

Appendix 1

Submission to the Attorney General of Tanzania in the Mishandling of the Issues of Muslim Preaching by the CCM Government.

IN THE NAME OF GOD, THE COMPASSIONATE, THE MERCIFUL

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If it pleases the Learned Attorney General

RE: THE CATHOLIC CLERGY, THE CCM GOVERNMENT AND THE RIGHT OF MUSLIMS TO PROPAGATE RELIGION

"..... Such (men) are to be opposed in all ways and altogether. For, even if they say something true, one who loves the truth should not even so, agree with them. For not all true (things) are the truth, nor should that truth which (merely) seems true according to human opinions be preferred to the true truth, that according to the faith". Bishop Clement of Alexandria (c. AD 150-215) in a letter to his disciple (one Theodore) to repudiate the secret Gospel of Mark. (*Secret Gospel* by Professor Morton Smith of Columbia University).

"To arrive at the truth in all things, we ought always to be ready to believe that what seems to us white, is black, if the hierarchical church so defines". Saint Ignatius Loyola, founder of the Roman Catholic Jesuit Order in his *Spiritual Exercises*.

BACKGROUND

The days of Thursday, 12 February 1998 and Friday, 13 February 1998, will probably go down in the history of Tanzania as one of the most revolting demonstrations of the misuse of state power to intimidate and silence Muslims from a free propagation of their religion, in violation of their God-given and

constitutional rights. Muslims were killed, maimed, arrested and brutally beaten up by the police and para-military police, the Field Force Unit (FFU).

Assuredly, the action by the CCM government, taken together with subsequent pronouncements by its leaders, has done nothing but damage its image in the eyes of Muslims and freedom loving Tanzanians, which will take a long time to heal and rebuild.

No one questions the right of the government to call out its riot police on Friday 13, after the situation got out of hand and Tanzanians of all persuasions and faiths had joined in on the flare-up which had transformed itself into an anti-CCM Government riot: witness the near selective stoning of government and parastatal vehicles and the numbers of Christians also netted in the police swoop.

But while it is true that the government had the constitutional and legal right to call out its riot police in the interests of peace and security, one questions the arbitrary action taken by the CCM government on Thursday, 12 February, to break into the Mwembechai Mosque. It was that action, which was nothing but arbitrary interference with freedom of religion, precisely what triggered the chain reaction, which exploded on Friday 13. The implication of that act, coupled with the fact that the police stormed the mosque wearing boots and arresting and roughing up worshippers, in utter disregard of the sacredness of the place and Muslims' feelings, should not be overlooked. To put it mildly, the police incursion into the sanctity of the mosque was made upon a legal, moral and political value inbred in our society. There are no examples of breaches of values more calculated to incense worshippers than sacrilegious trespass into houses of worship.

The CCM government of course wants Tanzanians and the international community to believe that its action was justified because Muslims had broken the law by allegedly conducting blasphemous preaching against Christianity and thereby endangering the peace and stability of Tanzania. Judging from pronouncements of various CCM and government leaders, it is apparent that the CCM government is trying to sell to us the "Islamic fundamentalism" bogey. The CCM government alleges that this "fundamentalism", if allowed to spread, will plunge the country into chaos and insecurity experienced by countries such as Algeria, Somalia, Burundi, and Lebanon.

It is significant that the CCM government has not been alone in this modern day crusade against Tanzania Muslims. The local media has also joined the bandwagon with shallow opinionated journalistic coverage and reporting full of Islam bashing and parroting of Western media stereotypes about Islam such as "fanaticism", "fundamentalism", "extremism" and "radicalism", all designed to misrepresent Islam as a threat to the peace of Tanzania. The local media, by falling into the trap of using loaded words like "fundamentalism", were clouded and prejudiced in their judgement and could therefore not take a balanced and understanding position on the underlying causes of the Mwembechai flare-up. With an intellectual frame made up of Orientalist and Western media prejudices and distortions against Islam, combined with their own ignorance, the local media has undeniably been subjective and hostile in their coverage of Mwembechai. Thus the portrait given by the local media of Islam and Mwembechai, apart from being prejudiced, is sensational and negative. After all, it is the negative that sells.

But there were exceptions. The editor of *The African*; Asha Mzava in *The Guardian*; and Makwaia wa Kuhenga in *The Guardian* and *Majira*, though missing the underlying causes and thereby limited in their analysis, did call for caution, restraint and understanding by the government. The most notable exception however was the *An-Nuur* Islamic weekly paper which, with contributions from Muslim scholars and other ordinary Muslims, has week in week out underscored that at stake was nothing but the freedom of Muslims to propagate their faith. To be sure, had CCM functionaries been fair and literary inclined people and had

read the *An-Nuur* objectively, they might have approached the issue of Mwembechai in a just and reasonable manner.

But in my view, perhaps the single most important collaborator of the CCM government in this crusade against Muslims has been the Catholic clergy. It is undeniably the Catholic clergy, which has instigated the CCM government to move against Muslim preachers. The Catholic clergy has since 1993 been strident in its attack on Muslim preaching, claiming that Muslim preachers and Muslim “fundamentalists” were a threat to the peace of Tanzania. Since the adoption in 1984 by Muslim preachers of the method of propagating Islam using comparative religious study, and the corresponding rise of conversions to Islam from Christianity, the Catholic clergy has been instigating the government to ban Muslim preaching popularly known as “Mihadhara” (public debates), alleging that they were defamatory and insulting to Christianity.

It is significant to note that although the Catholic clergy has been pushing the government to ban Muslim preaching since 1993, the CCM government intensified its arrests of Muslim preachers only after January 1998. The response by the CCM government suggests a carefully planned and executed campaign. I do not think it is fortuitous that the sustained government response followed a challenge by the Catholic priest of Mburahati parish in Dar Es Salaam in a broadcast over the Catholic-run Radio Tumaini on 8 February 1998. Padre Camillus Lwambano had challenged the government to cease issuing empty promises, to ban blasphemous preaching and take stern measures against Muslim preachers. Lwambano dared the government to declare publicly that it had failed to check blasphemous preaching. It was indeed a provocative admonition. It was also proved to be ominous.

Few people can doubt that Lwambano appears to have been encouraged by the public and official endorsement the Catholic clergy had received with regard to their grievances against Muslim preaching. That endorsement had come from a fellow Catholic in the person of the President of Tanzania. On 4 January 1998 at Tabora during celebrations of the Western Diocese of the Moravian Church, President Mkapa declared war on “people who go about distributing cassettes, booklets and convening meetings where they insulted and ridiculed other religions” (*Daily News*, 5 January 1998). It is relevant that Muslim preachers are the only people using cassettes and booklets, in addition to public debates, in the propagation of religion.

It is my considered opinion that the response by the CCM government is religiously biased and prejudiced. Given the fact that the Catholic clergy had failed to prove their charges of blasphemy in a mediation meeting of Bishops and Sheikhs convened by former President Mwinyi in 1993, President Mkapa’s move of unilaterally embarking on using state power to remedy a grievance of his Church leaders without giving Muslims the right of reply suggests nothing but religious bias. Catholics are after all expected to follow whatever the hierarchical church says!

Be that as it may, what is more worrying is that the CCM government shows a total disregard of its constitutional and statutory obligations. Whatever the CCM government may say of its desire to see to it that the rights and freedom of worship of all Tanzanians are safeguarded, and that the law of the land is observed to enable people to worship, preach and conduct religious activities freely, the truth is that the CCM government has acted arbitrarily and is not alive to the grave situation into which it has plunged the country. By being biased and allowing itself to be duped by the Catholic clergy that Muslim preaching was insulting to Christianity, the CCM government has embarked on a course of action which violates the constitutional rights of Muslims to propagate religion, is arbitrary and without any regard to the due process of law. Muslim preaching is banned. Muslims are harassed and illegally arrested. Muslims are killed and maimed. Muslim women are sexually harassed. Muslim meetings are banned. Muslim mosques

are ordered closed. And for what offence? **Only because Muslims say that God is one and has no son, partner or equal!**

President Mkapa began his term with the claim that his government was going to observe the rule of law, which in its simplest form meant that everything now was to be done in accordance with the law. What we have instead is the CCM government reneging on its promise and resorting to rule of arbitrary power. Are we to understand that in so far as Islam and Muslims are concerned issues of the rule of law and justice are of no consequence? Are Muslims not citizens of Tanzania entitled to enjoy all the rights and privileges contained in the Constitution and other laws of Tanzania?

I have stated that the heavy handed action against Muslims and Muslim preaching taken by the CCM government is unconstitutional, religiously biased and that it has been deliberately instigated by the Catholic clergy in their campaign of disinformation that Muslim preaching was blasphemous. It may therefore be helpful to consider the nature of Muslim preaching and whether there has been any breach of law arising from that preaching; the reaction of leaders of the Catholic Church to Muslim preaching; and the CCM government's response to the instigation by the Catholic clergy.

WHAT IS BLASPHEMY?

I have stated that the Catholic clergy has instigated the government to ban Muslim preaching for being blasphemous and insulting to Christianity. It is important therefore to briefly review what constitutes blasphemy before taking a look at Muslim preaching variously described as insulting, blasphemous, obscene, slanderous and defamatory by the Catholic clergy, the CCM government, and the media.

Definition of blasphemy

The Concise Oxford English Dictionary defines blasphemy as **talking impiously; uttering profanity about; reviling**. According to the *Osborn Law Dictionary*, blasphemy is **the public or criminal libel of speaking matter relating to God, Jesus Christ, the Bible.... intending to excite contempt and hatred against the church by law established**.

In general, blasphemy may be described as consisting in speaking evil of God with an impious purpose to derogate from the Divine majesty and to alienate the minds of others from the love and reverence of God. It is purposely using words concerning God calculated and designed to impair and destroy the reverence, respect, and confidence due to Him as the intelligent Creator, Governor and Judge of the world. It embraces the idea of detraction, when used towards God, as "calumny" usually carries the same idea when applied to an individual. It is a wilful and malicious attempt to lessen man's reverence of God by denying His existence or His attributes as an intelligent Creator, Governor and Judge of men and to prevent their having confidence in Him as such.

Blasphemy should be distinguished from heresy, which *Osborn Law Dictionary* describes as an ecclesiastical offence consisting in the holding of a false opinion repugnant to some point of doctrine essential to the Christian faith.

Attack on truth of Christianity not an offence at common law

Stephen's *Digest of Criminal Law* (9th edition) states the law of blasphemy at common law as follows:

Every publication is said to be blasphemous which contains any contemptuous, reviling, scurrilous or ludicrous matter relating to God, Jesus Christ or the Bible or the formularies of the Church of England as by law established. It is not blasphemous to speak or publish opinions hostile to the Christian religion or to deny the existence of God, if the publication is couched in decent and temperate language. **The test to be applied is as to the manner in which the doctrines are advocated and not as to the substance of the doctrines themselves.** (emphasis added).

In the case of **Bowman v. Secular Society (1917)**, the House of Lords decided that an attack on or denial of the truth of Christianity, unaccompanied by vilification, ridicule or irreverence, was not contrary to the law. And in the case of **R.v. Lemon (1979)** whereby the publishers of the *Gay News* were convicted in 1977 for publishing a blasphemous libel consisting of material calculated to outrage and insult a Christian's feelings (my respect and love for Jesus (peace be upon him) prevents me from repeating the actual facts), the Court of Appeal was of the view that a statement might be blasphemous if its tone was that of offence and insult, appealing not to reason, but to the wild and improper feelings of the human mind. Later on in the same case, the House of Lords underscored that in blasphemy, the test was the likelihood of outrage and insult and not the likelihood of breach of the peace.

It is therefore recognised under common law that it is not blasphemous to attack the fundamentals of religion if the decencies of controversy are observed. In fact the Law Commission of England was in 1985 of the view that the criminal law is not an appropriate means of enforcing respect for religious beliefs and that the common law offence of blasphemy should be abolished especially because there are other statutory offences aimed at offensive conduct which disturbs public worship or insulting behaviour directed at members of a religious group and likely to lead to a breach of the peace. It is relevant to note that in the U. K., prosecutions for blasphemy have been rare and in fact the **Lemon case** was the first prosecution in sixty years.

Law of blasphemy a criminal restraint on freedom of religion

The law of blasphemy is closely linked to the fundamental right of freedom of religion. Everyone has the right to freedom of thought, conscience and religion. Although freedom of religion includes the right to manifest religious beliefs by worship and practice or by teaching and dissemination, the law recognises such limits as are necessary to protect public safety, order, or morals or the fundamental rights and freedom of others. Therefore what is not prohibited is permitted so long as it is not restricted by other laws. For example, the criminal restraint in the law of blasphemy. This does not however mean that what may appear true to one religious group or to the state acting at its behest, may for religious purposes be imposed upon citizens who take a contrary view. The law safeguards religious groups from the threat of the tyranny of another religious group. **Therefore so long as criticism, however disconcerting it may be to prevailing orthodoxy, is a search for the truth, it is not against the law.** People cannot be punished for acting lawfully simply because of opposition from another body.

Restraint on the freedom of worship in Tanzania

Tanzania criminal law is basically received English criminal law with the main source of the Penal Code being the Draft Code of Sir James Fitzjames Stephen, of 1878. Over the years some changes have been made to reflect concrete local conditions. Thus for example in the criminal restraint on freedom of religion, all mention of Jesus Christ, Christianity and Church of England, was omitted, obviously recognising the multi-religious and multi-cultural heritage of Tanzania at the time of its introduction. That situation and those concrete conditions have not changed. Therefore Section 129 of the Penal Code which in effect imposes a criminal restraint on the freedom of religion provided for in Article 19 of the Constitution, provides that “any person who, with the deliberate intention of wounding the religious feelings of any person, utters any word, or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, is guilty of an offence”.

Guilt of the offence of uttering words with the intent of wounding religious feelings, depends on the proof that the uttering of the words was intended to wound religious feelings and that in fact the words wounded religious feelings.

What is blasphemy in Tanzania?

Therefore, cognisant of the multi-religious heritage of Tanzanian society, it is not an offence for a Christian to say that Jesus is God or is the Son of God this being the basis of Christian faith. Neither is it an offence for a Muslim to say that Jesus is not God or God’s son this being an article of Islamic faith that God is one and does not have equals, partners, or sons. It is also not an offence for a Christian to state that Jesus was crucified and resurrected this being the foundation of Christianity. And neither is it an offence for a Muslim to state that Jesus was not crucified or resurrected this being part of Islamic faith that there is no vicarious atonement of sins. The bottom line is that what is blasphemy in Christianity is not blasphemy in Islam and vice versa.

To demonstrate that Section 129 was not intended to be interpreted according to either Christian or Islamic belief, let us take a look at one sample case from the multitude of such cases instituted against Muslims. The case in fact demonstrates just how spurious the contention by the Catholic clergy is and also why Muslim preaching is not blasphemous as it is widely being touted by the Catholic clergy, the CCM government and the local media. The case in question involves four Muslim preachers arraigned on 5 September 1996 as reported in the notoriously constrained government mouthpiece, the *Daily News* of 6 September 1996. Note that the government reporter refers to the accused in the same article twice as “Muslim Radicals” and “Muslim Fundamentalists” as if the accused were being tried for being “radical” and “fundamentalists” and not for what they are alleged to have done or omitted to do. It is apparent that in so far as this reporter and his editors are concerned, it is immaterial that this is only an arraignment, that nothing has so far been proved against the accused or the matter is *sub judice* and therefore it would not be in the interests of justice to start giving labels to the accused. To the obviously biased government newsmen what is important is the eye-catching phraseology and the urge to delude the public that those “radical and fundamentalist” Muslims are on the ‘warpath’! Be that as it may, the article goes on to state that the accused uttered “anti-Christian” words at a sermon at Keko Magurumbasi Mosque in Dar Es Salaam on 4 September 1996 “intended to hurt Christian feelings”. The news item further states that the accused are alleged to have said that “Jesus Christ was not **God as explained in the Holy Trinity Doctrine**” (emphasis added to show that this is obviously an addition by the reporter in his attempt to stress the gravity of the

charge! No Muslim would qualify his assertion that Jesus is not God with such an equally contentious Catholic Church belief).

The gist of the charge against the Muslim preachers is that they had denied the divinity of Jesus. It is submitted that this per se is neither blasphemy nor the offence contemplated by Section 129 of the Penal Code. Whereas it might be true that to say Jesus is not God might be heretical in Christianity, it is not an offence under Section 129 or even blasphemy under the common law to deny the Godship of Jesus. For Muslims, according to the Qur'an, Jesus (peace be upon him) is not God but a prophet of God and in fact it is blasphemous to ascribe divinity to him!

We see the difficulty therefore of interpreting Section 129 strictly according to Catholic dogma. I think what Section 129 contemplates is more than that- more on the lines of the English case of Lemon (1979) referred to earlier on. There is nothing malicious or disrespectful in saying that Jesus is not God. This is an earnest pursuit of truth. And to challenge the truth of Christianity cannot per se be sufficient to sustain a criminal prosecution for blasphemy or uttering words with the intention of wounding religious feelings. Equally, it is not an offence under Section 129 for a Muslim to say that the Bible is not God's word, because this Muslim belief is based on the Qur'an which states that the teachings of previous prophets contained in the Scriptures have been tampered with and distorted by people who did not believe in the true monotheistic religion.

But it would be an offence to say that either the Bible or Qur'an is trash; or that Christians or Muslims are fools; or that Prophet Muhammad died of AIDS. For there is nothing scholarly in such statements except insults appealing to the wild and improper feelings of the human mind.

It is relevant to note that according to the Criminal Procedure Act of 1985, the offence of intentionally uttering words which wound religious feelings is a warrant offence and a warrant is required to be issued by a magistrate in chambers following a complaint, before anyone can be arrested. What this means in plain words is that before anyone can be arrested and charged with intentionally uttering words to wound religious feelings, a complaint must first be laid and substantiated under oath in a court of law before a warrant of arrest is issued. It is therefore illegal to arrest a person against whom no charge has been formulated or warrant of arrest issued. It is relevant to note that the Tanzania Police have never observed this procedure when arresting Muslim preachers, a factor which demonstrates either their ineptitude or religious bias.

MUSLIM PREACHING

“Invite to the way of your Lord with wisdom and fair preaching; and argue with them in a way that is better. Truly, your Lord knows best who has gone astray from His Path and He is the Best Aware of those who are guided”.

-Qur'an 16: 125

“And who is better in speech than one who calls people to God, and does what is just and right, and says ‘I am one of those who have surrendered themselves to God’ ”

-Qur'an 41:33

Preaching of religion is a God-given right recognised by Article 19 of the Constitution of the United Republic of Tanzania. Article 19 provides in part that:

“19 (1) Every person is entitled to freedom of conscience, belief and choice in matters of religion , together with freedom to change one’s religion or belief

(2)Subject to the relevant laws of the United Republic, the profession, practice, worship and propagation of religion shall be free and voluntary;

(3)

Why preaching is necessary

According to the Islamic world-view, from the beginning of mankind, true religion or guidance from God has always been one. People have strayed from or corrupted this guidance. True prophets have sought to renew and purify this guidance. But the various peoples to whom these prophets were sent often created their own “mixture” or religion both from what is true and from their own ingredients, additions and corruptions. To the extent that they took from what is true, we have similarities in the various “mixtures” or new-fangled religions. To the extent that they added their own corruptions, we have differences in those mixtures or religions.

The one true religion has always taught belief in and obedience to the One God and this is what Islam literally is. According to the Qur’an, true religions do not exist; true religion exists. All the Prophets summoned us to one religion ; to one primary course and goal :

“God has ordained for you that religion which He commended to Noah, and that which We inspire in you (O Prophet Muhammad), and that which We commended to Abraham, Moses and Jesus; uphold the religion and do not grow divided on it”

-Qur’an 42:13

True religion or Islam has always been essentially one thing in all times and all places. A statement like “Islam was the last of the revealed religions” is therefore erroneous. All true Prophets were **Muslims which literally means those who submit /surrender to the One God**. Their message was essentially the same – Islam: to call men to worship and submit to One God. Adam was a Muslim; Abraham was a Muslim; Moses was a Muslim; Jesus was a Muslim. Rama, if he was a true Prophet, was a Muslim.

It is against this background that Islamic preaching is undertaken. Based on the knowledge that even after he has erred or gone astray, man has the chance and capacity to return to his good nature and the Straight Path (true religion) , Islam has provided the instrument of invitation or preaching (Da’wah) to bring back or call people to Islam. Calling people to Islam literally means invitation. It does not mean coercion or force. No one can be compelled to believe or disbelieve. The Qur’an clearly states that “There is no compulsion in religion” even as it emphasizes that truth and right guidance provided in Islam has been made distinct from error. Thus invitation means calling people to Islam “with wisdom and fair preaching”. Even when the Prophet Moses was asked by God to meet Pharaoh, he was told to speak to him in “gentle words” and hold out the hope of reform to him.

Muslims have an obligation therefore to people of other faiths to invite them to Islam and the worship of One God free from all human associations. As a result of the preaching, people may choose to return to their naturally good state and become Muslim or alternatively they may choose to remain in their religion.

There can be no hint of arrogance and aggression in giving someone an invitation, without any coercion or force, for the Qur'an has specifically laid down: "Let there be no compulsion in religion" for "Truth has been made distinct from falsehood". Preaching is required to be practised with due attention to the Qur'anic advice "Invite to the way of your Lord with wisdom and fair preaching".

Why comparative religious study in Muslim preaching

Muslim preachers have adopted the method of comparative religion to call to Islam fellow Tanzanians who have strayed to Christianity. In that process they use both the Qur'an and the Bible to prove to Christians just how far they have strayed.

In using the Bible it does not mean that it is the only way to get at the Truth of God. The Qur'an has expounded in the most unambiguous terms on Christians doctrines:

Sin is not inherited –Qur'an 2:123;6:164;53:38-42
The 'Trinity' is a fabrication-4:171-172;5:73
Jesus is not God-4:171-172;5:17;5:72-75;5:116-118
Christ was never killed or crucified-4:157-158

Muslims adduce Christian Scriptures to prove their viewpoint because they are dealing with minds which have been programmed from childhood to accept dogmas without reasoning. Christians have been taught at Sunday schools and have been hearing since their childhood that Jesus is the Son of God etc. It should also be remembered that the concrete conditions of Tanzania necessitate the adoption of this method. The colonization and subjugation of Africa during the last two centuries by European colonial powers resulted in a simultaneous invasion of Africa by Christian missionaries who through guile and disinformation propagated Christianity, using schools and hospitals to lure the people. It is incumbent upon the Muslims to help their Christian brethren by freeing them from the shackles that blind their thinking for the past two thousand years:-

"You are the best of peoples ever raised up for mankind; you enjoin what is right and forbid what is wrong, and you believe in God. And had the people of the Scripture (Jews and Christians) believed, it would have been better for them; among them are some who have faith , but most of them are transgressors"

-Qur'an 3:110

In calling Christians to Islam, Muslims use the Christians' own book of authority, the Bible, to refute their claims. The Qur'an commands Muslims to demand from Jews and Christians their authority for their fanciful claims that "salvation" is exclusively their right; "Produce your proof if you are truthful" -Qur'an 2:111

Christian missionaries have reproduced the Bible in over a thousand languages and broadcast it all over the world, terrifying the nations of the world to accept that "Christ died for the sins of mankind" and that he (Jesus) is the "only saviour". And all this against the clear evidence of the Bible. Muslims are therefore

obliged to free Christians from their illusions and there is no better way than to use their own evidence and their own logic to refute their claims.

In using the Bible, Muslims do not attack the Bible as such. According to Gary Miller, a Canadian Muslim mathematician who reverted to Islam, Muslims “attack the unjustified attitude held by some Christian theologians concerning the Bible. Muslims believe the Bible to contain God’s words, but they do not accept the entire contents as such. Deciding which portions deserve acceptance by Muslims is not a matter of convenience. It is a matter of consistency. Those portions, and only those portions, which are self-consistent, compatible with reason and self-proclaimed as divinely revealed, deserve consideration by Muslims” (Gary Miller “A Concise Reply to Christianity: A Muslim View ” in “A Collection of Comparative Religion Booklets” by Ahmed Deedat and others, Durban)

Similarities and Differences between Christians and Muslims

It should be remembered that in calling Christians to Islam, Muslims are aware of the many important elements that are common to Islam and Christianity. Muslims and Christians share many similar beliefs, values, moral injunctions and principles of behaviour. The Virgin Mary and her son Jesus, may peace be upon them both, are mentioned often in the Qur’an. In fact there is a chapter of the Qur’an named after her called Maryam. The major difference between the two faiths concerns the nature and the role of Jesus.

Jesus, referred to in the Qur’an as ‘Isa ibn Maryam’-Jesus the son of Mary- is one of the greatest of the prophets of God whom Muslims hold in very deep love and respect.

The Qur’an confirms that Jesus was born of a virgin mother (Mary) through the same Power that brought Adam into being without a father – **“Verily, in the sight of God, the nature of Jesus is the nature of Adam, whom He created out of clay and then said unto him “Be” and he is. This is the truth from your Lord and Sustainer; be not then among the doubters”** – Qur’an 3:59.

Jesus, with God’s permission, wrought many miraculous deeds. He was given the power to speak as a baby, to heal the sick, to raise the dead, and to reach the hearts of men with the guidance he brought from God. Finally, when he was in danger of being killed by some of his own people, he was “raised up” by God. The Qur’an states that he was not killed nor was he crucified.

The Qur’an states emphatically in passage after passage that Jesus is not God’s son, that he never claimed to be God’s son or of Divine nature but rather charged his followers to worship God alone. It also states that the notion of the most High God having a son is so totally degrading to and far removed from His exaltedness and transcendence that it actually constitutes an awesome piece of blasphemy:

“Say, O followers of earlier revelation! Come unto the tenet which we and you hold in common; that we shall worship none but God, and that we shall not ascribe divinity to anyone beside Him , and that we shall not take human beings for our lords beside God”

–Qur’an 3:64

“And some assert: “The Most Gracious has taken unto Himself a son.” Indeed (by this assertion) you utter something monstrous, at which the heavens might well-nigh be rent into fragments, and the earth be split asunder, and the mountains fall down in ruins! That men should ascribe a son to the Most Gracious

although it is inconceivable that the Most Gracious should take unto Himself a son! Not one of all the beings that are in the heavens or on earth appears before the Most Gracious other than a servant”

-Qur'an 19:88-93

For the Creator and the Sustainer of this infinitely complex and vast universe is far above anything we can conceive of, and the physical attributes and limitations of created beings can never be imagined to apply to Him. If Jesus were indeed God's son, he would be a sharer in the Godhead and of Divine nature himself, and in that case God would have simultaneously begotten, been begotten, been born, lived as a human being, and died. Such a notion does not merit any comment. It has much more in common with pagan mythologies, in which “gods” fathered semi-divine children by human women, than with a true religion coming from God and based on the reality of the relationship between the Creator and the created. Hence the claim that Jesus is God's son cannot be, by its nature, other than a false one because it contradicts the very nature and attributes of the Creator Himself, bringing Him down to the level of beings He has created. In the words of the Qur'an:

“They say ‘God has begotten a Son’. Glory be upon Him! Nay, to Him belongs all that is in the heavens and on earth. Everything renders worship to Him. To Him is due the primal origin of the heavens and the earth. When He decrees a matter, He (merely) says to it ‘Be’ and it is - 2:116:117.

Vicarious atonement for sins

Islam also does not accept the notion that Jesus died on the cross, and that he died to save humanity's sin. It does not accept the notion of Original Sin whereby Adam's original disobedience of God has been inherited by all his descendants. In other words, it does not accept that all human beings on earth are sinful because of Adam's disobedience of God. Adam repented and was forgiven by God.

Islam therefore affirms that every human being comes into the world innocent and sinless. A new-born baby does not bear the burden of a sin committed by an ancestor. This would be a negation of God's attribute of justice and compassion.

To further claim that the taint of this sin is certain to put every human being into Hell for all eternity unless the Deity sacrifices Himself for His creatures is also a denial of the justice and good will of the Creator towards His creation. No one can be saved except by the mercy and grace of God and by his acknowledging and surrendering himself to the Creator and His guidance. A person can turn to his Creator in obedience and repentance without the need for an intermediary or intercessor:

“And remain conscious of a Day when no human being shall in the least avail another, nor will compensation be accepted from any of them, nor will intercession be of any use to them and none shall be succoured”

-Qur'an 2:123

Doctrine of the Trinity

Another major point of difference between Islam and Christianity is in the doctrine of the Trinity. If God is one, as Christians profess to believe just as Muslims do, there is no way by which He can at the same time be Three- that there are three Gods in One and One in three! Even a very young child can grasp the obvious truth of this. The Trinity is usually explained by Christians as meaning not three Gods but three parts or persons of the One God having different functions. But God is not like a cake or an orange which can be divided into three thirds which form one whole; if God is three persons or possesses three parts, He is assuredly not the Single, Unique, Indivisible Being which God is and which Christianity professes to believe in. To Muslims this makes absolutely no sense, and even if it is explained by Christian theologians as being a “Mystery” too high for any human mind to grasp, belief in the Trinity is regarded by Islam as a form of polytheism.

And in any event, the Trinity is not biblical. The word Trinity is not even in the Bible or Bible dictionaries; was never taught by Jesus and was never mentioned by him. There is no basis or proof in the Bible whatsoever for the acceptance of the Trinity. Some Christians scholars have also reached this conclusion. Writes Harpur (1986:7), Canadian syndicated columnist on religion with *The Sunday Star* and former professor of New Testament at the Toronto School of Theology, in his best-selling book, *For Christ's Sake*:

In fact, very few preachers can give a reasonable account of either the doctrine of the Trinity or the doctrine of the Incarnation, that is Jesus was truly human and yet fully God. They repeat formulae that were worked out, with much quarrelling and bitterness, in the fourth and fifth centuries by men whose need, outlook, and the understanding of the universe were vastly different from our own. These formulae are no longer useful – instead , they raise an insurmountable barrier for many who might otherwise become disciples of Jesus in our day.

What is most embarrassing for the Church is the difficulty of proving any of these statements of dogma from the New Testament documents. You simply cannot find the doctrine of the Trinity set out anywhere in the Bible.....Nor does Jesus himself anywhere explicitly claim to be the Second Person of the Trinity, wholly equal to his heavenly Father. As a pious Jew, he would have been shocked and offended by such an idea.

Over the last decade or so, I have talked as long and as frequently as possible about these particular doctrines with intelligent lay people and clergy of all denominations , and I have found widespread confusion – in itself bad enough. But there is worse to come. This research has led me to believe that **the great majority of regular church goers are, for all practical purposes, tritheists. That is, they profess to believe in one God but in reality they worship three.** (emphasis added)

Christian theologians of course, in an attempt to support the Nicene Creed of Trinity, argue that Jesus himself had said to “Go therefore and make disciples of all the nations, baptizing them in the name of the Father and Son and Holy Spirit” (Matthew 28:19), and thus the doctrine of Trinity stands endorsed by the Scripture and the Christ. But according to Harpur (1986:84) “All but the most conservative of scholars agree that at least the latter part of this command (Matt. 28:19) was inserted later”. In any case, the most important factor is the status. Where does it say that the three identities are co-equal?

The strongest evidence for the doctrine of the Trinity was provided in 1 John 5:7-8 in the authorised King James Version of the Bible as “For there are three that bear record in heaven , the Father, the Word , and the Holy Ghost: and these three are one. And there are three that bear witness in the earth, the spirit, and the water, and the blood : and these three agree in one” But now this part, “the Father, the Word ,and the

Holy Ghost: and these three are one” has been expunged in the Revised Standard Version of the Bible of 1971 and in many other Bibles, as it was a gloss that had encroached on the Greek text.

1 John 5:7-8 in the Revised Standard Version of the Bible reads as follows “ And the spirit is the witness, because the spirit is the truth. There are three witnesses, the spirit, the water, and the blood; and these three agree“. Most Christians, including clergy and preachers, are not aware of this.

The formulation of the doctrine of the Trinity by Athanasius, an Egyptian deacon from Alexandria, was accepted by the Council of Nicaea in A.D. 325, more than three centuries after Jesus had left. Undoubtedly, Roman paganism – the triune god – had influence in this doctrine. Just as December 25, the birthday of their sun-god Mithra , was introduced as Jesus’ birthday.

The foregoing then, is briefly, the position of Islam on Jesus and Christianity, the subject of Muslim preaching referred to as blasphemous by the Catholic clergy.

But if Jesus did not himself say that he was the son of God and saviour of the world, how is it that the Gospels attribute such a claim to him? And how is it that all Christians since his time have believed this?

It must be remembered that not all Christians, even at the present time, believe this. Some groups exist today which do not believe in his divinity, and in early times there were a number of sects, later pronounced by the Church Fathers to be heretical when it was “decided” that Jesus was of divine nature, who differed on this matter, holding that Jesus was a human being and a prophet; among them were some which did not believe that Jesus was crucified but that another person very much resembling him was crucified in his stead.

It must also be remembered that Jesus’ humanity is not a new issue that arose with the modern criticism of the biblical texts or with the rise of Islam. The history of Christianity is rife with such discussions. Nor has there been a dearth of Christians who dared to deny Jesus’ divinity. As early as 1546 in Munster, Holland , 30,000 people were put to death because they denied Jesus’ divinity (Wilbur, 1945:41). In 1978, Professor Robert Alley was sacked from the chairmanship of the Department of Religion, University of Richmond (Virginia), because he denied that Jesus ever claimed to be the Son of God. Times have changed, otherwise he would have lost his head – a fact Rev. John Gray, leader of Scotland’s Presbyterian Church could not resist saying on the publication of John Hick’s *The Myth of God Incarnate* in July 1977 : “..... In a more militant age I would have laid a charge of heresy” (*International Tribune*, July 1977).

Be that as it may, such “heretical” sects were suppressed and almost entirely obliterated. Writes the American Muslim scholar, Suleiman Mufassir in his pamphlet “Jesus in the Qur’an” (Plainfield Indiana, page14), that “It is significant that those doctrines which the Qur’an affirms can easily be proved to be part of the teachings of the early disciples, whereas those doctrines which the Qur’an rejects prove to be later Church additions, inspired by the philosophies and cults of pagan Greece and Rome”.

As to the claim attributed to Jesus of being God’s son , it must be remembered that the four New Testament Gospels, the books of Mathew, Mark , Luke and John, were written many years after Jesus’ time. Biblical scholarship has established the fact that none of their authors was the immediate disciple of Jesus; moreover, they did not write in Jesus’ own language , Aramaic , but in Greek. By the time they wrote their accounts of his life , a great many things about Jesus had been “lost” or forgotten and many more had been interpolated , and moreover , Christianity was then being moulded into a form which would appeal to Greeks and Romans rather than to Palestinian Jews.

Contradictions and inconsistencies in the Bible

Jesus most certainly did bring a divinely – revealed scripture. However, although it is obvious from their content that the Four Gospels do contain some parts of the message of submission and accountability which Jesus brought, these are simply biographical accounts of Jesus' life and mission by four different men, not the Divine revelation brought by Jesus himself. The greater part of the material contained in the Gospels does not meet the important criteria by which a true revelation may be recognized, namely that it should be transmitted word for word as received from God by the person to whom it was directly revealed, not through a second or fifth-hand source. Even the claim that the Gospels were written under Divine inspiration does not hold together since there are many inconsistencies and discrepancies among these four equally “inspired” accounts.

It is a fact that relatively few Christians are aware of the fact that the four Gospels not only contradict each other but at times violently disagree. According to the French surgeon, Maurice Bucaille (1979), in his book, *The Bible, The Qur'an and Science*, Christians are very often astonished at the existence of contradictions between the Gospels – if they ever discover them. This is because they have been repeatedly told in tones of the greatest assurance that the New Testament authors were the “**eye witnesses**” of the events they describe! It is also because the majority of Christians know only selected sections of the Gospels read during Church services or commented upon during sermons. Also, particularly for Catholics, it is not customary for them to read the Gospels in their entirety; books of religious instruction only containing extracts with the “**in extenso**” texts hardly circulated at Roman Catholic Schools. Bucaille observes that there can be no doubt that **a complete reading of the Gospels is likely to disturb Christians profoundly.**

The more one studies the Gospels, the more the contradictions between them become apparent. Indeed, they do not even agree on the day of the crucifixion. According to John's Gospel, the crucifixion occurred on the day before the Passover. According to the Gospels of Mark, Luke, and Mathew, it occurred on the day after. And most significantly, the Gospel of John makes absolutely no reference to the institution of the Eucharist – the consecration of the bread and wine which become the body and blood of Jesus – the most essential act of the Christian liturgy. How can this omission in John's Gospel be explained? If one reasons objectively, the hypothesis that springs immediately to mind – always supposing the story as told by the other three evangelists is exact – is that a passage of John's Gospel relating to the said episode was lost. Explanations by Christian theologians that ‘John was not interested in the traditions and institutions of a bygone Israel, and was therefore dissuaded from showing the institution of the Eucharist in the Passover liturgy’ do not really help to explain the omission. Are we seriously to believe that it was a lack of interest in the Jewish liturgy which led John not to describe the institution of the most fundamental act in the liturgy of the new religion?

Nor are the Gospels in accord on the personality and character of Jesus. Each depicts a figure who is obviously at odds with the figure depicted in others – a meek, lamblike Saviour in Luke, for example; a powerful and majestic sovereign in Mathew who comes “not to bring peace but a sword”. There is also disagreement about Jesus' last words on the cross. In Mathew and Mark, these words are “My God, My God, Why hast thou forsaken me?” In Luke, they are, “Father, into thy hands I commend my spirit”. And in John, they are simply, “It is finished”.

Given the discrepancies , the Gospels cannot be claimed to be divinely inspired and where they are , God's words have been deliberately censored, edited, revised and re –written by human hands.

It must be remembered that the Bible – including both the Old Testament and New Testament – is only a selection of works and in many respects a somewhat arbitrary one. In fact it could well include far more books and writings than it actually does. Nor is there any question of the missing books having been “lost”. On the contrary, they were deliberately excluded. In 367 A.D. Bishop Athanasius of Alexandria compiled a list of works to be included in the New Testament. This list was ratified by the Church Council of Hippo in 393 A.D. and again by the Council of Carthage in 397 A.D. At these councils, a selection was agreed upon. Certain works were assembled to form the New Testament as we know it today, and others were offhandedly ignored. How can such a process of selection possibly be regarded as definitive? How could a conclave of clerics infallibly decide that certain books “belonged” in the Bible while others did not? Especially when some of the excluded books – for example the Gospel of Barnabas accepted as a Canonical (official) Gospel in the churches of Alexandria up to until 325 A.D. , that is until the Council of Nicea when the doctrine of the Trinity was declared to be the official doctrine of the Pauline Church – have a perfectly valid claim to historical veracity?

Moreover, as it exists today, the Bible is not only a product of a more or less arbitrary selective process. It has also been subjected to some fairly drastic editing, censorship and revision. For example, in 1958, Professor Morton Smith of Columbia University discovered in a monastery near Jerusalem a letter that contained a missing fragment of the Gospel of Mark. This missing fragment had not been lost but had been deliberately suppressed at the instigation of Bishop Clement of Alexandria (Smith, 1958).

And if Mark's Gospel was so drastically expurgated, it was also burdened with spurious additions. In its original version, it ends with the crucifixion , the burial and the empty tomb. There is no resurrection scene , no reunion with the disciples. Though certain modern Bibles contain a conventional ending that does include the resurrection, virtually all modern biblical scholars concur that this expanded ending is a later addition dating from the late second century and appended to the original document. The oldest manuscripts of the Scriptures including the Codex Vaticanus and the Codex Sinaiticus do not have the present ending to Mark's Gospel. In both of them , Mark's Gospel finishes at 16:8. Both date from the fourth century, the time when the whole Bible was collected into one volume for the first time.

The Gospel of Mark thus provides two instances of a sacred document – supposedly Divinely inspired – that has been tampered with, edited, censored, and revised by human hands. Those two cases are not speculative; biblical scholars now accept them as demonstrable and proven. If Mark's Gospel was so easily doctored , it is reasonable to assume that the other Gospels were similarly treated.

The conclusion to be drawn from all this is that although in the Gospels we can find obvious traces of the message which Jesus brought in his emphasis on man's accountability to God, the necessity of sincerity and obedience to God , and the certainty of the Day of Judgement and the Hereafter , the claim of divinity attributed to Jesus is so completely at variance not only with the oneness and uniqueness of God Most High , but also to the remainder of the message of submission to God which Jesus brought , that it is impossible to regard it as other than a fabrication. This fits in with the fact that later Christianity was abundantly interwoven with mythological content drawn from pagan sources – the cult of Sol Invictus and Mithraism, for instance – plus a theology which was produced as the need arose to suit the mentality of the times and protect the hold of a power – hungry priesthood over the masses.

Pauline Christianity

Few Christians today realise that the religion they are following contains little resemblance to the message Jesus brought. Contrary to what Christian missionaries and theologians have over the years presented as the history of Christianity from the decades following Jesus' mission, events did not at all happen in the way they have been said to have taken place. Peter's arrival in Rome in no way laid the foundations for the Church. On the contrary, from the time Jesus left earth to the second half of the second century, there was a struggle between two factions. One was what one might call Pauline Christianity and the other, Judeo – Christianity. It was only very slowly that the first supplanted the second, and Pauline Christianity triumphed over Judeo – Christianity.

A study of the Acts of the Apostles, the Gospel of Barnabas, the Dead Sea Scrolls and research writings of modern scholars and historians establishes beyond doubt that what we call "Christianity" today is the evolution of a movement centred on St. Paul and his teachings – a religion which came to have less and less to do with Jesus. More and more people are now aware that the Christianity they know has little to do with the original teachings of Jesus. During the last two centuries the research of historians has proven the fact that the Christ of the established Church has almost nothing to do with the Jesus of history. Christians are thus left with a dilemma towards the truth. The fundamental difficulty is, as pointed out in Adolf Harnack's, *Outline of the History of Dogma* (1957), quoted in Ata ur-Rahim (1991), that "By the fourth century the living Gospel had been masked in Greek philosophy. It was the historians' mission to pluck off the mask and thus reveal how different had been the original contours of the faith beneath". Harnack observes that this doctrinal mask worn long enough can reshape the face of religion:

The mask acquires a life of its own – the Trinity , the two natures of Christ, infallibility , and all proportions seconding these dogmas , were the product of historic decisions and the situations that might have turned out quite differently..... nevertheless..... early or late , product or reshaping force , this dogma remains what it has been from the beginning , a bad habit of intellectualization which the Christian picked up from the Greek when he fled from the Jews.

Harnack (1901) enlarges on his theme in his other book *What is Christianity* where he admits that:

..... the fourth Gospel does not emanate or profess to emanate from the apostle John , who cannot be taken as an historical authority..... the author of the fourth Gospel acted with sovereign freedom , transposed events and put them in a strange light. He drew up the discussions himself and illustrated great thoughts with imaginary situations.

Harnack further refers to the work of the famous Christian historian, David Strauss (1972, 1977), whom he describes as having "almost destroyed the historic credibility not only of the fourth but also of the first three Gospels as well".

According to another historian, Lehmann (1971), the writers of the four accepted Gospels describe a different Jesus from the one who can be identified by historic reality. Lehmann quotes Zahrnt (1963) who points out the consequences of this:

If historical research could prove that an irreconcilable antithesis exists between the historical Jesus and Christ as preached, and therefore the belief in Jesus has no support in Jesus himself , that would not only be absolutely fatal theologically , as N.A. Dahl says , but would also mean the end of all Christology. Yet I am convinced that even then we theologians would be able to

find a way out – was there a time when we couldn't? – but we are either lying now or would be lying then.

Thus Christianity is in a dilemma today as regards truth. It is a serious trend, because in getting deeply involved with the details of what became of Jesus' teaching and the Churches and sects which followed after him, the original purpose of his teaching is overlooked or forgotten.

Be that as it may, the 'Christianity' which evolved from St. Paul severed virtually all connection with its roots and can no longer be said to have anything to do with Jesus, only with Paul's image of Jesus. Jesus unequivocally adhered to the Law of Moses:

Do not imagine that I have come to abolish the Law or the Prophets. I have come not to abolish but to complete them. I tell you solemnly until heaven and earth pass away, not one dot, not one little stroke, shall disappear from the Law until its purpose is achieved. Therefore, the man who infringes even one of the least of these Commandments and teaches others to do the same, will be considered the least in the Kingdom of Heaven(Sermon on the Mount – Matt. 5:17-19).

But Paul betrayed Jesus' position on the Law. In order to make his movement compatible to the Greek and Roman world, Paul, on his personal authority alone, took the fatal step of rendering almost the entire body of the Law of Moses nullified on the sophistry that "the letter of the law kills but the spirit gives life". In the Letter to the Galatians (2:16) Paul states that "faith in Christ rather than fidelity to the Law is what justifies us, and no one can be justified by keeping the Law". And in the Letter to the Romans (1:17), Paul states that "this is what reveals the justice of God to us: it shows how faith leads to faith, or as scripture says: the upright man finds life through faith". This Pauline theological concept of faith also appears in the Letter to the Galatians (3:11) "... the Law will not justify anyone in the sight of God, because we are told: the righteous man finds life through faith".

It is important to note that Paul's theological position deviated irreparably from those disciples of Jesus who adhered strictly to the Law of Moses as taught by Jesus himself. Paul in fact never pretended to be "selling" the historical Jesus. On the contrary, he acknowledged, in 2 Corinthians 11:3-4, that the disciples in Jerusalem were promulgating "another Jesus" whereas he was promulgating Christ!

Paul thus preached that men are not saved by their works but by their faith in Jesus Christ as having shed on the cross his redeeming blood for the vicarious sin of mankind. Thus he argued, whoever believed in Jesus Christ as his saviour, shall attain salvation. Henceforth, the prescriptions of the Law of Moses are annulled, except, of course, the basic moral commandments. Paul never realised that although laws in themselves cannot compel men to be virtuous, as means to that end, by encouraging the right way of life, combined with a strong social backing, they certainly are indispensable for reducing the evils to a minimum.

True enough, Jesus had most vehemently condemned an arrogant adherence to the letter of the Law while at the same time violating its spirit, but he never on that premise assumed, as Paul did, that the entire body of the Law was useless!

Paul abolished circumcision and declared the consumption of swine-flesh, blood, carrion and the drinking of wine permissible for believers! On what authority, except his own personal convictions, did Paul have the right to declare the forbidden permissible? Even Jesus (peace be upon him), whom Paul preached as the Incarnation of God, never claimed such pretensions.

Michael Baigent and Richard Leigh (1991) in their book, *The Dead Sea Scrolls Deception*, conclude that Paul is in effect the first “Christian” heretic and that his teachings, which are the foundation of Christianity have made the latter what is today – a religion about Jesus bearing little relevance to the actual teachings of Jesus. The bottom line is that, Christians, since Paul’s time, have forgotten the message and instead taken to worshipping the Messenger! There is therefore justification for Heinz Zahrnt calling Paul a “corrupter of the Gospel of Jesus” (Lehmann, 1971:126), and Werde describing him as “the second founder of Christianity (Lehmann, 1971:127). Werde says that the due to Paul, ...“the discontinuity between the historical Jesus and the Christ of the Church became so great that any unity between them is scarcely recognisable”. Schonfield (1946), wrote that, “The Pauline heresy became the foundation of Christian orthodoxy and the legitimate Church was disowned as heretical” (Lehmann, 1971:128).

Paul, a self – declared renegade (Acts 8:3) had never had personal acquaintance with Jesus and it was only his quasi – mystical experience in the desert (Acts 9:1; 22:6-16) which led him to distort Jesus’ teachings beyond all recognition – to formulate, in fact, his own highly individual and idiosyncratic theology, and then to legitimise it by spuriously ascribing it to Jesus. Paul, in effect, turned away from God and established for the first time, worship of Jesus – to compete with the Greek and Roman ‘gods’ in line with Paul’s design – in total opposition to the community of Jesus’ followers in Jerusalem led by James, the brother of Jesus – to preach the message of Jesus abroad. **For Jesus, adhering strictly to the Law of Moses, it would have been the most extreme blasphemy to advocate the worship of any human figure, including himself.** Jesus makes this clear in the Gospels, urging his disciples, followers and listeners to acknowledge only God. In John 10:33-5 for example, Jesus is accused of the blasphemy of claiming to be God. He replies, citing Psalm 82, “Is it not written in your Law, I (meaning God in the Psalm) said, you are Gods? So the Law uses the word of gods of those to whom the word of God was addressed”.

It is against this background that Muslim preaching to Christians is based. Based on the eloquent exposition of the Qur’an on Jesus and his message and on extensive biblical studies by scholars and historians, Muslims are endeavouring to enlighten their Christian brethren that the religion they are preoccupied with is Pauline Christianity and not that brought by Jesus (peace be upon him) and that the Bible they are reading (or ought to read and study in extenso) is not wholly divinely inspired as they have been misled to believe.

It must be emphasized that, Muslims, as it has already been noted earlier on believe in Jesus as a Prophet of God as a fundamental article of faith in Islam. A Muslim can never think of Jesus in any derogatory terms. A Muslim is not at liberty to defame or insult Jesus or any other prophet of God. Although very unpopular among Christians, the Islamic beliefs about Jesus do not intend in any way to belittle his role or underestimate his character or degrade his great personality. On the contrary, Islamic beliefs depict Jesus in a most respectable manner and place him as high in status as God Himself has placed him. In fact, the Muslim is more respectful of Jesus than many Christians.

But the attitude of Islam should not be misunderstood. It must not be interpreted as appeasing or flattering or compromising. It is to be taken as the truth, in which Muslims strongly believe and will continue to believe. It is the truth of yesterday, the truth of today and the truth of tomorrow.

It must be remembered that this method of using dialogue and debates in preaching in Tanzania was first observed by Christians missionaries in Muslim areas of Zanzibar and the coast, when they were trying to convert African Muslims to Christianity and western (European) way of life. In (Harries, 1954), Rev. Canon Broomfield talks of Canon Godfrey Dale’s missionary work, work which led Broomfield to conclude that Christian missionaries “shall make few converts from Islam through controversy on the intellectual level”:

Dale would have discussions with Muslim teachers , often surrounded by a large Muslim audience , it seemed to me he was quite first – rate in the way he presented his arguments and answered theirs. And they loved it but they loved it as an argument. It was all perfectly good – tempered , and the Muslim audience seemed to applaud with equal pleasure when a debating point was made whether by Dale or their own leaders...

From Rev. Canon Broomfield's observation, it can clearly be seen that public debates on religion apart from being a not too recent innovation , have also always been peaceful. But most importantly , it will also be seen that Christian missionaries and leaders are reluctant to enter into dialogue with targeted converts to win them over by reason and logic. They prefer instead to woo them by establishing schools and hospitals – to demonstrate to them of the superiority of Western ways. In the words of Dr. Harries (1924:27) “there is a preference (in East Africa) for the Christian hymn over the Muslim chant. The Christian hymn is related to the school and the hospital , to college and individual status in a society with a predominantly Western trend for the progressive Africans Christianity is responsible for the changes in traditional African society – having made a flying start over Islam.” He further states that the future of the African peoples lies with those progressive Africans who identify themselves with Western concepts and values”. He also argues (1954:28) that Islam has nothing to offer Africans; education after the Western pattern has been provided by Christian missions; Muslim students study in “our universities” because the standard of Western education is higher in African communities where the Christian mission is at work than in Muslim areas where the Christian mission is only represented.

Dr. Harries concludes that the direction in East Africa is towards the west and the Christian religion and away from the east and Islam! This is hardly the place to comment on such a bigoted and supremacist ideology. Suffice to say that one can see how Christian missionaries have been responsible for the spread of materialistic values throughout the world. One can also understand the truth in the argument that Christian missionaries in Africa and elsewhere were not really interested in the spiritual awakening of man but rather with assisting European colonialists in the subjugation of conquered peoples.

REACTION OF THE CATHOLIC CLERGY TO MUSLIM PREACHING

“They (Jews and Christians) have made their rabbis and priests as their Lords besides God, and likewise the Messiah , the son of Mary , although they (Jews and Christians) were enjoined not to worship any other than the One God , besides Whom there is none worthy of worship. Praise and glory be to Him, from what they associate with Him.” – Qur'an 9:31

“They (the disbelievers, the Jews and the Christians) want to extinguish the light of Allah with their mouths but Allah will not allow except that His light should be perfected even though the disbelievers hate it.” – Qur'an 9:32

“O believers, indeed most of the rabbis and priests devour the wealth of others by falsehood and hinder them from the Way of Allah.” – Qur'an 9:34

Open air debates ('mihadhara') conducted by Muslims have been successful in converting Christians, some of them priests, to Islam. Leaders of the Roman Catholic Church were alarmed and not having the wherewithal of intellectually checking the trend, they turned to the government, instigating it to ban Muslim preaching, alleging that it was blasphemous and insulting to Christianity. And somewhat darkly, the Catholic clergy insinuated that the preaching was a threat to the peace of Tanzania.

It is submitted that the ploy by the Catholic Clergy was nothing but melodrama and disinformation. It was a strategy by which Muslims were to be vilified as enemies of peace and draw the government as accomplices in defeating that enemy. Give the dog a bad name and then kill it!

Thus Cardinal Pengo (1993) (then Archbishop Pengo) was to say in his pastoral letter of 1993 (St. Paul Publications, Nairobi) as Archbishop of Dar Es Salaam that "...religious disputations, polemics and blasphemous debates of Muslim (groups) against Christianity is a clear sign of the emergence in Tanzania of militant Islam or Islamic fundamentalism. Cognisant of the effects of the spread of militant Islam or Islamic fundamentalism in any country or nation, we have every reason to be worried over the maintenance of peace in our country....". Cardinal Pengo goes on to state that "...at public debates on religion against Christianity being conducted by Muslim Fundamentalists, matters which are fundamental in Christian faith are attacked, e.g. Divinity of Jesus, Resurrection of Christ, Christ in Holy Eucharist etc."

Cardinal Pengo's pastoral letter was followed by an "Official Statement by the Council of Catholic Bishops of Tanzania" signed by its chairman Bishop Josaphat Lebulu. In that declaration of 1993, the Catholic Bishops stated, inter alia, that "...There is open contempt for Christianity. (There are) blasphemous public lectures; blasphemous cassettes and some insulting newspapers (presumably *An-Nuur* weekly paper, the only Muslim newspaper in Tanzania). We have discovered that the silence by the government is an excuse for encouraging this blasphemy and hate. We have discovered that believers and all people of good intention among the various religions, including Muslims, are fed up with distaste for such blasphemy; they are also fed up with government silence in not taking appropriate measures to stamp out such blasphemy".

The declaration goes on to state that "... this situation of religious defamation nullifies all efforts (of building peace, love and understanding among the people of Tanzania). Thus instead of peace, such a situation builds confrontation; enmity instead of love; chaos instead of tranquillity and disunity instead of understanding. The end result is the spilling of blood".

The Catholic bishops further claim that "Such blasphemy demoralises people and instils in their hearts religious indiscipline" contrary to our culture of valuing sacred matters. It must be remembered that the respect for sacred matters was the spiritual basis which made us to respect human dignity, various authorities and to value everyone's religion. Contrary to that, defaming the faith of others (directly) leads us to contempt for responsibility, disrespect for people's lives and degeneration into drugs and prostitution. That is why blasphemy against the faith of others is an unbearable insult. The result is REBELLION, which manifests itself in various forms and acts. Who is going to be answerable should such a REBELLION occur in Tanzania? We as leaders of the Roman Catholic Church in Tanzania built on foundation of faith in Christ, man – God who died and was resurrected for all mankind, oppose and condemn all religious defamation. We beg our government to protect the freedom and respect for religion of Tanzanians without any favour".

It is noteworthy that the Catholic clergy launched their attack on Muslim preaching during President Mwinyi's last term in office, insinuating that the former President, a Muslim, was encouraging it by not taking any measures to stamp it out. But Mwinyi, realising the nature of the problem, had tried to mediate

in a meeting he called of Bishops and Sheikhs; the mediation failed because the Bishops could not come up with evidence to support their charges. But they continued their attack, culminating in the now (in)famous Lwambano admonition on Radio Tumaini on 8 February 1998.

Be that as it may, it is a fact that the attack by the Catholic leaders was melodramatic, provocative and full of disinformation, lacking any legal justification and deliberately calculated to stir up feelings of alarm and consternation in Tanzanians so as to ensure that the government and average Christians come to see Islam and Muslims as a threat to the peace of Tanzania. There was absolutely no evidence of insults, hate or threat to the peace of Tanzania. Ordinary Christians (not the priesthood) and Muslims got on just fine with their lives, co-operating with each other in public and private life totally oblivious of any threat, real or imagined, to their peace and security. Their only worries centred on runaway inflation, economic mismanagement, embezzlement, high corruption, rising crime and erosion of morals in Tanzanian society. If the truth be said, if there were any threat posed by Muslim preaching, then it was to the hold of the priesthood on unsuspecting Christian peasants and workers. That is why the clergy were alarmed that Muslim preaching was doing them a disservice by enlightening Christians on the truth whereas the clergy, wanting to keep the status quo, preferred that Christians remain in the dark.

Catholic clergy shuns dialogue as a tool of preaching

For someone uninitiated in the history and organisation of the Roman Catholic Church, it would be difficult to comprehend the stand taken by the Catholic leaders in view of the fact that both Christians and Muslims in their relationship to each other recognise that “witness” is at the heart of their faiths. Freedom to witness and conversion is a basic God-given right. Just as much as the Catholic Church would like to continue with its work of “baptising” Muslims, it too must recognise the freedom of Muslims to ‘witness’ and for Christians to convert to Islam if they decide to do so. For at the centre of Christian faith is the compulsion and command of God to be a witness. The Catholic Church must realise that people have a right to accept the witness, which they hear. But this appears to be a forlorn hope because Catholic Church leaders have instructed their followers not to enter into dialogue with Muslims, although dialogue between faiths has always been encouraged in the Bible, for example in Isaiah 1:16 – “...Come let us reason together”. The stand taken by the Catholic clergy is very un-Christian. For then how can one “Go hither and baptise them” without first giving them some kind of truth? How, indeed, can Muslims be converted to Christianity so they too “by the power of the Word will in God’s good time be brought into His Church” without first convincing or giving them proof of their supposed “apostasy from the true faith of Catholicism”?

It is also incomprehensible why Catholic leaders should shun dialogue and a critical look into the Gospels which after all the Church claims to be “divinely” inspired. Is it because the Catholic clergy, itself convinced of the truth of the Gospels likewise expects its followers and potential converts to blindly follow the Church’s interpretation? Or is it because the Catholic clergy deeply believes that religion has nothing to do with common sense, basic logic, rationality or pure natural disposition?

Christians have the right to use their own intellect

Given the assumption that the basics of a true religion should be reasonably understandable by any normal human being who uses his or her brain and common sense, any religion which requires from a non-believer

to accept its basis merely by having blind faith , is a religion which is confined to its believers. And not only that , but its credibility will suffer when exposed to basic rationalism or natural disposition. On the contrary , a religion whose basics go in harmony with the human natural disposition will maintain its credibility , even though the so-called followers may display its impracticability.

The basics of the true religion should not contradict with natural disposition or the simple means of reasoning. A true religion should not demand that only a true commitment to its teachings demonstrates its practicability. Should that be the case , that religion will give an indication that some people are born to be deprived of guidance and there is no equal chance to gain success even in the Hereafter , the eternal life.

The bottom line is that the Catholic clergy must of necessity accept that God has granted man a conscience, which registers right and wrong, and a mind, which has the ability to reason. Man has therefore the freedom of choice to reasonably weigh and consider whatever is preached in order for him to determine if it is the truth, logical and agreeable with his natural disposition and to follow it should he choose to do so. It is really not in the brief of any Church hierarchy to determine or choose for man what he or she should or should not listen to. And after all , given the fact that Christians believe that the Holy Spirit is within them to guide them in truth and righteousness (John 16:8; 16:13) , there is really no need for the Catholic Clergy to fear intellectual debates and discussions on the literal truth of Christianity. Assuming of course the hierarchical Church believes in the role of the Holy Spirit and they have nothing to hide.

Catholic Clergy not champions of freedoms

It is submitted that this obscurantism of the Catholic leaders and their dislike for criticism and dialogue is directly connected with the infamous history of the Roman Catholic Church and in particular, its organisational set-up. Whatever Pope John Paul II may say in his world-wide travels, for example in Cuba or Nigeria , the papacy is not the champion of the truth and the freedoms of man. In actual fact , the Catholic Church leadership , with its absolute control from the top , does not tolerate any freedom and discussion from any quarters , be it its own theologians or biblical scholars , holding as it were , that freedom and discussion lead to the dilution of truth.

Peter de Rosa (1989:210), a former priest who says that his work is that of “a friend and not an enemy” says , in his highly acclaimed book, *Vicars of Christ*, that assumptions that the papacy is the champion of the truth and the rights of man are false.

..... Apart from the fact that the tenth – and fifteenth – century papacy was **the** heresy, **the** denial of everything that Jesus stood for , many popes have made astonishing errors. They have repeatedly contradicted one another and the Gospel. Far from championing the dignity of man , they have times without number withheld from Catholics and non-Catholics the most elementary rights History explodes the myth of a papacy lily-white in the matter of truth. In an age of barbarism , the popes led the pack ; in an age of enlightenment , they trailed the field. And their record was worst when , contrary to the Gospel , they tried to impose the truth by force.

According to de Rosa (1989), in every instance and over centuries , the Catholic Church has proudly proclaimed its dogma of religious intolerance.

Pontiff after pontiff attacked freedom with ... vehemence ..They seemed afraid that government of the people, by the people , for the people would lead to similar demands in the church.

Gregory XVI , in *Mirari vos* of August 1832 , described liberty of conscience as a mad opinion. Religious liberty was said to flow from the most fetid fount of indifferentism. He condemned freedoms of worship , the press , assembly and education as a filthy sewer full of 'heretical vomit'. Pius IX ... in *Quanta Cura* in 1864 ... attacked freedom of religion and equated it with the liberty of death. Among the propositions condemned in his Syllabus of Errors was this: 'In the present day it is no longer expedient that the Catholic religion should be the only religion of the state , to the exclusion of all other forms of worship'. Leo XIII in encyclical after encyclical defined liberty of religion entirely in medieval terms. The church has a right to a **monopoly** of religion in any Catholic state. Therefore error must not be granted freedom to spread itself. Freedom and truth are incompatible. Truth must be enforced by the state at the church's command whenever possible. Each state must still profess the true faith as its official policy and tolerate the least possible liberty of conscience for the least possible length of time.

It should be emphasised that these are not mere dogmas of 19 century popes. They represent the mind-set of the entire hierarchy of the Catholic clergy even in present times. Even today , certain forms of freedom are alien to Pope John Paul's notion of Christian faith. For him , Catholic truth is absolute and obedience to it a vital necessity. He , as God's Anointed Spokesman , is obliged to demand instant and unwavering obedience of all , from the humblest parishioner to the most astute theologian.

It is important not to overlook the fact that the Catholic church is the only religious body in existence that is both church **and** political organization. This is why it alone among churches exchanges diplomatic representatives and claims recognition as an independent member of the community of nations. It does this not as a small state of the Vatican , but as a world-wide religious organization. This explains why for instance , Cardinal Pengo, one of the advisers of the Roman Pope has dual citizenship and passports being a citizen of the Vatican State and also of Tanzania.

It is also important to remember that for century after century , the Catholic Church was the foremost political force. It meddled in the workings of every country as and when it pleased. Pius X said in 9 November 1903:

We shall offend many people in saying We must of necessity concern ourselves with politics. But whoever judges the question fairly must recognize that the Sovereign Pontiff , invested by God with the Supreme Magistracy , has not the right to separate political matters from the domain of faith and morals (de Rosa, 1989:195)

Hence according to Leo XIII , politically "it is always urgent , indeed the chief preoccupation , to think best how to serve the interests of Catholicism". In every election , "Catholics are obliged to vote for those who pledge themselves to the Catholic cause and never prefer to them anyone hostile to (the Catholic) religion". de Rosa observes that according to the Pope , there is a **bloc** vote , the Catholic **bloc** vote for Catholic candidates; and an attack on Catholicism is **only** an attack on Catholicism. After World War II, Pius XII was ready to excommunicate any Catholic who gave his vote to a communist candidate instead of to a Catholic.(de Rosa, 1989:208)

This stand on voting patterns taken by the Catholic Church was evident in the 1995 Tanzania General elections. A defeated Muslim CCM candidate in one constituency was told by sympathetic peasants why they could not vote for him even though in their opinion he was better qualified and better candidate in all aspects than the opposition candidate they voted for ; their parish priest had repeatedly warned them in

church sermons and in private that if they were to vote for the Muslim candidate they would not receive communion and the Lord would be angry with them. One can only imagine the impact of such an admonition on the minds of unenlightened peasants.

Reaction of Catholic Clergy to Scrutiny of Church Dogma

Scholars attribute the intensification of the obscurity of the Catholic clergy and its dread of freedom to the Enlightenment and to archaeological advances of the 19 century, especially the role of the latter in the study of the Nagi Hammadi Scrolls found in Egypt in 1945 and the Dead Sea Scrolls found in the Qumran caves in 1947 and 1956. It was only a matter of time before scripture itself was subjected to rigorous scrutiny – disengaging fact from fiction. Perhaps the man most important for this process of questioning the literal truth of Christian teaching was the French theologian and historian, Ernest Renan (1823-1892), whose book *The Life of Jesus Christ* (1864) , demystified Christianity. The book portrayed Jesus as “an incomparable man”, an eminently mortal and non-divine personage. Renan’s book transformed attitudes towards biblical scholarship almost beyond recognition.

In their book *The Dead Sea Scrolls Deception*, Baigent and Leigh (1991) have this say of the reaction of the Catholic Church to the scrutiny of Catholic dogma : “Beleaguered by onslaughts from science, from philosophy from the arts and from secular political powers , Rome was more shaken than she had been at any time since the beginning of Lutheran Reformation. She responded with a number of desperate defensive measures”.

One such measure was the promulgation of the dogma of Papal Infallibility by Pope Pius IX on 18 July 1870. The other measure was the sponsoring of the Catholic Modernist Movement of elite intellectuals who were supposed to confront Catholicism’s adversaries. A generation of clerical scholars was painstakingly trained and groomed to provide the Church with a corps specifically formed to defend the literal truth of scripture.

However , according to Baigent and Leigh (1991), to Rome’s chagrin and mortification , the programme backfired. The more it sought to arm the younger clerics with the requisite tools for combat in the modern polemical arena , the more those same clerics began to desert the cause for which they had been recruited. **Critical scrutiny of the Bible revealed a multitude of inconsistencies , discrepancies and implications that were positively inimical to Roman dogma.** The Modernists themselves quickly began to question and subvert what they were supposed to be defending.

Needless to say , the Catholic Church had to turn against the movement it had fostered and nurtured. Thus in 1903 Pope Leo XIII created the Pontifical Biblical Commission to supervise and monitor the work of Catholic scriptural scholarship. In 1904 Pope Pius X issued two encyclicals opposing all scholarship which questioned the origins and early history of Christianity. All Catholic teachers suspected of “Modernist tendencies” were summarily dismissed from their posts.

Such was the reaction by the Church that Antonio Fogazzaro (1906), a leading Catholic layman in Italy, had to write in his book, *The Saint* that: “The Catholic Church, calling herself the fountain of truth, today opposes the search after truth when her foundations, the sacred books, the formulae of her dogmas, the alleged infallibility, become objects of research. To us, **this signifies that she no longer has faith in herself.**”

Fogazzaro's book was promptly placed on the Inquisition's Index of forbidden books. In July 1907 the Holy Office published a decree officially condemning Modernist attempts to question Church doctrine, papal infallibility/authority and the historical veracity of biblical texts. In September 1907 Modernism was effectively declared to be a heresy and the entire movement was formally banned. In 1910 a decree was issued requiring all Catholics involved in teaching or preaching to take an oath renouncing "all the errors of Modernism". A number of Modernist writers were excommunicated. Students at seminaries and theological colleges were even forbidden to read newspapers !

According to a Muslim scholar, Syed Abul A'ala Maududi (1991) in his book *West versus Islam*, this conflict between the Church and the upholders of the freedom of thought was the outcome of the illogical resistance by the papacy, blindly following the old and stale Greek philosophy as the foundation of their faith. The Church feared that their religion's edifice shall come crashing down to the ground if modern scientific researches and discoveries were accepted. This misconception led the Church to resist and even resort to the use of brutal force against new scientific theories and discoveries. Inquisitions were set up and scientists, inventors and philosophers were awarded barbarous and horrible punishments. But this movement could not be suppressed and gained momentum because it was a genuine awakening. This upsurge of freedom of thought finally wiped out the papal and ecclesiastical overlordship. This war between progressive thinking and religion or Christianity was the precursor to atheism and agnosticism, with thinkers and philosophers becoming deeply biased against every concept of Divine authority, God and spiritualism – not by any logic or reasoning, but only on the basis of the negative thinking the Church subscribed to the concept of scientific research and freedom of thought.

Therefore, oblivious to the effect its obscurantism was doing to the freedoms of expression and religion, especially in alienating scholars and intellectuals from religion, and perhaps not caring but doggedly stringent in maintaining its strangle-hold on the interpretation of the scripture, the Catholic leadership has continued to muzzle and stifle criticism and biblical scholarship.

According to the *New Catholic Encyclopaedia*, the official function of the Pontifical Biblical Commission established by Leo XIII in 1903, is "to strive with all possible care that God's words will be shielded not only from every breath of error but even from every rash opinion" and to ensure that scholars "endeavour to safeguard the authority of the scriptures and promote their right interpretation". Thus for instance, the Commission publishes official decrees on the right way to teach scripture. Thus for instance, the Commission "established" by decree, that Moses was the literal author of the Pentateuch ! In 1909 a similar decree affirmed the literal and historical accuracy of the first three chapters of Genesis. And on 21 April 1964 the Commission issued a decree governing biblical scholarship in general, and more specifically, the "historical truth of the Gospels". This decree was quite unequivocal, stating that "at all times the interpreter must cherish a spirit of ready obedience to the Church's teaching authority".

It is noteworthy that the head of the Pontifical Biblical Commission is also the head of the Congregation for the Doctrine of the Faith, formally the Holy Office and prior to that called the Holy Inquisition. So the head of these two Catholic organizations is in effect the Church's modern day Grand Inquisitor. These two organizations were in June 1971 amalgamated by Pope Paul VI in virtually everything but name.

According to Baigent and Leigh (1991), the official head of the Congregation for the Doctrine of the Faith is always the reigning pope and the executive head of the Congregation is today called its secretary, although in earlier times he was known as the Grand Inquisitor. The Congregation is the most powerful of all the departments of the Roman Curia. Numerous contemporary priests, preachers, teachers and writers have been muzzled, expelled or deprived of their posts by the Congregation. Victims have included some of the most distinguished and intelligent theologians in the Church today, for example Father Edward

Schillebeckx (1974) of the University of Nijmegen in Holland whose book, *Jesus: An Experiment in Christology* appeared in the eyes of his adversaries to be questioning the literal truth of the resurrection and the Virgin Birth. Another one was the eminent Swiss theologian Dr. Hans Kung who challenged the doctrine of papal infallibility and also criticised Pope John Paul's rigidity on morals and dogma. On 18 December 1979, John Paul, acting on Official recommendation of the Congregation stripped Kung of his post as head of the Department of Theology at the University of Tübingen and pronounced him no longer qualified to teach Roman Catholic doctrine. In Kung's words on what had befallen him : "I have been condemned by a pontiff who has rejected my theology without ever having read one of my books and who has always refused to see me. The truth is that Rome is not waiting for a dialogue but for submission" (*Sunday Times* London, 2 December 1984).

Baigent and Leigh observe that the Congregation, under the directorship of Cardinal Joseph Ratzinger as its secretary since 1981 , has become increasingly entrenched , intransigent and reactionary , seeking a return to Catholic fundamentalism and reasserting the literal truth of papally-defined dogma.

In May 1990 the Congregation issued a draft of the new, revised and update 'Universal Catechism of the Catholic Church' – the official formulation of tenets in which Catholics are obliged formally to believe. In one particular dogmatic passage , the new 'Catechism' declares that "the task of giving an authentic interpretation of the Word of God has been entrusted to the living teaching office of the Church alone".

In June 1990, the Congregation published another document written by Cardinal Ratzinger himself and approved and endorsed by the Pope. According to this document, Catholic theologians have no right to dissent from the established teachings of the Church, with dissent given the status of sin – "..... infidelity to the Holy Spirit". In the same document, Cardinal Ratzinger states:

The freedom of the act of faith cannot justify a right to dissent. This freedom does not indicate freedom with regard to the truth, but signifies the free determination of the person in conformity with his moral obligation to accept the truth.

Baigent and Leigh observe that this is a curious definition of freedom. One is perfectly free to accept the teachings of the Church, but not to question or reject them. Freedom cannot be manifested or expressed except through submission.

Baigent and Leigh conclude that such restrictions are monstrous enough when imposed on Catholics alone – monstrous in the psychological and emotional damage they will cause; the guilt , intolerance and bigotry they will foster ; the horizons of knowledge and understanding they will curtail. When confined to a creed however, they apply only to those who voluntarily submit to them, and the non-Catholic population of the world is free to ignore them.

That then, is briefly , the philosophy and mind-set upon which the Catholic leaders approach or view any discussion of Church dogma. It is submitted that because the catholic Church engenders such blind obedience, conformism and submission on its own followers, it can hardly be expected to welcome dialogue with Muslims, let alone allow Muslims to tell Catholics that their leaders are erroneous and are misleading them in so far as the truth of Christianity is concerned.

And this is the crux of the matter in so far as the issue of freedom to propagate religion in Tanzania is concerned. Tanzania is a secular country and not a Catholic theocracy. There can be no question therefore of the Catholic leadership demanding non-Catholics to follow Church interpretation of the literal truth of Church dogma. Non-Christians, including Muslims, have a right to question the validity or veracity of

those dogmas. It is a fundamental God-given right and not debatable. So long as this criticism is confined to an honest analysis of the scriptures and is not criminally culpable by being insulting, both the Catholic leaders and the government are constitutionally obliged to recognise this right.

THE RESPONSE BY THE CCM GOVERNMENT TO THE INSTIGATION OF THE CATHOLIC CLERGY

In the foregoing paragraphs, I have demonstrated that in so far as the laws of Tanzania are concerned, Muslim preaching is not blasphemous – or “slandorous”, “defamatory” as described by the Catholic clergy, the government and the local media. I have also demonstrated that it was the Catholic clergy, which instigated the CCM government to move against Muslims and Muslim preachers.

It now remains to be considered whether the response by the CCM government was legally justified or downright interference with the freedom of Muslims to propagate their faith.

Meaning of freedom of worship

It must be remembered that a truly free society is one, which can accommodate a wide variety of beliefs. A free society is one, which aims at equality with respect to the enjoyment of fundamental freedoms. Freedom must surely be founded in respect for the inherent dignity and the inviolable rights of the human person.

It must also be remembered that **the essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious beliefs by worship and practice or by teaching and dissemination.**

But this concept means more than that. Freedom can primarily be characterised by the absence of coercion or constraint. If a person is compelled by the state or the will of another to a course of action or inaction which he would not otherwise have chosen, he is not acting of his own volition and he cannot be said to be truly free. One of the major purposes of the Constitution is to protect, within reason, from compulsion or restraint. Coercion includes not only such blatant forms of compulsion as direct commands to act or refrain from acting on pain of sanction; coercion includes indirect forms of control which determine or limit alternative course of conduct available to others. Freedom in a broad sense embraces both the absence of coercion and restraint and the right to manifest beliefs and practices. Freedom means that subject to such limits as are necessary to protect public safety, order or morals or the fundamental rights and freedoms of others, no one is to be forced to act in a way contrary to his beliefs or his conscience.

Tanzania as a secular state

Tanzania is, constitutionally, a secular state however repugnant that secularism may be to some of us for being a Freemasonic concept which seeks to ‘remove’ God from all aspects of public matters and confine religion to personal matters only. It has been said that “The secular state is a state which guarantees individual and corporate freedom of religion, deals with the individual as a citizen irrespective of his religion, is not constitutionally connected to a particular religion nor does it seek either to promote or interfere with religion” (Smith, 1963).

Secularism therefore implies a range of factors – no intrusion of religion into politics or state patronage of any religious organization; no parochial and sectarian tendencies; no alienation or marginalization of people on religious grounds; no discrimination in education, commerce or employment on religious grounds and so on. Basically, a secular state perceives the society as multi-religious and multi-cultural and constantly strives for national unity and consensus. It is not enough for the government to merely say, “it has no religion”. It must earnestly work for those goals and must be seen to be truly secular.

Breakdown of secular consensus

The Mwembechai episode lends support to Muslim perception of a virtual breakdown of the secular consensus in Tanzania. The apparent apathy, negligence and complicity of CCM government officials including the Minister for Home Affairs, the Dar Es Salaam Regional Commissioner, the Inspector General of Police, the Dar Es Salaam Regional Police Commander, in their eagerness to accommodate Catholic clergy obscurantist tendencies provides grounds for presuming that the secularism of the country is all but forgotten. The police killed and maimed Muslims and savagely beat up and brutalised Muslims and other deprived citizens. Assuredly, the police and Field Force Unit behaved as if they were a force expressly organised and armed to brutalise and kill Muslims and “Machingas”. Assuredly, the killings and maiming of Mwembechai will go down in the history of Tanzania as an unimaginable instance of sadism and brutality by the police.

To be sure, as a result of Mwembechai and other related incidents, there are many Tanzanians – Muslims and non-Muslims – who now feel that the secularism of Tanzania is only an aspiration; a farce, and not a reality. For, apart from the fact that it was inexpedient for the CCM government to allow Catholic clergy anxieties to propel it to brutalize Muslims, oblivious of the fact that national unity and the secular image of the government was at stake, there are also other negative indicators, namely, the absence of even the minor consolation of words of sympathy from the President to the bereaved families, giving the impression of the CCM government feeling satisfied in killing innocent citizens as if they were common criminals (even criminals deserve justice); the arrogant rejection by the CCM government of calls by Muslims for an official and impartial inquiry into the deaths of Muslims killed by the police at Mwembechai; Premier Sumaye’s congratulatory message to Cardinal Pengo on 19 January 1998 (*Daily News*, 20 January 1998) that the government supported Pengo’s elevation to Cardinal and **assuring him of the government’s full support in discharging his duties** – ominous indeed in a secular society, more ominous in view of subsequent developments; conspicuous visits by the President, Vice President and Prime Minister to churches and mosques in their official capacities wherein they use religious ceremonies to make pronouncements on secular matters; denial or reluctance by the CCM government to register Muslim and other religious societies and its threat to proscribe same without lawful cause; Vice President Omar’s assertion that the CCM government recognizes BAKWATA as the only official Muslim organization; and the refusal by some schools to allow Muslim women students to wear their prescribed dress (similar to nuns and Sikhs in same schools). The list is endless.

It must be emphasised that all this is being done in complete disregard to the secular spirit of the Constitution. And it is being done by a presumably enlightened CCM government which began its term with claims of constitutionalism, rule of law, probity and transparency.

Lack of caution and wisdom by CCM government

It is therefore significant that, given the fact that Tanzania is a secular state, the CCM government should have handled the issue of Muslim preaching with caution. Mindful of the impact of its decision on the freedom of worship, and cognisant that Tanzania has laws and courts to deal with the kind of grievance being raised by the Catholic leadership, the CCM government should have adopted a passive approach and declined to intervene, allowing the law to take its course. This is more so because all along there had been no single incident of violence or any breach of peace which could be ascribed to Muslim preaching.

In saying that the CCM government should have declined to intervene and allowed the law to take its course, I am by no means suggesting that the government should have totally removed itself from the picture. It must be remembered that prior to the 4 January 1998 Tabora presidential declaration, the government had in actual fact always allowed the law to run its course. Since 1993 Muslim preachers were after all being arrested and prosecuted with increasing regularity. There is therefore no question that the government was not actively involved in the prosecution of Muslim preachers for allegedly insulting Christianity. However, in arguing for caution by the CCM government, I simply want to underscore the fact that this issue of Muslim preaching, basic to the freedom of Muslims to worship and to propagate their faith, had deliberately been misrepresented in a carefully orchestrated disinformation campaign by the Catholic leadership. It was imperative therefore for the government, always the impartial arbiter, beyond and above religious bias and prejudice, to function in accordance with the secular Constitution of Tanzania. It was therefore absolutely necessary and prudent for the CCM government to have approached the issue with all the caution it demanded.

CCM government failed to use dialogue and consultations

But even if assuming that the government was forced to act on the pretext that the situation was 'volatile' (which it was not) and the government was somehow dissatisfied with the manner in which the criminal justice system was handling the issue of Muslim preaching, it was still open for the government to take the other perfectly valid and sound option open to it: dialogue. Former President Mwinyi had tried this 1993 when he convened a meeting at State House of bishops and sheikhs to discuss and resolve the grievance raised by the Catholic clergy. The negotiation came to no avail following the failure by the Catholic clergy to come up, as promised, with answers to rebut the points advanced by the sheikhs in support of Muslim preaching.

But somehow, for unknown reasons, President Mkapa, the consummate diplomat with a long experience in international disputes when he was Foreign Minister, never opted for this dispute solving mechanism of dialogue and consultations, a truly valuable way of avoiding disputes especially on such an issue as inter faith disagreement. In fact there is considerable doubt as to how seriously President Mkapa has been committed to solve the dispute over Muslim preaching through discussions and consultations.

It is submitted that a good and visionary government would have anticipated the outcome of using force to end Muslim preaching. A fair and conscious government, before taking any decision or action on Muslim preaching would have held discussions with all the parties – the complainants (Catholic leaders) and the alleged perpetrators (Muslim preachers). Such discussions, wherein both sides would have had the opportunity to present their opposing views, would have provided the government with a way of heading off any open confrontation thus averting the current situation in which the CCM government is rightly perceived as being a bed-fellow to Catholic clergy obscurantism. Discussions and consultations would have furnished the government with useful data before it jumped into the uncharted waters of interfering with the freedom of Muslims to propagate their faith. It is important to remember that it is always easier to make modifications at the decision making stage rather than later. Instead now, the CCM government, having bungled, finds itself in the inevitable damage control position, having to justify its action in all sorts of manners including witch hunting. At times it is “fundamentalists” who are responsible for Mwembechai. At other times it is foreign (Muslim) countries and embassies. Sometimes it is local businessmen. Or it is opposition parties. Then it is fifth columnists within CCM etc. etc. All sorts of reasons and excuses are advanced to try and justify the action by the CCM government. And no attempt whatsoever at soul searching within its own ranks on what went wrong.

Be that as it may, it is significant that President Mkapa has not made any public statement to indicate his position with regard to dialogue and consultations. He is however chairman of the Central and National Executive Committees of CCM (NEC and CC). These two party committees have on two separate occasions **commended** the CCM government for the manner in which it had handled the issue of Muslim preaching. And we know of course that because of CCM’s system of ‘democratic centralism’ those two party committees include almost the entire government cabinet members. A case of ‘toasting’ or patting oneself on the back as it were. It is therefore reasonable to assume that President Mkapa does not subscribe to the concept of dialogue and consultations as a dispute solving mechanism. Tragically therefore, the government missed the opportunity to resolve the dispute peacefully and conclusively. For at those negotiations the truth would have come out and the CCM government would have seen the frivolity of Catholic clergy claims.

Having cavalierly brushed aside the option of resolving the dispute over Muslim preaching by discussions and consultations, and also denying Muslims the right to be heard, the CCM government opted for brutal force and unconstitutional means. Caution was thrown to the wind. All pretences of observing human rights were set aside. Muslim preachers became public enemies of the first priority. It is as if Tanzania was transformed into some totalitarian country of the old communist east. Assuredly, monolithic parties of former dictatorships, long used to monopolise power, are nothing but hypocritical when they talk of constitutionalism, democratisation and human rights. It is not surprising therefore why there is for instance no serious commitment by the CCM government to repeal the 40 laws found by the Nyalali Commission to be oppressive and undemocratic. Or why the CCM government is not genuinely committed to a truly democratic process of having in place a new, multi-party era constitution. CCM obviously wants to perpetuate its authoritarian stay in power.

Dispute over Muslim preaching a question of law

As I have noted earlier on, Tanzania has specific laws and courts to deal with the type of grievance raised by the Catholic clergy. There has been no claim to the effect that those laws are moribund or that the courts have failed to handle cases of ‘blasphemy’ brought before them. On the contrary, the criminal justice system is adequately disposed to cover the complaints by the Catholic clergy. The only blemishes might be

police ineptitude in not adhering to laid down procedures when arresting alleged offenders and the miscarriage of justice by prosecutors and magistrates in denying bail to Muslim preachers on flimsy grounds. It might be helpful to briefly recap those laws and procedures:

- 1) Article 19 (2) of the Constitution provides for free propagation of religion, subject to relevant laws.
- 2) Section 129 of the Penal Code provides the criminal restraint on the freedom of propagation of religion by making it an offence to utter words with the intention of wounding religious feelings.
- 3) The Criminal Procedure Act , 1985 (CPA) provides that the offence of uttering words with the intention of wounding religious feelings is a warrant offence requiring information on oath/affidavit before a warrant of arrest can be issued to arrest an alleged offender (Sections 2 (1) ,13,110,112 and First Schedule, CPA). CPA also provides for bail procedures and trial by subordinate courts.

Accordingly therefore, in view of the fact that the criminal justice system in Tanzania provides an excellent mechanism for dealing with the complaints by the Catholic clergy , one would therefore have expected that the CCM government , having brushed aside the option of resolving the dispute by dialogue , to at least let that system function – let the Catholic clergy file complaints/accusations before magistrates as provided for in the CPA ; let arrest warrants be issued and alleged offenders arrested ; and let those alleged offenders be prosecuted and tried by the courts.

It must be emphasised that the crux of the problem revolves on interpretation of what constitutes the offence of uttering words with the intent to injure religious feelings or blasphemy. At issue is the disagreement between the Catholic clergy and Muslims on what is blasphemy. It is a dispute concerning a matter of law. This is a question of law to be determined by the courts. It is a judicial responsibility , courts being servants and guardians of the law. It is not a responsibility of the government to determine what is and what is not blasphemous.

Breach of Constitution by CCM government

But significantly , the CCM government did not allow the criminal justice system to operate fully. In actual fact , the CCM government neither bothered to observe the Constitution nor the laws it had been mandated to uphold by the people of Tanzania. It is not an exaggeration to state that some CCM government leaders behaved and continue to behave like petty village tyrants in dealing with the issue of Muslim preaching. Most importantly however , is the fact that **the CCM government has forgotten that its authority extends no further than the legitimate limits of its constitutional powers and has trespassed into judicial territory.** In its rush to appease the Catholic clergy , the CCM government , forgetting that differences do exist in content and emphasis between the claims of the Catholic clergy and Muslims , has displayed a total lack of an understanding of constitutional and legal values.

I do not think it is necessary to recount every single act and pronouncement of the CCM government in its handling of the dispute. Pronouncements by CCM government leaders were after all being made with a nauseating repetition. But a factual account can be gathered from newspapers reports and police occurrence books (if not 'doctored'). Suffice to say that after President Mkapa's "declaration of war" on Muslim preaching made at Tabora on 4 January 1998 , events moved fast. The actual responsibility of

crushing Muslim preachers appears to have been delegated to the Minister for Home Affairs , the Dar Es Salaam Regional Commissioner , the Inspector General of Police and the Dar Es Salaam Regional Police Commander , with the Vice President and Prime Minister chipping in every now and then. A section of the local media acted as if it had been co-opted to whip up sentiments against Muslims.

The entire scenario was chillingly reminiscent of the 1968 TANU move to control Muslims by divide and rule tactics by banning the popular and efficient East African Muslim Welfare Society and establishing in its place the government and party approved BAKWATA. Then (as now) it was self-serving Muslim government leaders who were used as leading actors with the party newspaper , the “Nationalist” taking up the fourth estate responsibility of Islam bashing. It was therefore a case of old players in new hats. In fact , this is one of the factors which makes Muslims wonder if the current situation is meant to be a repeat performance of the 1968 play. The only difference this time is that it is a more serious matter concerning the right of Muslims to propagate religion, and people have been killed and brutalised.

Basically however , the effect of the CCM government’s latest crusade has been the de facto arbitrary banning of Muslim preaching , brutalising of Muslims , killing and maiming of Muslims , harassment of Muslims , illegal arrests of Muslims , miscarriage of justice by denying bail to Muslims on extremely flimsy and absurd grounds , wild accusations against Muslims (crooks and hooligans ? !) , threats to proscribe Muslim organisations , the unheard of sealing off and patrolling of mosques, banning of peaceful Muslim meetings , sexual harassment of Muslim women while in police custody and last but not least , general intimidation of Muslims.

The best way to describe the CCM government’s handling of the issue of Muslim preaching is that it was unconstitutional , illegal and religiously prejudiced. The CCM government has used the criminal justice system to silence Muslims simply because they are exercising their constitutional right of propagating religion. The response by the CCM government has been characterised by abuse of power. Criticism has , de facto , been criminalized with the CCM government disregarding the fundamental principle that the guarantee of freedom of conscience and religion prevents the government from compelling Muslims to abstain from performing the otherwise harmless act of casting doubt on the truth of Christianity. Significantly , the CCM government has demonstrated that it requires Muslims to accept Catholic Church teaching as infallible and not to witness their faith among Christians. In effect , Muslims are being prohibited for religious reasons from preaching that which is otherwise lawful.

Furthermore , the CCM government , acting hastily and with little thought , at the instigation of Catholic clerics , disregarding that there are laws and courts to handle the complaints of Catholic clerics , has thus interfered with the right of Muslims to preach their faith by the simple and illegal expedience of banning Muslim preaching.

This compulsion by the CCM government on Muslims not to criticise Church dogma amounts to a protection of Catholicism. This protection of one religion in a secular state imports a disparate impact destructive of the religious freedom enshrined in the Constitution. It is indisputable that to accept that the CCM government retains the right to compel Muslims not to criticise or question Christianity is not consistent with the preservation and enhancement of freedom of worship or the multi-cultural heritage of Tanzanians. To be sure, the action by the CCM government is a subtle reminder to Muslims of their differences with and alienation from the predominant Christian culture in public matters.

It must be emphasised that it is not legitimate for the CCM government to enforce religious conformity as demanded by the Catholic clergy. Tanzania is a secular state and CCM government leaders constantly remind us that “the government has no religion”. It is therefore constitutionally incompetent for the CCM

government to use criminal sanctions at its disposal to achieve a religious purpose , namely observance of Catholic dogma in preference of Christianity at the expense of Islam.

CCM government does not care for justice and accountability

In addition to acting unconstitutionally and illegally , the CCM government has also demonstrated incomprehensible intolerance and arrogance in rejecting valid pleas by Muslims for justice and accountability. Of particular relevance is the outright rejection by the CCM government of the call by Muslims for the government to institute an independent inquiry into the killing and maiming of Muslims carried out by the police on 13 February 1998. Thus the Minister for Home Affairs , Ali Ameir Mohamed , was to state on 4 March 1998 that , the government run on principles of the rule of law (!) will not be pressurised by any individual or group into doing what suited them ! This is nothing but arrogance , especially from a minister responsible for police against whom there are genuine complaints of wrongdoing. Obviously the minister does not care that he is answerable to the public for police actions. Mr Ali Ameir , arrogantly or ignorantly , is not bothered that good governance and justice demand that it is incumbent for the government to publicly investigate the brutal behaviour by the police to determine whether or not criminal or disciplinary proceedings should be preferred against policemen found to have been unwarrantably excessive in the use or misuse of police powers. But even if there had been no calls by Muslims for an independent inquiry , still, in the interests of justice , the CCM government , claiming that it functions on principles of the rule of law and that it is open , transparent and answerable to the taxpayers , is duty bound to institute an independent commission of inquiry.

It must be remembered that the killings and maiming of Muslims cannot be divorced from the issue of freedom of worship. Therefore , in view of the fact that the killings are unquestionably a matter of public importance , the CCM government is duty bound to appoint a fact finding body to assist it in making up its mind as to what measures should be adopted to remedy the situation by eradicating any evils found and implementing beneficial objects the government has in its view , for instance a better trained and equipped police and also compensation to bereaved families. An inquiry would find out the genesis of the killings and maiming and would serve to restore confidence. It is submitted that if no objective public inquiry is made , the feelings of injustice and discrimination will grow. And so will unrest and insecurity , the presumed objectives of the CCM government in its attempted rationalisation. It is fair to say that a political party that does not see this is at most arrogant , insensitive and incompetent to be given by the people the mandate to govern.

There is no threat to peace and no ‘fundamentalists’

As I have noted in the introduction , the CCM government , in an attempt to rationalise its heavy handed response , appears to advance claims to the effect that it had been forced to act against Muslim preaching because of “threats to the peace and security” of Tanzania. CCM government leaders are on record as stating that Muslim preaching was being conducted by “a few fundamentalist hotheads” and that if this fundamentalism is allowed to spread, it will threaten the country’s treasured peace and plunge it into bloodshed as it has happened in Algeria.

There is of course no logic whatsoever in the claims. One does not preserve peace by arbitrary and heavy handed measures. On the contrary , one only exacerbates the situation by using illegal and brutal measures , forcing ,as it were , those desired to be contained , against the wall. People forced against the wall are more prone to react violently especially when they see that they have been treated unjustly. History is full of such examples. And if the CCM government had really been interested in preserving peace , it should have exhausted all attempts to settle the dispute over Muslim preaching through dialogue and consultations. The CCM government of course rejected this option. And even if consultations could not deliver , there was still no justification to resort to unconstitutional and illegal measures instead of allowing the law to run its course.

“Insulted” people cannot convert

Nonetheless , there is not a particle of evidence , not a living soul who can prove that Muslim preaching has endangered the peace and security of Tanzania. On the contrary there is documentary evidence consisting of video cassettes shot at various public debates/mihadhara showing that those sessions have been extremely peaceful and good tempered. And most significantly , those debates/mihadhara have been marked by public attestations of faith in Islam (twenty at one such session). People who have just had their faith “insulted” as the Catholic bishops and priests would like us to believe , do not change over and convert to Islam , effectively embracing the very people alleged to have “insulted” them ! It is indeed elementary ; even a ten year old child can see this!

With regard to the claim of there being an Islamic “fundamentalist” menace in Tanzania , I submit that this too is an absurd and preposterous claim fuelled , one suspects, by the “CNN Syndrome” – too much watching and listening to CNN news broadcasts and coverage whereby anything to do with a struggle for Muslim rights is characteristically stereotyped as “Islamic fundamentalism”. The absurdity of this policy was demonstrated when the Oklahoma bombing in the U.S.A, carried out by white supremacists was initially attributed to “Muslim fundamentalists”. Fundamentalism is nothing but a conservative US Protestant theological tendency begun in the 1920s that every word of the Bible is divinely inspired and therefore true. There is no Islamic “fundamentalism” or Muslim “fundamentalists”. According to Islam, there are true Muslims and Muslim hypocrites.

Algeria not a parallel

It is also absurd and irresponsible for the CCM government leaders to use the Algerian situation as a parallel to the situation in Tanzania. Algeria is a straightforward case of an outright military intervention to rob power from the Islamic Salvation Front (F.I.S.) which had been poised to win a democratically held election. F.I.S naturally resisted the right wing military insurrection. What we have today in Algeria is a dirty war being perpetrated by the Algerian military in collaboration with the ‘government’ and the government controlled militia , aimed at discrediting F.I.S. This dirty war has witnessed thousands of suspected Muslim sympathisers or supporters of F.I.S butchered and maimed by the military and militia. Recent “half-hearted arrests” of militia and civic leaders – and only after pressure for an inquiry from the international community – attest to this fact. Conversely, hundreds of Tanzanian Muslims “mihadhara” have not, as I have demonstrated, produced a single incident of violence. And moreover the backgrounds are different. In Algeria , the issue is over who has the right to govern after a democratically won election.

In Tanzania , the issue is over who has the right to interpret the law of 'blasphemy' – is it the courts or the clergy and government. There is absolutely no similarity. One suspects however that the CCM government and the Catholic clergy would like perhaps to also discredit Muslim preachers by portraying them as dangerous militants , *a'la* Algeria?

It should be remembered that this world-wide perception of a threat posed by alleged Islamic fundamentalism is a brainchild of US foreign policy makers. With the end of the Cold War , US foreign policy makers concluded that "radical" forms of Islam could fill the power vacuum created by the decline of the Soviet Union and communism. "Islamic fundamentalism" was therefore perceived to be a threat to US interests around the globe with the Bush administration concluding that the "march of Islamic fundamentalism was the single most worrisome trend for policymakers". Therefore the anticommunist logic of containment of the Soviet Union during the Cold War was replaced by an anti-Islamic variant focused specifically on the variety of "fundamentalist" regimes in the Middle East and North Africa. According to Schraeder (1994:258) in his book *US Foreign Policy Toward Africa* the response by the US to events in Algeria is a concrete example of this policy – that containment of Islamic fundamentalism had replaced anti-communism as a security objective which overrode preferences to democratisation:

In sharp contrast to rising US denunciations of authoritarianism in other regions of Africa , the policy making establishment remained surprisingly silent when the Algerian army annulled the first multi party elections..... and assumed control of the country in a *military coup d'etat*. The reason for US silence was not a firm belief in the Algerian generals as guarantors of democracy but was rather due to the fact that an Islamic "fundamentalist" party – the Islamic Salvation Front (F.I.S) which had called , among other campaign promises , for the strict enforcement of Sharia , was on the verge of taking power through the ballot box.

Using live bullets on unarmed civilians is not self-defence

It is noteworthy that the CCM government has also attempted to rationalize the killing and maiming of Muslims with claims that the police and para-military police had the right to use force in defending themselves. This is irresponsible especially coming from a government duty bound to protect and preserve the lives of its citizens. Indeed it is preposterous and unacceptable to suggest, let alone imagine , that the police were justified in using sub-machine guns with live bullets to mow down unarmed fellow citizens including school children on the pretext that stones had been thrown at the police. There was no attack threatening death or serious bodily harm to the police who were positioned quite some distance from the stone throwers. No policemen had been injured or hit by any stone before the firing commenced. Firing commenced in the absence of any proclamation in the President's name ordering those involved to disperse , in clear violation of Sections 77 and 78 of the Penal Code. Whatever happened to the concept of using minimum or reasonable non lethal force against non lethal attack constantly instilled during police training in crowd and riot control – assuming that the police undergo such drills? And what about police shields and helmets. Were those not adequate to protect the police from the stones? And what was the purpose of tear gas used if not to confuse and immobilise the stone throwers? Clearly , the circumstantial evidence indicates that live firing commenced well before the arrival of the para military police and before any proclamation to disperse had been made. It is for these reasons one finds hard to believe that Cardinal Pengo , in his interview on the Hamza Kassongo Hour on DTV on 12 April 1998 , could also advance the claim of the right to self defence by the police , with his biblical David and Goliath rationalisation. Who was David and who was Goliath in the confrontation at Mwembechai whereby people were demonstrating against the encroachment on their right to preach the word of God?

WHAT IS TO BE DONE?

The foregoing, learned Attorney General, is in sum, my humble submission to you on the handling of the issue of Muslim preaching by the CCM government. It is a long submission and in view of my somewhat limited knowledge, may even be regarded as somewhat pretentious. But it was born of the conviction that not enough is known of Muslim preaching and Catholic leadership attitudes to freedom of religion. I cannot pretend that I have wholly succeeded in this aim for I am only too conscious of the gaps in my own knowledge of the matters discussed here. But if I induce you to look further into the matter, then my effort will have been worthwhile.

I hasten to add however, that I have been compelled to make this submission because there is no evidence of any attempt by the CCM government and its legal and political advisers to get to the root of the problem. Indeed, curiously enough there has been a conspiracy of silence within the official or government legal community. Of course, not being privy to whether the CCM government works on the basis of the advice given by its legal experts, I am not in a position to state with any moral certainty whether or not any legal advice was given and whether or not such advice was rejected. Be that as it may, the fact still remains that there has been no attempt by the CCM government to address the problem fairly in order to discover its causes and remedies. Conversely, there has been only arrogance accompanied by blatant abuse of state power in total disregard of the adverse consequences of alienating Muslims. In this context, I think it is important for the government not to be deluded by the apparent complicity and endorsement by some Muslim leaders and functionaries. The government should do well to remember that there are self-serving Muslims just as there are sycophants in politics and public life.

Throughout the 'confrontation', the CCM government has been evasive and arbitrary, demonstrating neglect of the due process of law and seemingly bent on suppression of the freedom of Muslims to propagate their faith. Most importantly, the manner in which the CCM government has performed its duties is not a reflection of its concern for freedom of worship or for that matter, any concern for the feelings of millions of Tanzanian Muslims.

My effort therefore has been directed towards justice and truth and for solutions to the problems caused by the mishandling of the CCM government. You, learned Attorney General, as the custodian of the laws of Tanzania and principal legal adviser to the CCM government, have an abiding obligation and mandatory moral responsibility to ensure that the practice of using the criminal justice system to silence Muslims and other Tanzanians is immediately stopped. In addition, you have the obligation and responsibility to respond to Muslim pleas for justice and respect of their constitutional right to propagate religion.

Learned Attorney General, at the beginning of this submission I stated that no one questions the constitutional and legal right of the government to call out its riot police on Friday 13 in the interest of peace and security after the situation had developed for the worse. I questioned however the arbitrary arrests of Muslim preachers and the sacrilegious police incursion into the Mwembechai mosque carried out on Thursday 12. I also questioned the heavy handed and brutal force used by the police on both occasions. I pointed out that those actions were nothing but arbitrary interference with the freedom of Muslims to worship and propagate their faith. Elsewhere I have demonstrated that there is absolutely no evidence to support the claim by the CCM government that its action was dictated by the need to preserve peace, which

was being threatened by Muslim preaching. Throughout, my position has been that there is something else. Something was amiss. And at stake is the freedom of worship of millions of Tanzanian Muslims. Does not it strike you as odd that up to 4 January 1998 there had been no single incident of violence which could directly be attributed to Muslim preaching? Why then the postulations of Catholic bishops and CCM government leaders that Muslim preaching was a threat to the peace of Tanzania? And if the truth be said, who were dangerously working for the destabilization of the peace of Tanzania? Is it not the Catholic clergy and CCM government leaders by stirring up feelings of hate, alarm and consternation in Tanzanians of “the looming spectre of the Mujahidin” without any justification or evidence whatsoever?

Muslim preachers still do not know what law of Tanzania they are supposed to have broken or what wrong they have done. The Qur’an tells them that Jesus (peace be upon him) is not a son of God. Evidence in the Bible corroborates their belief. Tanzania law accepts that for a Muslim to say that Jesus is not a son of God but a prophet of God is not an offence under Section 129 of the Penal Code in that it is an Islamic belief. The Constitution of Tanzania guarantees the freedom of Muslims to propagate this and other beliefs. And yet Muslims are being harassed, muzzled and prosecuted for an offence not recognized by God, the Constitution and laws of Tanzania. What conclusion should Muslims draw from this? Should they now believe that Tanzania is a Catholic theocracy; that the offence under Section 129 of the Penal Code means that saying Jesus is not a son of God is insulting to Christianity; and that Muslims have no right to propagate their faith? Is this what is desired by CCM and Catholic leaders? Is what is desired by CCM and Catholic leaders what is envisaged by the secular Constitution of Tanzania and the laws of Tanzania? I think not. I think that the cultural diversity of Tanzania society demands more than that. Tanzania is an inclusive multi-religious and multi-cultural society which, according to the secular Constitution, is based on respect for all rights and freedoms, on non-discrimination, tolerance and security for all its citizens.

When the President, a Catholic, and therefore expected to follow the dictates and teachings of the Roman Catholic Church, speaking *ex cathedra* at a gathering of Christian clerics, promises to use his powers given to him by a secular Constitution, to stamp out Muslim preaching perceived by the Roman Catholic clergy as insulting to Christianity, he cannot, in all fairness, be said to have acted impartially. In actual fact, he cannot be said not to have acted unconstitutionally. I honestly think the President should do well to follow the example of late President Kennedy of the US, who forty years ago his presidential bid, facing genuine accusations of wanting to demolish the wall separating church and state, stated:

“I believe in an America where the separation of Church and State is absolute – where no Catholic prelate would tell the President how to act and no Protestant minister would tell his parishioners for whom to vote..... An America that is officially neither Catholic, Protestant nor Jewish – where no public official either requests or accepts instruction in public policy from any ecclesiastical source..... where there is no Catholic vote, no bloc voting of any kind..... and where religious liberty is indivisible I am not the Catholic candidate for President, I am the Democratic Party’s candidate for President who happens to be a Catholic. I do not speak for my Church on public matters and my Church does not speak for me” (p. 207-208 *Vicars of Christ*)

Suggestions

With those concluding remarks I would like to suggest a few measures which should assist in restoring confidence and return us to sanity. I risk of course, being accused of being presumptuous in making certain

suggestions. I make no apology. This is after all not a private but public matter of the greatest importance to the freedoms of millions of Tanzanians and to the peace and tranquillity of our society:

- the de facto ban on Muslim preaching be lifted immediately. The ban is not consistent with the guarantees of Article 19 of the Constitution of the United Republic of Tanzania which provides for the fundamental right of freedom of worship including the freedom to propagate religion.
- an impartial and independent Commission of Inquiry be instituted by the government to inquire into , inter alia:
 - (a) the sacrilegious police incursion into Mwembechai mosque on 12 February 1998;
 - (b) events leading to the riots of 13 February 1998;
 - (c) the fatal shooting of five Muslims by the police on 13 February 1998;
 - (d) the wounding and maiming of Muslims and others by the police on 13 February 1998;
 - (e) the sexual harassment of Muslim women while in police custody including the arrests of those women in the first instance;
 - (f) the arrests and torture of Muslims while in police custody;
 - (g) the arrests of Muslims for having on their persons copies of extracts and translations from the Qur'an perceived by the police to be inimical to Christian dogma;
 - (h) whether the sealing off of Mwembechai mosque was in accordance with the Constitution and other relevant laws;
 - (i) whether the police and FFU executed their duties in accordance with riot and crowd control procedures contained in Sections 77 and 78 of the Penal Code , the Police Forces Ordinance and Police Forces General Orders.
 - (j) whether the conduct of the Minister for Home Affairs , the Regional Commissioner of Dar Es Salaam , the Inspector General of Police and the Dar Es Salaam Regional Police Commander , before , during and after Mwembechai , was in accordance with Constitutional provisions and other relevant laws of Tanzania; and
 - (k) specifically , whether the disagreement between the Catholics and Muslims over the content of Muslim preaching was handled by the government in accordance with the Constitution of the United Republic of Tanzania and other relevant laws of Tanzania.
- the Commission of Inquiry should be headed by a judge of the Court of Appeal or High Court of Tanzania with one member each being drawn from Roman Catholic Church of Tanzania , the Lutheran Church of Tanzania , the Al Malid Islamic Propagation Society , BAKWATA , BARAZA KUU , Supreme Council of Shia Ithnasheri of Tanzania , Tanganyika Law Society , TAWLA , Faculty of Law of the University of Dar es Salaam, Department of Political Science of the Faculty of Arts and Social Sciences of the University of Dar es Salaam and the Institute of Development Studies of the University of Dar es Salaam.
- the Commission should make recommendations as it deems fit to remedy all evils found and on measures to restore the secular consensus;
- the Director of Public Prosecutions (DPP) should undertake to review all cases of alleged "blasphemy" instituted against Muslims to determine whether legal procedures were complied with and to drop all charges found to be not bona fide , improper , malicious , frivolous and vexatious.

- the DPP should undertake to issue instructions to prosecutors not to unreasonably and on flimsy grounds insist on denying bail to accused Muslims. Bail is a right and not a privilege.
- government leaders be advised that they visit houses of worship in their individual and private capacities to pray and worship like other ordinary citizens. They should therefore abandon forthwith the practice of turning houses of worship into platforms for making pronouncements on secular and/or political matters and should decline all invitations to grace any religious function in their public and official capacities. They should also abandon the practice of turning houses of worship into virtual fortresses patrolled by armed police with the traffic police sealing off public roads whenever the leaders turn up to pray and worship (surely they have enough plain clothes bodyguards to deal with any threat , real or imagined, to their personal safety?)
- government leaders , particularly the Vice President , should be advised that in keeping with the secular Constitution the government does not officially recognize BAKWATA at the expense of or in preference to other Muslim societies , all being equal in the eyes of the law. Significantly , the government should abandon its practice of interfering with the management of Muslim societies and mosques or forcing Muslims when and where they can observe any Muslim festival.
- the government should be advised to issue instructions to all its departments , executive agencies and other public institutions to observe the spirit of the secular Constitution in their affairs. Public funds should not be used in the observance of any religious festival.

The use by the police of sub-machine guns should be abandoned forthwith. It is a weapon of war used by the armed forces against equally armed enemies and not meant for use against unarmed civilians.

CONCLUSION

Learned Attorney General , let me conclude with a few observations. The first point is, obviously , that freedom of worship is a fundamental principle embodying a substantive value. Democratic regimes can , and do violate rights. In a secular multi-religious and multi-cultural society such as ours , effective procedures are required to ensure that this substantive value is not violated. A combined and total commitment by all Tanzanians to truth and justice and our determination to remain steadfast will guarantee that this and other values are not violated by arbitrary political or state powers or whims and opinions of some segments of our society. Dissension and discord between conflicting groups or interests should be dealt with in accordance with the law and mutual consultations. The government and its organs must properly discharge their functions in accordance with their statutory obligations. Only then can there be a stable growth of Tanzania society. The alternative is anarchy and oppression.

The confrontation over Muslim preaching though clergy-motivated , appears to be fuelled by ignorance , prejudices and wrong perceptions of Islam. Islam is a very misunderstood religion. The prevailing view by many people is that Islam is simply a strange Arab religious cult or sect and Muslims are fanatical and terrorists. Indeed Islam has been so gravely misunderstood and misrepresented that many people think of it as an enemy to any sort of stability , peace and progress ; they mistrust it , fear it and regard it as a dire threat without as a rule knowing anything about it other than what the popular media conveys which almost invariably reflects grave inaccuracies , fallacies and errors rather than accurate information.

But Islam is the second largest religious community in the world today , the first being Christianity. It is the faith professed by nearly one billion people living in every part of the globe. It is also the fastest growing religion in the world. Americans and Europeans are turning away from Christianity to Islam.

We live in an age of tremendous upheaval and uncertainty. People around the globe are groping anxiously for something that can save humanity which has lost its way. It may be true that today we live in an era of the ultimate in material civilization and progress, but in the realm of values and morals mankind appears to be close to bankruptcy. In the Islamic view , these problems are the result of man having lost sight of who he is in relation to himself , to other human beings and above all , to God , in Whom, being itself, and all human relationships , originate. And until he is able to find meaningful and correct answers to the ultimate questions, and solutions to his problems, solutions which are compatible with the fundamental realities of existence and his own nature, his life will remain adrift without a base and without a direction; his personality will be distorted and fragmented; his human nature abused by permitting its animal part to dominate, and his societies full of overwhelming problems.

Islam claims to provide such answers and solutions, ones, which are compatible with reason, logic , the realities of the physical universe , and with human nature itself. For Islam is , above all , a view of the total Reality , encompassing the existence and attributes of the Creator , man's relationship with Him , his role and purpose in this world , and the relationship between this life and the life of the Hereafter , which puts all that exists into proper perspective and gives balance and direction to the life of human beings and their societies.

It is important therefore for Tanzanians, who desire to be well informed and aware, to clear any preconceptions they may have about Islam and objectively and correctly understand Islam. Many Tanzanians have begun to do this. People around the globe are also increasingly becoming more and more enlightened about Islam. In the United States there is a growing high number of professionals – doctors, nurses , professors , engineers , lawyers , teachers , business men and women – along with blue collar workers and students , reverting (converting) to Islam. Britain's Prince Charles , as reported in the Daily Nation (Nairobi) of 29 October 1993 , has also seen that judgement of Islam “has been grossly distorted by taking the extremes to be the norm”. In a speech to an audience of 500 scholars , Muslim community leaders , churchmen and diplomats delivered at the Sheldonian Theatre Oxford , under the auspices of the Islamic Society of Oxford University on 28 October 1993, Prince Charles said that : “The Islamic and Western worlds can no longer afford to stand apart. We have to share experiences , to explain ourselves to each other. Islam can teach us today a way of understanding and of living in the world which Christianity itself is poorer for having lost.”

Finally , because of the issue of arbitrary interference with freedom of worship concerns millions of Tanzanians and the freedom loving world , I am forwarding copies of this submission to certain personages , embassies, political parties , the press and to interested persons and institutions.

Abu Aziz
A Muslim
15 May 1998

Copies to :

Office of the President

The Chief Justice of Tanzania
Jaji Kiongozi
Minister for Justice and Constitutional Affairs
Director of Public Prosecutions
Diplomatic Missions
Press
Tanganyika Law Society
Tanzania Women Lawyers Association
Faculty of Law-University of Dar es Salaam
Institute of Development Studies-University of Dar es Salaam
Political Science Department-University of Dar es Salaam
BAKWATA
BARAZA KUU
Supreme Council of Shia Ithnasheri of Tanzania
AL MALID Islamic Propagation Society
Khidmat Islamic Propagation Society
Muslim Students Association of University of Dar es Salaam
Roman Catholic Church of Tanzania
Lutheran Church of Tanzania
Political Parties
Mwalimu Nyerere Foundation

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Editor's Note

Since Abu Aziz's original submission was in the form of a letter to the Attorney General of Tanzania, he inserted all the bibliographical details within the text. For the sake of uniformity and ease of reference I have, as far as possible, put the full citations under "Reference" at the end of the letter. This change of format has also necessitated some slight modifications within the text. -- HMN.

Appendix 2

A Letter from the Muslim Council to the President of Tanzania, Hon. Benjamin Mkapa, on the Grievances of Tanzanian Muslims

HALMASHAURI KUU YA WAISLAMU.
c/o Islamic Club, P.O Box 11392. Tel.: 185258/0511 613422, Dar es Salaam.

26/08/1999.

Mhe. Benjamin William Mkapa
Rais wa Jamuhuri ya Muungano wa Tanzania
Ikulu, Dar es Salaam

YAH: MASHAURIANO KUHUSU MADAI YA WAISLAMU.

Kwa heshima na unyenyekevu mkubwa tunaomba uhusike na kichwa cha maneno; na urejee mazungumzo yetu ya awali pamoja nawe yaliyofanyika nyumbani kwako, hapo Ikulu, jioni ya Jumatano, tarehe 7 July 1999.

Awali ya yote halmashauri inatoa shukurani za dhati kwako kwa kitualika kukutana nawe siku hiyo na kutukirimu. Mkutano huo ulitupa matumaini makubwa juu ya uwezekano wa kipatikana na ufumbuzi wa kudumu wa madai ya waislamu ambayo tuliyawasilisha rasmi kwako mwazoni mwa mwaka huu, wakati wa baraza la Eid el Fitri. Madai hayo kwa ufupi yanahusu:

- ◆ Ubaguzi uliojitokeza dhidi ya waislamu katika baadhi ya vyombo vya dola ambao unafanywa na naadhi ya watendenaji walio katika serikali. Mfano wa hili umejitokeza katika:
 - ◆ Kuwepo kwa idadi ndogo ya waislamu katika vyuo na maofisi ya serikali ukilinganisha na iwiano halisi ulivyo katika jamii yetu ya watanzania; na
 - ◆ Kuwepo kwa idadi kubwa ya waislamu "wazururaji" na "wahalifu" katika magereza;
- ◆ Suala la Mwembechai kupatiwa utatuzi;
- ◆ Suala la Mahkama za Makadhi na
- ◆ Suala la nchi yetu kujiunga na "organization of Islamic conference" (OIC) na kiboresha uhusiano wake na nchi za Kiislamu.

Tulipokutana siku hiyo, kama tulikuelewa vjema, ulitueleza kwamba:

- ◆ Serikali inatambua kuwepo "imbalances" dhidi ya waislamu katika jamii yetu ya Watanzania;
- ◆ Sio lengo wala njama za serikali au hata sera za Chama cha Mapinduzi (CCM) kuwa na hizo

"imbalances"

- ◆ "Imbalances" hizo zipo tu kwa sababu ya kihistoria na ubinafsi ya baadhi ya watu katika CCM na Serikali; na
- ◆ Serikali bado inajukumu na wajibu wa kuondoa hizo "imbalances" kama inavofanya na maeneo mengine.

Kauli hii ilitupa faraja na imani kwamba viongozi wa CCM na Serikali sio tu hawapaswi kufuata sera hiyo potofu za kibaguzi dhidi ya Waislamu, bali pia wako pamoja nao katika kutetea usawa. Tunashukuru pia kwamba siku hiyo ulitokeza kuwa Serikali imeanza kuchukua hatua za kurekebisha hali hiyo na kuondoa kabisa kasoro hizo. Miongoni mwa hatua ulizozitaja ni:

- ◆ Maelekezo uliyokwisha kuyatoa juu ya kutatuliwa kwa matatizo ya Waislamu yanayohusu "hijabu" na kuwepo kwa mabaa (bars), nyumba za wageni (gest houses), ufugaji ovyo na uchuuzi wa nguruwe na mabucha yake.
- ◆ Ofisi yako ina "update human resources bank" yake, ikiwa ni pamoja na kutafuta waislamu wenye taaluma za kushika nyadhifa mbali mbali; na
- ◆ Katika masuala ya utoaji wa vyeo, serikali imeanza suala la kuzingatia uwiano baina ya waumini wa dini tafauti.

Pamoja na maelezo hayo ulitoa tahadhari kwamba:

- ◆ Utatuzi kamili wa matatuzi ya Waislamu utachukuwa muda;
- ◆ Masuala ya OIC na Mahkama za Makadhi bado yanahitaji utafiti, matayarisho na kuelimishana; kwa vile baadhi ya watu bado wanadhana au khofu kuwa kukubali masuala haya ni sawa na kukubali kuifanya Tanzania kuwa nchi ya Kiislamu; na
- ◆ Kuwapa Waislamu nafasi zote wanazostahiki kunataka busara na hekima kubwa kwa vile inabidi kwanza baadhi ya nafasi hizo wanyimwe au wanyanganywe watu wengine.

Mwisho ulishauri kuwa:

- ◆ Badala ya Waislamu kudai kwenye majukwaa, ni vyema madai hayo kuletwa kwako moja kwa moja kwa vile uko tayari kuyapokea na kuyashughulikia.

Mhe Rais, Halmashauri ilikubaliana nawe kwa hayo yote; na uliongeza kwa kusema kwamba:

- ◆ Siyo muhimu sana kwa Waislamu hivi sasa kujua nani amesababisha hizo "imbalances", bali muhimu zaidi ni serikali kutambua kwamba "imbalances" hizo zipo na inapaswa kuziondoa.
- ◆ Suala la ku "update human resource bank" ya serikali ni suala muhimu sana kwani inawezekana Waislamu kukosa baadhi ya nafasi kwa sababu ya Serikali kutojua kama kati yao wamo wenye taaluma za kushika nafasi hizo.
- ◆ Waislamu hawataraji miujiza ya kutatuliwa matatizo yao yote kwa usiku mmoja; bali wanahitaji kuona kuwa hatuwa thabiti zinachukuliwa za kutatua matatiza hayo ikiwa ni pamoja na:
 - ◆ Kuundwa kwa tume huru za kuchunguza suala la Mwembechai;
 - ◆ Kuanzishwa kwa mpango, hata kama ni wa muda mrefu, na ratiba ya kuondoa hizo "imbalances" na
 - ◆ Kukemewa na kukomeshwa kwa propaganda potofu dhidi yao.

Halmashauri, Mhe Rais, ilikudokezea kwamba takriban imeshamaliza kufanya utafiti wake; na, pamoja na mambo mengine, matokeo ya utafiti huo yanaonyesha kwamba:

- ◆ Imbalances zipo kwa vile hakuna "mechanism" ya kuzuia kuwepo kwake; na zipo kwa sababu takwimu zote takriban zinaonesha hivyo.
- ◆ Ilikuwa ni kinyume na Katiba kuondoa Mahkama za Makadhi kwa vile Katiba ya Tanzania inadhamini uhuru wa kuabudu na Waislamu kuwa na Mahakama hizo ni sehemu ya ibada.

Kwa kumalizia, Halmashauri yetu ilikuhakikishia kwamba:

- ◆ Haifanyi haya yote kwa sababu ya choyo, uroho au maslahi ya ubinafsi ya Waislamu peke yao; ila inafanya hayo kwa maslahi ya Taifa zima na kwa nia safi ya uzalendo na kutaka kuimarisha demokrasi na uadilifu.

Hapa tunapenda kutoa taarifa, Mhe Rais, kwamba siku chache kabla ya kikao hicho pamoja nawe, na baada ya kuona muda mrefu umepita tangu Halmashauri yetu kukupatia Madai ya Waislamu, tulikuwa tumejiandaa kulieleza Baraza la Maulid siku ya tarehe 10 Julai 1999 katika Ukumbi wa Diamond Jubilee, kuwa Serikali inachelewa kushughulikia Madai hayo. Lakini, kutokana na mazungumzo hayo ya tarehe 7 Julai 1999, Halmashauri kwa furaha ilibidi ibadilishe risala yake na kutoa tamko rasmi kwamba madai hayo sasa yameanza kushughulikiwa na Serikali ipasavyo.

Mhe Rais, pamoja na mkutano wetu huo nawe hapo Ikulu, kumetokea mambo mengine kadhaa ambayo tunapaswa kuyazingatia kwa vile yana uhusiano mkubwa na masuala yetu.

- ◆ Mosi, kumekuwa na tamko la CCT la kutaka Serikali iache mara moja fikra ya Tanzania kujiunga na OIC kwa hoja kwamba OIC ni jumuiya ya Kiislamu na nchi hii ina Waislamu na Wakiristo
- ◆ Tamko hilo ambalo tunatarajia kuwa limetolewa kwa nia nzuri linathibitisha kauli yako kwamba baadhi ya wananchi wana dhana kuwa Tanzania ikijiunga na OIC itakuwa nchi ya Kiislamu. Ndio maana Halmashauri inakubadiliana nawe kuhusu kuelimishana ili kuondoa dhana hii. Ni muhimu wenzetu wajue kuwa nchi zisizo za Kiislamu ambazo zimejiunga na OIC kama vile Uganda na Mozambique, zinaendelea kuwa si za Kiislamu. Tangu kujiunga na OIC bado hatujasikia hizo nchi kutakiwa au kushauriwa kuwa za Kiislamu. Badala yake nchi hizo zinashiriki kikamilifu kakika shughuli za OIC kwa sababu ya maslahi yake. Aidha, kwa maoni yetu, nchi kuwa yenye Waislamu na Wakiristo ndio sababu nzuri zaidi ya nchi hiyo kujiunga, na sio kutojiunga na jumuiya hizo za kimataifa ama za Kiislamu au za Kikristo. Hivi sasa kwa mfano nchi yetu tayari ni mwanachama wa jumuiya ya madola (ya Commonwealth) ambayo kiongozi wake lazima awe Mkristo na mkuu wa Kanisa la Kianglikana; na hii haifanyi Tanzania, Kenya, Uganda, Nigeria n.k kuwa nchi za Kianglikana.
- ◆ Bali hata ingalikuwa Tanzania haijajiunga na jumuiya kama hizo, isingekuwa vibaya kuanza kwa kujiunga na OIC. Kwani Watanzania tunajiamini na tunajulikana kwa utamaduni wetu mkubwa na mzuri wa kuvumiliana katika masuala ya itikadi. Mfano nzuri ni kwamba katika Tanzania Waislamu na Wakristo wanapumzika Jumamosi na Jumapili, na sio Ijumaa na wanasherehekea mwaka mpya wa Kikristo, na sio wa Kiislamu. Aidha Vatican inayo mwakilishi wake hapo nchini ambae amepewa hadhi na anatambuliwa na kuheshimika kama Balozi. Ikiwa haya na mengi mengine ya aina hii yanafanyika hapa Tanzania kwa usalama na amani, ni dhahiri kwamba hakutakuwa na tatizo nchi yetu ikiboresha uhusiano wake na nchi za Kiislamu au ikijiunga na OIC.

- ◆ Zaidi ni kwamba tunataka Tanzania iboresha uhusiano wake na nchi za Kiislamu kama invyoboresha uhusiano wake na nchi za Kikristo, na ijiunge na jumuiya za kimataifa za kidini sio tu kwa maslahi ya kiroho, bali pia kwa maendeleo ya kidunia. Ikijiunga na OIC, nchi yetu itastahiki misaada na mikopo kama ile ya Islamic Development Bank (IDB) ambayo ni nafuu zaidi kuliko mingi tuipatayo kutoka jumuiya au nchi nyingine. Aidha, kwa kufanya hivyo nchi yetu itakuwa imejipatia jukwaa jengine ambalo ni muhimu kwa harakati zake za kidiplomasia.
- ◆ Pili, kulitokea upinzani mkubwa katika Bunge, wakiwemo baadhi ya Mawaziri, dhidi ya Waziri wa Elimu na Utamaduni, Mhe. Juma Kapuya, kwa sababu ya kutangaza baadhi ya yale mambo ambayo wewe umeagiza yatekelezwe. Katika maelezo yake Mhe. Kapuya alizungumzia:
 - ◆ Haki ya wanafunzi wa itikadi mbali mbali ya kuabudu nyakati za sala, na kuvaa mavazi yanyokubalika katika maadili yao.
 - ◆ Wajibu wa wanafunzi wa kuendesha miradi yao ya uchumi kwa kuzingatia tafauti za udini zilizopo bila ya kuleta bughudha kwa kundi au dhehebu lolote.
 - ◆ Jukumu la Wizara la kuhakikisha kwamba suala la udini halijitokezi wakati wa kujaza fomu za maandalizi ya kujiunga na Kidato cha 1, cha V pamoja na kujiunga na mafunzo ya ualimu.

Maneno haya, ambayo yangelisaidia sana kuonesha kwamba serikali haiko dhidi ya dini, Waziri Kapuya alilazimishwa sio tu kuyafuta, bali pia kuomba radhi kwa kuyatamka. Kama anahitaji kubaki waziri, Mbunge mmoja alimwambia, basi aondoe suala la udini kwenye bajeti. Jambo ambalo, pamoja na kufanya Serikali ionekane kuwa dhidi ya dini, limesababisha Waislamu kuandamana na baadhi yao kupigwa na kutiwa ndani.

Tunashukuru kuwa kwa upeo wako mpana, ulibainisha hivi karibuni kwamba:

- ◆ Wapo wanasiasa au viongozi wengine wa jamii wanaozungumza wazi wazi lugha ya udini, ukabila na majimbo. Tusiwapuuze na wala tusiwaonee haya.

Tunakubali kauli yako hiyo kwa ukweli wake; kwani hata katika tukio hili baadhi ya viongozi wa aina hiyo wamejitokeza. Akiashiria Mhe. Kapuya, Mbunge mmoja alifika kusema kwamba: Al-Haji hafai kuwa Waziri. Ila, kinyume na maagizo yako, viongozi hawa sio tu hadi sasa wamepuuzwa, bali pia walishangiliwa na wabunge wenzao Wakristo wa chama tawala na vile vya Upinzani. Wabunge Waislamu wa chama tawala walioomba kuchangia katika mada hii wakati huo walinyimwa nafasi na Mhe. Spika. Mawaziri waliokuwepo pia walihitari kukiuka maadili ya collective responsibility kuliko kumuunga mkono waziri mwezao. Kauli za aina hii hazikusikika kabisa wakati Mhe. Rev Simon Chiwanga alipokuwa Waziri wa wizara hiyo!

- ◆ Tatu, kumetokea teuzi mbali mbali za viongozi wa Chama, Serikali na Mashirika ya Umma. Wahusika wa teuzi hizo hawakuonekana kuzingatia suala la uwiano baina ya waumini wa itikadi tofauti; jambo ambalo linaonesha sio tu kupuuza Madai ya Waislamu, bali pia kutokujali maelekezo yako. Katika chaguzi ndogo zilizofanyika Temeke na Ubungo hivi karibuni, kwa mfano, CCM iliteuwa wagombea wote wawili kutoka dini moja. Aidha katika bodi la ya Wakurugenzi wa shirika la PPF walioteuliwa hivi karibuni wote ni kutoka dini moja; na wale watatu ambao walikuwemo kabla wa dini nyingine wametolewa kwa mpigo. Mifano ya aina hii ni mingi na hapa hatuwezi wala hatuhitaji kuitaja yote. Ila ni muhimu kutanabahi kwamba Waislamu wanaangalia kwa makini sana teuzi zote zinazofanywa hivi sasa katika CCM, Serikali na Mashirika ya Umma.

- ◆ Nne, kumekuwa na Mkutano Mkuu wa Bakwata ambao umefanyika Dodoma mnamo siku ya Alhamisi, tarehe 29/07/1999. Ukihutubia katika ufunguzi wa mkutano huo kama mgeni rasmi ulisema kuwa:

Uko tayari, na kwa kweli, umeshaanza kuyashughulikia matatizo ya kitaifa yanayohusu Waislamu.

Halmashauri inakupongeza kwa ujasiri huo wa kuweza kuwatangazia wananchi kwa jumla yale ambayo ulitueleza sisi kabla. Kauli hii sasa imeweka wazi kuwa, pamoja na kutambua kuwepo kwa imbalances kadhaa dhidi ya Waislamu, umekubali kubeba jukumu la kuziondoa. Ila kutokana na hutuba hiyo, masuala mengine yamejitokeza ambayo tunahitaji, na kwa hiyo, tunaomba ufafanuzi wake:

- ◆ Kwanza, kuna suala la "mechanism" ambayo itatumika kusawazisha hizi "imbalances". Ukizungumzia suala hili ulisema:
- ◆ Serikali haitasuta kumchukulia hatua kali mtu yeyote atakae bainika akimbagua mwengine katika masuala ya elimu, ajira, upandishaji vyeo na utoaji wa leseni au hati mbali mbali kwa misingi ya jinsia, dini, kabila au eneo anakotoka mtu.
- ◆ Serikali haiwezi kuweka kanuni ya kudumu ya kugawa vyeo kwa misingi hiyo ya udini, ukabila na jnsia.
- ◆ Kwa faida ya taifa ni vizuri tugawe vyeo kwa vigezo vya ujuzi, uwezo na upimaji makini wa matokeo ya kazi.

Kuhusiana na suala hili sisi tuna maoni tafauti na, kwa hiyo, ni vyema kukutana na kubadilishana mawazo. Sisi tunaona kwamba:

- ◆ Haitakuwa rahisi kuwachukulia hatuwa wabaguzi bila ya kuwa na vituo vya kutosha vyenye taratibu madhubuti na uwezo wa kupokea na kufuatililia madai ya wanaobugudhiwa.
- ◆ Itakuwa vigumu kukomesha ubaguzi na kuhukumu wabaguzi kama hakutakuwa na sheria maalumu, hata kama ni ya muda ya kufanya hivyo.
- ◆ Katika kuomba au kutoa nafasi za elimu au ajira, utaratibu wa kutumia nambari badala ya majina ni vyema utumike; kwani usipo saidia kuinua wanyonge, utasaidia kuondoa zana ya upendeleo.
- ◆ "Affirmative action" au "positive discrimination" tayari inatumika hapa nchini na inasaidia kuinua wanyonge wa jinsia; kwa hiyo ni bora pia ijaribiwe katika kuinua wanyonge wa dini, kabila na maeneo, n.k.

Hii sio kwamba tunapendekeza kuwa wanyonge hao wapewe nafasi hata kama hawafai. Halmashauri inakubaliana nawe moja kwa moja kwamba ugawaji wa vyeo ni lazima uzingatie ujuzi na uwezo. Ila tunaomba kuwa kuna haja vile vile ya njia ya kuhakikisha kwamba wanyonge wenye uwezo na ujuzi hawakoseshwi vyeo kwa misingi ya dini au kabila; na wale wanaopewa vyeo miongoni mwao hawasumbuliwi kwa maneno; kama vile: "Al-Haji (au Reverend, hata kama ni Profesa) hafai kuwa Waziri". Kukiwa na njia hiyo, wanyonge hawatapendelewa ila kutakuwa na uhakika wa wao kupata haki yao, bila ya kudhulumu au kudhulumiwa.

Kwa maneno mengine, sisi tunaona kuwa si vyema uwezo na ujuzi kuwa ndio vigenzo pekee vya kuzingatiwa katika kugawa vyeo. Kuna haja pia ya kuwa na "mechanism" ya kuzuia watu wa dini, kabila au jinsia moja kuchukua vyeo vyote au (vingi mno) mpaka wenzao wa dini, kabila au jinsia nyengine wakakosa kabisa (au wakapata vichache sana) hali nao wanafaa. Kwa hiyo, badala ya kuchagua baina ya vigezo vya kabila, jinsia na dini kwa upande mmoja, na vigezo vya ujuzi, uwezo au uzalishaji kwa upande mwengine, ni muhimu vigezo vyote hivi vitumike kw wakati mmoja.

- ◆ Kisha, kuna suala la matokeo ya utafiti ambao sote tumefanya. Hotuba yako imetupa hisia kwamba sasa Serikali imemaliza kufanya utafiti wake juu ya Madai ya Waislamu; na ndio maana iko tayari kuyashughulikia. Ila pia hotuba hiyo imetupa wasiwasi kuwa labda "conclusion" ya utafiti huo ni tofauti ba ile ya utafiti wa Halmashauri. Wasiwasi huu umekuja baada ya kusikia kauli yako kwamba:
 - ◆ Hakuna mchujio wowote katika kuandikisha watoto shule, kwenda sekondari, au vyuo vikuu, au katika ajira, unaofanywa kwa msingi wa kuwabagua watu wa dini fulani. Hiyo nawahakikishia kabisa.
 - ◆ Na kama yupo mwenye ushahidi kwamba mwanafunzi fulani amezuiliwa kuendelea na elimu kwa sababu tu ya dini yake, jinsia yake au kabila lake basi wanaohusika wajulishwe.

Kama hii ndio "conclusion" ambayo Serikali imefikia baada ya utafiti wake, basi bila shaka inatofautiana na ile ya Halmashauri. Kwa hivyo, kuna haja ya kukutana ili kubadilishana "notes" na kufanya uchambuzi wa pamoja. Kinyume na uoni huo, sisi tunanona kuwa mchujio upo; ila labda mchujio wenyewe si rasmi, au haufanywi kwa makusudi. Ni maoni yetu pia kwamba, ili tuweze kuondoa mchujio huo, ni muhimu tukubaliane kwanza kwamba upo. Sisi tunaamini kuwepo kwake kutokana na hoja kadhaa. Baadhi ya hoja hizo ni kwamba:

- ◆ Ukosefu wa ushahidi wa kwepo kwa mchujio, si uthibitisho wa kutokuwepo kwa mchujio huo; kwani ushahidi unaweza kukosekana hata kama mchujio ukiwepo madhali unafanywa kwa siri au uangalifu wa kutosha.
 - ◆ Ushahidi wa kesi za mchujio si rahisi kupatikana kwa kuwataka wanaobaguliwa waripoti kesi zao kwa wahusika au hata kwa Rais mwenyewe. Kwani mara nyingi hao wahusika huwa hawajulikani au wenyewe ndio wabaguzi. Aidha si rahisi kwa mwananchi wa kawaida kuwa na uwezo na ujasiri wa kufika Ikulu.
 - ◆ Athari ya mchujio ipo, inaonekana, nayo ni hizi "imbalances" ambazo tunakubaliana kwamba zipo.
 - ◆ Itakuwa ni kitu cha ajabu sama mchujio kutokuwepo; kwani kwa kawaida, binadaamu haachi kuchuja (kujipendelea yeye mwenyewe na kupendelea walio wake) kama hakuna cha kumzuia.
 - ◆ Takwimu zetu zinaonyesha kwamba watoaji wa nafasi za masomo au ajira wengi, kama si wote, ni waumini wa dini moja; na wanaopewa nafasi hizo wengi, kama si wote, pia ni waumini wa dini hiyo; ila wakosaji sasa, kama si wote, wengi wao ndio waumini wa dini vyingine.
- ◆ Halafu kuna suala la kujenga badala ya kubomoa madaraja ya kijamii. Ni vyema umelitaja suala hili katika hotuba yako; na umesema kuwa:
 - ◆ Mojawapo ya visingizio vinavyotumiwa na wanaotaka kuvunja madaraja ya umoja na utaifa wetu ni kwamba watu wa eneo fulani wameachwa nyuma, au watu wa dini fulanai hawapewi nafsi fulani katika uongozi wa nchi na jamii.

Ikizingatia suala hili, Halmashauri imeona ni muhimu vile vile kuwa hadhari sana watu ambao nao wanaweza kuvunja madaraja ya kijamii kwa kusingizia kwamba hakuna ubaguzi, hali upo; au hakuna watu wa dini, kabila, jinsia au eneo ambao wameachwa nyuma kimaendeleo au wamenyimwa au nyadhifa, wakati wapo.

Mheshimiwa Rais, huu ni muhtasari wa baadhi ya yale tulionayo moyoni ambayo tunapenda kushauriana nawe. Baada ya kukubaliana kuhusu kuwepo kwa "imbalances" dhidi ya Waislamu; ni muhimu sasa tukutane kujadili "mechanism" ya kusawazisha hizo "imbalances". Hapa tunajaribu kubainisha baadhi ya tofauti zilizopo baina yetu katika suala hili kwa kueleza rai yako na kutoa maoni yetu, ambayo kwa ufupi ni:

- ◆ Kuwa na utaratibu wa nambari badala ya majina katika kuomba na kutoa nafasi za elimu;
- ◆ Kutumia mpango wa "positive discrimination" au "affirmative action" katika kutoa nyadhifa na ajira;
- ◆ Tanzania kuboresha uhusiano wake na nchi muhimu za Kiislamu kwa kufungua balozi zake katika nchi hizo na kujiunga na OIC;
- ◆ Mahkama za Makadhi kurudishwa;
- ◆ Serikali kukemea propaganda potofu na kukomesha ubaguzi dhidi ya Waislamu kwa:
 - ◆ Kuanzisha tume ua kuchunguza kesi muhimu za aina hiyo, hususan Kesi ya Mwembechai;
 - ◆ Kuanzisha vituo maalum na vya kutosha vya kupokea na kufuatilia kesi za ubaguzi.

Kwa hivyo, tunaomba kukutana nawe mapema, ikiwezekana, kuzungumzia kwa kina suala hili la "mechanism". Kwani, kama maradhi, matatizo huzidi kila yanapochelewa kutatuliwa na hayaondoki kwa kuondoa tu dalili (symptoms) zake. Kama tulivyokubaliana kuhusu kuwepo kwa "imbalances" dhidi ya Waislamu, tuna imani kwamba tutakubaliana pia juu ya "mechanism" ya kuzisawazisha. Aidha tunaomba kukutana nawe ili kupata ufafanuzi juu ya hi hali iliyojitokeza ya baadhi ya watendaji wa CCM na Serikali kufanya mambo kinyume na maelekezo yako. Hali hii imeonekana zaidi katika utekelezaji wa maelekezo yako kuhusu:

- ◆ Kutatua matatizo ya Waislamu yanayohusu "hijabu", sala wakati wa ibada na kuwepo kwa mabaa (bars), nyumba za wageni (guest houses), ufugaji ovyo na uchuuzi wa nguruwe na mabucha yake.
- ◆ Kuzingatia suala la uwiano baina ya watu wa itikadi tofauti katika uteuzi wa viongozi mbalimbali.
- ◆ Kutozungumza lugha ya udini, ukabila na majimbo.

Tukiamini kwamba utatukubalia ombi letu, tunatanguliza shukrani.

Ahsante.

Al-Miskry, Saleh
Secretary.

Appendix 3

A Letter from the President of Tanzania, Hon. Benjamin Mkapa, in Response to Tanzanian Muslims' Grievances

The President of the United
Republic of Tanzania

The State House
Dar es Salaam
17 Desemba 1999

Ndugu Saleh Al-Miskry,
Halmashauri Kuu ya Waislamu,
C/o Islamic Club,
S.L.P. 11392,
DAR ES SALAAM

Ndugu Al-Miskry,

Ninakiri kupokea, kwa shukrani, barua yako ya tarehe 26 Agosti 1999, pamoja na viambatisho vyake. Imenichukua muda mrefu kukujibu kwa sababu mambo uliyoandika ni mazito, ya kitaifa, na ilinibidi niyatafakari kwa kina, niyafanyie utafiti zaidi, na nishauriane na wenzangu Serikalini kabla ya kuyajibu.

Leo ninakuandikia si kwa lengo la kujibu hoja moja baada ya nyengine, au kutoa jibu kwa kila swali. Katiba ya Jamhuri yetu inanipa mimi, kama Rais, wasaidizi wengi. Ninaye Makamu wa Rais, na ninaye Waziri Mkuu. Ninaye waziri kwa kila sekta, na ninao wakuu wa mikoa na wilaya kwa kila eneo la nchi yetu. Nitakuwa siwatendei haki nikijibu maswali yanayowahusu wao. Ningeshauri, kama mlivyojenga mahusiano mazuri nami, mjenge pia mahusiano mazuri na mawaziri, wakuu wa mikoa, na kadhalika, ili kila jambo lisingoje mpaka lifikishwe kwa Rais.

Nina uhakika kwa mfano, kwamba Waziri wa Elimu ana uwezo wa madaraka ya kutosha kushughulikia masuala ya elimu, ambayo kwangu ni muhimu sana. Akikwama atayaleta kwangu. Hiyo itasaidia kufanya mawasiliano nami yawe yale yanayohusu mambo ya msingi, badala ya kujadili matukio. Misingi hiyo itasaidia kuwaongoza watendaji wa Serikali na kuniwezesha mimi na nyinyi kuwa na vigezo vya kupima tunafanikiwa kiasi gani katika kuhakikisha kila mwannvhi anapata haki zake za msingi bila ubaguzi wowote kwa sababu za dini, dhehebu, kabila, jinsia, eneo analotoka, na kadhalika.

Msingi wa kwanza ni utawala wa sheria. Nchi yetu lazima iendelee kutawaliwa kwa msingi wa sheria zilizowekwa kwa njia za demokrasia. Hivyo napata taabu kidogo raia wa nchi hii anapofikiri matatizo aliyo nayo yanaweza kutatuliwa nje ya mfumo wa utawala wa sheria. Kila mwenye kero

akichukua msimamo huo, nchi hii itakuwa haitawaliki tena; itakuwa vurugu tupu. Kazi ya msingi ya Serikali yoyote ni kuhakikisha unakuwepo utawala wa sheri, ulinzi na usalama wa raia wote, wa aina na imani zote. Uhalali wa raia kudai haki nje ya mfumo wa utawala wa sheria unaweza ukakubalika penye utawala wa kikoloni, utawala wa ubaguzi wa rangi, au utawala wa kidikteta. Uhalali huo haupo hata kidog katika nchi huru, inayoongozwa kwa misingi ya demokrasia kama ilivyo Tanzania.

Kwa sababu hiyo nimefadhaishwa sana na kauli za kuashiria shari za wale wanojiita "Shura ya Maimau Dar es Salaam". Pamoja na mbmo mengine ya uchochezei wanasema, "Waislamu hatuna moyo tena na Serikali ya nchi hii na vyombo vyake vyote likiwemo Bunge na Mahakama". Ninajua huu sio msimamo wa Waislam walio wengi, lakini matamko yasiyokuwa na kiasi kama haya yasipokanushwa, na wanaoyatoa wanapopewa fursa na majukwaa ya kuyasema, hiyo inawapa silaha wale wachache wanojaribu kupakamatope heshima na picha nzuri ya Waislamu. Mimi na ninyi tuna kazi ya kuwashihisha wenye hulka ya aina hiyo, lakini matamko kama haya yatafanya kazi hiyo iwe ngumu zaidi.

Utawala wa sheria chimbuko lake ni Katiba ya Jamhuri. Katiba yetu imepiga marufuku ubaguzi wowote, kwa msingi wowote, ikiwemo dini, kabila, rangi, eneo analotoka mtu, na kadhalika. Katiba hiyo pia imetoa uhuru kamili, ndani ya uwigo wa sheria, wa imani za dini kustawi katika uhuru wa ibada. Isipokuwa kwa wale ambao hawan imani na vyombo vyote vya dola, mimi nina imani kuwa mahakama zetu nina uwezo na uhusu kamili wa kumpa haki hizi za msingi yule ambaye atkauwa amenyimwa kwa ubaguzi.

Narudia. Haki za msingi za kila raia zimo ndani ya Sheria Mama - Katiba - ya Jamhuri yetu. Kama kweli upo uhsahidi kwamba baadhi ya taasisi za umma au viognozi wa umma, wamebuni mfumo wao wa kuhakikisha Waislamu wananyimwa haki hizo, hao wala si wa kuchukuliwa hatua za nidhamu tu, bali ni wa kushitakiwa mahakamani. Wasionewe haya. Tusaidianeni wahsitakiwe!

Siwezi kushangaa iwapo kuna mtu au kiongozi mahali ambaye ndani ya moyo wake ana chuku dhidi ya Wakristo au dhidi ya Waislam; au ana chuki dhidi ya naume au wanawake; au ana chuku dhidi ya wazramo au wahaya; au chuki dhidi ya watu warefu au wafupi. Ninachosema ni kuwa katika utafiti niliofanya hakuna mahali popote katika Serikali hii ambapo mfumo rasmi wa kubagua au kumnyima haki za msingi mtu yeyote kwa msingi wowote.

Kweli, zipo tofauti kati ya idadi ya Waislamu na wasio Waislamu katika shile, vyo, sehemu mbalimbali za kazi lakni huo si ushahidi wa mfumo wa ubaguzi. Sababu zake sote unazijua - ni za kihistoria na za kijamii, kama ilivyo kwa tofauti kati ya idadi za watu wa kabila mbalimbali au jinsia. Ingekuwa tofauti hizo peke yake zinatoshia kuthibitisha mfumo rasmi wa Waislamu, kwa nini tuiseme pia kuwa upo mfumo rasmi wa kubagua wanawake, au watu wa kabila fulani, au rangi fulani, au umbo fulani. Na ukweli ni kuwa si kila mahali Waislamu ni wachache. Kwa mfano nimejaribu kuhesabu ni mabalozi wangapi, tena kwenye zile Ofisi za ubalozi muhimu sana, ambao ni Waislamu. Naomba na ninyi mfanye hesabu hiyo.

Lakini turudi kwenye masuala ya msingi. Si jambo zuri sana kuanza kujena utamaduni wa kuhesabu watu kwa misingi ya kabila zao, dini zao, rangi zao, jinsia zao, au maeneo wanayotoka. Tangu uhuru tumejitahidi kujenga taifa ambapo haki na heshima ya mtu inatokana na utu wake, si dini yake, kabila lake, jinsia yake, na kadhalika. Siko tayari kujenga mfumo wa utawala ambapo sifa ya mtu kupata nafasi ya shule, au nafasi ya kazi, ni dini yake. Aidha, tukishaanza na dini tutawazuiaje wengine kudai nao wafikiriwe kwa misingi ya dhehebu la dini, kabila, jinsia na kadhalika. Hapo tutakuwa tumefumua kabisa misingi ya umoja, upendo, mshikamano na kuheshimiana waliyotuachia waasisi wa Taifa letu. Naomba sana tusitafute dawa ya ugonjwa mdogo itakayozua magonjwa makubwa zaidi yasiyokuwa na tiba.

Vile vile kuanzisha taasisi mpya ya kupokea na kuchunguza ubaguzi wa kidini kutazidi kuvuruga tu kwa vile ni kukiri kuwa kweli upo ubaguzi uliojengeka ndani ya mfumo wa utendaji Serikalini; jambo ambalo si kweli. Aidha, kama nilivyosema, ukianzisha taasisi ya kushughulikia ubaguzi wa kidini, uwezi kukataa wengine wakidai taasisi nyingine ya kushughulikia ubaguzi wa jinsia, ubaguzi wa kabila, rangi, na kadhalika.

Tusijitose sana katika zoezi la kuhesabu watu kwa misingi ya dini. Tukifanya hivyo tutaimarisha, badala ya kujihisi kwanza kama Watanzania. Mimi nilifikiri kuwa Tanzania ilishavuka hatua hiyo. Naomba usirudi nyuma kwenye kutukuza udini, ukabila, au maeneo tunayotoka. Tukishajitumbukiza huko hatuwezi kutoka tena. Badala yake lengo letu liwe kuelekea mahali ambapo tutakuwa vipofu wa dini, vipofu wa rangi, vipofu wa kabila, na kadhalika. Na pia tuisahau kuwa Tanzania yetu hii ina hata Maaskofu wenye majina ya Ramadhani au Hussein, na wengine wengi ambao wana majina yasiyofichua dini zao au kabila zao.

Jambo jingine la msingi ni kuhakikisha kuwa Tanzania kama Taifa, na kama Serikali au Chama chochote cha siasa, inakuwa haina dini. Kwenye hili hakuna mjadala, maana ni hali hiyo ya kutinamia upande wa dini yoyote ndiyo inayotupa nguvu ya kusimamia na kuhakikisha kila raia anapata haki zake za imani za dini na uhuru wa ibada bila hofu au wasiwasi.

Kwa hili Serikali ni refa anayehakikisha kila upande una haki sawa, na uhuru sawa; na kuwa uhuru wa kuabudu au kutangaza dini kwa upande mmoja hauathiri haki ya uhuru wa ibada na kutangaza dini kwa upande wa pili.

Mimi ni Rais wa watu wa dini zote, na ni Rais pia wa wale wasiokuwa na dini; ni Rais wa kabila zote na rangi zote, jinisa zote na hulka zote. Mimi ni Rais wa wanywa pombe na wasio wanywa pombe; wala nguruwe na wasiokula nguruwe. Si kazi yangu kuhukumu nani kati yao ni mwema na nani si mwema. Kunitaka nimkataze mmoja anachopenda ni kunitaka nifanye kazi ya kuhukumu juu ya imani za watu ambayo si yangu; hiy mimi naamini ni kazi ya Mwenyezi Mungu mwenyewe.

Hiyo pia ndiyo inayonifanya nichelee kukubali haraka haraka hoja ya Tanzania kujiunga na Shirika la Waislam (OIC). Nadhani si sahihi kuishinikiza Serikali ikubali hoja hiyo kwa vile tu zipo nchi nyingine zilizojiunga. Kila nchi huangalia mazingira yake na sababu zake. Kwa vile ukijiunga unafanya hivyo kama Taifa zima, si kama sehemu ya Taifa, siwezi kupuuza kabisa maoni ya wale ambao si Waislamu. Hivyo huu si uamuzi ambao ninaweza kuufanya kwa wepesi; unahitaji mashauriano zaidi na pande zote na kuelimishana ili Jamii yote ya Tanzania ielewane.

Kuhusu suala la Mwembe Chai mimi nilifikiri tulishaelewana kuwa haitasidia sana kuunda Tume ya Uchunguzi, maana unajua kulichotokea. Na tunajua kuwa zile fujo, ambazo hatimaye zilihiti nguvu kubwa ya dola kuzizima, hazikuwa na uhusiano na mambo ya dini kabisa. Ndio maana miongoni mwa waliokamatwa walikuwapo wtu ambao wala si Waislamu. Bado haja na hoja ya kuunda Tume sijaiona.

Tulipokutana tarehe 7 Julai, mwaka huu, mojawapo ya mambo tuliyozungumzia ilikuwa umuhimu wa kuwa na fursa ya mzungumzo ya kudumu baina ya waumini wa dini mbalimbali, (*inter-faith dialogue*), ili mradi wahusika wawe watu waliokomaa kimawazo, wenye busara na nia njema. Hii itasaidia kujenga maelewano baina ya waumini wa dini zote na hivyo kupunguza hisia za kibaguzi za kila upande, na kujenga msingi bora zaidi wa kufurahia uhuru wa imani katika mazingira ya kupendana na kuheshimiana, japo tuwe na imani tofauti za dini.

Mlango wangu bado uko wazi kwa majadiliano ya mambo ya msingi kama haya kila nikiwa na nafasi.

Tanzania ni nchi yetu sote, watu wa imani tofauti za dini. Tukiwa na busara, tutawajengea watoto wetu nchi nzuri ya kumcha Mungu kwa uhuru, amani na kuheshimiana kwa kuzingatia kwa dhati maneno haya.

Wasalaam,

Signed: Benjamin William Mkapa

RAIS WA JAMHURI WA MUUNGANO WA TANZANIA