
31. The names of the respondents have been deliberately withheld for security reasons as have been the names of those who undertook the field work for the researcher, who is living in exile in Zimbabwe. However, deep appreciation is expressed for the risks that all these people took, to ensure that this work, started years ago, would reach completion.
32. Exposition on this theory was originally done through an address entitled, "The Battle of the Mind", delivered by the researchers at the University of Los Angeles, USA and consequently published in *UFAHAMU*, Volume XIII, Numbers 2 - 3, Los Angeles, California, 1984 p.239 - 248.

33. The sample of 50 interviewees included elders (mainly from the peasantry, but also from the working class) - both male and female - between the ages of 50 and 80 years; middle-aged males and females from the same classes and school teachers of both sexes.
34. Summarized, transcribed information from a recorded interview, October 1987.
35. Chinua Achebe, *Things Fall Apart* London, H.E.B. AWS, 1958.
36. Summarized and transcribed information from a recorded interviews, October 1987.
37. Jomo Kenyatta, *op. cit.*, pp.130 - 162.
38. John Mbiti, *African Religions and Philosophy*, New York, Doubleday, Anchor Books, 1970 ed. p.279.
39. In the integration exercise, the researcher poses questions and criticism towards the opinions of those interviewed. These mainly appear as summaries and conclusions.
40. In this paper the researcher does not engage in the debate that has gone on for years now as to whether or not the rite of circumcision is an abuse of human rights, especially when it is practised on women as clitoridectomy. Important as this debate is, space and scope do not allow for it here.
41. Jomo Kenyatta, *op. cit.*
42. Kenya Oral Narratives, *op.cit.*, 42.p.xvi.
43. *ibid.*, p.xxi.

44. Okot P'Bitek, *Song of Lawino*, Nairobi, East African Publishing House, 1968.
45. Okot P'Bitek, *Song of Ocol*, Nairobi, East African Publishing House, 1970.
46. Amilcar Cabral, "Identity and Dignity in the Context of the National Liberation Struggle," in *Return to the Source: Selected Speeches of Amilcar Cabral*, Ed. Africa Information Service, New York, Monthly Review Press, 1973, p.63.



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