

## CHAPTER FOUR

### Tragedy and Hope

“A house divided against itself cannot stand.” I believe this government cannot endure permanently half slave half free. -- Abraham Lincoln, June 16, 1858.

#### The Limits of “Suffering without Bitterness”

In his moving farewell speech at the Diamond Jubilee Hall on 4th November, 1985 Mwalimu Nyerere made two statements, of great moment, about Muslims in Tanzania. In a way, those statements encapsulate and crystallise both Tanzania’s looming political tragedy and the fading hopes of averting it. In the first part Nyerere paid glowing tribute to Muslims for their political maturity and patience, qualities which greatly contributed to the country’s enduring peace. He acknowledged the existence of enormous religious disparities against Muslims in education and employment when the country became independent. And that the inferior status of Muslims was so conspicuous that it could have easily been used to divide the nation. He said that attempts were indeed made to use those imbalances to disrupt the unity and solidarity of Tanzanians, but Muslims spurned them. In the second part Mwalimu Nyerere expressed his satisfaction that as he was stepping down from government leadership Tanzania had already successfully rectified whatever imbalances that existed between Christians and Muslims in education and employment.

Nyerere’s second statement has baffled me, and I hope many other Tanzanians since. And like many Tanzanians also, I have too much respect for Mwalimu to accuse him of lying. But how could he commit such a grave factual error in his public farewell speech? There are several logical possibilities. The first one is that he sincerely believed religious imbalances had been redressed. It is a possibility which is difficult to accept. Throughout his political career Nyerere kept himself very well informed about local and international affairs. The position of Muslims in Tanzania is a subject which even the dullest students could hazard a correct answer, how could their teacher, and one who ruled the country for twenty five years, have got it so wrong? The other possibility is that Nyerere like everyone else knew that those imbalances had not been corrected and that in some cases like political appointments the Muslims were even worse off in 1985 than they were in the early sixties. Nyerere had promised Muslims in 1959 that their lowly position could only be set right after independence. After ruling the country for a quarter of a century and after acknowledging the enduring patience of Muslims throughout that long period, Nyerere found it difficult to admit his failure in that regard. But again that is very uncharacteristic of Mwalimu. Way back in 1962 Nyerere wrote *Tujisahihishe*. The onus of his narration in that small booklet was to underline the need for acknowledging and correcting our mistakes. And in his leadership Nyerere displayed admirable courage in admitting mistakes and even failures without equivocation. *The Arusha Declaration: Ten Years After* is but one example. But why was Nyerere suddenly unable or unwilling to admit failure in religious imbalances?

We may never know why Mwalimu made that puzzling statement but many Muslims have been forced to suspect a trace of religious prejudice against them. One can understand why in his book, Said (1998) has described that speech as a “farce”. Muslims argue that Nyerere could not have possibly been ignorant of

their situation. Nor could he have been embarrassed by his failure to keep his promise. For if that were the case he could have easily ignored that subject altogether as he had done throughout his rule as president. He was under no pressure to raise it. Nyerere not only raised the matter but also attempted to close the Muslim file by misrepresenting it. It was mentioned in chapter one how Nyerere, a Catholic, had vowed to do everything in his power to strengthen Catholicism in Tanzania. Was Nyerere afraid that the new president, a Muslim, would also misuse his power to strengthen Islam in the country? In any case, Nyerere had failed to fulfil his promise. Why was he now deliberately discouraging future leaders from addressing that problem? Did he believe Muslims would perpetually continue with their suffering without any bitterness? A year before Nyerere made that statement Mazrui and Tidy (1984:377-378) noted in their book, *Nationalism and New States in Africa* that the political leverage of Muslims in Tanzania was well below commensurate levels and that 'Most observers do not even realise that there are more Muslims than Christians in Tanzania'. They also wrote, (and in retrospect quite prophetically) that while Tanzania had fared better in terms of religious harmony, 'but the risk that Muslims might become increasingly discontented as they witness a disproportionate share of privilege enjoyed by Christians continue to hang over Tanzania, especially in the years which would follow the departure of Mwalimu Julius Nyerere'.

## Was Nyerere shedding crocodile tears?

In Tanzania Christians have dominated key government appointments for so long that they now seem to consider it anomalous to see a Muslim beyond the rank of an office cleaner, messenger or driver. Malekela (1993) for example claimed that under Mwinzi's leadership the tendency was to favour Muslims to assume positions of high responsibility even when they were ill-qualified. He could not cite even a single example. In fairness to him however, he did acknowledge that he was quoting a rumour. In his pastoral letter Pengo (1993) also reported but discounted the claim that Christians were being discriminated in government appointments. Reverend Curthbert Omari (1994) went even further. He cautioned his fellow Christians to be on their guard against possible Muslim "infiltration" in "our" various government institutions! Far from remedying religious imbalances, Tanzania was becoming more and more exclusionary as far as religious affiliation was concerned. Baraza Kuu (1993) in their booklet *Madai ya Haki za Waislamu* did not rely on rumours. They compiled a list of Christian and Muslim officials in various government offices and parastatal organisations. They pointed out for example that in that year 1993 there were 8 Muslim District Commissioners against 113 Christian. In the Prime Minister's Office, the Prime Minister himself, his Principal Secretary, Deputy Principal Secretary, and all the five Directors were all Christian. Likewise in the Civil Service Department a Christian Principal Secretary was assisted by five directorates all of which were headed by Christians. The Tanzania Electoral Commission had seven members all of whom were Christian except one member from Zanzibar. The Tanzania Law Review Commission had nine members all of whom were Christian except one member from Zanzibar. Muslims called upon the government to rectify the religious under-representation of Muslims.

In the same year 1993, following the pork butcheries riots, hundreds of Muslims were indiscriminately arrested and denied bail on very flimsy grounds. During that trying period Shivji (1993b) stood out as an eloquent if lone voice to speak out in defence of the underprivileged. Even Nyerere was alarmed by the ferocity with which the government pounced on the Muslims. He criticised the government of the day by saying that during his presidency the primary duty of the government was to fiercely defend the constitution, not pork shops; whereas the major task of the current government was to fiercely defend pork shops, not the constitution. He was alluding to the Union government's wavering stand on Zanzibar's membership to the OIC. Of course Nyerere was conspicuously silent about the Mwembechai killings. But perhaps more significantly it was in 1993 that Nyerere for the first time admitted in public that there was

indeed religious hatred against Muslims in Tanzania. He said that it was nothing but religious hatred against Zanzibari Muslims which was behind the call for the creation of Tanganyika. In an interview with a local Kiswahili newspaper Nyerere said that when he opposed the G55 motion for the creation of Tanganyika a team of clergymen went to see him at his Msasani residence. They told him that it was important for Tanganyika to have its own separate government because of the cultural incompatibility between Zanzibaris and Tanganyikans. Nyerere asked them whether the people of Bagamoyo were culturally closer to their fellow Tanganyikans of Bunda than they were to the people of Unguja. Or whether the people of Tanga or Mafia were culturally more compatible with their fellow Tanganyikans of Tunduma than they were with the people of Pemba. He told them that there were more Muslims in Tanganyika than in Zanzibar. The same problem of cultural incompatibility would confront them within Tanganyika. In his book *Tanzania, Tanzania!* Nyerere (1993) repeated his charge about religious hatred against Islam and Muslims in Tanzania.

I am aware that there are formidable arguments, both constitutional and political, in favour of three governments. Those arguments have also been presented by some of our best legal minds in Tanzania, and not all of them out of religious prejudice against Muslims or Christians. Way back in 1983, at a meeting of the Tanganyika Law Society, Wolfgang Dourado, a patriotic Zanzibari Catholic, presented closely reasoned legal bases for the creation of Tanganyika. Shivji (1990) and Jumbe (1994) have also argued that the 1964 Articles of Union envisaged three distinct jurisdictions. My interest here is not to discuss the legality or political suitability of having the government of Tanganyika, but rather to underscore the fact that Nyerere at last made a public acknowledgement of the existence of the cancerous curse of religious animus in Tanzania. Quite unfortunately however, Nyerere made those admissions at a time when Muslims were already so disenchanted with him that they accused him of shedding crocodile tears. He was the one who laid the foundation of a structure which guaranteed the continued dominance of people of his own religious faith. If there were more Muslims in Tanganyika than in Zanzibar, those Muslims were virtually invisible in the government machinery. Nyerere did not say how this terrible monster of religious rancor against Muslims crept into Tanzania, “the citadel of peace”. Any serious effort to disentangle ourselves from its fatal grip must begin with an equally serious effort to understand how it came to haunt us. In the foregoing pages I have attempted to show in the light of my understanding and experience the nature and complexity of the political malaise which now weighs so ominously upon our society.

## **What should be done?**

To avert political catastrophe in Tanzania I suggest the following:

### **(a) The president should address the dominant group**

President Mkapa has acknowledged the existence of Muslim grievances. He has also expressed his willingness to resolve them. Muslims have many complaints but they all fall under the rubric of religious discrimination. Perhaps the strongest political advantage which Tanzania has, but one which may not last long, is that religious discrimination against Muslims is still hierarchical and therefore unilateral. It is not so far horizontal and therefore not yet mutual. Muslims suffer religious discrimination and humiliation in their contact with vertical institutional power, in schools and government offices. Muslims do not experience religious discrimination horizontally in their social relationship with Christians at the market place, or as neighbours and friends. Even at those trying moments when Muslims were being hounded up

by the government, in some cases it was a perplexed Christian neighbour who took care of the children of the arrested Muslim parents. And in most cases Christians would be among those people who would come to comfort a bereaved Muslim parent or spouse.

Because of their inferior position, Muslims, even if they wished, cannot possibly discriminate against Christians at a vertical level. It is the Christians who dominate positions of power who have unilaterally decided to discriminate against Muslims. And it is this group which the president should address. Female Muslim students for example have a constitutional right to follow the Islamic code of dress. The Ministry of National Education and Culture had issued a circular letter to that effect long ago. Yet in practice Muslim students are daily being harassed by Christians who head those educational institutions. When Muslims staged a demonstration in protest, they were reassured that putting on an Islamic dress was their constitutional right! The government should have addressed and warned those who were unilaterally discriminating against Muslims. The government drive should aim at changing the arrogant mind-set of the dominant group before its discriminatory tendencies trickle down and induce exclusionary tendencies at the horizontal level.

Muslims suffered religious discrimination under the colonial rule and they rose against it. Why is it that after independence Muslims have endured religious discrimination for so long? Why are they now becoming increasingly discontented? The patience of Muslims rested on two major factors which are now crumbling away. For better or for worse Muslims did believe that they would get a fair deal after independence. It did not occur to

them that like the colonialists, their fellow citizens would also count them as political or religious enemies. They hoped that after independence one's religion would not be a determinant factor in upward social mobility. That trust is poignantly captured in Nyerere's 1985 farewell speech. Nyerere recalled and recounted the brotherly treatment Christians received in a predominantly Muslim city of Dar es Salaam. That speech was reproduced in *Uhuru*, 5 November, 1999 following Nyerere's death. Forty years after independence Muslims are not only disproportionately under-represented but are also openly perceived as enemies. The second factor was that despite the gross religious inequalities in access to education and employment, Muslims as a community were still regarded with respect and treated as dignified human beings. They were not deliberately held up for public scorn or humiliation. The government sensitivity towards Muslims was such that Independence Day celebrations were postponed if they fell on the Muslim holy month of *Ramadhan*. Forty years after independence the government insensitivity towards Muslims has been such that in 1999 Muslim students were initially scheduled to sit for their examinations on Eid-el Fitr Day! And when Muslims raised concern some government officials said with unmistakable insolence, "The time-table will not be changed. It is up to them (the Muslims) to decide whether to sit for the examinations or not" (Kondo, 1999). Despite repeated Muslim protests, the humiliation of Muslims is becoming a favourite form of "entertainment".

At a sensitive period of national anguish when Mwalimu Nyerere passed away, and even before his body had been laid to rest in Butiama, *Mtanzania* ( 23 October, 1999), one of the leading daily newspapers in the country decided to entertain her readers by publishing a cartoon which reviled Muslims and their religious leaders, and which proudly presented Nyerere as a Catholic religious leader. The cartoon had two parts. In part one the uncle by the name of Kepu says to his nephew, Wavisa, "Do you know, Wavisa, that Mwalimu's funeral has set an unparalleled record this century?". The nephew responds by saying, "You are quite right, uncle Kepu". In part two the nephew adds by saying, "But the funeral of a Muslim religious leader in our area set an unparalleled record in having the greatest number of pick-pockets and thugs." The overjoyed uncle jumps up in a hearty laughter. Was Nyerere a Catholic religious leader? Why should his funeral be compared with that of a Muslim religious leader? Forty years after independence Muslims are publicly portrayed as the dregs of the Tanzanian society. In whose interest? In their letter of protest

Muslims said that they were greatly saddened to note that the occasion of Nyerere's funeral should be seized to vilify Muslim leaders who sacrificed so much to facilitate Nyerere's rise to power. The letter also stated that under normal circumstances the government would have taken action against the newspaper or at least reprimanded it, especially since the cartoon was religiously insulting and politically divisive. But Habari Corporation had the effrontery of publishing it at a time of national mourning because of the sure knowledge that Muslims and their religious leaders were not regarded as normal citizens (Walid, 1999).

If *Mtanzania* maligned Muslim religious leaders, a Radio Tanzania play "Niachieni Mwenyewe" ridiculed the Holy Qur'an and the *Sunday Observer* reviled Muslim women and the Muslim dress of *Hijab*. In all the above cases and many others Muslims protested but their protests do not seem to stem the tide of slurs against them. In July 1999 the Dar es Salaam Consultative Assembly of Imams issued a statement against the stigmatization of mosques by CCM's Secretary General, Philip Mangula (Mbukuzi, 1999). The gross religious inequalities of today are not only accompanied by a structural exclusion of Muslims but also by their conspicuous humiliation as a sort of national pastime. The process of changing the negative mind-set against Muslims must include disallowing the dissemination of negative images of Muslims in the mass media.

## **(b) The establishment of religious checks and balances**

The promotion of national ideals should not largely or solely be dependent on the good sense of individuals in positions of power. It is important to establish in-built control mechanisms. It is of course true that to a very large extent having a good government means having good people in government. But in-built safeguards would help the government to spot and flush out bad elements before it is too late. Any serious bank for example would carefully scrutinize the past history of its employees and admit only those with unblemished records. Despite their trustworthiness the bank would still put in place financial regulations to monitor all transactions. Any foul play would be discovered almost immediately. Unfortunately, there appears to be a very well established image in our country that Christians are such good people that their own self-policing should be enough. To be sure, many Christians are indeed good people, but certainly not all of them. And since human beings are capable of moral degeneration it is always important to have checks and balances.

By way of illustration I shall here mention only three examples. The first example is connected with the massive leakage and subsequent cancellation of National Form Four examinations in November 1998. The government has not yet published its official report about the leakage. But it came to light in the aftermath of the leakage that while most schools had a new invigilator every year, some schools were lucky to have the same good invigilator for a period ranging between ten to fifteen years! Of course for the purposes of administering an examination what is important is not the face but the trustworthiness of the invigilator. But why is it that certain invigilators must always go to particular schools year in year out? It was also revealed that no external invigilator was usually sent to those schools which were known to be headed by virtuous and highly trustworthy people! The actual integrity of those individuals is not at issue here, our concern is on the potential danger such capricious regulations pose. For we may not even know whether the probity of such people is still beyond question. If left unchecked we may soon find ourselves having more and more first classes matched up with less and less competence, like in George Orwell's *Animal Farm* where statistical economic growth goes hand in hand with deteriorating living standards.

The second example is the vulnerability to which our country is exposed by the numerous airfields owned and controlled by the Christian churches. The idea behind allowing churches to have their own airfields is to facilitate the provision of emergency medical or relief services. But human beings even if they are Christian clergymen are liable to human weaknesses. Without reliable controls the flying in doctors may abuse those facilities to bring into the country illegal drugs or even arms.

The third example is a perplexing revelation made in an official report by the Roman Catholic church in Tanzania and submitted to Pope John Paul II when he visited Tanzania in 1990. In its report titled *Activities of the Church in Tanzania* the Catholic church has reported about the existence of a Commission of Armed Forces within the church. The report is silent about when that Armed Forces Commission was established within the Catholic church in Tanzania (Baraza Kuu, 1998). Muslims formally requested the government to clarify on that matter with a view to allaying their fears. The government has yet to respond. In the absence of an official clarification we do not know whether the Armed Forces commission of the Catholic church works within the Tanzania People's Defence Forces or operates as an independent military wing of the church. In either case it is not clear why the Catholic church would need a commission of Armed Forces. The hierarchy of the Catholic church is such that all Catholic leaders in Tanzania including His Eminence Polycarp Cardinal Pengo have to answer for their actions directly to the appointing authority in Rome. Was the formation of the Armed Forces Commission a directive from Rome? Could it possibly be that it was this commission which was behind the killings of Muslims at Mwembechai? Could this be the reason why Catholic leaders rushed to defend those killings? The government can easily put to rest such wild speculations by explaining why it believes it is necessary for the Catholic church to have a military wing or a commission of Armed Forces, and whether other religious groups can also form their own Armed Forces Departments.

The above examples underline the need for establishing religious checks and balances. Part of the problem in our country is that the government is almost exclusively run by Christians. One way of controlling religious excesses is to strike a religious balance in appointments. This would imply adopting a deliberate policy of affirmative action in favour of all underprivileged groups. To effect such changes the Tanzania leadership would need the courage of taking intelligently fearless action. In *The Prince*, Machiavelli (1940:65) offers a different advice. He argues that it is politically useful for a leader to 'seem all mercy, faith, integrity, humanity, and religion' but it is politically dangerous to actually and always put them into practice. The political tragedy in Tanzania may partly be precipitated by the seeming tendency to heed Machiavelli as far as the question of religious discrimination is concerned.

## Tanzania: A Citadel of Peace?

Our leaders have always described our country as a citadel of peace. We do not seem to have drawn any meaningful lesson from the Rwanda tragedy of 1994. The Rwandese, like Tanzanians, do not constitute a special species of human beings. Tanzania may do well to learn something from the social roots of that chilling tragedy. For what happened in Rwanda could happen in Tanzania. Is Tanzania a citadel of peace? There is a charming anecdote in East Africa which warns people against the folly of being entrapped in their own propaganda. According to one version, a hungry and physically exhausted farmer returned home at nightfall and lay in his bed. But since it was a brightly moonlit night children were playing at his compound and their wild noises irritated him. But how could he lure them away? He decided to invent a lie. He opened his window and addressed the children: There is a sumptuous banquet going on at the mosque now and the choicest dishes are available. Why don't you go to enjoy the feast? All the children rushed to the mosque and they did not come back again. But when the children did not come back, the hungry farmer

said in his heart: There must be a feast at the mosque, otherwise the children would have come back. He put on his clothes and went to the mosque! Of course the mosque was closed and he heard the children playing in another compound. It was asinine of the hungry farmer to believe his own lies.

## **“I am afraid of normal people”**

As I was walking along the streets of Gainesville, Florida, in September 1999 I saw a woman driving a car which had a bumper-sticker with the following statement: *I am afraid of normal people*. I was struck by the vibrant ambiguity and complexity of that deceptively simple statement. I do not know why that woman was afraid of normal people. But her statement provoked me to recall an upsetting experience I had with “normal people” at the Kariakoo Market in Dar es Salaam in 1991. It was an experience which nearly cost me my life. I had finished my shopping at around 11.a.m. when I saw a young man of about 16 years fleeing from his pursuers who were shouting “thief! thief!” The young man fell down about four metres from where I was standing. I saw “normal” passers-by who a minute before were calmly walking along the road rushing to take bricks and other missiles. By sheer good luck I managed to calm them down. I inquired about his crime and they told me that he stole some three or four bananas. I volunteered to pay for all the bananas the young man had stolen. The owner of the bananas was not even among those who were murderously beating up the young man. I told them that I was very much against theft, but it was an enormous crime to unilaterally enforce a death penalty for such a petty crime. The angry mob was about to disperse when suddenly someone who was not in the group came rushing with a brick and hit the young man in the head. And suddenly all the people who had seemed to agree with me now resumed their attacks. When I tried to intervene again they told me that they would kill me also. In less than fifteen minutes the energetic young man was no more. After which the same “normal” people went about their business as usual. Why is it that those apparently peaceful and normal people felt no remorse at all after clubbing to death that young man? What would have happened if those people had access to fire arms?

Available records show that in Rwanda Catholic clergymen did participate in the massacres of their fellow Catholic citizens in 1994. The fact that even such a highly respected personage and highest ranking Catholic leader in Tanzania as His Eminence Polycarp Cardinal Pengo could, without the slightest tinge of contrition, justify the killing of unarmed Muslims at Mwembechai should give us a foretaste of the tragic possibilities that lie ahead of us. I am not afraid of normal people, but I have no illusions about them.

Tanzania cannot long endure half privileged half oppressed.

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## AFTERWORD

### Mkapa Renounces His Pledge

A good tree cannot bring forth evil fruit, neither can a corrupt tree bring forth good fruit. Every tree that bringeth not forth good fruit is hewn down, and cast into the fire. Wherefore by their fruits ye shall know them. - *Mathew 7:18-20*

I had already submitted the manuscript of this book to my publisher when President Mkapa officially renounced the pledge he made on 19 January, 1999. The president's dramatic change of heart took many Muslims by surprise. They pinned so much hope on him. The immediate impact of his back-peddling was to heighten Muslim resentment. I believe the political implications of that move are significant enough to warrant an afterword.

I do not share the current popular view that Mkapa was play-acting when he made his milestone speech on January 19, 1999. Such statements are expressions of anger and disappointment rather than serious attempts to understand the situation. I believe Mkapa was quite sincere when he promised to address the Muslim question. I also find it difficult to believe that the official reasons given to justify his withdrawal are the real reasons. They are too weak to be his actual reasons. I think the president underestimated the magnitude of religious discrimination in the country and the deep-seated hostility and negative mind-set which many government officials harboured against Muslims. And those were the officials who were supposed not only to advise him but also to help him in solving the problem. As I indicated in chapter three, *all* the official reactions from the different ministries that I had managed to see had nothing but scorn and venom towards Muslim grievances. It is very likely in my opinion that President Mkapa found himself in a political dilemma. When he met the Muslims he was overwhelmed by the evidence of religious discrimination they gave him. But despite their numerical superiority and the justness of their demands, in terms of political power Muslims were underdogs. And when he consulted his chief officials and advisors he found an impregnable wall of unanimity about the flimsiness of *all* Muslim claims and demands. But since those were the people who ran the government machinery they naturally wielded immense political power, even if they were not many. They had the capability of undermining his effectiveness and authority. And in conventional politics might is right. The leaders of many poor countries accept the unreasonable conditionalities of the IMF and the World Bank amid stiff opposition from their own people, not because they believe they are good for their economies but rather because they know they are necessary for their political survival. As if President Mkapa was telling the Muslims: "Look, I understand your demands and I personally think they should seriously be addressed. I think you know my position. But I am alone. All my officials are against your demands. Why don't you also try to promote a good relationship with them? They are the ones who are against your demands. Please, do not come to me. You will be wasting your time and mine. Go to them." But almost during the same period Fr. Method Kilaini, the Secretary General of Tanzania Episcopal Conference was pleased to report that the Christian "Council of Elders" whose members were drawn from both TEC and CCT, had "thrice met the President of Tanzania to press issues of common interest" (Kilaini, 1998:3). Presumably the Church Elders had a good working relationship with government officials.

But that is my interpretation. And it is highly speculative. The president should be judged by what he actually said, not by what I think he meant to say.

On 7 July, 1999 President Mkapa invited members of the Muslim Executive Committee to the State House. In the course of their discussion about the plight of Muslims in the country, they reached a common understanding on several issues. They also charted out a broad framework of how to forge ahead. At least that is what the Muslims thought. And they came out of that meeting with radiant hopes of a new beginning. And in their optimistic enthusiasm they assured Muslims of President Mkapa's grim determination to stamp out religious discrimination. Muslims were reminded that in July 1992 a committee of 12 Muslim leaders was appointed to seek audience with the then Prime Minister, Hon. John Malecela. Their letter did not receive even the courtesy of a reply. President Mkapa was different. He was willing even to talk to them. On 10 July, 1999 during the Maulid Baraza held at the Diamond Jubilee Hall the Committee encouraged Muslims to believe that prospects of eliminating religious discrimination were never better than during Mkapa's presidency.

On 29 July, 1999 President Mkapa addressed BAKWATA's National Conference in Dodoma. In that speech (the full text of which was published in *An-Nuur* August 6-12, 1999), President Mkapa made a very significant shift from his landmark speech of January 19, 1999. When I pointed out to some Muslim friends that the president was clearly abandoning the *modus operandi* suggested in his January speech, I was accused of reading too much "into" the speech. Of course I was not the only one who saw the signal. *An-Nuur* (August 13-19, 1999) expressed its deep concern by publishing a full page special commentary on that speech. Many Muslims however did not want to revise the fond image of their hero. And they therefore refused to notice the directional change the president was making.

On 26 August, 1999 the Muslim Executive Committee, with brimming confidence and eagerness, requested an audience with the president as a follow up to their July meeting. In their eight-page letter, the Committee began by giving a summary of what its members thought was a faithful record of what transpired in their earlier meeting. The second part of the letter outlined the agenda, and underlined the urgency of their meeting. Among other things the letter also revisited the Dodoma speech and hinted about the committee's misgivings. About four months later, President Mkapa responded. In his six-page letter dated 17 December, 1999 President Mkapa managed, with admirable politeness, not only to dismiss all Muslim grievances as fictitious and dangerous, but also to warn the committee against wasting the president's precious time! The tone of the letter was very respectful. But unlike the Dodoma speech, the message of the letter admitted no interpretational ambiguities. Upon reading the letter one could not help recalling that from the late 1970s Mkapa distinguished himself as one of Tanzania's most outstanding diplomats. Our concern here however is on issues of substance not of style.

As an argument the letter stands on weaker grounds. Its hidden imperative is: out of sight, out of mind; and what is out of mind does not exist. There is a story among the Ngoni of a man who, to his utter loss, applied that imperative. The man noticed that one of the wooden pillars supporting his house showed signs of being moth-ridden. When he dug out to inspect he found white ants had virtually eaten up the pillar to its very foundation. He decided to inspect the other pillars. He was shocked to discover that each succeeding pillar was worse than the previous one. It occurred to him that any attempt to meddle with the pillars would bring the house tumbling down. He carefully replaced the sand he had dug out around the poles and the house looked as intact as ever. His worries vanished and he went about his business as usual. After all it was nothing but curiosity which killed the cat! In his letter President Mkapa says in effect that Tanzania's unity and stability are supported by the harmonious co-existence of four national pillars: religion, tribe,

gender and region. He advises Muslims to refrain from digging out and inspecting the pillar of religion. To do so would encourage others to examine the other pillars. The scrutiny would only fuel worries, fears and suspicions. Let us turn a blind eye to religion, tribe and gender and we shall continue to live in peace. In politically correct terms let us be religion blind, gender blind and ethnicity blind. We shall see later how the plea for “blindness” is being used as a logical double bind at the level of argument and as a justification for discrimination at the level of practice.

The second axis of President Mkapa’s argument is the principle of the rule of law. The constitution should serve as a national compass and point of reference. All Tanzanians should be guided by the constitution. As citizens, Muslims may submit their demands to the government. But the substance of those demands and the procedures of presenting them must not violate the constitution. And secondly Tanzania should be judged by referring to its constitution and laws. It should not be judged by looking at the personal idiosyncrasies of certain individuals serving in the government.

When the government subjected Muslim claims and demands to the above framework the following conclusions emerged:

- (a) the nature of some of those demands, like the call for OIC membership, and Kadhi courts, violated the constitution.
- (b) the claims that Muslims were discriminated against were totally unfounded. The country’s constitution, its laws and all government procedures and regulations did not stipulate nor condone discrimination of any kind.
- (c) if Muslims did indeed have evidence of religious discrimination, they should take legal action against such people.
- (d) the government could not rule out the possibility of there being a government official somewhere who hated Muslims. The existence of such a person did not prove that the government had a policy of religious discrimination. Nor could the existence of religious imbalances alone, prove that charge.
- (e) there was no need of forming a probe team to investigate the Mwembechai killings because the disturbances which erupted at Mwembechai had nothing to do with religion.
- (f) some of the procedures which Muslims used to voice their demands were unconstitutional and politically dangerous. A good example is the seditious utterances of The Consultative Assembly of Dar es Salaam Imams.

In his letter President Mkapa said that it took him so long to respond because he needed to consult with relevant government ministries. His letter could therefore be regarded as representing the official government position on this issue. And from the response it is quite clear that the government was officially biased against Muslims. And that bodes ill for our country. Let us briefly look at the above conclusions.

Muslims have called upon the government to consider the possibility of joining the OIC to enable it, like Uganda and Mozambique, benefit from the interest free loans granted to member countries. The government has rejected that request on constitutional grounds. Muslims have argued that if joining the OIC was unconstitutional then our membership to the Commonwealth ( whose leader must always be a Christian and head of the Anglican Church) should also be declared unconstitutional. Muslims have also

argued that the government decision to abolish Muslim Kadhi courts violated the constitution. On the other hand the government argues that reestablishing those courts would violate the constitution of a secular government. The Muslim response is that if that argument holds then even the government decision to declare Saturday and Sunday which are Christian days of worship as public holidays would also be unconstitutional in a country where the majority were non-Christians. I am not suggesting that the Muslim position is necessarily correct and that of the government is necessarily wrong. What I am suggesting is that there is an interpretational dispute about what the constitution says or allows. That dispute cannot be said to have been resolved fairly and with justice by the executive usurping the powers of the judiciary and arbitrarily enforcing its interpretation. Certainly not in a country which takes its constitution and the rule of law seriously. The dispute should have been settled by legal and constitutional experts in an open court. *Justice must not only be done, it must be seen to be done.*

Perhaps even more surprising is the conclusion that Muslim claims of religious discrimination are baseless because there was nothing whatsoever which could even remotely be construed as anti-Muslim in the country's constitution, laws, or government regulations. Muslims have never said they were being discriminated against *because* but *in spite*, of Tanzania's constitution and laws. One could not dismiss the complaints of many Tanzanians about corruption in the country by citing our lofty constitution and our many laws against bribery. I am not aware of any law or provision in the constitution which encourages corruption. And yet one of the first things President Mkapa did after assuming office in 1995 was to appoint the famous *Presidential Commission of Inquiry Against Corruption* headed by Judge Joseph Sinde Warioba. In 1996 the Commission released two volumes of its report on corruption. Anyone who has read the report would be forced to admit that as citizens we have good cause to be ashamed for allowing our country to degenerate to such despicable levels of corruption. Yet despite the massive evidence few people have been taken to court. Discrimination is one of the worst forms of corruption. And instances of discrimination are not easy to prove in a court of law. For example when the government had initially appointed an all-Christian National Board of Parole, Muslims could only deplore the fact. Technically speaking no law was violated when the government excluded Muslims. Muslims could grumble but they could not possibly "prove" that they were discriminated against. After all Tanzania is supposed to be religion blind. The government suggestion that Muslims should take their cases to court is offered as a taunt rather than as a serious way of addressing the problem. But even the judiciary was not as independent as President Mkapa suggested in his letter. Chief Justice Nyalali told the Commonwealth Parliamentary Association in 1998 that the government and the ruling party CCM were often interfering with and violating the independence of the judiciary. He said that the situation was so notorious that on several occasions he had to tell the government to stop talking about the rule of law, if it could not respect the right of the judiciary to administer justice independently (*Majira* 7 August, 1998).

Equally less convincing is the supposed strict dichotomy say, between Mr. Benjamin William Mkapa, "Baba Stephen" and His Excellency Benjamin Mkapa, the President. If Mkapa, the individual regards Muslims as being worthy of respect, that attitude will also be reflected in his performance as Mkapa, the President. Muslims suffer the indignities of discrimination in their own country not because the constitution is against them, but largely because there are government officials who have religious hatred against them. And quite unfortunately, such people are not in short supply. Of course, it is beyond the powers of any government to prevent such people from having those feelings. But it is quite possible to set up mechanisms of preventing them from using their positions to discriminate other citizens. Muslims came up with some proposals in that regard. The very idea of setting up a monitoring mechanism has been rejected as encouraging religious consciousness. Tanzanians should instead encourage religion blindness! In their letter Muslims cited the example of the recent appointment of the PPF Board of Directors. The previous board was heavily dominated by Christians, but at least there were three Muslims. When the term of the board expired and a new one appointed, all the Christians who served in the previous board were reappointed, and

all the three Muslims were dropped and their positions were filled by new Christian faces. And stories were circulating that the whole idea was to “teach” Muslims a lesson. The official government response was to warn Muslims against inspecting the religious identities of Tanzanians. The idea of religion blindness is used as a shield to justify the predominance of Christians. Anyone who drew attention to their disproportionate over-representation would be told, “We did not even know that they were Christians, we only considered their professional competence”.

But while religion blindness is fiercely defended when Christians predominate, the same concept is considered intolerable when a Muslim holds a senior position. A recent example is the Centre of Foreign Relations located at Kurasini, Dar es Salaam. It so happened that three senior positions at that centre were held by highly qualified Muslims. The National Assembly was so shocked by such rampant religious discrimination that the Deputy Speaker, a Christian, hurriedly formed an all-Christian probe team of seven members to investigate religious discrimination at the Centre. It is reported that when the team asked the Director, a Muslim, why three senior positions at the Centre were occupied by Muslims he said, “Do you seriously want me to answer that question? Have you looked at your team? The Deputy Speaker, a Christian, has formed a team of seven Members of Parliament all of whom are Christians, to investigate about the discrimination of Christians at a Centre headed by a Muslim! Are you really serious?” The team was embarrassed, but went on with its investigation. They were certain that their appointment was religion blind. The employment of Muslims at the Centre was religiously biased!

The government cannot successfully use the fig leaf of “personal hatred” to cover up such naked discrimination. In June 1992 I attended a colloquium on American Studies held at Lake Victoria Hotel, Entebbe. When we were discussing a paper by Dr. Sylvia Tamale of Makerere University, a colleague from University of Nairobi took the opportunity to attack Islam on the basis of some misdemeanours of a certain Muslim in Mombasa. I took strong exception to that line of attack. I said that it was quite unfair to judge Islam on the basis of the misdeeds of an individual Muslim, and misdeeds which were abhorred in the basic sources of Islam. Likewise we could not say Christianity allowed adultery because there were certain Bishops who were sinning with other people’s wives. Islam, like Christianity, should be judged by its teachings. I almost carried the day, and then came the devastating intervention by Dr. David Dorsey, a Fulbright scholar attached with the University of Dar es Salaam. He said, “I used to be a Christian but I ceased to be one on that day when I read in the Bible: *Wherefore by their fruits ye shall know them*”. That was the end of his submission and he sat down. I got his point. He was criticising me for drawing a sharp distinction between Islam and Muslims. Muslims should approximate Islam. You cannot say Islam is good but Muslims are bad. Christianity is love but Christians are cruel. And by extension you cannot say socialism is good but socialists are bad, or that our laws are good but our magistrates are corrupt. *By their fruits ye shall know them*.

The distinction between the constitutional ideal and individual performance is criticised not because of its logical untenability but because of its practical irrelevance. What is the use of a lofty constitution which guarantees the basic human rights of all citizens if in practice it is possible for a government official ( who hates Muslims ) to order the government police force to shoot and kill the Muslims he hates? What is the use of having good laws which are not discriminatory if in practice it is possible for a magistrate (who hates Muslims) to use his powers to deny bail to the Muslims he hates? The Mwembechai killings will go down in history as one of the worst manifestations of abuse of political power. Since the killings happened in February 1998 Muslims have repeatedly appealed to the government to take legal measures against all those who were responsible for the killings. The entire government (not just an individual official who hates Muslims) has refused not only to prosecute the killers but even to form a probe team! Could it be the case of an ugly girl hating the mirror? The entire government “feels” it was justified in killing Muslims. The

president's categorical defence of the Mwembechai killings, one of the most tragic episodes in our national history, will remain indigestible to many of those Tanzanians who cherish the principle of the rule of law.

Against such a background what inference could Muslims draw? That the government was fair to all citizens? The President was dismayed by the statements issued by the Consultative Assembly of Dar es Salaam Imams expressing lack of confidence in his government. Did the government attitude inspire confidence? The argument of the Imams was a simple one but it captured the imagination of many Muslims: A government which on the basis of unfounded rumours from the Catholic church could order the killing of Muslims and decorate those killers was not likely to treat Muslims fairly in education or employment. Such statements reflect the deepening political discontentment of the Muslims. Muslims do not know where they should turn to for corrective and distributive justice. And as if to confirm that predicament, Muslim killers are defended and Muslim leaders are condemned. Is there religious discrimination in Tanzania? The official government position is that all such claims are baseless. It is very likely that Muslims would interpret that stand as reflecting the government's determination to perpetuate religious discrimination against them.

And during the Eid Baraza held at the Diamond Jubilee Hall on 9 January, 2000 President Mkapa's letter was read to thousands of Muslims who turned up. In an emotionally charged presentation, Said El Maamry, a prominent lawyer in the country, said that Tanzania's laws were very clear about the necessity of immediately carrying out an inquest if and when anyone died while in police custody or in prison, or in dubious circumstances. And according to the law there must be three parties to that inquest; a lawyer representing the government, a lawyer representing relatives of the deceased, and a coroner who acts as judge. El Maamry told Muslims that since he knew what the law stipulated, he submitted an official request for an inquest to the Attorney General. His letter was not even acknowledged. During that Baraza Muslims took a solemn pledge to fight to the bitter end to ensure that Muslim blood was regarded as precious as the blood of other citizens in the country. They also resolved to form a team of Muslims whose task would be to travel throughout the country to mobilise the people to reject the idea that the deliberate killing of Muslims was a trifle not worth even investigating.

Muslims have always submitted their complaints against religious discrimination and their demands for social justice, to the government on two assumptions: that in executing their duties government officials, irrespective of their religions, were guided by the constitution and other government regulations. That assumption has led them to make pleas to the government despite their awareness that the majority of those officials were Christians. The second assumption is that the government would act on those demands as a key player and not as a political bystander. As I noted in chapter three, church leaders have often acted as government spokespersons when it came to considering Muslims' demands. As if to demand social justice was to declare war against Christians. Perhaps the most costly political mistake committed by the government and clearly reflected in President Mkapa's letter has been to endorse and adopt the church leaders' misreading of the situation. While the government does not regard demands for gender equality as implying a declaration of war by women against men, it seems to have accepted the belief that any demand for social justice on the part of Muslims was *ipso facto* a declaration of "Jihad" against Christians. The whole question is viewed as a wrestling competition between Muslims and Christians, with the government acting as a referee.

By adopting that view the government has unwittingly aggravated the problem of religious discrimination to absurd levels. For once the problem is defined as a "war" between Muslims and Christians, quite naturally the battle line would necessarily be drawn along the same lines, with Christians regarding Muslims as their "enemies" and vice versa. And in such a war no Christian or Muslim, can conceivably be an impartial referee. And the biggest crime in any war is to lose. And to ensure that "the enemies" do not get any

foothold, all Muslim demands were dismissed as flimsy. And those who inflict heavy losses to the enemy side can only be regarded as heroes to be honoured and congratulated. When Muslims learn that the president and his entire government are firmly convinced that it is a waste of time to probe the killings of Muslims, it only confirms their belief about religious discrimination. How could any fair-minded government regard the killing of a dog as deserving more attention than the deliberate gunning down of several Muslims? Quite naturally, Muslims are deeply worried to see that the killing of Muslims is organised and justified by the very government which is supposed to protect them. The fear of what the future holds in store for them would naturally impel them to campaign against that tendency. But any nation wide campaign against the government decision to protect Muslim killers would be interpreted as a “Jihad” mobilisation against Christians. And the government might be tempted to take strong measures against such campaigns. The Muslims would say, look here is a government which has refused even to question the killers and yet it uses so much force against people who demand justice!

The wide-scale brutalization of Muslims in 1993 shocked many Muslims including the few who are serving in the government and in the police force. The hatred and persecution of Muslims was so intense and unmistakable that many Muslim policemen and women did whatever they could to alleviate the suffering of their fellow Muslims. A young Muslim policeman was ordered to escort to the Central Police Station about 200 Muslim men and women arrested at the Kwamtoro mosque. When they reached the Clock Tower roundabout, he sternly ordered all of them to squat as if punishing them. And then he told them in a low voice: Disperse in different directions and go home. The persecution of Muslims which followed the Mwembechai killings drew more and more Muslims to side with their fellow Muslims and to help them. One of the most notable but unintended result of President Mkapa’s letter has been to strengthen the solidarity of Muslims and to deepen the religious polarisation of Tanzania’s politics. Muslims from all walks of life, including high ranking government officials attended the January 9 Eid Baraza. They all supported the call for bringing Muslim killers to justice.

By virtue of being a good Christian himself, President Mkapa had a unique role to play in the fight against religious discrimination. Many Christians did not agree with his Eid Baraza speech of January 19, 1999. But they could not accuse him of siding with people of his own religion. The same speech would have been a political disaster had it been made by former President Mwinyi. Christians would have been calling for his impeachment. President Mkapa had the confidence of Christians and could have used that advantage to allay their fears and to help them transcend the religious war path orientation in politics. The tragic misfortune of Tanzania is that President Mkapa did not only squander that rare opportunity but also endorsed the religious battle line. So much so that even in his capacity as President of Tanzania he did not at all see the need for investigating the killing of Muslims by his police force. As far as the Mwembechai killings were concerned, many people gave President Mkapa the benefit of doubt. For the benefit of the people, however, President Mkapa removed that doubt.

All is well that ends well.

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