

# **GUIDELINES REPORT ON THE AFRICAN RITUAL OF ANIMAL SLAUGHTER**

**COMMISSION  
FOR THE PROMOTION AND PROTECTION  
OF THE RIGHTS OF CULTURAL, RELIGIOUS  
& LINGUISTIC COMMUNITIES**

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*Courtesy of the South African Heritage Resource Agency*

# Section A

## 1. Foreword

The debate on animal slaughter became a talking point when it was highlighted in the media early in January 2007, after Mr Toni Yengeni was shown on TV holding a spear at his Gugulethu home. According to the report, he was going to slaughter a cow for cleansing after his release from prison. Groups such as the National Society for Prevention of Cruelty to Animals (NSPCA) and the Animal Anti-Cruelty League voiced their objections on the grounds that the practice would constitute cruelty to animals, and should therefore not be encouraged. The National Society for Prevention of Cruelty to Animals approached the CRL Rights Commission for a comment on the subject, as certain pieces of legislation and municipal by-laws outlaw the ill-treatment of animals, as well as the practice of animal slaughter taking place anywhere other than in the abattoirs.

The practitioners of African religion believe that the ritual of animal slaughter is at the core of their religion and having their practices questioned is an infringement of their right to practice their religion freely as enshrined in the constitution. Accordingly, the practitioners perceived this as one of the classic violations of their rights by people who do not understand their religion and ritual.

Some members of the South African society practice the tradition of animal slaughter for religious, traditional or cultural ceremonies. Most traditionalists argue that animal welfare organizations do not understand their practice and as a result they oppose this practice on the basis of municipal by-laws, yet such regulations did not take their cultural practices into consideration when they were being drafted and promulgated. The controversy surrounding this issue is perceived by practitioners of African religion and traditionalists as leaving a loophole for the violation of their cultural rights. Section 4 (a-c) of the CRL Commission Act, Act no. 19 of 2002 calls on the Commission to “promote respect for and further the protection of the rights of cultural, religious and linguistic communities; to promote and develop peace, friendship, humanity, tolerance and national unity...on the basis of equality, non-discrimination and free association and to foster mutual respect”. The Commission is confronted by the challenge to defend the ritual animal slaughtering practice but at the same time to ensure that animals are not slaughtered inhumanely, as advocated by the National Society for Prevention of Cruelty to Animals, as well as in the guidelines clearly formulated for purposes of consultation by everyone who subscribes to this practice.

The quest for recovering the endangered and diminished heritage and embracing cultures and identities of communities within the context of the diversity that makes up South African society has become more pertinent and pressing in nation-building and the national identity agenda. Despite the progress already made on protecting community heritage by means of laws and policies, much still needs to be done to recover and protect the diminished and endangered heritage of communities.

Animal Welfare advocacy and supportive sentiments suggest the following:

“The moral value or social goods derived from cultural practices are not significant enough to outweigh the prima facie wrong of harming animals in ritual sacrifices. On these grounds I conclude that acts of the ritual slaughter of animals, of the kind recently engaged in by the Yengeni family, are not morally justifiable (Behrens, 2008:49).”

In an attempt to explain and understand the ritual of animal slaughter, the Commission sets out to investigate the matter through public dialogue, consultation and meetings with institutions, structures and individuals who are considered to be custodians of this practice or are knowledgeable about it. These comprise His Majesty King Zwelethini's Office, and the Provincial Houses of Traditional Leaders in Mpumalanga, Northern Cape, Limpopo and the Eastern Cape. The following people were also consulted: Dr Nokuzola Mndene of Unisa, academician and African Religion specialist, Mr L. Kunene and Mr Nicky van Niekerk from Johannesburg Municipality, Ms Thando Mulangeni of Tshwane Municipality, Mr B. Shikwambana from Ekurhuleni Municipality, Ms Pepsile Maseko of the Traditional Health Organisation in Gauteng, Mr Boyce Mgcina of Sifozonke Traditional Healers Organisation, Ms Del Jones from the National Society for Prevention of Cruelty to Animals and the Animal Anti-Cruelty League.

The Commission's investigation uncovered striking findings in relation to this practice. While not much has been written on the ritual of animal slaughter, discussion with chiefs in Mpumalanga, Limpopo, Eastern Cape, Northern Cape and His Majesty the King's Office in Kwazulu Natal, seemed to confirm and ratify the long history, procedures of performing the ritual and importance of the ritual for Africans. Apart from minor differences, there is a common core to the ritual. For example, it is generally maintained that, after a precise prod of an animal by an assegai or very sharp knife between the atlas and the axis, the animal is expected to bellow as a sign that the ritual has been accepted by the ancestors. This means that it must bellow. Failing this, those carrying out the ritual are naturally concerned as to whether their offering has been accepted or not.

Critical to the debate was the emergence of a strong proposal that certain policies and by-laws ought to be revised in order to embrace and accommodate other cultural practices. The National Society for Prevention of Cruelty to Animals is not against the people offering the ritual, but the inhumane way in which animals are sometimes treated and made to suffer during the ritual.

The Commission is constitutionally entrusted with a vast responsibility, that of promoting and protecting the rights of cultural, religious and linguistic communities. This report, therefore, calls for a review or revision of any piece of legislation in the framework of by-laws in order to reinforce change that will accommodate other cultural and religious practices carried out within South African communities.

Secondly, the ritual of animal slaughter is a cultural practice that varies from one culture to the next, and has always been carried out by the African people from time in memorial. This document is also an outline that attempts to educate the general public about the meaning and significance of the practice from the perspective of those who practise it. Furthermore, the primary aim is to confront the false impressions and perception errors on the part of other societal structures concerning the notion of inhumaneness. In a multi-religious or multicultural society like South Africa, this exercise is crucial, as it seeks to create an environment of tolerance and respect for cultural idiosyncrasies and variation.



**Rev. Wesley Mabuza**

*Chairperson: CRL Rights Commission*

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## Section B

### 1. Introduction

As noted earlier, the debate on animal slaughter became a talking point when it was highlighted in the media after Mr Toni Yengeni was shown on TV holding a spear, with which, it was reported in the news, he was going to slaughter a cow after his release from prison. Certain groups, such as the National Society for Prevention of Cruelty to Animals and Animal Anti-Cruelty League, voiced their objections, saying that this would constitute cruelty to animals and should not be encouraged.

Apart from the above, there seems to be more cultural incidents that incite attention and reaction from various South African communities, and the extent to which these cultural actions are received and perceived is one of the Commission's concerns. A case in point relates to a report that came from Durban (Anon, 2009:5), concerning a gentleman working for KFC, who went to work wearing an *isiphandla*, a leather bangle made from the skin of an animal offered during a ritual sacrifice. His employer told him to remove it, as it was unhygienic for him to work with it on. A misunderstanding ensued. According to African religious belief, *isiphandla*, a traditional bangle, cannot be cut off or removed, but should come off by itself; otherwise the wearer might encounter bad luck.

Another example relates to *Ukweshwama*, a ritual that involves, among others, the killing of a bull with bare hands. This Zulu practice did not only make headlines in the various media houses in the recent times but also created a major controversy and debate among South African communities. The seriousness of this particular cultural incident was evidenced by the intervention of the Pietermaritzburg High Court on the 4<sup>th</sup> of December, 2009. In a matter between the Animal Rights Africa v King Zwelithini and others, the Animal Rights Africa wanted the court to prevent King Goodwill Zwelithini from continuing with the ritual of *Ukweshwama*. Nevertheless, the court subsequently ruled in favour of the King.

It is for this reason, among others, that the Commission felt its duty to take a closer look at the concept of African ritual of animal slaughter. Other religions like Islam and Judaism do slaughter animals for food. However, this report will primarily focus on African religion within the South African context. Very little has been written or understood in terms of the significance of animal slaughter as it pertains to African religion. Aside from evaluating the legislative issues in relation to the concept of animal slaughter in the urban contexts, as part of the content of this report, aspects such as the history of the ritual, its cultural significance, controversy surrounding it and the current state and locales of the practice in South Africa today are also examined.

### 2. Mandate of the CRL Rights Commission

The Commission for the Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Communities (CRL Rights Commission) is one of the Chapter 9 institutions established by the Constitution to strengthen constitutional democracy in the Republic of South Africa. In terms of Act No.19 of 2002, the CRL Rights Commission is charged, inter alia, to:

- promote respect for and further the protection of the rights of cultural, religious and linguistic communities;
- promote the right of communities to develop their diminished historical heritage;
- bring any relevant matter to the attention of the appropriate authority or organ of state, and, where appropriate, make recommendations to such authority or organ of state in dealing with such a matter, among others.

The quest for recovering the endangered and diminished heritage and embracing the cultures and identities of communities in the context of diversity that makes up the South African society has become more pertinent and pressing in nation-building and national identity agendas in South Africa. Despite the progress already made on recovering and protecting the diminished and endangered community heritage by means of laws and policies, a great deal still has to be done.

### 3. Historical background (Pre-1994)

The ritual of animal slaughter was practised by Africans long before the arrival of Missionaries in South Africa. It was their way of communicating with God through the ancestors. Unfortunately, Missionaries, upon arrival in Africa, began to evangelise people without any regard for their culture and religion which they despised and regarded as heathen. They viewed the practice as barbaric and insisted that Christians should not be seen practising it. As a result, African religion was never recognised as it deserved, as only Christianity was found acceptable. This led in certain instances to people calling themselves Christians in public but practising aspects of their African religion, for instance ritual slaughter, in secret.

Traditional leaders and some experts in African religion maintain that the ritual of animal slaughter was performed for different reasons, like communicating with God and the ancestors for blessings and good luck, asking for healing, and solutions to difficult dreams, rain and protection, as well as giving thanks.

According to one of the beliefs in the African religion, praying and bringing sacrifices to the ancestral spirits is one method of communicating with God. It is the ancestors who take complaints and problems to God, who is the creator of heaven and earth, and the creator of all living creatures, including humankind. According to cultural norms, it is wrong to think of the ancestors only when one is in trouble or is encountering problems. Normally, the tribe talks to the ancestors when they report something like their good harvest, and will give thanks to them for this.

The problem with the Missionaries was their attitude to anything African. Had they been humble enough to learn from Africans first, they would have realised that Africans are far advanced in their religion:

“They all believed in the existence of One God and called Him different names, according to their languages. The missionaries would have realised that praying through their ancestors was no different from praying through the saints, and all the ancestors found in the Bible. St. Augustine, for example, is still seen as a great African saint by the Catholic Church and Christendom in general.”

There are many reasons why the tribe communicates with the ancestors. Individuals can perform the ceremony of giving sacrifice to them, or a group of relatives belonging to one family can do so as a clan. Sacrifice can even be done by people of one surname or totemic name. However, the only people who are allowed to communicate with ancestors asking for rain are those in the chief's kraal. The ancestors are the ones who are able to communicate with God.

There is a common belief that if someone in the family is sick, the ancestors visit the person in a dream. The dream is reported to the parents or the elders, who are able to explain what it means. If the elders are

unable to explain the dream, the sick person may go to their traditional healer and ask him to explain it. The traditional healer will suggest the ceremony of making sacrifice to the ancestors. One of the most important aspects of this ceremony is spilling blood, meaning slaughtering an animal, which could be a goat, a sheep or any other, depending on the orders of the traditional healer.

It is not easy for another person to explain a dream. Usually when someone who appeared in a dream is described, the parents realise who that person is. It is usually found that she/he is someone who passed away a long time ago.

Sometimes one of the children in the family is fond of playing with small stones. It is believed that this is a good sign that this child will be a traditional healer. The stones he or she plays with represent the knucklebones. Perhaps this is because one of his grandparents or another relative was a traditional healer and would like to pass it on to this child. The ancestors must be told about the child by means of a sacrificial ceremony and by slaughtering an animal. The parents will only be sure of this by going to ask the traditional healer, who explains everything before the parents decide on performing the ceremony.

Prior to 1994 the practitioners of African religion encountered numerous obstacles to performing the ritual of animal slaughter, and were often told to slaughter in abattoirs according to the guidance of the Abattoir Act. Slaughter had always been carried out in rural homesteads, and, now, with the migration of so many African people to the cities, many of them feel that they should be able to perform the ritual in the yards of their city homes without encountering problems. This has fuelled debate on the subject, as issues of the contravention of the municipal by-laws, environmental health, animal abuse and cruelty are always raised.

## 4. Legislative overview

### 4.1. The Constitution of the Republic of South Africa, Act 108 of 1996

Section 15(1) of the Constitution of the Republic of South Africa states that, “Everyone has a right to freedom of conscience, religion, thought, belief, and opinion”. Section 31(1) of the Constitution of the Republic of South Africa further states that, “Persons belonging to a religious community may not be denied the right to practise their religion”. The meaning of these two sections of the Constitution of the Republic of South Africa is generally understood to be that people's right to practise their religion is not an individual aspiration but a constitutional right, and the people are therefore free to exercise these rights as they see fit. However, because practising African religion involves ritual slaughter, animal rights groups as mandated by certain legislative acts, have been speaking out on animal welfare. In some social circles this has been interpreted as suggesting that the National Society for Prevention of Cruelty to Animals,

for example, interferes with the affairs of the African religious practice, hence rife tension between religious practitioners and the National Society for Prevention of Cruelty to Animals or animal rights activists.

#### **4.2. The Animals Protection Act No. 71 of 1962**

Section 2(1)(a) of the Animals Protection Act No. 71 of 1962, regularly referred to by animal rights groups, states that “Anyone who overloads, overrides, ill-treats, neglects, infuriates, tortures, maims, cruelly beats, kicks, goads and terrifies any animal is guilty of a criminal offence”. This act therefore criminalises the ill-treatment of animals, no matter by whom.

It is important to note that there is a difference between proponents of animal welfare (the National Society for Prevention of Cruelty to Animals), who reflects people’s concern on the humane treatment of animals and the proponents of animal rights (the Animal Anti-Cruelty League), who holds that animals should not be exploited in any way. Animal rights advocates maintain that animals, like people, also have the basic rights to be free from confinement, pain, suffering, use in experiments, and death for reason of consumption by other animals (including humans). Animal rights advocates therefore oppose the use of animals for food, clothing, entertainment, medical research, product-testing, guide-dogs, and as pets.

#### **4.3 The Societies for the Prevention of Cruelty to Animals Act No. 169 of 1993**

The National Society for Prevention of Cruelty to Animals Act governs the organisation and management of animal welfare associations. The National Society for Prevention of Cruelty to Animals Act No.169 of 1993 clearly deals with animal welfare. The organisation has gone on record as saying that it is not against people slaughtering animals for whatever purpose, but it is more concerned about the inhumane way in which this has often been done.

#### **4.4. The Meat Safety Act No. 40 of 2000**

Section 7.(1)(a) of the Meat Safety Act states that, “No person may slaughter any animal other than in the abattoir”. However, Section 7(2) (a) states further that, “Subsection 1a does not apply when one slaughters an animal for his or her own consumption, for cultural purposes and/or for religious purposes”. This is stated in section 7(2) (a), which has been interpreted as being in line with sections 15(1) and 31 (1) of the Constitution of the Republic of South Africa (For a detailed account, refer to paragraph 4.1 of this report). It is this very section that gives rise to Municipal by-laws allowing animal slaughter, even though these by-laws emphasise the procedures to be followed prior to and after the process of animal slaughtering when taking place outside the abattoir.

#### **4.5. The Johannesburg Metro Municipality Public Health By-law No. 830 of 21 May 2004 (As amended by Notice 5319 dated 5 December, 2007 in Provincial Gazette No 347 and Notice 1454 dated 20 June, 2008 in Provincial Gazette No 162)**

Mr L. Kunene from Joburg Metropolitan Environmental Health Department suggested that the city by-laws apply to the whole municipality and the residents are expected to abide by them at all times. The City of Johannesburg has made provision for the slaughter of animals for religious, traditional and cultural ceremonies. He quoted section 147 of the Johannesburg Metro Municipality by-laws which states:

- (1) Any person who keeps an animal prior to slaughtering it for any religious or ceremonial purposes must comply with the provisions of the by-law applicable to the animal concerned.
- (2) A person intending to slaughter an animal in any place other than in a recognised abattoir must :
  - (a) notify the Council in writing, fourteen days prior to the event;
  - (b) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
  - (c) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
  - (d) handle the meat hygienically at all times;
  - (e) dispose any portions of the animal which are not used or consumed in a manner which will not become a public health hazard or public health nuisance; and

- (f) not keep such animal prior to slaughtering for a period in excess of 24 hours.

He further quoted section 119 (1) of the by-law, which states that no person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:

- (a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
- (b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
- (c) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;
- (d) the stable must have a floor area of at least 9 m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it;
- (e) lighting and ventilation must be provided by openings or glazed opening windows or louvres totalling at least 0, 3 m<sup>2</sup> for each animal to be accommodated in it, except in the case of a stable open along the entire length of one of its long sides;
- (f) the lowest point of every opening, window or louvres must be at least 1, 8 metres above floor level;
- (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 143;
- (h) any enclosure must have an area of at least 10 m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
- (i) no enclosure or stable may be situated within 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or 50 metres of any water resource or water supply intended or used for human consumption; and
- (j) there must be an adequate water supply.

Mr Nicky van Niekerk from Joburg Metropolitan Municipality's Environmental Health Department, said that the Johannesburg by-laws on animal slaughter have already been adopted by the Council and are therefore in force. He said that City of Johannesburg respects the individual's right to practise his/her religion and beliefs, but that at the same time there should be a balance between the individual's rights and the public's right to a health-friendly environment, to hygienic situations and to healthy food. He says that the municipality nevertheless respects the individual's right to slaughter an animal for own consumption and religious practice, but the municipality requires the

individual to submit an application to the municipality so that the municipal officials could inspect the environment prior to and after the event.

The residents of the Johannesburg Metropolitan Municipality who wish to enquire further about the municipal processes to follow when slaughtering in the city are kindly requested to contact the Environmental Health Department offices of the municipality at: (011) 4076798 / 6812.

#### **4.6. Internal Tshwane Policy for the Environmental Health Department No. 2.5b of 1 July 2006**

The Tshwane Metro Municipality does not have municipal by-laws on animal slaughtering, but uses the above mentioned policy to give advice on what to do and how to go about slaughtering in the cities. This policy is informed by section 7(2) (a) of the Meat Safety Act No. 40 of 2000, which points out that, "one may slaughter outside the abattoir only if it is for one's own consumption, or for cultural or religious purposes".

Ms Thando Mlangeni from the Tshwane Municipality's Environmental Health Department, said that there were no by-laws dealing with ritual slaughter but they had a policy to guide them in such cases. She said that rather than outlawing the practice, they accepted that it was done frequently. Their approach was that of advising rather than policing in order to treat the matter in the best way for all concerned.

Ms Mlangeni said that their policy demanded that:

- the resident should write to the municipality to inform it of the intention to perform the ritual at his/her house.
- the resident should inform the neighbours in time.
- the Municipality would send an Environmental Health Practitioner to the house to carry out health education on matters such as what to do with the animals, defecation problems and avoiding bad odours.

She said that it was not their intention to introduce a by-law on this matter as they had found their policy to be workable, whereas by-laws would require policing.

The residents of the Tshwane Metropolitan Municipality area who wish to enquire further about the municipal processes to follow when slaughtering in the city are kindly requested to contact the Environmental Health Department offices of the municipality at: (012) 358 4656 / 7433.

#### **4.7 Internal Ekurhuleni Metropolitan Policy on Animal Slaughtering in Urban Areas**

Mr B. Shikwambana from the Ekurhuleni Municipality's Environmental Health Department, said that when the Ekurhuleni Municipality was established as a Metropolitan municipality, there were no by-laws on the issue of animal slaughter. However, this did not

mean that people were not slaughtering animals or that there were no complaints from the public. In addressing the situation, the municipality dealt with each case on an ad hoc basis. The common problem of food-poisoning forced the municipality to introduce an internal policy to guide them in controlling problems relating to public health. To regulate the process, the municipality decided to draft by-laws on animal slaughter. At the time of writing this report, the draft by-laws were awaiting approval by the municipal council.

The draft by-laws state that:

- A resident must submit an application to the municipality to slaughter in his yard 14 days prior to the event.
- The resident should notify and obtain permission from his neighbours.
- Only when these preconditions have been met will the municipality grant a resident permission to go ahead with such slaughter.
- The animal to be slaughtered must not be kept in the resident's yard for more than 12 hours.
- Slaughtering should be done in an enclosed environment, that is, out of the public eye.
- Meat should be handled in a hygienic manner.
- The animal being slaughtered should not make a noise that will disturb the neighbours.
- Metropolitan Council officials will come after an event to inspect the environment at a fee payable by the applicant.

Mr Shikwambana said that, as the Environmental Health Department, they are prepared to negotiate and discuss matters with the practitioners, as the Department was not there to make life difficult for its residents.

The residents of Ekurhuleni Metropolitan Municipal area who wish to enquire further on the municipal processes to follow when slaughtering in the city are kindly requested to contact the Environmental Health Department offices of the municipality at: (011) 921 2443/4 or (011) 398 2100/1

## 5. Statement of the problem

In a multi-religious society like today's South Africa, African religion still encounters unequal treatment carried over from the past in which Christianity still dominates. Adherents to African religion feel strongly that there is a lack of space for self-expression and free practice; and one example that typifies this situation is the issue of the ritual slaughter of animals. Practitioners allege that the practice is met by prejudice, intolerance and discrimination by other religions, citizens, local governments and their by-laws.

This report is not intended to be a doctrinal document on the subject matter of ritual animal slaughter from the point of view of African religion, but it is rather meant to highlight:

- i. The history of the ritual of animal slaughter,
- ii. Cultural significance,
- iii. Controversies surrounding the practice, and
- iv. Current state and place of this practice in South Africa today.

This is in keeping with the mandate of the CRL Rights Commission, that is, to promote and protect the rights of cultural, religious, and linguistic communities. To this end, it is also the primary objective of this report to influence local government policy and other related legislations in the direction of giving voice to the voiceless in as far as the practice of ritual slaughter is concerned.

## 6. Methodology used

A questionnaire that sets out the above four broad questions (Refer to 5.(i), (ii), (iii), (iv)) was sent out to the various Houses of Traditional Leaders, asking them to provide a detailed account with reference to each research question – either verbally or in written form. In most of the consultations, dialogues and seminars were subsequently employed as follow up mechanisms, and additional sources of gathering information.

## 7. Sample

The information contained in this report has primarily been gathered from seminars and dialogues organised and conducted by specialists in African religion, Traditional Healers' Organisations in Gauteng; Municipal Environmental Health Inspectors in Gauteng, the National Society for Prevention of Cruelty to Animals, and the Animal Anti-Cruelty League. The office of His Majesty, King Zwelithini in Nongoma, Kwazulu Natal; The Provincial House of Traditional Leaders in Nelspruit, Mpumalanga; The Provincial House of Traditional Leaders in Bisho, Eastern Cape; The Provincial House of Traditional Leaders in Polokwane, Limpopo; and The Provincial House of Traditional Leaders in Kuruman, Northern Cape were all visited and consulted.

# Section C

## 8. Discussion

According to the Ghanaian scholar Wiredu (1996:178), who made an intensive study of religion in Africa and particularly of conceptions of God or a Supreme Being, Africans are deeply religious, with a strong belief in the existence of a Supreme Being. John Mbiti, in his *African religions and philosophy* (1990:2) suggests:

“Wherever an African is, there is his religion. He carries it to the fields where he is sowing seeds or harvesting a new crop. He takes it with him to the beer party or to attend a funeral ceremony. African people do not know how to exist without religion.”

Wiredu argues further that, in spite of a strong sense of the good will of God, Africans do not accept *ad hoc* interventions by God in the order of nature. They have a strong commitment to the universal reign of law in all spheres of existence (Wiredu 1995:314). God is not separate from the world. Together with the world, God constitutes the spatial-temporal ‘totality’ of existence - God is everywhere at all times. The natural-supernatural dichotomy has no place in the African conceptualisation of the universe - Africans do not divide life into compartments. The thinking is hierarchical, with God at the apex and extra human beings and forces, humans, the lower animals,

vegetations, and the intimate world, in this order, as integral parts of one single totality of existence. Idowu (1973: 146) emphasises this notion when he purports that,

“There is no being like the African God except in the imagination of those who use the term, be they Africans or Europeans, there is only one God, and while there may be various concepts of God, according to each people’s spiritual perception, it is wrong to limit God with an adjective formed from the name of any race.”

Wiredu (1996:179-180) points out that another dichotomy between the material and the spiritual has no place in African thinking. When it comes to immortality, at no stage does immortal life or immortal survival involve absolute immortality. The ancestor interacts with mortals, and because the world of the ancestors is ontologically both analogous and contiguous to that of mortals, that is, there is no difference in kind between these two worlds, it is all one and the same worlds. There is no logical problem with this interaction; category problems do not arise, and the actions of the ancestors are believed to be within the regular pattern of events. The immortals merely happen to occupy a higher status in the order of things than that of mortals.

Metaphysical thinking in the African context starts from social and moral considerations. In the attempt to account for social interaction or the breakdown of such interaction, metaphysical ideas are developed. The ancestors are a striking example. Immortality is conceived in pragmatic terms. Survival is of no particular personal value. What is important, however, is that the deceased can assist the living sections of their families and provide and exercise moral leadership among them. The ancestors thus have to do with group solidarity and tradition and in this way help to guarantee moral consistency.

How does communication between the living and the ancestors take place? It occurs through ritual and other similar practices. The ancestors are often discussed as part of African religion. It is, however, not as a matter of worship but of veneration; the ancestors are integrated into ordinary life situations and their guidance in such situations is accepted as part of ordinary life. In the past, the ancestors were banished to realms of impotence and anonymity from which there seemed to be no way of recalling them, and so, for the living and the yet unborn, there was no way of conserving the notion of community as the older generation had learned to understand it. This meant moral dislocation, as African thinking is community-centred and closely knit together with metaphysics, morality and social theory.

In South Africa, according to the belief in African religion, praying and bringing sacrifices to the ancestral spirits is one of the ways of communicating with God. The ancestors are the ones who take the complaints and the problems to God. God is the creator of heaven

and earth, and then God is the creator of the living creatures including humankind. The characteristics of this ceremony are to spill blood, meaning slaughtering an animal, be it a goat, a sheep or any other animal depending on the orders of the traditional healer. Normally, in some communities, after eating the meat, bones are taken to the grave of that person who appeared in the dreams of a sick person. The bones are taken together with a traditional beer which is spilled over the grave.

South Africa is a multi-religious country. Over 60% of the population claim allegiance to Christianity, but South Africa is home to a variety of other religious traditions as well, including, inter alia, the African religion, Islam, Judaism, Hinduism, Buddhism, Rastafarianism, Baha'í, all of which have established strong and vibrant constituencies. It is clear from this list that, with a deep and enduring indigenous religious heritage, South Africa is a country that readily embraces the major religions of the world. Each of these religions is unique, encompassing many different understandings and practices. At the same time, many South Africans draw their understanding of the world, ethical principles, and human values from sources independent of religious institutions. In the most profound matters of life orientation, therefore, diversity is a fact of our national life. Our diversity of language, culture and religion is a wonderful national asset.

Some members of today's South African society practise the traditional ritual of sacrificing an animal at religious, traditional and cultural ceremonies. Most practitioners of the tradition argue that animal rights advocates do not understand their practice and that they want simply to take away their right to worship by denying them the right to slaughter animals.

### **8.1 The National Society for Prevention of cruelty to Animals and Animal Anti-Cruelty League Position**

The National Society *for Prevention of Cruelty to Animals* and the Animal Anti-Cruelty League have been very vocal in speaking for the welfare of animals. Members of the National Society *for Prevention of Cruelty to Animals* have publicly pronounced that the way in which the animals are treated and slaughtered during the ritual sacrifices is not humane. The National Society *for Prevention of Cruelty to Animals* argues that many modern people have lost the "art of slaughtering" and tend to make mistakes when cutting, thus inflicting great pain on animals. The National Society *for Prevention of Cruelty to Animals* maintains that it does not condemn the tradition but the painful methods used in slaughtering.

During one of the CRL Rights Commission's organised seminars, animal rights groups such as the National Society *for Prevention of Cruelty to Animals* and Animal Anti-Cruelty League went on record as saying that they respected the individual right to slaughter, but in the same vein, they suggest that slaughtering should remain within the confines of the law. Care should be taken that animals used in slaughter do not suffer during the process and that the whole ceremony should be monitored. The point was also made that the art of slaughtering is a skill possessed by the sages, who very often take the skill with them when they die. The National Society *for Prevention of Cruelty to Animals* says that they agree with one precise incision to slaughter an animal. The National Society *for Prevention of Cruelty to Animals* argued that while they had no objection to people slaughtering in the abattoirs under the Abattoirs Act, their main concern was slaughtering that occurred outside the abattoirs. They also maintained that, while they respected the fact that there were specially qualified people who performed slaughtering, they requested that guidelines be written for unskilled people. They were even prepared to co-operate by teaching people how to slaughter to ensure that animals did not have to suffer.

### **8.2. African religion and the ritual of animal slaughter**

Specialists on African religion, practitioners and some traditional leaders explain the importance of this ritual by responding to the following questions:

#### **8.2.1. Why the need to slaughter**

A ritual often addresses an individual's misfortunes, and must involve slaughtering an animal. Although some might think the slaughter is the central focus of the ritual, it is important also to know that the ceremony is not complete if it is not accompanied by speeches directed to the spiritual world. The speeches form the bulk of all ritual sacrifices, in fact, although the words uttered are addressed to all those present, they are actually intended for the ears of the clan's ancestors.

Some chiefs describe the ritual of animal slaughter for cultural/religious reasons as a form of speaking to God through the ancestors, something that Africans practised and still do, long before the arrival of missionaries in Africa. They point out that the whole notion of slaughtering an animal while communicating with one's forebears is nothing new, and that Africans have practised it for a long time.

Some chiefs maintain that as far back as the 1600s their communities slaughtered animals during significant ceremonies, such as praying for rain or against drought, during childbirth as a way of introducing the new-born child to the ancestors, or marriage as a way of introducing the new bride to the past members of the family. At death, it was a way of releasing the dying person and pleading with the ancestors to receive her/him well.

Most chiefs told of miraculous cures experienced by adults and children, especially in the past when medicine was not as advanced as it is today. These occurrences were reported after people had followed the advice to offer a sacrifice to the ancestors by slaughtering an animal.

### 8.2.2. Animals to be slaughtered

When it comes to choosing which animal to slaughter, advice is revealed in the prophecy received prior to carrying this out. While animals like cows, sheep, goats or even chickens are used, the nature of the celebration itself sometimes influences the size of the animal to be slaughtered. For example, many communities prefer to slaughter a goat during the celebration. This is because of the strong belief that the animal being slaughtered should bellow, and goats are good at bellowing.

### 8.2.3. Who slaughters?

Before a ritual is performed, clan members call a meeting to assign duties, which to be held from the start of the preparations through to the last day. Following the meeting, other people and relatives are informed when the animal should be slaughtered so that all can attend the ritual.

It is commonly agreed among the various communities that not just anybody can perform the ritual of slaughtering. Given the importance of the ceremony, only a special person of particular standing within the family or extended family, and who is skilled in the art of slaughtering is appointed. This is done after a family discussion in which they agree to slaughter the designated animal. In most communities, this role has always been assigned to a male. Certain other requirements are that this person must be "clean", meaning that the night before the actual slaughter this person has to sleep alone, and refrain from any form of intimacy. He has to abstain from alcohol and not be involved in any behaviour that might be deemed unbecoming.

### 8.2.4. Instruments to be used

A very special knife or assegai is kept in a particular place and used only for the occasions when the animal is slaughtered. This instrument or tool is normally prepared and sharpened days prior to the ceremony, and it may not be used for anything else in the household other than the intended purpose.

#### 8.2.4.1 An assegai

Some communities, like the amaXhosa, use an assegai for slaughter. On arriving at the kraal, an *intlabi* first addresses the ancestors and consecrates the animal. He then passes the sacred assegai between the front legs of the animal, and between its tied back legs. After *ukunyumbaza*, the animal is expected to give a sign that the ancestors have accepted the ritual, which means that it must bellow. That is why it is said, "*Xa ingakhalanga iyayekwa*", translated as "if it does not bellow, it is let loose". If the animal has been injured during *umnyumbazo*, it cannot be let go.

If the animal makes the required bellow, the assegai is immediately plunged between the atlas and the axis so that the spinal cord is quickly severed. This is done so that the animal does not feel pain and dies quickly. The climax of the ritual is the moment at which the living receives a sign from the ancestors that their offering has been accepted by the spiritual world. This *ukukhala* (bellowing of the beast) is regarded as a sign of ancestral acceptance.

#### 8.2.4.2 A knife

Most communities prefer using a very sharp knife. The designated person immediately plunges the knife between the atlas and the axis so that the spinal cord is quickly severed. Once that has been done, the animal's throat is swiftly cut to let the blood flow. The whole process must be swift, as it is believed that if the slaughtering is not carried out quickly, then the meat might not be enjoyable when eaten. This quick incision ensures that the animal does not have to go through long, unbearable pain. The use of a gun for ritual slaughtering is not allowed.

### 8.2.5. Where is slaughtering done

Before the day of "the felling of the beast", everybody who belongs to the clan must be present at the homestead where the event is hosted. The essential "speaking apparatus" of the clan, that is, clan medicines (herbs) and their containers, and sacred assegais (stabbing spears) must all be prepared.

The slaughtering of the animal is normally done in the family kraal. In the case of people who have moved to the city, it is normally suggested that they erect a makeshift temporary kraal in their garden, where the slaughter will take place. Either a designated place different from one used every day or even a normal place is recommended to emphasise the sacredness of the ceremony.

### 8.2.6. Eating

Prior to eating the food, the senior member or 'head' of the homestead normally gives thanks for whatever reason. The meat and porridge are often cooked without salt. Traditionally, people eat the food with their hands while seated on the floor.

### 8.2.7. What happens to the remains (skins and bones)

Certain communities normally keep the skin of the slaughtered animal. Some make a carpet out of it in order to serve as a memento of the ceremony while others prefer to burn it together with the bones from the animal's meat.

Some cultures have various uses for animal skins. For instance, wrist bangles (*Isiphandla*) are made out of the skin of a slaughtered sheep and that may be given to members of the family to wear. As pointed out earlier, it is customary to wait for the bangle to come off by itself so that the wearer does not become a prey to bad luck.

## Section D

### 9. Conclusion

None of the country's legislation discourages people from conducting the ritual slaughter of animals. On the contrary, the legislations cited in this report encourages people to practice their religions and to conduct ritual slaughter. The municipal by-laws remind whoever is going to slaughter, especially in cities, to ensure that they obey the requirements of the by-laws prior to and after slaughtering.

The National Society for Prevention of Cruelty to Animals has stated categorically that it does not intend preventing people from slaughtering animals. However, the Society emphasises that in carrying out ritual slaughtering, people should bear the welfare of animals in mind. The National Society for Prevention of Cruelty to Animals calls upon people to ensure that an animal is slaughtered in a humane way, that is, that the animal does not suffer when being slaughtered.

Practitioners may continue to slaughter animals for ritual purposes in the course of practising their religion, but they are obliged to carry out the ritual within the limits of the law. It is clear that the issue is not to discourage people from practising their culture and religion, or to disrespect and undermine people's beliefs and practices, but to remind them that the welfare of animals and the environment in which people live should also be considered.

### 10. Recommendations

1. Constitutional Right
  - Communities should continue to exercise their right to slaughter and thus practice their religion and culture.
  - Care should be taken that other people's rights should also be respected.
2. Municipal environmental health practitioners
  - The health practitioner's role should be properly explained to communities.
  - The health practitioners should be seen as advisors.
  - The health practitioners should educate communities, especially those slaughtering in towns, on:
    - A. Health of communities
    - B. Environmental impact.
  - This education should be done in a respectful way.
  - Municipal heads of environmental health services should consider translating by-laws or policies into all official languages.
  - Municipal heads of environmental health services should explain clearly the current legislation of slaughtering for private use and slaughtering for commercial purposes.

3. Municipal by laws
  - Municipal speakers officers should be engaged further with the aim of amending the current by-laws to accommodate communities slaughtering for religious and cultural reasons.
  - The by-laws should take into consideration that people today slaughter in towns.
  - By-laws review should be discussed first with stakeholders prior to implementation.
  - A number of municipal by-laws still do not accommodate communities slaughtering for religious and cultural reasons.
  - Seeking municipality permission to slaughter should be adhered to at all times.
  - Any form of slaughter should be done within the confines of the law.
4. Animal farmers/sellers
  - Whoever sells an animal for the purposes of cultural and religious slaughter, must give the buyer a certificate that says an animal is medically healthy without any disease.
  - The public veterinary services within GIDA and other provincial governments should be engaged to help guard against the selling of sick animals to the public.
5. Animal welfare
  - The CRL Rights Commission in consultation with the communities should formulate the method of slaughtering so that the future generations may learn to do it correctly.
  - Care should be taken at all times to ensure that the welfare of the animal is considered, from transportation to death.
  - Animals should never be made to suffer during the ritual.
  - The NSCPA working relations with stakeholders should be encouraged.
6. Balance of rights
  - Balance between the individual right and the public's right to a health friendly environment, hygienic environment, animal's welfare and healthy foods should always be achieved.

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*This bull tied to a tree in the garden of Unisa rector Professor Barney Pityana, will be slaughtered for his daughter's wedding. (Marupu Nkhumise and Alet Rademeyer, Beeld Newspaper 20/09/2007 23:05)*

**COMMISSION**  
**FOR THE PROMOTION AND PROTECTION**  
**OF THE RIGHTS OF CULTURAL, RELIGIOUS**  
**& LINGUISTIC COMMUNITIES**

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