

The rights of the dead: A case of the *Ovahimba* people of Namibia

Francis S. Nyathi

Abstract

This paper stems from a research study conducted to explore the conceptions of Namibia's Ovahimba tribe about the rights of the dead. Among other disciplines, the study locates itself under customary law, sociology and anthropology. The study employed a qualitative approach to data collection and analysis. The population of this study was all the Ovahimba speaking people living in the Kunene Region. A combination of the convenience, the purposive and the homogeneous sampling techniques were used to select the sample. The study established that Ovahimba people believe that the spirits of the dead (ancestors) live and communicate with them all the time through the sacred fire. Therefore, they believe that the dead have equal rights as the living. It is therefore recommended that the Namibian nation be wary of importation of Western values that impose themselves on indigenous African cultures in the name of law and justice. The paper also recommends that the school curriculum for the Ovahimba people be vetted to ascertain cultural fairness and neutrality to avoid elements of ideological hegemonic impositions and/or brainwash.

Introduction

Like many other Bantu language speaking groups in Sub-Sahara Africa, the *Ovahimba* people are believed to have descended from the great lakes regions of East Africa. They are a part of the *Herero* speaking group which constitutes the second largest population of the Namibian ethnic groups. Geo-physically, the *Kunene* region is located in the far North-West of Namibia.

In his study, Talavera (2002) reports that, due to historical socio-political dynamics, the *Ovahereros* that are believed to have trekked from the Great lakes regions of East Africa, spread across the lengths and breadths of Namibia. Of these, the *Ovahimba* group settled in the northern parts of the *Haorusab* River, around *Epupa*, *Okanguati*, *Etanga* and the area of *Ondundu Yaoruze*. The main *Herero* group scattered throughout Namibia, while the *Ovatjimba* split into two groups; one merging with *Ovahimba* and the other went to live on the rugged *Baynes* and *Otjihapa* mountains.

Worth noting is that there are other *Herero* ethnic groups that have opted to live among the *Himba* groups. They are: the *Ovahakaone*, *Ovadhembra*, *Ovathwa* and the *Ovandamura*. These groups can be identified through their differing cul-

tural expressions, as well as their dress codes. Sometimes it is difficult to differentiate these groups from the main *Ovahimbas*, as they are meshed into this group in many ways.

As in many other given towns and cities in Namibia and Africa as a whole, the effect of rural urban migration has taken toll. In *Opuwo*, the urban centre of the entire *Kaokoland* of the Kunene region, some *Ovahimbas* have found a home far removed from their traditional customs. In fact, Talavera (2002) reports that in his studies, a respondent was reported as saying: "*People in Opuwo are losing their culture; it is not good*".

Based partly on this statement, as suggested under the **Methodology** of this paper, a purposive sample was used in order to deliberately identify those respondents in rural areas that had not been carried away by the tastes of modernity, as those found in *Opuwo*.

Background (Theoretical framework)

Many legal scholars have contended that corpses "have limited rights". One such scholar is Baglow (2007) according whom socially imposed obligations generate rights, and because people are obliged to treat corpses with respect, corpses have the right to be so treated (Taylor & Spital, 2008). Additionally, Baglow (2007) declares: "... rights are a series of social practices that are a re-inscription of obligations" and expectations that constitute social life."

When one evaluates this statement, it becomes clear that what is being suggested is that rights are a form of a social construct. It follows then that from this social construct, cultures across the world socially construct the notion of the right of the dead through many beliefs, practices and assertions. Thus, in the view of Baglow (2007):

The notion of the rights of the corpse can be seen to flow logically from both the construction of rights and from the voiceless demands of the social corpse for recognition and respect...

Taylor and Spital (2008) analyse this notion as meaning that if a person has a socially imposed obligation to treat a dead body with respect, these dead bodies would deserve to be treated as such even when they would not have abilities to expect or demand that their alleged rights be granted.

There are other scholars that argue that even after the pronouncement of a person as being dead by medical experts, that dead person still lingers and live on among the living:

... until its journey to the next world is done, until it is conveyed by ritual of one kind or another to the realm of “the dead”, the corpse remains to some degree a member of the living human community (Aries, 1974).

In another of his works, Aries (1981) argues that, a corpse does not only have charisma and sensibility, but it also retains a remnant of life. This is echoed by Harrison (2003), who contends that even when almost reduced to a thing – to a cadaver, a corpse would still command respect that an ordinary thing would not get. This is also exemplified by the way students in medical school who dissect dead bodies for study purposes, are compelled to hold memorial services for them and return them to their families for respectful burials (Quigley, 1996). In this regard, the dead are simply perceived as only socially dead (Lock, 2002).

Different societies all over the world hold different views and perspectives about the dead. One aspect that cuts across cultures, starting from the pre-medieval times to postmodern societies, is that dead people have a certain reverence that is given to them.

In Haiti, for example, it has been reported that corpses are kissed to ensure that their spirits would not find their way back home (Quigley, 1996), while in the same society, it is permissible to have sexual intercourse with a virgin before the corpse is buried (Shibles, 1974). In historical Europe, it is documented that dead people were tried, punished and deliberately mutilated (Quigley, 1996) - punishment that would normally be imposed on the living.

All over the world, reverence for the dead is marked by, for example, exhuming the bones of the dead and reburying them accompanied with acceptable rituals and respectable manners at the right places. In Europe, in particular, Verdery (1999) describes how bags of bones are exhumed by ethnic Serbian groups for reburial at places of ancestry.

There is also a strongly held belief in Europe and other places of the world that corpses come back to life and take the form of the living. This is captured in Elie Wiesel, quoted in Moller, 1996) in which, three days after returning from the war of liberating Buchenwald concentration camp, Elie Wiesel remembers:

I wanted to see myself in the mirror... From the depth of the mirror, a corpse gazed at me. The look in his eyes, as he stared into mine, has never left me... corpses call us to life, faith, and salvation in the face of the Holocaust.

In line with the above, Verdery (1999) argues that in some parts of Europe, if a corpse is denied ‘proper burial’, it returns to cause havoc amongst the living who

are, in most cases, the neighbours. This notion is echoed by Quigley (1996), who argues that superstitions in many cultures prescribe many different precautions in treating a dead body so as to make sure that eventual separation from the living world would be realised.

Another perspective held by scholars and many other cultures all over the world is that the dead live with us. Domanska (2005) argues that the dead as we construct them live among us in a different fashion. He furthers his argument by asserting that the dead live with us interdependently, in a symbiotic manner, or in “nocturnal vision”, as coined by Harrison (2003).

Baglow (2007, p. 230) asserts:

The dead live with us, sometimes in our homes ... the dead are in contact with the living across many cultures... the two realms [life and death] are imbricated in a wide variety of superstitious practices...The dead communicate to us from monuments and graves, demanding remembrance.

Rights of the dead

Baglow (2007, p. 233) posits that rights are rooted in Christian values that require one to do duty to others:

Where there are obligations on the part of some, there are expectations of fulfilment on the part of others.

Following the pre-enlightenment and enlightenment definitions of rights, Grotius espoused a view that rights were held inherent in the human person. As such rights became part of being human. Unfortunately, the State became the custodian of human rights, elevating them to laws that resulted into humans being reduced to mere subjects (Langlois, 2004). After the Second World War, after experiencing human carnage, degradation and dehumanisation, the world decided to universalise these rights through the Universal Declaration of Human Rights, coined in 1948. At this stage, the person has become a rights bearing subject, and the bearer of obligations was the state. Among others, rights became “a stand against arbitrary use of power, constructed as a limit upon sovereignty” (Glendon, 1991).

Langlois (2004) further argues that metaphysics cannot be sidestepped if human rights are to be grounded. To avoid neglecting the metaphysics in honouring our duties and obligations to others including the metaphysics (to which the dead belong), we would require a social balance and reciprocity between the living and those that have passed on (Gallatin, 1976).

The corpse and the dead are encompassed in these proposed social relations. This encompassing in terms of the social relations, according to Baglow (2007), includes our tendency to instill into the corpse life, value and meaning. This is also explained by the way we always acknowledge our obligations to the dead through holding Remembrance Day ceremonies for them. According to Baglow (2007, p. 235), the obligations towards a corpse, also include:

... to see it safely on its way, as is with other considerations of rights, weighing its rights to bodily integrity, dignity, and respect against conflicting rights of society, and effecting the best possible balance...

These rights seem to be universally upheld and they seem to transcend all cultures and societies of the world. To understand them in more detail, it will suffice to use the understanding of Harrison (Harrison, 2003, p. 148):

The obligation consists in an imperative to dispose of the corpse so as to liberate the person from its tenacious embrace ... first and foremost (funeral rites) serve to separate the image of the deceased from the corpse to which it remains bound up at the moment of demise. Before the living can detach themselves from them the dead must be detached from their remains so that their images may find their place in the afterlife of the imagination.

When one evaluates all the assertions on the rights of the dead, as explained above, it is evident that the state is solely responsible for the dead body as such, whilst the metaphysical part, the soul, remains the interest of individual societies. As for the dead body, the right to disposal, the right to dignity and the right to integrity, stand out as being retained by the dead bodies under the purview of the State (Baglow, 2007). Such rights under the custodianship of the State in the Namibian context are provided for under the Inquest Act 6 of 1993. However, the spiritual rights, such as to be commemorated or to be remembered, or to be given different sacrifices, are rights retained by the dead under the obligations of the general relatives or public.

Methodology

The purpose of the study was to explore the conceptions of Namibia's Ovahimba tribe about the rights of the dead. A qualitative study design was used to gather data. A qualitative study is defined as an inquiry process of understanding social or human problems, based on building a complex, holistic picture, formed with words, reporting detailed views of respondents or informants, and conducted in a natural setting (Creswell, 1994). Because of this advantage provided by qualitative studies, it was rewarding to give this method preference, as shall be illustrated in the results below.

The Kunene region was selected for the study from the thirteen political regions of Namibia because this is where the Namibia's *Ovahimba* people live. Although the region accommodates both the *Ovahimba* and the *Ovazemba* people, the study was only limited to the *Ovahimba* people because of their unique culture.

An eclectic sampling technique was used to select participants for this study. A combination of convenience, purposive and homogeneous samples was used. According to Robson (2002), a convenience sample involves choosing the nearest and most conveniently accessible subjects as respondents. This sample is used in order to allow the researcher to satisfy his or her needs in the project being pursued. The rationale for using the sample is that, unlike the statistically based samples, where findings have to be generalised, this allows for in-depth analysis of the required phenomenon. The same can be said about the homogenous sampling technique which is used for a narrow range or a single value of a particular variable or variables.

The purposive sampling technique was used to respond to the typicality of the interest area of the study. In this regard, the researcher purposively looked for the elderly men in the actual rural homesteads to respond to questions that specifically solicited information typically known and practiced by them.

Data were collected through visiting purposively identified rural homesteads, using the convenience approach. Pre-set questions on the survey instrument were asked and they were built upon with some open-ended and probing questions. Analysis of the data was done descriptively as the study was predominantly qualitative by nature.

Key findings of the study

This section presents the results of what the *Ovahimba* people thought about the rights of the dead. As already mentioned, the study was guided by overarching research questions on the rights of the dead. These questions are used here to structure the responses received from the respondents. In order to correctly report on the results, a qualitative descriptive approach has been used. The results present an integrated analysis of the groups, although they are structured in accordance with the research questions, and not thematically.

On whether the dead have rights

All (100%) of the respondents in all the groups asked, i.e., the six groups with varying numbers in participant composition overwhelmingly said the dead indeed possessed some rights.

When asked how the dead had rights, all the groups relied on the importance of the sacred fire in order to explain their views. Repeatedly, the respondents gave the narrations of the importance of the sacred fire. The sacred fire is popularly known as the 'holy fire' amongst the *Ovaherero* speaking people, including the *Ovahimba's* who are a part of the *Hereros*. Of all the groups that were asked about the rights of the dead, the central premise of their responses was the sacred fire.

According to all the respondents, the sacred fire is the essential element of every *Ovahimba* person's livelihood. It is the medium of communication with the meta-physical world. It is situated between the main house where the head of the house lives and the kraal. In explaining its usefulness, one elder said:

Each of the homesteads in a given village speaks, appeals to its ancestors every evening and morning through the head of the homestead (a man).

In times of drought, the ancestors would hear the appeals of the calls, lamentations and prayers of their people through the holy fire and bring pelts of desperately needed rains.

It is of importance to know that the only function of women and children regarding the the sacred fire, is to lit it. According to the respondents, it is the duty of the senior man at a given homestead to give the necessary homage to the dead:

At the sacred fire, many of the respondents posited once again that the one paying homage talks and appeals to the youngest of those that are dead at a given homestead, to appeal to the next senior, and the next senior appeals to the one that follows in seniority, in order for the most senior one to provide what is requested for.

The sacred fire, one group asserted, was the connection of the dead with the living. In this regard, if time passes without the fire being lit, the ancestors unleash their punishment on the living.

What obligations do the living have towards the dead?

One of the groups argued that the first step to respecting the dead is by erecting a tombstone for them so that the living knows where the dead are buried. This was seen as being important so the young would know where their ancestors were buried.

When probed on what the problem would be if the young did not know where the dead were buried, one 65 year old argued that it would be a shame for the young not to know where the dead are buried. That alone, he argued, would be a problem.

When asked what would happen if the young people did not just care and did not see it a problem about being ashamed for not knowing where their relatives were buried, the elders argued:

If that happens a couple of things would happen to them. For instance, if you have a full kraal of cattle, your cattle would perish through some mystical diseases or just being lost in the wilderness, or you yourself would reduce to a nobody like a zombie just because you have forgotten to honour the dead. In the *Ovahimba* language, such a person is called *Ovihuha*.

In terms of cattle, if you have not honoured the dead, sometimes a perfectly healthy beast collapses in dies in front of you. Sometimes, the whole kraal perishes and you become poor. Sometimes, your animals go missing in the wilderness.

The remedy to such a problem is brought about by the seers who live among our communities. These people are diviners. They can tell you about the problem caused by your ancestors. Sometimes, they advise you to sacrifice a lamb for the ancestors at your holy fire. If you follow their instructions carefully, you easily find your animals that long went missing in the wilderness and if you have *ovihuha*, you can easily heal.

The respondents from other groups also argued that neglecting honouring the dead would also make a cow for instance start behaving strangely. For example, instead of following or going with others to the pastures, the cow would always go and just come back home to loiter around the kraal or the homestead.

Some other time, the respondents quipped, a child can be attacked by some epileptic-like disease which a western doctor would not know and in severe cases, death may befall a homestead where members of a given homestead may die mysteriously, one after the other.

When probed about how the seers practice their trade of divining or diagnosing the problem so that they tell whether the problem was caused by the spell from the dead, almost all the groups said the same things. They pointed to the intestines of slaughtered animals e.g., a sheep or a cow. They stated:

Diviners have eyes that are not ordinary. They see beyond what an ordinary person can see. They see beyond the realm of normal humanity.

When analysing the problem one has, they ask the person to bring one of

his animals such as sheep or a cow. They slaughter it and open its bowels where they start analysing their linings. It is from these bowels that they established what sought of ailment one is suffering from, why s/he is suffering from it and what one should do to remedy it. This is just one of the ways amongst many other ways. These people have been doing this for time immemorial so they are experts in listening to the dead through this practice.

One other group opined that the living had an obligation to keep the sacred fire alive as it was an acknowledgement of the dead amongst the living. On top of that, the living had an obligation to slaughter a beast and sacrifice it for the ancestors at given special times in a given period. Failure to doing so would result in the wrath of the ancestors causing havoc to those who are under the obligation to give these sacrifices.

What obligations do the dead have towards the living?

The respondents argued that in return, the dead had obligations towards the health and general well-being of the living. Others said, the ancestors had obligations to act like guardian angels in all they did. Sometimes, when they walked and drove through the valleys and shadows of death, the ancestors were responsible for ensuring their safety. This was one major obligation the ancestors had over the living.

In addition, one of the groups argued that when a person comes to your compound with ill intentions such as those of living bad spells, the ancestors protects the victim-to-be from such people and the effect of their spells.

Are the dead among the living?

When asked whether the dead were still among the living, the respondents overwhelmingly responded to the affirmative. Their responses varied from one group to the other in agreeing that the dead still lived among the living. One of them even asked the following when asked whether they believed that the dead were amongst the living:

“Yes they are; where do you think they are?”

One of them explained the existence of the dead among the living in the following manner:

You see, a dead person, when you bury him, it is a corpse, but his spirit returns to live amongst the living. You eat with it and do everything with it. The spirit remains with us.

One responded:

Yes, the dead are among us because sometimes when a person is not well and you take him to the doctor and the doctor fails to treat him, you can come to the holy fire to talk to the dead and they respond and heal the patient.

This question was met with some scepticism by some elders. One of them said: Maybe these people are western pastors, they want to catch us so that we debase from using our holy fire, he intoned.

One other elderly respondent answered with grave concern and assertions:

This question you want me to answer as to whether the dead have rights is like being fed on very hot porridge.

Another elderly man in one of the groups decided to answer in what sounded like a highly charged emotion:

You see, when you are asking me whether I communicate or talk to my dead ancestors I feel that you are being too insensitive to me because, I do not ask you about the God you talk to through your papers. You talk to your God through your papers and I talk to my ancestors through the sacred fire and I believe they are with me all the time. When I talk to my departed father, I don't do it through papers as you do it but he answers me through among others, my dreams.

Having established the above, one wonders whether the influence of Western religion expressed in words such as: "Thou shalt not have any other Gods besides me... for I am a jealous God" will tamper with the *Ovahimba's* sacred fire that has kept the families together in harmony, health, peace and tranquillity for time immemorial.

Conclusion and recommendations

From the above findings and discussions, it can be concluded that the *Ovahimba* people believe that their dead have the right to be heard, appeased, given a dignified burial, remembered, commemorated, revered and worshipped through the sacred fire. It is therefore recommended that the Namibian nation be wary of importation of Western values that impose themselves on indigenous African cultures in the name of law and justice; and the school curriculum for the *Ova-*

himba people be vetted to ascertain cultural fairness and neutrality to avoid elements of ideological brainwash of the *Ovahimba* people.

References

- Aries, P. (1974). *Western attitudes towards death: From the Middle Ages to the present*. (P.M. Ranum, Trans.). Baltimore: John Hopkins University Press.
- Aries, P. (1981). *The hour of our death*. (H. Weaver, Trans.). New York: Alfred A. Knopf.
- Domanska, E. (2005). Necrocracy. *History of the Human Sciences*, 18 (2), 111-122.
- Glendon, M.A. (1991). *Rights talk: the improvement of political discourse*. New York: The Free Press.
- Harrison, R.P. (2003). *The dominion of the dead*. Chicago. University of Chicago Press.
- Lock, M. (2002). *Twice dead: Organ transplants and the reinvention of death*. Berkley: University of California Press.
- Langlois, A.J. (2004). *The elusive ontology of human rights*. *Global society*, 18(3), 243-261.
- Nunan, D. (1992). *Research Methods in Language Learning*. Cambridge. Cambridge University Press.
- Quigley, C. (1996). *The corpse: A history*. Jefferson: McFarland and Company.
- Rentlen, A.D. (2002). The rights of the Dead: Autopsies and Corpse Mismanagement in Multicultural Societies. *The South Atlantic Quarterly*. Fall 2001. Duke University Press.
- Robson, C. (2002). *Real World Research*. Hong Kong. Blackwell Publishing.
- Shibles, W. (1974). *Death: An interdisciplinary analysis*. Whitewater: The Language Press.
- Taylor, J. S., & Spital, A. (2008). *Corpses do not have rights: A response to Baglow*. *Mortality*, 13(3), 282 – 286.
- Travera, P. (2002). *Challenging the Namibian perception of sexuality: A case study of Ovahimba and Ovaherero cultural sexuality models in Kunene North in an HIV/AIDS context*. Windhoek, Namibia.
- Verdery, K. (1999). *The political lives of dead bodies: reburial and post-socialist change*. New York: Columbia University Press.

Francis Sifiso Nyathi is Director of the Centre for Quality Assurance and Management at the University of Namibia
snyathi@unam.na