Athens Journal of History

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The current issue is the third of the tenth volume of the *Athens Journal of History (AJHIS), published by the History Unit of ATINER.*

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22nd Annual International Conference on History & Archaeology:
From Ancient to Modern, 3-6 June 2024, Athens, Greece

The History Unit of ATINER, will hold its **22nd Annual International Conference on History & Archaeology: From Ancient to Modern 3-6 June 2024, Athens, Greece** sponsored by the Athens Journal of History. The aim of the conference is to bring together scholars and students of all areas of history, archaeology and other related disciplines. You may participate as a stream leader, presenter of one paper, chair of a session or observer. Please submit a proposal using the form available (https://www. atiner.gr/2024/FORM-HIS.doc).

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- Acceptance of Abstract: 4 Weeks after Submission
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How Peace was achieved in Byzantium and Medieval Europe

By Elena Ene Drăghici-Vasilescu *

War is no pastime; it is no mere joy in daring and winning, no place for irresponsible enthusiasts. It is a serious means to a serious end."[1]

Aristophanes[2] (446–386 BC), Thucydides (460–c. 400 BC),[3] and Erasmus of Rotterdam (1466–1536)[4] were concerned with the importance of maintaining peace among peoples and wrote about this concept. The latter author even speaks about the 'Arts of Peace' in his third book dedicated to the education of a prince. But recent literature, especially that within the field of Byzantine and European Medieval culture, does not contain

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1. Since I have not found a very significant work about peace, I am quoting from Carl von Clausewitz, *On War,* trans. Col. J.J. Graham. New and Revised edition with Introduction and Notes by Col. F.N. Maude (London: Kegan Paul, Trench, Trubner & C., 1918), vols. 1-3; the quotation is from vol. 1, Chapter 1: "What is war?" See also John Bright, "Speeches on Questions of Public Policy," edited by Professor J. E. Thorold Rogers, 1868, vols. 1-2; the popular edition has only one volume published in 1878, 1892; "Public Addresses," edited by Professor J. E. Thorold Rogers, 1879; "Public Letters," collected by H. J. Leech, 1885; "Life and Speeches of John Bright," by G. B. Smith, 1881. The latter publication states: "By kind permission of Mr. J. A Bright, M. P and of Messers. Macmillan and Co., Limited, the text has been taken from Mr. Thorld Rogers' edition of the Speeches and Public Addresses, which had the advantage of Mr. Bright's own revision."

I hope the publication of my volume fills the gap with regard to literature concerning the notion of peace.

2. There are many translations and editions of Aristophanes' play "Peace". The most recent is Aristophanes, *Peace*, translated and edited by S. Douglas Olson (Oxford: Oxford University Press, 2003).

3. Thucydides, *The History of the Peloponnesian War* recounts the fifth-century BC war between Sparta and Athens until the year 411 BC. His text is still studied at universities and military colleges worldwide. The Melian dialogue is regarded as a seminal text of international relations theory.

4. Desiderius Erasmus of Rotterdam, *The Education of a Christian Prince*, 1516; Erasmus, *The Education of a Christian Prince with the Panegyric for Archduke Philip of Austria*, Cambridge Texts in the History of Political Thought, Cambridge, UK: Cambridge University Press, 1997. Also Desiderius Erasmus, *The Education of a Christian Prince*, Book III: The Arts of Peace, translated by K. Lester, Columbia University Records of Civilization, New York: Octagon Books, 1963. See also Desiderius Erasmus of Rotterdam, "Antipolemus, or, the Plea of Reason, Religion, and Humanity against War", reprinted in *The Book of Peace: A Collection of Essays on War and Peace*, Boston: George C. Beckwith, 1845. Desiderius Erasmus of Rotterdam, *Opus Epistolarum Des. Erasmi Roterodami*, edited by P. S. Allen and others (Oxford: Oxford University Press), 1906-1958, vols. 1-12. Additionally see, for instance, William Woodward, *Desiderius Erasmus Concerning the Aim and Method of Education* (New York: B. Franklin, 1971).

substantial works dedicated to the notion of peace. My main research question is why this is the case since this notion connects many others and should be central to academic research. Within the paper I elaborate on several types of peace agreements: those confirming a 'complete' victory of one of the opponent parties involved in a war, those reached mainly by exchange of territories, those having the exchange of prisoners as central, and those referring to the payment of tribute for various purposes.

Introduction

The justification for my entire work on this project is, firstly, the importance of its theme: peace. I expected a much richer literature on this subject-matter, and at least a major one with respect to Byzantium and Medieval Europe. But there are no extensive publications on this topic for the periods my investigation covers and in the geographical areas it focuses on. Therefore, my article adds something towards filling this gap. Secondly, the Byzantine Empire and Medieval Europe, of which study have constituted my area of research for many years, were interspersed by a multitude of conflicts and armistices (perhaps the most numerous within the human history), hence the subject is fertile from the point of view of research. A few types of peace treatises were signed then and I consider that a systematic categorization of these has to be carried out.

The types of treaties agreed in the time on which I concentrate on are not in themselves unique, i.e., other nations and cultures achieved peace in one or another manner/manners I mention. But I cannot certainly affirm that with respect to situations outside my area of specialisation, and anyway, to do so will be a task much more extensive than a simple paper allows. Additionally, some of the Byzantine and medieval clauses within Byzantine/medieval peace agreements are out of fashion nowadays; while, unfortunately, wars still take place in modes not very different from those in the Byzantine period (except for the weapon used), when peace is reached now, that does not happen, for instance, because the leaders of modern nations marry within the family of their opponents (which was a very popular means of attaining peace in the geographical area and periods treated in my article).

So far, the research undertaken indicates the following ways of achieving peace in Byzantium and Early Medieval Europe:

- By a treaty that marked the decisive victory of one of the parties involved
- By the payment of a ransom for captives
- By exchange of prisoners
- By the periodical payment of a tribute
- By marriage
- By a combination of some or of all of the above except no. 1.

Of course, none of the stipulations within the peace treaties mentioned above are exclusive to one another or were seen as such when the documents were signed; it is just that each of these agreements emphasized one such provision more than another.

Within this particular publication I will refer to three means of reaching peace practiced in Byzantium and early Medieval Europe. These are as follows: peace treaties that marked the decisive victory of one of the belligerents; the payment of ransom for captives and of tribute under various pretexts; and peace agreements reached *via* a combination of some of the elements referred to here earlier. Concerning the first type, I speak about the truce agreed in 716 between the Byzantine Emperor Theodosius III and the Bulgarian Kormesiy; about that of 1014 between the same empires; also about that of 1071 sealed at Manzikert between the Byzantines lead by Romanos IV Diogene**s** and Alp**-**Arslan**,** the commander of the Seljuq Turks. With regard to the various ransoms paid, I will refer to those on behalf of Bohemond I of Antioch; Baldwin II, King of Jerusalem and the second Count of Edessa, and Louis IX of France. I elaborate also on a complex peace treaty with a mixture of stipulation: that which affirmed the so-called 'The Perpetual Peace' signed in 532 between Justinian I of Byzantium and Khosrau I of Persia.

A. Examples of Peace Treaties that Marked the Decisive Victory of One of the Parties Involved

A 1. An example of this type of peace treaty is that signed in 716 between the Byzantines represented by Emperor Theodosius III (d. after 717; ruled 715–717) and Kormesiy (to rule later, in 721-738); he was the son of the Bulgarian Khan Tervel (675-721; ruled 700-721).[5]

The main cause of this treaty – unfavourable to the Byzantine – was the fact that Justinian II (c. 669-711; ruled 685-695; 705-711) lost a crucial battle to Tervel at Anchialus (near the modern-day town of Pomorie, Bulgaria)[6] in 708. The events

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5. Yordan Andreev and Milcho Lalkov, *Българските ханове и царе/Bulgarian Khans and Tsars (Kings)* (Veliko Tarnovo: University of Tarnovo, 1996); Nikephoros, *Short History*, edited by Cyril Mango (Washington, D.C.: Dumbarton Oaks Texts 10, 1990); Theophanes Confessor, *The Chronicle*, trans. and edited by Cyril Mango and Roger Scott (Oxford: Oxford University Press, 1997). See also Именник на българските ханове/*Nominalia of the Bulgarian Khans*, edited by Mosko Moskov and C. Petar Beron, 1988, pp. 24-25 (on-line (2005) with an English translation (2007; D.A. Trifonov): dtrif/abv: Name list of ... (archive.org); and Peter Dobrev (ed.), *Universum Protobulgaricum, Band I, Inschriften und Alphabet der Urbulgaren* (Sofia: Orion, 1995).

6. Athanasy Pencev et al., *Години на стража/Years of guard* (Sofia: The Military Publishing House, 1984). See also *Aleksandr Stoyanov, "The Size of Bulgaria's Medieval Field*

leading to that battle are as follows: in 705 AD the former Byzantine emperor Justinian II of the Heraclian dynasty, known as Rhinotmetus, i.e. 'the Slit-Nosed', asked Tervel for help to take back his throne after ten years in exile. The Bulgarians sent an army of 15,000 men, Justinian II entered Constantinople, and was recognized again as an Emperor. He offered the title 'caesar' to Tervel, as well as the region called Zagore to the south of Stara Planina. However, in 708, when Justinian II considered himself strong enough in terms of political power, he invaded Bulgaria and restored his rule over territories earlier lost by the Byzantine Empire. He reached the fortress of Anchialubut Tervel's army, especially his cavalry, organized a surprise attack and won a decisive victory. He took many prisoners, and Justinian was among the few who escaped and reached Constantinople. Later, in 711, Justinian was again forced to ask for the help of the Bulgarians – this time to supress a rebellion and to escape an attempt to have him replaced. Tervel gave him 3,000 soldiers, but the Emperor lost, and was executed by the next ruler, Philippicus (ruled 711-713) from the Bardanes family. Anastasius II (ruled 713-715; d. 719) followed Philippicus; the conflicts with the Bulgarians continued and the Byzantine emperor won a victory against the Bulgarians. After Anastasius II on the throne of the Byzantine Empire followed Theodosius III (ruled 715-717). As indicated above, it was he who signed the treaty with the Bulgarians in 716.

As a consequence of it, the Bulgarian Empire won new territories (Zagore was regained) and the Byzantines recognized its borders (those with Byzantium were declared to begin at Mileoni in Thrace), and continued to pay the annual tribute established in 679.[7] The two empires were to exchange refugees charged with plotting against their rulers (this stipulation was especially important to the security and the benefit of the Byzantines since the Bulgarians had often

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Armies: A Case Study of Military Mobilization in the Middle Ages," Journal of Military History, 83, no. 3 (2019): 719-746.

7. This annual tribute was established in 679 or 681, during or after a war between the Byzantines and the Bulgarians. The Byzantine Empire at that time was led by Constantine IV (c. 650/652-685; ruled in 654-668 with his father, Constans II, and alone in 668-685). That year the Byzantines lost the battle with the Bulgarians led by Asparukh/ Isperikh (643-701). They signed a treaty only in 681. This was the first time when the Byzantines clashed with the Bulgars/Bulgarians. Asparukh, who was Khan Kubrat's youngest son, moved westward, occupying today's southern Bessarabia. He defeated the Byzantines with a combined land and sea operation and successfully besieged their fortified camp in Ongala. Constantine IV, suffering from bad health, had to leave the army, which panicked and was defeated. In 681 Constantine was forced to acknowledge the Bulgarian state in Moesia. The tribute constitute protection money to avoid further inroads into Byzantine Thrace. Eight years later, Asparuh led a successful campaign against Byzantine Thrace.

Alexander Kazhdan gives 650 as the year of birth of Constantine IV. *Alexander* Kazhdan (*Ed.), "*Constantine IV", *Oxford Dictionary of Byzantium (Oxford: Oxford University Press, 1991),* 500-501. Other sources mention 652.

intervened in Byzantium's political situation). A reciprocal trade was discussed, and that was to be officially endorsed by the two governments (this arrangement was very beneficial to the Bulgarians because they obtained access to the markets of Constantinople).[8]

The peace signed by the Byzantines and Bulgarians in 716 was to last until 756.

A. 2. Another treaty that formalized a decisive victory was that agreed on the 29th of July 1014 between the Byzantines and the First Bulgarian Empire; this is the most known among many that existed between the two states.
The Byzantine Emperor Basil II *Porphyrogennetos* (957/958–1025; ruled 976–1025) extended his Empire at the expense of the Balkans nations (especially Bulgaria). He did the same with regard to Mesopotamia, Georgia, and Armenia. Basil defeated the Bulgarians at Kleidon in 1014, during Tsar Samuel's reign (958- 1014; ruled 997-1014). The victory was decisive and his army captured 15,000 soldiers, who soon after the event were blinded on Basil II's order (as we know, that act made the emperor known in European history as *Boulgaroktonos*, i.e., "the Slayer of the Bulgars").

A 3. Another example of a peace agreement that ended up with a definitive victory was that agreed at Manzikert in 1071. The Battle that resulted in this document was between the Byzantines under the emperor Romanos IV Diogene**s** (1030-1072; reigned 1068-1071) and the Seljuq Turks led by the sultan Alp**-**Arslan **(**1029–1072; ruled 1063-1072). The Byzantine lost the battle and the treaty was signed on the 26th of August 1071. Romanos had to cede parts of Armenia, to promise the payment of a ransom and of an annual tribute, as well as a marriage alliance (to provide a Byzantine princess as a wife for Alp-Arslan himself or for his older son, Malik Shah, who was 17 years old**)**. In exchange, he was released along with his men after eight days at the Court of the Sultan. Concerning the ransom, at first Alp Arslan asked for an amount of 10,000,000 *nomismata*, but he later reduced it to 1,500,000; additionally 360,000 *nomismata* were to be paid annually.[9]

As Romanos IV was to soon be betrayed by Doukas family, he only once managed to send some money to the sultan with an explanation about his circumstances. Alp Arslan was to be himself killed in 1072.[10] In the Byzantine

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8. Y. Andreev and M. Lalkov, *Balgarskite hanove i tsare, Българските ханове и царе/The Bulgarian Khans and Tsars*.

9. *Carole Hillenbrand, Turkish Myth and Muslim Symbol: The Battle of Manzikert, Edinburgh: Edinburgh: University Press, 2007; Alfred Friendly, The Dreadful Day: The Battle of Manzikert, 1071 (London: Hutchinson, 1981).*

10. George Finlay, *History of the Byzantine and Greek Empires from 1057 to 1453*, vol. 2, (William Blackwood & Sons, 1854), 44. See also Matthew (of Edessa), *The Chronicle*, The University of Michigan, digitized 24 June 2008, and *Armenia and the Crusades: Tenth to Twelfth Centuries: the Chronicle of Matthew of Edessa*, trans. and edited by Ara Edmond

Empire Michael VII Doukas was declared the sole emperor. Romanos retreated to Cappadocia, where he was supported by the ruler of Antioch, Chatatourios. After fighting with Constantine and Andronikos Doukas and was defeated, Romanos retreated further into the mountains of Cilicia. As known, he was bought to Constantinople and eventually sent on the island of Proti/Prote in the Sea of Marmara.

The Battle of Manzikert did not radically affect the Byzantine Empire in a negative way; it lasted almost four hundred years after the event. For the Seljuq this battle and victory marked the beginning of the conquest of Anatolia.

A 4. With regard to Medieval Europe, a similar truce (with clear victors) was signed after the battle of Fariskur in 1250 (on the 6th of April). The conflict and the peace agreement that followed it was between the French lead by Louis IX (1214-1270; ruled 1226-1270) and the Mamluks Dynasty in Egypt; the Sultan in that period was Salih Ayyub (1206/07-1249; ruled in 1240 and 1245-1249). I will discuss more about this treaty further, when mentioning the payment of a ransom.

B. Peace Treaties that Refer Mainly to the Payment of Ransom for the Liberation of War Captives

Another type of peace treaty concerns situations in which a king, prince, or another important dignitary was held prisoner at an imperial European Court until someone paid a price for their release. A few examples of people involved in such situations follow:

B.1. Bohemond I of Antioch (c.1050/1054-1111). He was prince of Otranto (in 1089-1111) and of Antioch (in 1098-1101, 1103-1104). Bohemond reached such positions because he was one of the leaders of the First Crusade; in such a capacity he conquered Antioch in 1098 (on the 3rd of June). Eventually he was taken prisoner by the Danishmends, but was released after Baldwin II**,** the second Count of Edessa, paid a ransom for this purpose.

B.2. The same happened in the case of Baldwin II himself (1075-1131). He was the second Frankish Count of Edessa in 1100–1118 and the King of Jerusalem in 1118-1131).

Dostourian, Yerevan: National Association for Armenian Studies and Research, 1993. See also Carole Hillenbrand, Symbol: The Battle Turkish Myth and Muslim of Manzikert (Edinburgh: Edinburgh University Press, 2007).

Baldwin II accompanied his cousins Godfrey of Bouillon and Baldwin of Boulogne on the First Crusade (1096-1099). There is a connection with Byzantium here because Baldwin II fought against the Empire in Cilicia in 1104 with Antioch's co-operation (after freeing Bohemond I who ruled there, it is no surprise that the two leaders fought in the same camp).

Baldwin II was very involved in the affairs of northern Syria and Asia Minor. At the Battle of Harran that took place on the 7th of May 1104 between the Principality of Antioch and the County of Edessa on one side, and the Seljuk Turks on the other, Baldwin II was captured by the leader of Mosul, which confronted his forces directly. Baldwin was ransomed in the summer of 1108 by his cousin, Joscelin of Courtenay, Prince of Galilee, Lord of Turbessel, and later Count of Edessa.[11] During Baldwin II's captivity Richard of Salerno governed Edessa as his regent. His cousin, Tancred (c. 1075-1112), the Crusader ruler of the Principality of Antioch at that time, was co-regent with him. Baldwin had to struggle in order to regain control of the city of Edessa. It was Tancred who opposed him, and who was eventually defeated, after Baldwin formed alliances with some of the local Muslim rulers.

On the 18th of April 1123 Baldwin II was taken captive by the Seljuq Turks led by Belek Ghazi (d. 6 May 1124). The Crusader prince was imprisoned in the Citadel of Aleppo, where he was held captive by Husam al-Din Timurtash (c. 1105-1154). Timurtash was an Artuqid emir of Mardin (1122-1154) and ruler of Aleppo (1124-1125). He delegated Sultan, the emir of Shaizar, with commencing negotiations between the Turks and Morphia (Baldwin's wife), as well as with Joscelin (his cousin) for Baldwin's release. An agreement was reached. According to it, Baldwin was to pay 80,000 dinars and to give Atarib, Zardana, Azaz and other Antiochene fortresses to Timurtash. Baldwin also promised that he would aid Timurtash in his fight against the Bedouin Dubais ibn Sadaqa. After a quarter of Baldwin's ransom was paid and some hostages (including Baldwin's youngest daughter Ioveta and Joscelin's son, Joscelin II) were handed over to Timurtash to secure the payment of the balance, Baldwin II was released on the 29th of August 1124.

B.3. Another famous case that involved ransom is, as mentioned earlier, that concerning Louis IX of France (1214-1270; reigned 1226-1270). That happened towards the end of the Seventh Crusade (1248-1254), which the king led. This campaign was organized in the hope that what the West lost in the Holy Land will be recovered (Jerusalem had fallen in 1244). Through the attack of the

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11. Joscelin of Courtenay, Prince of Galilee, Lord of Turbessel, and Count of Edessa. He ruled over the County of Edessa from 1118 to 1131, when this land reached its maximum of prosperity. Captured twice himself, Joscelin once liberated (in 1123) and continued to expand his county, even participating in the Battle of Azaz in 1125, when the Crusader won.

Egyptian Mamluks it was hoped that this purpose will be achieved.[12] But Louis's army was routed at the Battle of Fariskur on the 6th of April, 1250. The king was made a captive and taken to Mansurah with his entourage and the surviving soldiers.

Within the treaty the King had to sign with Salih Ayyub the French agreed to give up the fort of Damietta and to pay a ransom to have Louis freed; that happened through the intervention of the Latin patriarch Robert of Nantes.[13] The payment consisted of a million bezants (later reduced to 800,000), i.e. 400,000 *livres tournois)*. On the 6th of May Damietta was submitted to the Egyptians.

After his release, Louis went to Acre, within the Kingdom of Jerusalem, where he remained until 1254; he also went to Caesarea, Jaffa, and Syria. The Battle of Fariskur and its immediate consequences are considered to mark the end of the Seventh Crusade.

C. A Peace Treaty that Involves a Combination of Stipulations from the Agreements Mentioned Above

C1. A good example of a treaty that combines many of the stipulations from the agreements mentioned above is that known in the literature concerning the Byzantine Empire as 'The Perpetual Peace'. That was signed in 532 between Justinian I of Byzantium (483-565AD; ruled 52--565) and Khosrau I (ruled 531-579) of Sassanid Persia; it concluded the Iberian War. Through this agreement the two rulers promised each other mutual military and political help and declared that they were equal. They also were to exchange some fortresses and eventually did so with reluctance. Khosrau had to return Scanda and Sarapanis in Lazica,[14] and the Byzantines Bolum and Pharangium in Persian Armenia. The Byzantines agreed as well to move the base of the *dux Mesopotamiae* from the fortress of Dara(s) [Iustiniana Nova] to the city of Constantina. In addition, Justinian was to pay a contribution of 110 *centenaria* of gold per year for the defence of the

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12. From the multitude of books on the Crusades, see a comprehensive one relatively recent, thus: Peter Lock, *The Companion to the Crusades (New York: Routledge, 2006).*

13. Steven Runciman, *"Louis in captivity", A History of the Crusades, Volume Three: The Kingdom of Acre and the Later Crusades (New York: Cambridge University Press, 1954).*

14. Procopius mentions Scanda and Sarapanis within *De Bello Persico/The Persian War*. Procopius, *De Bello Persico/The Persian War*, 1. 22. 17-18, Cambridge, MA: Loeb Classical Library, on-line Loeb Classical Library-Harvard University Press, 2023 (originally 1914); Procopius of Caesarea, *The Persian Wars of Procopius. A Historical Commentary*, edited by Geoffrey Greatrex with Averil Cameron (new translation, which has at its basis one published fifty years ago by Averil Cameron), Cambridge: Cambridge University Press, 2022. See also Agust *Alemany, "Sixth Century Alania: Between Byzantium, Sasanian Iran and the Turkic World", Transoxiana: Journal Libre de Estudios Orientales (Transoxiana Webfestschrift Series) (2003): 1-8.*

passes that existed throughout Caucasus against the people living beyond these mountains.

But in the summer of 540 the war between the Byzantines and the Sassanids began again; the immediate pretext was the control of Lazica. Khosrau, supported by the Goths, took advantage of the fact that Justinian was involved in fights with the Vandals and the Goths and that the Eastern part of the Empire was not strong enough to oppose him with real chances of success.

Conclusion

As one can see, there were indeed many peace agreements signed by the Byzantines and the medieval people of Europe. A discussion about their typology and systematization is a valuable contribution to the field of History that focuses on these areas and periods.

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Origin, Settlement, and Beliefs of the *Bisukha* and *Bidakho* of the Luhya Community-Kenya

By Kizito Lusambili Muchanga*, Kizito Handa Sabatia°
& Josephat Kemei Nairutia±

This study interrogated the origin, settlement and the beliefs of the Bisukha and Bidakho sub-ethnic groups in the larger Luhya ethnic group. The paper has unravelled the etymologies of the Luhya, Isukha and Idakho terms. Furthermore, it has established the origins, migrations and settlements of the Bisukha and Bidakho, the differences and simulations that exist between them. The paper has also delved into the social-cultural economic and political institutions with their related beliefs, taboos and practices. The reviewed literature established a number of lacunae which this study has endeavoured to fill. The historical and ethnographic research designs were employed by the study. Oral interviews were used to collect the data, which was analysed within the environmental deterministic theoretical approach. The major finding is that; the various social, economic, cultural and political practices were done with the wisdom of maintaining the ecological set up for sustainability. That is, the pre-colonial Bisukha and Bidakho kept their ecological balance of give and take strategies that did not constrain the ecosystem.

Acronyms: *AMAA - African Mutual Assistance Association, FGDs - Focused Group Discussions, NKCA - North Kavirondo Central Association, UNEP- United Nations Environmental Programme*

Introduction

Since the beginning of the human species, historians have continued to be interested in the origins, migrations, settlements, and evolution of community beliefs. For many reasons, including famines, civil wars, ethnic rivalries, political repression, and conflicts across societies, humans have always departed their native habitats. As these communities move from place to place, they have ended up separating, uniting, and re-joining again, resulting in the formation of cultural groups in the form of ethnics, sub-ethnics, or clans. It becomes impossible to obtain "a pure ethnic group" as a result of these dynamic processes.

Among the Kenyans communities, the *Baluhya* (Luhyia) community appears to be the most mixed, with influences and influxes from their neighbouring Nilotic groups. Research on the etymologies of Luhya, Isukha, and Idakho terminology, as well as sociocultural and political practices and their effects on ecology, is necessary, according to the literature on the Luhya in general and

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Isukha and Idakho in particular. This literature included; M.S Mwayuli, and J. Kavulavu, P.R. Bennett, C.J Indongole, just to mention a few. Additionally, this research examined the origin, migration, colonization, and development of beliefs among the Bisukha and Bidakho sub-ethnic groupings of the Luhya ethnic community in western Kenya. The study looked into the origins of the words Luhyia, Isukha, and Idakho to better understand the subject. The investigation also identified the origins, migrations, and settlements of these individuals and evaluated their sociocultural, economic, and political activities as well as the ecological effects of those actions.

According to the research, there have been several hypotheses put up concerning the origins of the names Luhya, Isukha, and Idakho. Additionally, the study discovered that the place and environment in which they settled had an impact on their sociocultural, economic, and political behaviours. The study also emphasizes how the pre-colonial actions of the Bisukha and Bidakho were environmentally friendly since they were in line with the notion of give and take for sustainability.

Literature Review

Available literature reveals that the socio-political and cultural histories of the *Isukha* and *Idakho* have been examined by M.S Mwayuli, and J. Kavulavu.[1] However, in their works the issue of socio-cultural activities and their implications on the ecological set-up was not dealt with. The current research has endeavoured to fill this gap. Moreover, there are a number of works on the Luhya, for example, G. Wagner on the Bantu people of Kavirondo, G. S Were on the Western Bantu peoples from A. D 1300-1800 as well as a history of the Abaluhya of western Kenya c. 1500-1930, J. Osogo on the history of the Baluhya and E. M. Aseka on the Political economy of Buluhya. However, their works concentrated more the Wanga, the Bukusu and the colonial penetration in the general Buluhya. Thus, it calls for research to interrogate further other sub-ethnic groups in Buluhya, in this case, Isukha and Idakho.

There is need to elaborate and expand on the historical formations of these groups. C.J Indongole gives an outline history of the origin, migration and settlement of the Abaluhya sub-groups and the clan system. His work is too general about the Luhya and hence the need to single out some of these sub-ethnic groups for study. The Luhya eponym has remained a mirage. M.S Mwayuli mentions Muluhyia eponym but research has demonstrated that the Luhya groups have different origins therefore the need to investigate the Luhya progeny.

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1. M. S. Mwayuuli, (1989). *The History of the Isukha and Idakho Clans among the Abaluyia of Western Kenya.* Kanazawa University, Japan, p. 6.

Lastly, P.R. Bannet, L.J. Lubanga, D.W. Lwangale, B. Mudogo and M.S. Shidiavai have done a lot on Luhya dialects, phonological analysis of Luhya loan words, patterns in linguistic, geography, the Bantu origins controversy and lexical semantic assessment of the Luhya dialects.[2] However, there are Lacunae in explaining the etymologies of ethnic or sub-ethnic names like Luhya, Isukha, Idakho, Wanga, Bukusu to name a few. This article has attempted to fill this gap by etymologizing the Luhya, Isukha and Idakho.

Methodology

Both historical and anthropological research designs were used in the study. To ascertain the causes, trends and impacts, data was collected, gathered and reviewed through dialectic and problematization. To gather information for analysis, different written works and informants (respondents) were surveyed. D. M. Feterman claims that ethnographic research is carried out through the lens of the cultural environment in order to comprehend the lives of the people in a community. Being an Isukha, one of the authors had inside knowledge. Being in that position allowed for a deeper grasp of the subjects being studied along with the rigor and objectivity that any scholarship requires. Positionality requires the researcher to be aware of their identity so that they can educate people outside their social, cultural, and political circles. In the researcher's positionality, subjectivism and objectivism collide in a dialectical realm. Insider research presents opportunities and challenges. For instance, it can speed up participant recruitment, trust building, and a better understanding of the opportunistic factor.[3]

Primary sources included the respondents for oral interviews. Using convenience and systematic sampling these respondents were identified. Furthermore, the Focus Group Discussions (FGDs) of elders were formed to provide group interactions between respondents with diverse views that enriched

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2. P. R. Bennett, (1983). Patterns in linguistic geography and the Bantu origins controversy. History in Africa, 10, 35-51; L. J. Lubangah, (2018). Linguistic Versus Geographical Boundaries: A Lexical Semantic Assessment of Luhya Dialects (Doctoral dissertation, University of Nairobi); D. W. Lwangale, (2012). A genealogical linguistic implication of the Abaluhyia Naming System; M. S. Shidiavai, (2015). A phonological analysis of lwidakho loanwords from Kiswahili and English (Doctoral dissertation, University of Nairobi) and B. Mudogo, (2018). Baker's strategies in translation: a lexico-semantic analysis of four luhya dialects; Lukabras, Lwisukha, Luwanga and Lukhayo in informative text. Baker's Strategies in Translation: A Lexico-Semantic Analysis of Four Luhya Dialects, pp. 71-84.

3. P. Rooney, Researches from the inside-does it compromise validity? *A discussion Level* 3(3), pp. 1-19. (2003); P. Freire (2000). *Pedagogy of the Oppressed* (30th Anniversary Ed.) New York, NY: Continuum, p. 65.

the study. Consequently, the study findings were further arranged thematically based on the main objectives of the study.

Discussion of Findings

This section has delved in etymologies of the terms: Luhya, Isukha and Idakho, origin of the Abaluhya, Isukha and Bidakho, cultural practices and the associated beliefs of the Isukha and the Idakho, c.1850 to 1894. Also, it has unraveled the pre-colonial socio-political institutions of Bisukha and Bidakho communities. Furthermore, the section has underscored the social-cultural practices and beliefs of Bisukha and Bidakho and their ecological implication. Finally, the conclusion has been provided.

Etymologies of the Terms: Luhya, Isukha and Idakho

The term "Luhya" is apparently recent and its genesis is not very clear.[4] One suggestion holds that the Luhyia emanated from the word 'Haluyia' - which means an open place (field) where the old men of the society used to meet to discuss clan matters.[5] In this space (field), men could share a variety of views affecting their community; ranging from customs, marriage, war, rain, famine, cattle raids among others. Societal arrangements and plans were also made in such sittings.[6] Therefore, since they were fond of engaging in this activity, the people were referred to as *'Abahaluhya'* to mean the people of the *Haluyia,* (field) which culminated into the 'Abaluyia' ethnic group.[7]

The Luhya ethnic group entails other communities that speak different dialects but have a significant affinity for each other.[8] According to S. A. Bulimo, the geographical spread of the Luhya-Speaking people extends beyond the Kenyan frontier into Uganda, Rwanda, Congo, Zambia, and Cameroon.[9] The

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4. P. R. Bennett, (1983). Patterns in Linguistic Geography and the Bantu origins controversy. *History in Africa,* 10, pp. 35-51 and Lubangah, L. J. (2018). Linguistic Versus Geographical Boundaries: A Lexical Semantic Assessment of Luhya Dialects (Doctoral dissertation, University of Nairobi), p. 75.

5. Peter Ahindukha (67 Years, Retired Education officer), Oral Interview at his home in Khayega- Machilifu, 10th June, 1995.

6. Joseph M. Mabia (98 Years, A peasant farmer and Herbalist), Oral Interview at his home in Shirumba in Idakho, 15th June, 1995.

7. D. W. Lwangale, (2012). A genealogical linguistic implication of the Abaluhyia Naming System.

8. C. M. Scotton, (1983). Language and Dialect Atlas of Kenya, I: Geographical and Historical Introduction, Language and Society, Selected Bibliography. 665-667.

9. S. A. Bulimo, (2013a). *Luyia Nation: Origins, Clans, and Taboo,* Trafford Publishing and Bulimo, S. A. (2013). Luyia of Kenya: *A Cultural Profile.* Trafford Publishing.

second explanation is of J. Osogo, who opines that the locals themselves coined the term 'Abaluyia' in the 1940s as the outcome of forming a common political group known as 'Abaluyia Welfare Association.[10] According to him, the term means 'fellow brothers',[11] this comes from the word 'oluya,' meaning to burn, or warmth.[12] The term is associated with the Luhya people's campfires to establish their presence.[13] According to Bulimo, Luhya is derived from *Oluyia (Oluhya)*, which in its generic sense means the fireplace or hearth.[14] *Okhuyia* is a word that means to burn or cook.[15]

In general, because families gathered around a hearth or bonfire in the evening to discuss the events of the day or to pass down cultural beliefs from generation to generation, the word Oluhya translates readily into a family/village/community that shared a fireplace.[16] These assertions notwithstanding, the archival records demonstrate that the term Abaluyia was already in use by 1935. Bulimo writes: "The word Luhya was first suggested by the local African Mutual Assistance Association (AMAA) around 1930 and adopted by the North Kavirondo Central Association (NKCA) in 1935.[17] Generally, the name was used to describe the communities that lived in what was then known as North Kavirondo, later Bantu Kavirondo".[18] Bulimo further posits that "in 1940, Abaluhya Welfare Association was formed which popularized the name and later the Luhya language committee was established to formulate an orthography".[19] This is supported by the memorandum entitled Abaluyia ba 'North Kavirondo Central Association'. Even so, by the time Gunter Wagner researched the Abaluyia in the 1920s and 1930s, the term Abaluyia was already in use.[20]

One of the respondents, Petro Liyayi, informed this study that the Kavirondo people met around a campfire in the field (Haluyia/Luyia) to debate and deliberate on issues impacting their society. The confluence of the two ideas for the origins of the term Luhya is made evident in his submission. Regardless of the

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10. J. Osogo, (1966). *A History of the Baluyia*. Nairobi: Oxford University Press.

11. Z. A. Ogutu, & M. Khayesi, (1995). "Culture as the Basis for Bio-diversity Conservation in Kakamega Forest." *Trans African Journal of History*, pp.195-204

12. Ibid, p. 199.

13. J. Osogo, (1966). *A History of the Baluyia*. Nairobi: Oxford University Press, p. 17, Aseka, E. M. (1989). Political Economy of Buluyia: 1900-1964" (Unpublished Ph. D Thesis). Kenyatta University.

14. S. A. Bulimo, (2013a), *Op. Cit*.

15. E. S. Kabaji, (2005). The construction of gender through the narrative process of the African folktale: A case study of the Maragoli folktale (Doctoral dissertation), p. 30.

16. Ibid, p. 30.

17. Ibid, p. 30.

18. Ibid, p. 31.

19. Ibid, p. 31.

20. G. Wagner, (1949). *The Bantu of North Kavirondo*. London: Oxford University Press, p. 45.

various interpretations, it is clear that the term Luyia is rather new. These individuals were not known as Luhyias by 1850, or even earlier. Instead, they were essentially a collection of people who spoke distinct but closely related dialects. The term Luhya was elevated for political purposes during the mid-colonial period, particularly as a means of generating unity in the liberation process in Kenya.

The Bisukha and Bidakho are part of the eighteen Abaluyia sub-ethnic groups that are found in the southern part of Buluhya.[21] Their neighbours are Abatirichi to the south-east, Abalogoli to the South, Abashisa to the south-west, Abatsotso to the North, Abakabras, and Abanandi (Nandi) to the East.[22] It is recorded that, the Bisukha and Bidakho had, by 1850, emerged as distinct sub-ethnic groups having closely related dialects.[23] Linguistically, it is not easy to distinguish between Lwisukha and Lwidakho dialects unless one has good knowledge of the two.[24] The suggestion for this similarity is the proximity the two have enjoyed and the unity they always forged to repulse their enemies.[25] However, recent findings indicate that apart from proximity, the two communities have a similarity based on their origins that make them have similar dialects.[26]

The two terms could have been coined by the people themselves. On the one hand, the phrase "Bisukha" has two meanings. It is derived from the mother term *khubisushila*, *khubisukhila*, or *khwisubulukha*, which meaning to arise or miraculously or mysteriously appear (*khubonekha*) (*mundu uboneshebutswa*).[27] The name Bisukha, on the other hand, is derived from the river 'Isiukhu.' People who lived near the Isiukhu River were known as Bandu Bisiukhu (people of the Isiukhu River). With the passage of time, the title Isukha became synonymous with all clans in the present-day Bisukha (Shinyalu sub-county) in Kakamega County.

According to other disclosures, the term 'Itakho' arose as a result of reconciliation (*khulia muyayano*) between the Isukha and the Idakho over

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21. F. C. Bode, (1978). Leadership and Politics among the Abaluyia of Kenya 1894-1963. PhD. Dissertation, Yale University, p. 24.

22. The 18 Luhyia sub-ethnic groups include: Abashisa, Abamarama, Abatsotso, Abalugoli, Abidakho, Ababukusu, Abawanga, Abakabaras, Abanyore, Abakhayo, Abanyala Ba Ndombi, Abanyamala Ba Busia, Abasamia, Abamarachi, Abatirichi, Abisukha, Abatachioni and Abatura.

23. Z. A. Samita. "The African Church of the Holy Spirit: Origins and Advent in Kabras Division, Kakamega District." *TransAfrican Journal of History* 25 (1996): 123.

24. B. Mudogo, (2018). Baker's strategies in translation: a lexico-semantic analysis of four luhya dialects; Lukabras, Lwisukha, Luwanga and Lukhayo in informative text. *Baker's Strategies in Translation: A Lexico-Semantic Analysis of Four Luhya Dialects,* pp. 71-84.

25. Joseph M. Malusu (49 Years), Oral Interview, 6th August, 1995.

26. M. S. Shidiavai. (2015). A phonological analysis of lwidakho loanwords from Kiswahili and English (Doctoral dissertation, University of Nairobi), p. 32.

27. Petro Liyayi (83 Years, a peasant Farmer), Oral Interview at his home Ivakale-Elianda, 19th July, 1995 and Peter Mwayuuli (81 Years), Oral interview at his home in Mukumu, on 3rd September, 1995.

boundary disagreements. One of the important respondents, P. Sulumeti, the retired Catholic Bishop of Kakamega, stated that during a reconciliation ritual, the term 'Itakho' arose. The battle between the two communities over the boundaries created a great deal of confusion and terror. Thus, the elders called for reconciliation, and a bull was slain as a sacrifice to please the ancestors. Furthermore, he provided this data indicating that once the bull was slaughtered, the two groups split it evenly. The people from the south took the bull's hind limbs (*shitakho*), while the people from the north got the forelimbs. Because of the hind limbs, individuals in the south were referred to as *bandu bishitakho*, who later became Bitakho. Following that, a famous woman ululated to demonstrate that reconciliation had occurred. Because of the ululation (*shikalakala*), this location was renamed *haShikalakala*, which is now known as Sigalagala.[28]

It is unknown when these community came to be referred to as Bidakho, as it is with the Bisukha. The Bisukha were the first to coin the term Bidakho. 'Bitakho'-behind (*inyuma, imugongo,* or *itakho*) or Binyuma alluded to a later arrival of the people who were closely following them and settling to the west.[29]

As a result, most clans in modern Idakho arrived later, earning them the moniker "people of the back" (Bandu Bitakho). Although responses may agree on this, it does not authenticate or reveal the facts regarding when the term Bidakho was used. Earlier, it was mentioned that distinct clans arrived at different times. The Abashimuli, Abamilonje, and Abashirotsa, for example, appear to have emerged at the same time. As a result, the issue of Bidakho clans arriving late may not constitute compelling proof. The phrase 'Itakho' or 'Imbo,' which means 'behind or west,' refers to the direction of the Bidakho in reference to the Bisukha.[30] Thus, the Bidakho referred to all people living in the eastern half as Bisukha, and the Bisukha referred to all individuals speaking a language close to theirs as Bidakho.[31]

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28. Philip Sulumeti (83 Years, Bishop Emeritus- Catholic Diocese of Kakamega), Oral Interview at his residence in Kakamega, on 11th January, 2020.

29. FGD of Council of Elders (at Shinyalu Chief Centre), 10th September, 1995. Abang'onye.

30. K. L. Muchanga (1998), Impact of Economic Activities on the Ecology of the Isukha and Idakho Areas of Western Kenya, c.1850 to 1945, (A Master's Thesis), Kenyatta University, p. 58.

31. Joseph Musindayi Manyonyi (88 Years, a peasant farmer and founder of Shimuli Sect), Oral Interview at his home Savane- Idakho, 5th August, 1995.

Origin of the Abaluhya, Isukha and Bidakho

Oral traditions and records are replete with developments that explain the Abaluyia's genesis, including a highly intricate migratory pattern within their current abode.[32] Luhyas migrated to their present-day location from Egypt in North Africa.[33] However, according to their oral history, some historians think that Luhyas arrived from Central and West Africa with other Bantus during the Great Bantu Migration.[34] As a result, it is claimed that "the major difficulty in studying the Abaluyia is defining exactly who they are."[35] Some of the questions raised include: Where did the Abaluhya originate? Who was their forefather? Did they arrive as a group or did each group arrive separately? These questions aided in the in-depth examination of the study.

The research has shown that most present-day Abaluyia sub-ethnic groups migrated to their present abode from the west in the direction of Uganda.[36] This idea is also held by Kakai. Linguistically, the Luhya dialect is very much related to the people of central and eastern Uganda, especially the Basoga, Baganda, and the Bagisu; a similarity that points to the close interaction that the Luhya had with them.[37] However, the African linguists argue that there is a likelihood that the similarity could be because they are within the same family as well as the same interlucustrine region, not necessarily due to their interaction.[38] Population increase has been considered the major factor for migration.[39] In their view, population increase in a locality triggers off demographic responses, for example, diseases, famines, conflicts, ethnic rivalry and pressures on land; hence a society

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32. P., Kakai (2000). History of Inter-Ethnic Relations in Bungorna, Mt. Elgon and Trans Nzoia Districts, 1875-1997 (Doctoral dissertation, Kenyatta University), p. 76.

33. C., M. Wechuli, Jairus Omuteche, and Chrispinus Wasike. "Images of Women in Selected Luhyia Popular Music." *African Journal of Education, Science and Technology* 7, no. 2 (2022): 366-389.

34. D. Seidensticker, Hubau, W., Verschuren, D., Fortes-Lima, C., de Maret, P., Schlebusch, C. M., & Bostoen, K. (2021). Population collapse in the Congo rainforest from 400 CE urges reassessment of the Bantu Expansion. Science Advances, 7(7), eabd8352, p. 7.

35. E. M. Aseka. (1989). Political Economy of Buluyia: 1900-1964" (Unpublished Ph. D Thesis). Kenyatta University, p. 76.

36. G. Wagner. (1949), *Op. Cit.,* p. 18, Osogo, J. (1966), *Op. Cit.,* p. 56 and Were, GS (1967). A History of the Abaluyia of Western Kenya C1500-1930.Nairobi, East Africa Publishing House. p. 78.

37. Ibid, p. 79.

38. David Barasa (35 Years, Lecturer in Linguistics), Oral Interview at the Department of Languages - MMMUST, 6th August, 2020.

39. E. Boserup. (1981). Population and Technological Change: A Study of long-term Trends. Chicago: University of Chicago Press, p. 10 and Rudengren, J. (1981). Peasants by Preference? Socio-Economic and Environmental Aspects of Rural Development in Tanzania (PhD Dissertation). Stockholm School of Economics, Stockholm, p. 17.

under stress can respond by migrating or intensifying their agricultural production, which in essence changes the mode of production.

Figure 1. *Migration Route of the Abaluhya People*
Source: Adopted from G. S. Were (1967).
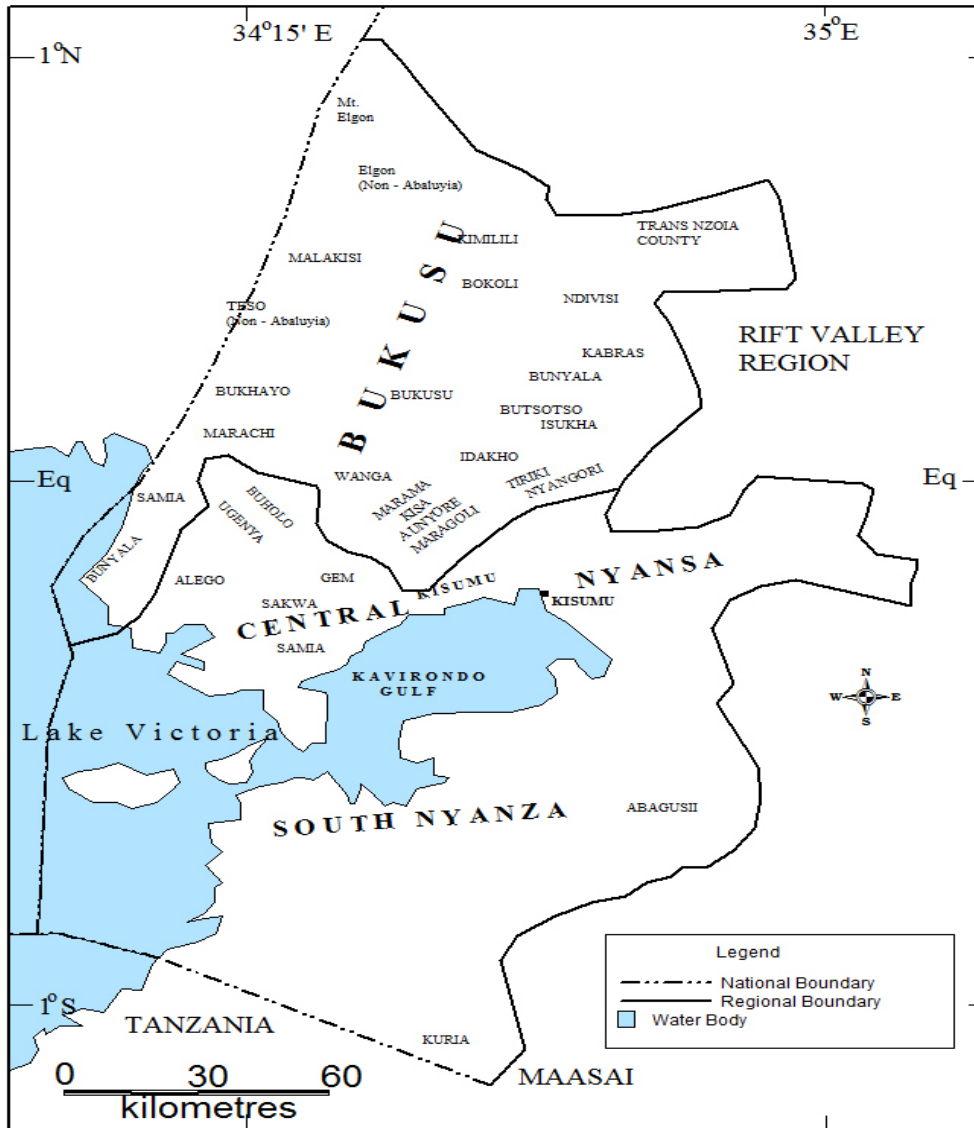
Figure 2. *Abaluhya Locations with Adjacent Luo Locations*
Source: Were (1967).

According to Were (1967), the Abaluhya people (including the *Bisukha* and *Bidakho*) migrated from the west because of both ecological and human factors (see Figure 1).[40] Resources had been depleted, necessitating the search for fresh resources in the east, which led them to Kenya. Other reasons for the Luhya movement were internal warfare, droughts, and a desire for better living conditions, antagonism against new immigrants, domestic problems, and a sense of adventure.[41] Their migration was sensible, with demographics playing an

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40. G. S. Were. (1967), *Op. Cit,* p. 191.

41. C. J. Indongole. (2014). *Abaluyia: An Outline History of the Origin, Migration, and Settlement of the Abaluyia Sub-Tribes and their Current Clans in Western Kenya.* Kakamega: Brainwave Talents Centre, p. 87.

important part. However, because of the plentiful resources and low population, pre-colonial cultures were strongly dependent on the bio-physical environment, which determined cultural conceptions.[42] To this end, this study established that societies migrated because areas they initially inhabited had deteriorated in particular essential resources, so migrations were bound to happen given resource availability elsewhere.[43]

Whereas the Agikuyu have 'Adam and Eve' in Gikuyu and Mumbi, and the Gusii have 'Omugusii' as their creator, Abaluyia appears to have no singular ancestor.[44] The fabled 'Muluyia' or 'Mumwamu' as the founders of the Abaluyia people appear to be made up figures by oral traditionalists to form unity in the heterogeneous society and excuse the likeness in their language and cultural activities.[45] What appears to be clear is the existence of clan-level sub-progenitors such as Omulogoli, Akhwitsende, Anazio, Arimbuli, and others who are not related in any manner. The proximity, relationships, and assimilation of the many sub-ethnic groups and clans are likely candidates for the closest likeness. It so advances the commonly held concept that the Bidakho and Bisukha are descended from progenitors whose true identities are unknown.

Bode (1978) documents that Abisukha and Abidakho had always been in their present settlement since the 16th century.[46] Bode, in this context, might have viewed the Bisukha and Bidakho as people who came about in the 16th century. However, his view is not born out of the oral accounts of the various clans, which point to Mount Elgon (Masaaba) as their origin. According to Mwayuli (1989), the Bashimutu, Basilitsa, Bakisila, and Bakukhumi are believed to be the "indigenous" *Bisukha* and *Bidakho*.[47] However, this is still debatable because written accounts of Were (1967) and Osogo (1966) indicate that the area referred to as Buluhya was occupied by the Proto-Kalenjin groups who the in-coming Bantu groups displaced.[48]

Furthermore, Osogo (1966) does not provide sufficient evidence to support the hypothesis that Bisukha and Bidakho evolved. These indigenous communities appear to have arrived in the area before other Isukha and Idakho groups. Other

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42. F. C. Bode. (1978). Leadership and Politics among the Abaluyia of Kenya 1894-1963, (PhD. Dissertation) Yale University, p. 87.

43. Andrew S. Liseche (60 Years, Retired Agricultural Extension Officer), Oral interview at Khayega Market, on 16th June, 1995.

44. E. M. Aseka, (1989), *Op. Cit.,* p. 76.

45. G. S. Were. (1967), *Op. Cit.,* p. 191, F. C. Bode. (1978), *Op. Cit.,* p. 89 and M. S. Mwayuuli, (1989). The History of the Isukha and Idakho Clans among the Abaluyia of Western Kenya. Kanazawa University, Japan, p.6 and Joseph M. Malusu (49 Years, Lecture in KU), Oral Interview at his residence at Kenyatta University, 6th August, 1995.

46. F. C. Bode. (1978), *Op. Cit.,* p. 89.

47. M. S. Mwayuuli. (1989). *Op. Cit.*, p. 6.

48. G. S. Were (1967), *Op. Cit.,* pp. 62-63 and J. Osogo. (1966), *Op. Cit,* p. 73.

clans trace their ancestry beyond Mount Masaaba, claiming 'Misiri' (modern-day Egypt) as their ancestral home. The Abalira, Abamakhaya, Abasakala, and Abashikulu are among them. The notion of 'Misiri origin' appears to have permeated most East African groups. According to Were (1967), 'Misiri' refers to an undiscovered country or nations from where many Abaluhya clans descended.[49] Misiri was a place to the North of Mt. Elgon. It has nothing to do with present-day Egypt. Egypt gets mentioned in some Africa Oral Traditions explaining their origins as part of the Hamitic hypothesis.[50] For Bisukha and Bidakho clans, see Table 1.

Table 1. *Clans Making up Bisukha and Bidakho*

	Bisukha Clans	**Bidakho Clans**	
1.	Abasakala	Abashimuli	Abatura
2.	Abakhaywa	Abashikunga	Abamasitsi
3.	Abarimbuli	Abamasaaba	Abambale
4.	Abichina	Abamusaali	Abanzali
5.	Abamironje	Abakobero	Abandabu
6.	Abatsunga	Abamanyisi	Abashitanyi
7.	Abitsende	Abakondi	Abamachina
8.	Abakhulunya	Abashikulu	Abamalava
9.	Abakuusi	Abasikhobu	Abasalwa
10.	Abamahalia	Abashitsiuula	Abamakambe
11.	Abalira	Abamuhali	Abashiasuli
12.	Abashitaho	Ababuka	Abahuuli
13.	Abakhombwa	Abashisiila	Ababwanishili
14.	Abayokha	Abashiangala	Abanyikha
15.	Abasuulwa	Abamalaba	Abangoloni
16.	Abashirukha	Abasilwa	Abakaase
17.	Abateheli	Abamahaani	Abashilakaya
18.	Abasaalwa	Abaterema	Abasikhobu
19.	Abatuura	Abanyikhu	
20.	Abakukhumi	Abakhwanga	
21.	Abasilitsa	Abayemi	
22.	Abamakhaya	Abakhulunya	
23.	Abashibembe	Abarendwa	
24.	Abashimutu	Abamagambe	
25.	Abakhwanga	Abakhubi	
26.	Abasheleli	Abashisalachi	
27.	Abashilili	Abashiikali	

Source: Author 1995/1996.

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49. Ibid.

50. R. Law. (2009). The "Hamitic hypothesis" in indigenous West African historical thought. *History in Africa*, 36, pp. 293-314.

Many societies regard the tale of 'Misiri' or 'Egypt' as the beginning of time and the center of creation.[51] Although traditions may not explain this issue vividly, the study of pottery in East Africa corroborates the view that the Bantu groups might have migrated from the same place.[52] When studying ironworking technology, archaeologists point to Meroe as a likely core from whence it moved through West Africa, then to East and Central Africa on the outskirts of the tropical forest.[53]

This, too, correlates with the Bantu migration patterns and the linguistic evidence of Guthrie and Greenberg (1981).[54] Although the pottery has been altered, the Meroe hypothesis appears to be the most logical, as evidenced by its proximity to what the Luhya call 'Misiri.' The origin of the 'Misiri' is consistent with the Hamitic myth, which attempted to explain everything in Africa as having exterior influence. According to the Hamitic idea, everything of value ever discovered in Africa was carried there by the Hamites, an offshoot of the Caucasian race. According to this belief, the Hamites are blacks (Negroes). That the Hamites are descendants of Ham who were cursed by being black and having an unsavoury personality.[55] According to Hamitic myth, all people living in East Africa and other regions south of the Sahara migrated from somewhere else, presumably Egypt, via the Nile Valley.[56] These prejudiced European scholarships, as well as horrible attitudes regarding Africa and African people. The era of the Hamitic school was defined by its assumptions and fascination with people's origins, migration patterns, pottery, iron working, technology, and other notions.[57] The Hamitic theories were enthusiastically adopted by writers who naively accepted and, in some cases, grossly overstated the alleged source evidence. It seems that Hamitic beliefs were used to legitimize European objectives in

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51. Peter Mwayuuli (81 Years, Retired Civil Servant), Oral Interview at his home in Mukumu on 3rd September, 1995 and Petro Liyayi (83 Years, A Peasant Farmer), Oral Interview at his home in Ivakale - Elianda, 19th July, 1995.

52. T. N. Huffman. (1989). Ceramics, settlements and late Iron Age migrations. *African archaeological review, 7*(1), pp. 155-182.

53. D. W. Phillipson (1981). J. D. Fage (ed.): *The Cambridge history of Africa. Volume II, from c. 500 BC to AD 1080. xvii,* 840 pp. Cambridge: Cambridge University Press, 1978. 38 plates. £ 30. Bulletin of the School of Oriental and African Studies, 44(2), pp. 418-419.

54. J. H. Greenberg, (1972). "Linguistic Evidence Regarding Bantu Origins" *In Journal of African History* 3(2), pp.189-216.

55. E. S. Karani, (2017). Continuity and Change in The Funeral Rites of Abatirichi of Western Kenya c. 1850-1960 (A Master's thesis) Kenyatta University, p. 74.

56. C. A. Diop & M. Cook, (2012). *The African origin of civilization: Myth or reality.* Chicago Review Press, p. 8.

57. J. E. G. Sutton, (1981). East Africa Before the Seventh century. *General History of Africa II, Ancient Civilizations of Africa,* pp. 568-92.

Africa under the guise of their civilizing mission.[58] According to the belief, everything in Africa has a foreign origin that is not from Africa.

Many African societies still believe that they migrated from Egypt. Such reminiscences, however, have frequently been regarded as a corruptible adaptation of the legendary biblical account of Moses. Were (1967), for example, views the Misiri origin as a myth based on biblical influence.[59] Instead of Egypt, he offers the current districts of Karamoja and Turkana. This may not be the case. Historical documents and oral traditions show that the Bisukha and Bidakho share a nearly identical ethnic identity. The two come from the same set of exchanges and assimilations that occurred in Buluhya. Even the most casual observer cannot not but notice the unusual forms of so many place names in this region. Ichirovani, Ingolomosio, Ileho, Lubaho, Shisaina, Ilucheho, Kakamega, and Handidi, for example, have Maasai and Kalenjin origins and meanings. The Isukha and Idakho localities saw an independent influx of people from all directions and at various times. Acculturation occurred between these populations and the Kalenjin, Luo, and Maasai resulting to various clans forming Bisukha and Bidakho.

According to the foregoing, it appears that the argument that Bisukha and Bidakho are brothers and sisters, as often supposed, is not persuasive.[60] Whereas the Maragoli have Mulogoli as a legendary ancestor, the traditions of clan ancestors in our area of study are different in that there has not been any common ancestor of the whole of Bisukha or Bidakho.[61] According to Osogo (1966), progenitors such as Mwisukha and Mwidakho as sons of Muluhya or Omumwamu do not exist. As a result, this research reveals that the legendary Mwisukha and Mwidakho are contemporary inventions and mythological individuals meant to demonstrate unity among the Abaluyia in general, Bisukha and Bidakho in particular.[62] Bisukha and Bidakho did not move *en masse*. However, each group moved and settled independently in their present habitat.

If we take the view of C. J. Indongole that the ancestor of Abisukha and Abidakho was Omumwamu, translated as black or dark, it may elicit many questions with no answers.[63] For example, how did Omumwamu originate? Is there any mythology explaining his origin? Where did he live, in Isukha or Idakho? Who was the wife? Did they have children? What were the children's names? The answers to these questions will help in authenticating the

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58. Adjei Adjepong, "The Image of Pre-Colonial Africa in European Circles." In *Distance Forum*, vol. 1, pp. 15-37. 2011.

59. G. S. Were. (1967), *Op. Cit.,* p. 86.

60. Ibid, p. 82, and Osogo, J. (1966), *Op. Cit.,* p. 43.

61. G. Wagner. (1949), *Op. Cit.,* p. 67 and Ibid, p. 45.

62. Peter Mwayuuli (81 Years, Retired Civil Servant), Oral Interview at his home in Mukumu, 3rd September, 1985 and Joseph M. Malusu (49 Years, Lecturer at KU), Oral Interview at his residence at Kenyatta University, 6th August, 1995.

63. C. J. Indongole. (2014). *Op. Cit.,* p. 34.

Omumwamu progenation. Otherwise, the Omumwamu ancestry does not explain why the various clans have different origins and directions of arrival. In addition, the Abisukha and Abidakho do not regularly use 'O'. Instead of Omundu, they say Mundu; instead of Omumwamu, they say Mumwamu; thus, the Omumwamu progeny still stands questionable.[64] The assertion that there is a tradition explains that some people of Bukusuland migrated to the area and became the ancestors of the Abisukha clans of Abamilonje, Abakuusi. Abamuhali and Abamahalia do not correlate with the widely held theory that Abamilonje migrated from Soy, a Kalenjin origin. That is why they are called Abasooyi, hence, possessing *'ubusooyi,'* a kind of spell that when they visit a home, the foods on the fire will not cook until they touch the firewood and utter a few words to revitalize the cooking process. This belief is held to date.[65]

The Abashimuli and Abamilonje are believed to have emerged as a result of some Bidakho groups intermarrying with the Maasai.[66] The presence of the Maasai in this location is debatable. However, it is thought that the Maasai were on their way from the Turkana region in pursuit of the Nandi in order to recover what they perceived to be their cattle and pastures. As a result, the Maasai spread to various sections of Buluhya. In Isukha, for example, they lived at *Ikhonga-murwi* (The Crying Stone). This massive granite rock became the genesis of the Abamilonje clan of Bisukha and the Abashirotsa of Kisa.[67] Another group of the Maasai reached Idakho under a man called Kassim (kasamu), who married a woman called *Shimuli* (flower).[68] Due to his golden bangle, Kassim was easily accepted as a respected person in the community, equivalent to a leader.[69] Therefore, the descendants of Kassim and Shimuli came to be called Bashimuli Bamulongo, who are, indeed, Maasai by descent.[70]

Bidakho, also known as Abetakho or Bitakho, has a migration history that is essentially connected with the rest of the Luhya sub-nations, who claim 'Misri'

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64. K. L. Muchanga. (2023). The Ecology and Economic Practices of the Isukha and Idakho Communities in Colonial Period 1895-1963. *Journal of African History,* 7(2), pp. 279-293.

65. Jotham M. Asenahabi (40 Years, Secondary Teacher at Mukumu Girls High School), Oral interview at his residence at Milonje - Mukumu, 4th May, 1995.

66. G. S. Were. (1974). "The Western Bantu People's from AD 1300 to 1800" *in Zamani:* pp. 150-169.

67. Peter Itebete (65 Years, Retired Civil Servant), Oral interview at his residence at Muraka- Kakamega, 29th April, 1995.

68. Joseph M. Manyonyi (88 Years, A peasant Farmer and founder of Shimuli Sect), Oral interview at his home in Savane- Idakho, 5th August, 1995.

69. G. S. Were. (1974), *Op. Cit.,* p. 56.

70. M. S. Mwayuuli (1989), *Op. Cit.,* p. 6 and Were, G. S. (1972). The Maasai and Kalenjin factor in settlement of Western Kenya: a study in ethnic interaction and evolution. *Journal of Eastern African Research & Development,* 2(1), pp. 1-11 and Were, G. S. (1972), *Op. Cit.,* p. 23.

(Egypt) as their ancestral homeland.[71] An interesting aspect of the genealogy of Bidakho is the link with Maasai and Nandi. Were (1967), the acclaimed historian on Baluhyia, says that the founder of the dominant Abashimuli clan was Kasamu Naluse, a Maasai immigrant.[72] Kasamu (Kassim/Chasamu) first lived at Sang'alo in Bungoma before moving to Butsotso, where he married a local girl Ashimuli who bore him many sons. When Kasamu moved to Idakho, one of his sons remained behind and is believed to be the founder of the Abashibuli clan in Butsotso.[73] He was welcomed to Idakho territory with his family (Abashimuli) by then *Omwami* (leader) called Ashisira, founder of Abashisiravai, the aboriginal clandom. Kasamu integrated with Bidakho and gained such popularity with local people that he became ruler of the combined Abashisira and his Abashimuli clan. His clan members abandoned Maasai culture and language and adopted Lwidakho.[74]

According to Lihraw (2010), Kasamu led his Chepruko (Abachimuku) clan members from Soy following a family conflict and settled in Kakamega at the Crying Stone (Ikhongamurwi) near Muraka. They intermarried with Abashisira, resulting in the Abashimuli people. Bidakho and Bisukha are thought to have been founded by brothers.[75] Some oral traditions, however, disagree with the assumption that Mwitakho and Mwisukha were brothers. According to certain scholars, such as Osogo (1966), Bisukha means upper and Bidakho means lower in the settlement of these sub-nations south and north of the River Yala (Lukose).[76]

Similarly, the people currently called Abidakho did not migrate *en masse* to settle in their present habitat. Each clan emerged on its own. For instance, *Abamusaali* and *Abashimuli* had no blood relations, nor were they brothers, as documented by Bode (1978). Whereas *Abamusaali* have a close relationship with the *Abatsotso*[77], the *Abashimuli* are closely related to the Maasai. Abamusaali and Abang'onye of Butsotso originated from one person.[78] That is why the two do not intermarry to avoid congenital malformations.

Based on the preceding arguments, it is possible to conclude that these two communities do not have a common ancestor. As a result, experts wonder why they share a nearly identical dialect and cultural activities and why it is difficult to

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71. K. L. Muchanga. (2023). *Op. Cit.*, p. 280.

72. Were, G. S (1967), *Op. Cit.*, p. 70.

73. Joseph Lumati (65 Years, Retired Teacher), Oral Interview at MMUST-Kakamega, on 15th August, 2020.

74. FGD of Council of Elders (at Ikolomani Chief Centre), on 12th September, 1996.

75. Joseph Lumati (65 Years, Retired Teacher), Oral Interview at MMUST - Kakamega, on 15th August, 2020.

76. Abeingo Community Network, 2014.

77. Joseph M. Mabia (98 Years, a peasant farmer), Oral Interview at his home Shirumba- Idakho, on 15th June, 1995.

78. M. S. Mwayuuli (1989), *Op. Cit.*, p. 7.

distinguish between them. This could be a language tracking issue for which no adequate research has been conducted. Because of these factors, some responders believe Bisukha and Bidakho are linked. Lwisukha and Lwitakho are dialects with essentially identical pronunciations. For example, while the dialects are practically identical, the Bisukha speak slightly faster than the Abidakho.[79] Pronunciations of '*kha*' and '*kho*' suffixes are very common among the Bisukha and Bidakho respectively. Furthermore, the Abidakho slightly pull the words, although some words though with the same meaning have different pronunciations among the two sub-ethnic groups. For instance, the verb "to talk" among the Bisukha is *khulakaya,* while the Bidakho says *khulomaloma.* The meaning of the verb remains the same.

Cultural Practices and the Associated Beliefs of the Isukha and the Idakho, c.1850 to 1894

These Isukha and Idakho cultural practices differ slightly. For example, their initiation of boys occurs at the same time or season. Perhaps the distinction is that Abisukha use a single-edged knife, whereas Abidakho employs a double-edged knife. This was explained as the Abidakho's cultural supremacy.[80] Candidates among the Abisukha are initiated near a house where they are authorized to stay after circumcision. According to the research, such a dwelling becomes the Irumbi. Irumbi is the initiation residence. While Bidakho begins in specific trees, he eventually becomes murumbi. For example, "boys were circumcised while standing under musembe or musutsu trees."[81] These two words, *irumb*i and *murumbi,* have different nuances but a similar etymology.

Irumbi house belonged to an elder of the village or clan entrusted to teach the initiates about the socio-economic and political aspects of their society. However, N.S. Yakhama differs from this account. According to him, the *irumbi* was the house of a widower.[82] A man believed to have dedicated his time to the initiates. Focus Group Discussions of the Ikolomani council of elders reported that:

> The owner of Irumbi house was a respected clan elder who was versed in the knowledge and wisdom of the Bisukha and Bidakho. Knowledge of the origins, migrations, and genealogies of the Isukha and Idakho as well as the specific individual clans. He was a man also versed in the knowledge of plants, animals, and their related taboos, totems, and curses.... Some of the topics taught in *Irumbi* included marriage, family, war, socialization, morals, respect for the elders,

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79. Osogo, J. (1966), *Op. Cit.,* p. 65.

80. Joseph Musindayi Manyonyi (88 Years, a peasant farmer and founder of Shimuli Sect), Oral Interview at his home Savane- Idakho, 5th August, 1995.

81. N. S. Yakhama (2018). *Heritage: Foundation of Noah Yakhama's Generation.* Eldoret: Utafiti Foundation., p. 55.

82. Ibid.

discipline, and responsibility.... The owner of Irumbi was assisted by a selected person who was to clean and perfect the initiates (*Mutili/ Batili*), who also was selected carefully following the set descriptions and norms. He was to avoid his wife for the period he served in *Irumb*i until the graduation of the initiates (*Shisabitsu)*. At the graduation ceremony, the two men were given honoraria ranging from goats, sheep, bulls, alcohol, and traditional regalia...then the initiates formed an age group named after the owner of *Irumbi.* Women were barred/ excluded from entering or walking about the *Irumbi.*[83]

The Irumbi curriculum addressed marriage and masculine concerns. In this way, the Irumbi was analogous to current formal education in that initiates were taught about society values, needs, norms, medicine, hunting, economic views, and so on. For those who were to be initiated, the Irumbi possessed the most appropriate curriculum.[84] Also, while in *Irumbi*, a lot of knowledge was imparted to them that were geared towards ecological conservation.[85] The research unravelled that, among the Bisukha, the initiates danced to initiation songs using poles (*mitobolo)*, while among Bidakho, they danced using poles with jingles tied to them (*mitobolo* and *masili*). All these practices during circumcision were adopted from the Maasai and the Kalenjin people who roamed in this area in search of grass and water for their animals.[86] Usually, the art of circumcision was dominated by Abasilitsa and Abichina clans among Bisukha. Until the 1960s, Isukha relied on circumcisers from Idakho,[87] an art that was inherent among the Idakho clans such as the Bamasaba, Bamanyisi, and Bashiangala. Although there is a belief that the Isukha people received the ritual of circumcision from the Idakho, there is no evidence of this belief from the respondents. Thus, it appears that circumcision may have evolved independently among some clans that honeycombed this area. The elders posited that:

> The pre-colonial Isukha and Idakho circumcised their boys aged 14 to 18 years. After circumcision, the initiates were assembled and put in groups where specifically selected elders of advanced age and wisdom were in charge of advising and teaching the initiates on ideals, virtues, and norms of the society.... Before the D-day of circumcision, the initiates were subjected to a lot of walking, dancing, and singing to inspire them to face the knife or the initiator (*Mushebi*). The songs encouraged them, and they fearlessly hurried to meet the knife. It was forbidden for the candidates to cry during circumcision as it was a sign of cowardice and showing that they were not

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83. FGD of Council of Elders (at Ikolomani Chief Centre), on 12TH September, 1996.

84. K. L. Muchanga, (1998), *Op. Cit,* p. 59.

85. Andrew S. Liseche (60 Years, Retired Agricultural Extension Officer), Oral interview at Khayega Market, on 16th June, 1995.

86. Itebete Kaburu (63 Years, a peasant farmer), Oral Interview at his home in Lusiola- Shinyalu, on 20th July, 1996.

87. Mwisiayi S. Malenya (70 Years, Retired Sub Chief, Shinyalu Sublocation), Oral Interview at his home at Likhovero - Ibwitsende, on 7th July, 1995.

men enough. Sometimes *Isambakhalu (Boehmeria marc)* was smeared on those who attempted to cry. This is because *Isambakhalu* intensified the pain to make the initiates 'more of men'[88] that is solid and hardened, ready to take over the challenges and responsibilities of men.

It appears that Bantu and Kalenjin enculturation resulted in a lot of borrowing in terms of initiation behavior. Proto-Abisukha may have learned this technique from the Kalenjin who once lived in the area.[89] For instance, the groups that came in later, like Abitsende, were not circumcised. It was the Abasilitsa clan who circumcised them.[90] This demonstrates that circumcision was used to incorporate or initiate 'strangers' into the Bisukha society.[91] Furthermore, the account of Akhitsende and his sons not being circumcised shows that not all Bantu communities that settled in this area practiced the procedure of circumcision. The age-set system after circumcision is thought to have been borrowed from either the Maasai or the Nandi, who had evolved this process over a lengthy period of time.

Despite borrowing from the Kalenjin or Maasai, the Bisukha and Bidakho age groupings served little purpose. Oral histories do not indicate a situation in which one age group was given a name like the Nandi. Instead, the age groups were determined by the season in which the individual generation was circumcised.[92] While healing in the special initiates' house (Irumbi), the Bisukha and Bidakho could not share the caretaker (typically an elderly male in the clan). This was due to the fact that the same house may be utilised in another season. That is why the circumcision season, which was used to define the age set (Likhula), became significant. The study discovered that the Abisukha and Abidakho circumcised each other.

Pre-colonial Socio-Political Institutions of Bisukha and Bidakho Communities

A brief understanding of the Bisukha and Bidakho's socio-political set-up directs focus to the pre-colonial economic practices believed to have taken place in the socio-political *milieu*. It is, therefore, premised that the political, social, and economic systems of the Bisukha and Bidakho were completely inextricable.[93]

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88. FGD of Council of Elders (at Ikolomani Chief Centre), 12TH September, 1996.

89. A. J. Njoh. (2006). Tradition, culture and development in Africa: Historical lessons for modern development planning. Ashgate Publishing, Ltd, p. 131.

90. Itebete Kaburu (63 Years, a peasant farmer), Oral Interview at his home in Lusiola- Shinyalu, on 20th July, 1996.

91. M.S. Mwayuuli (1989), *Op. Cit.,* p. 8.

92. Joseph Lumati (65 Years, Retired teacher), Oral Interview at MMUST- Kakamega, on 15th August, 2020

93. Bode F.C. (1978). *Op. Cit.,* p. 24.

Socio-political authority usually began at the family level, either extended (*Litaala*) or nuclear (*Hango*). The lines of authority were drawn with the father or grandfather as the head (*Muhindila wa Hango*).[94] The family, as the primary social group, collaborated extensively and intensely in daily operations. Every member of the household had a certain function to fulfil. Men cleared virgin land and assisted women in planting crops, while women weeded.[95] This line of power extended upwards to larger units in the socio-political systems, such as village or clan systems. The clan was the political structure of a group of families from the same village and ancestry. In this context, a homestead was defined as a self-governing unit in and of itself, and as such, breaches and conflicts within it were handled by the homestead's head.[96] His authority included his wives, sons, and unmarried daughters. If a family member performed an abhorrent act, the head had the authority to curse, basing his curse on a specific taboo(s) in society.[97] Other difficult problems in the household, on the other hand, were brought before the community or clan council of elders. As a result, the gendered division of labor indicated above was reinforced by a system of taboos that ruled the family unit.[98]

The institution of the council of elders might have emerged from the homestead council where a grandfather could call for a *baraza* of the elder sons to discuss matters of the family. The Bisukha and Bidakho heavily relied on taboos and beliefs as their set of rules. The council of elders (Miliango), selected based on age and wisdom, formed the highest court of appeal.[99] The head of the council was called *Mwami* (an equivalent of the chief). Through the council, the relationship between the traditional authority of natural resources management and the political organization of communities was maintained.[100]

The Omwami (leader) institution was based on the individual who possessed wisdom and was socially esteemed by the clan. Omwami, like the Oloibons and Orkoiyots, was required to have a notion of the leading clan in officiating and offering sacrifices to placate the clan's ancestral spirits--what J.S Mbiti refers to as

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94. FGD of Council of Elders (at Shinyalu Chief Centre), 10TH September, 1995.

95. Andrew S. Liseche (60 Years, Retired Agricultural Extension Officer), Oral interview at Khayega Market, on 16th June, 1995.

96. L. Kavulavu (2017). The History and Culture of Idakho People of Western Kenya during the Pre-colonial period. *Sociology and Anthropology 5*(8): pp. 655-663.

97. E. H. Embeywa, (1991). *The Place of Kenya Culture and Values in Environmental Education.* ASESP. Kenyatta University, Nairobi, p. 63.

98. L. Kavulavu (2017), *Op. Cit.,* p. 657.

99. Mwisiayi S. Malenya (70 Years, retired Sub Chief – Shinyalu Sub Location), Oral Interview at his home in Likhovero - Ibwitsende, on 7th July, 1995.

100. Mwisiayi S. Malenya (70 Years, Retired Sub Chief – Shinyalu Sub location), Oral Interview at his home Likhovero- Ibwitsende, 7th July, 1995.

the living dead.[101] Omwami served as the council of elders' unifying influence. He either authorized war with his neighbors or intervened for peace. Omwami had a group of people around him who formed his army for protection and war, among them respected warriors who achieved fame by their conflicts, fights, and wrestling talents.[102] Their respective successors were measured in terms of the number of enemies killed and the big number of animals they raided. According to N.S. Yakhama, during *Shilembe* celebrations, such decorated soldiers could carry as many spears as possible regarding the people they killed. A higher premium was given to those who killed a Masaai or a Nandi.[103] To the Isukha and the Idakho, killing a Masaai, a Nandi, or a Turkana during the war gave the killer a lot of honour and respect because the latter were regarded as fearless, and any person who dismantled and humiliated them to death was highly regarded. Such warriors were accorded with *Shilembe* at their burial ceremony.[104]

Omwami, notwithstanding his age and wisdom, was to have a lot of wealth which in pre-colonized Isukha-Idakho, was measured in terms of huge granaries full of grains and cereals.[105] Their wealth could also be defined by one being a polygamous man with many children, a lot of animals and birds, able to host and entertain many visitors regularly with beer (*Busaa*) and food, besides supporting the clansmen during famines with food and sacrificial animals. In addition, Mwami had to have knowledge of herbalism or engage a strong herbalist, a rainmaker, and iron smelters on his council of leadership.[106]

The Omwami was the head of the Bisukha-Bidakho council of elders, which included the decorated soldiers, the head medicine men, the head iron smelters (Mwirianyi), the rainmaker, a few men of high economic status, and other people appointed by the Mwami for his reasons for clan administration.[107]

Women were occasionally appointed to the council of elders. It was the domain of the elderly men. According to Kavulavu, the women were sometimes just invited to witness.[108] This explains the gender prejudices against women that

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101. Mbiti, J. (1991). Introduction of African Religions (second edition) Portsmouth, NH and London: Heinemann Educational Books, p. 56.

102. Hudson Shitambasi (68 Years, Retired Sub Chief Shidodo Sub Location), Oral Interview at Khayega Market, on 7th July, 1996.

103. Petro Liyayi (83 Years, a peasant Farmer), Oral Interview at his home Ivakale - Elianda, on 19th July, 1995.

104. Muhika P. Amukayia (87 Years, A peasant Farmer), Oral Interview at his home at Ilusiola Ibwitsende, on 4th May, 1995.

105. Joseph M. Mabia (98 Years, A peasant farmer), Oral Interview at his home Shirumba- Muasali, on 15th June, 1995.

106. Sunguti P. Amukoye (87 Years, A peasant Farmer), Oral interview at his home Ishikunga- Imusoli, 4th August, 1995.

107. Mwisiayi S. Malenya (70 Years, Retired Sub Chief – Shinyalu Sublocation), Oral Interview at his home Likhovero- Ibwitsende, on 7th July, 1995.

108. L. Kavulavu (2017). *Op. Cit.,* 657.

proliferated the pre-colonial Africa. The elders were in charge of hearing cases and rendering decisions. Elders were regarded as divinely endowed with the authority to lead clans in communal sacrifices and social activities.[109] For this reason, they were regarded with high esteem. For example, they were given priority during cultivation, sowing, planting, and harvesting. "In times of famine or war, they asked people to pool manpower and resources; they managed military affairs".[110]

Towards the 1880s, the Bisukha and Bidakho, like many other Luhya ethnic groups, began acknowledging the nominal suzerainty of the Wanga chiefdom under Nabongo Mumia. This acknowledgement was intensified with the advent of the Swahili and Arab traders who armed Nabongo with guns from the Coast. Apart from the Maasai, Nabongo Mumia used these traders as mercenaries to extend Wanga imperialism on the Abisukha, Abidakho and other Luyhia communities.[111]

Social-cultural Practices and Beliefs of Bisukha and Bidakho and their Ecological Implications

Folk knowledge can be defined as that which has been acquired through hard work and is usually guardedly stored in order to ease current and future human issues and food security.

> Wisdom is related to experience, skill, self-control, and understanding of the community's goods, depending on age. That is why the custodians of this wisdom were old people from whom it was disseminated to the new generations during the normal socialization processes and apprenticeship.[112]

The research established that ecological knowledge existed among the Bisukha and the Bidakho but under various descriptions. They referred to it as "Knowledge of the world" *Bucheli bwi shibala* or man's knowledge that was not common. According to them, their knowledge comprised witchcraft, healing, rainmaking, hailstone dipping, and identification of good soils, animals to be hunted, the best grass, identification of totem animals, and the like.[113] It was vested in the traditional leaders-cum-elders, who guarded and transmitted the

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109. Clement Akhura (74 Years, Village Elder (Liguru) in Lugose Sub Location), Oral Interview Ibusakala- Lugose sub location, 12th May, 1995.

110. Ibid.

111. Joseph Shiakamiri (90 Years, Second World War Veteran and a Peasant Farmer), Oral Interview at his home Iburimbuli -Shinakotsi, on 10th August, 1995.

112. Joseph Shiakamiri (90 Years, Second World War Veteran and a peasant Farmer), Oral Interview at his home Iburimbuli - Shiakotsi, on 10th August, 1995.

113. Aliavikali A. Dongolo (102 Years, A renowned Herbalist among Bisukha community), Oral Interview at his home in Ilala- Mukumu, 16th May, 1995.

socio-economic and political 'values' system. It was also vested in the old people because they had interacted with the environment longer, hence had accumulated experience.[114] Some of this knowledge was believed to be inspired by the ancestral spirits *Misambwa*, making some people talented in mysteries of the environment. Others simply inherited it from their grandparents.[115]

Through apprenticeship, the young were taught various skills in healing diseases and performing various functions.[116] The practice of herbal treatment was 'sacred.' It was an art for specific family groups, and a terrible disaster to attempt such art without the prerequisite training and coronation rituals. This was to prevent the misuse of such skills in society.[117] For this reason, the plants identified as medicinal were preserved through an appropriate taboo system, as explained above. In the apprenticeship process, the candidates were thoroughly trained through testing, obedience, endurance, and willingness to work hard. Liyayi, in an interview, said, "Norms related to each knowledge was taught, and a token of appreciation like a hen, goat, or sheep could be given in return".[118]

The elders were in charge of enforcing traditional ecological regulations. In the event that this knowledge is misused, the elders may curse or force one to drink a toxic potion derived from Datura stramonium, locally known as *Shilulu*.[119] This would be given to deviants in society, particularly those who had caused significant harm. In the absence of rain, traditional leaders would organize meetings to figure out what was going on in order to safeguard the continuity of this knowledge.[120] If it was found out that rains had disappeared due to abuse or somebody owing a debt to a rainmaker, it was resolved.[121] Rainmakers had their methods or art of attracting the rain. They would sacrifice goats to the ancestral

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114. Andrew S. Liseche (60 Years, a retire Agricultural Extension Officer), Oral interview at Khayega Market, on 16th June, 1995.

115. M. Opole (1992). A Report on Local Traditional Institutional Forms among Selected Tiriki Communities in Kakamega District. The Kenya Indigenous Forest Conservation Project.

116. B. Crossan, J. Field, J. Gallacher, & B. Merrill (2003). Understanding participation in learning for non-traditional adult learners: Learning careers and the construction of learning identities. In *British journal of sociology of education,* 24(1), pp. 55-67.

117. Aliavikali A. Dongolo (102 Years, A renowned Herbalist among Bisukha community), Oral Interview at his home Ilala- Mukumu, on 16th May, 1995. and Petro Liyayi (83 Years), Oral Interview at his home Ivakale Elianda, on 19th July, 1995.

118. Petro Liyayi (83 Years, a Peasant Farmer), Oral Interview at his home Ivakale - Elianda, on 19th July, 1995.

119. Aliavikali A. Dongolo (102 Years, a renowned Herbalist), Oral Interview at his home Ilala- Mukumu, on 16th May, 1995.

120. Ibid.

121. KNA: DC/KMG/2/2/30.

spirits and stay without bathing for a long time as a sign of beckoning for the rains.[122]

Therefore, traditional ecological knowledge among the Bisukha and the Bidakho was holistic.[123] It encompassed all elements of matter which were viewed as interconnected and could not be understood in isolation.[124] Some traditional administration methods are said to have worked successfully because of low population densities. As a result, they cannot be expected to tackle colonial and post-colonial resource management challenges whose demands on resources surpassed their productive limits as the population doubled or even tripled. R.B Johannes and J. Wes contend that pre-colonial communities were not as sensitive to nature as has been asserted.[125] The only distinction is in population numbers and technical sophistication. Thus, in the pre-colonial era, the population and technology of Abisukha and Abidakho controlled how they managed their resources, and some techniques were worth replicating.

Indigenous ecological knowledge and the belief systems of the Abisukha and Abidakho were closely linked. Their beliefs consisted of the good/moral and immoral, interwoven into the societal practices.[126] The study established those societal beliefs were a function of the interplay of environmental and social relationships marked by the historical process of migrations, settlements, absorption, and physical phenomenon. As Abisukha and Abidakho emerged as a distinct ethnic group in about 1850 AD, their belief systems became elaborate. Consequently, as these people interacted with the environment and the neighbouring migrant groups of the Nilotic stalk, they developed some ecological perceptions worth studying.[127] Outstanding among these are social processes such as taboos, worship, sacrifices, witchcraft, the art of rainmaking, and other magico-religious practices.[128]

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122. Petro Liyayi (83 Years, a peasant Farmer), Oral Interview at his home in Ivakale-Elianda, on 19th July, 1995 and Joseph M. Mabia (98 Years, a peasant Farmer), Oral Interview at his at Shirumba -Musali, on 15th June, 1995.

123. K. L. Muchanga. (2023), *Op. Cit.*, p. 283.

124. Jotham M. Asenahabi (40 Years, teacher at Mukumu Girls High school), Oral interview at his home at Mukumu. On 4th May, 1995.

125. R. B. Johannes (eds.), (1989). Traditional Ecological Knowledge: A Collection of Essays. IUCN, *The World Conservation Union*, p. 18 and J. Wes (1971). *Man and the Environment*, Dubungue, Iowa WMC: Brown Company Publishers, p. 26.

126. Andrew S. Liseche (60 Years, Retired Agricultural Extension Officer), Oral interview at Khayega Market, on 16th June, 1995.

127. Lawi, Yusuf Q. (1999). Where Physical and Ideological Landscapes Meet: Landscape Use and Ecological Knowledge in Iraqw, Northern Tanzania, 1920s-1950s, Iraqw Environment, History and Exploration Agriculture, Natural Resources and the Environment Development and Technology Peoples of Africa (Ethnic Groups), *In International Journal of African Historical Studies,* 32(2-3), 281-310.

128. G. S. Were (1974). "The Western Bantu People's from AD 1300 to 1800" in *Zamani*: pp. 150-169.

Western scholars have downplayed or neglected the importance of African ideas in environmental conservation. Karp emphasizes this when he says, "African beliefs tend to show concern for the control of people rather than the environment."...."[129] Such scholars fail to comprehend the importance of controlling people first, then the environment. Studies conducted by African scholars and the United Nations Environment Programme (UNEP) have, on the other hand, highlighted the idea that some African beliefs strengthened and preserved the worth of life-sustaining resources, hence assuring long-term visibility.[130]

Various taboos governed socioeconomic and political behavior in pre-colonial Bisukha and Bidakho belief systems. The taboos associated with socioeconomic practices were enshrined in the societal way of thought, which also helped to the conservation of the ecosystem.[131] This was due to the fact that breaking a taboo was considered an abomination in society and was punished with poor luck, rejection, or death. Taboos among the Bisukha and Bidakho instilled terror in this regard. They avoided or reduced the committing of sin by individuals, plants, animals, rivers, woods, and all other creatures in the ecosystem.[132] For example, cutting Figus Thoningii (Mukumu) was taboo because it would cause hailstones to fall or lightning to strike. Cutting of *Markhamia Lutea (Lusiola)* would make ancestors annoyed and cause death to the family or the clan).[133] Use of *Crotons Megalacapus (Musine)* for firewood was prohibited because it was believed that the smoke would lead to blindness. Women were not allowed to cut *Boehmeria marc (Isambakhalu)* as it would lead to miscarriage during pregnancy.[134]

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129. W. R. Hull (1972). *Munvakare: African Civilization before the Batuure,* London: John Wiley and Sons, Inc.

130. G. L. Chavunduka (1979). Polygyny among urban Shona and Ndebele Christians: a case study. Nada: The Southern Rhodesia Native Affairs Department Annual, 12(1), pp. 10-20, Z.A. Ogutu & M. Khayesi. (1995). Culture as the Basis for Biodiversity Conservation in Kakamega Forest, Kenya. In *Transafrican Journal of History*, pp.195-204. and Otiende, J.E. (1991). Education since the Early Times. In WR, Ochieng', (ed.), Themes in Kenyan History, (pp. 145-155). Nairobi: EAPH.

131. E. H. Embeywa (1991). *The Place of Kenya Culture and Values in Environmental Education*. ASESP. Kenyatta University, Nairobi.

132. Gabriel Masinza (50 Years, Primary School Headmaster), Oral Interview at his home Wanzalala- Ibulila, 15th May, 1995.

133. Gabriel Masinza (50 Years, Primary School Headmaster), Oral Interview at his home Wanalala- Ibulila, on 15th May, 1995.

134. S. G. Omare (2011). The Role of Isukha Religious Beliefs and Practices in Mitigating Deforestation Deforestation in Kakamega Forest. *International Journal of Current Research*, 3(6), pp. 308-315.

Notably, severe consequences of violating taboos depended on the nature of the prohibition.[135] It would be a disease, poverty, misfortune, misery, exposure to evil spirits and witchcraft, and eventual death. Such death, therefore, would make one enter the ancestral world, *Imakombe*, where further punishments would be given to the victim by the ancestors.[136]

Thus, religious norms, punishments, and obligations pervaded the social, political, and economic domains. As a result, Bisukha and Bidhakho now have a balanced economic and ecological setup. These traditions served as the foundation for pre-colonial curriculum, which were passed down orally. Their schooling included a significant religious component; "it was from it that elders and the wider society sanctioned rules and beliefs were used."[137]

There was a belief in a single God (Nyasaye), whose power of creation could be seen in the fauna and plants. Thus, any bountiful harvest, good cattle, rains, fertile soils, health, and fertility were all gifts from Him. It is possible that the pre-colonial Bisukha and Bidakho had a metaphysical understanding of reality. The spiritual world of reality was regarded in terms of cherished ancestral spirits. They were seen as powerful and authoritative. As the spirits influenced the physical reality of fauna and flora, this helped to a better link between humans and the environment.[138] The Bisukha and the Bidakho worshipped under the *Mukumu* tree, which symbolized health, endurance, and continuity. East African hardwood, *Lusiola*, was used as a point for cursing enemies and deviants.[139] People were terrified because they feared their ancestors' wrath. As a result, religion served as a coercive factor in the natural milieu, ensuring peace and the reproduction of the social order. Some food was left in the shrine (*Mwitookho*) for the ancestors during the sacrifices. Blood, meat samples, and bones were examples of such food. The appearance of insects, wild animals, and even humans revealed the presence of ancestors. This technique had significant environmental consequences. It was one method of feeding the ecosystem's numerous species.[140]

Myths and taboos about forests, legends about people, and folk tales about wild animals were used as vehicles for passing on religious values.[141] Apprenticeship was also used to teach the youth. This form of schooling was both practical and long-lasting. The people were subjected to the demands of the

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135. J. Malusu (1978). *The Luyia way of death based on the Isukha people of Kakamega District*. Oxford Univ. Press. p. 16.

136. Ibid.

137. P. M. Shilaro (1991). Kabras Culture Under Colonial Rule: A study of the Impact of Christianity and Western Education (MA Thesis). Kenyatta University: Kenya, p. 78.

138. Joseph M. Malusu (49 Years, Lecture at KU), Oral Interview at his residence at Kenyatta University, on 6th August, 1995.

139. Ibid.

140. Joseph M. Malusu (49 Years Lecturer at KU), Oral Interview at his residence at Kenyatta University, on 6th August, 1995

141. K. L. Muchanga (2023). *Op. Cit.*, p. 283.

broader society through education and religion.[142] Individuals were put under pressure to meet their social requirements and obligations through the two. This was encouraged by corporate responsibility. As a result, religious education was adaptable to both the human and ecological environments of the Abisukha and Abidakho.

All property in a household belonged to the head, who was the father, grandpa, or great grandfather in patriarchal civilizations.[143] The man had the authority to determine when the home supplies and granaries would be opened, as well as which hen, goat, or sheep would be slain for the occasion.[144] This points to a culture establishing a dominating ideology that gradually evolved and brought all riches under the central control of the family's leader. As time went, it became against traditional Bisukha and Bidakho norms for the wife or sons to act independently on such things.[145] That was interpreted as usurping the old man's power or a sign of wishing death upon the old man. The traditions explained that no wife had the power to take over the male responsibilities in society. On the other hand, the sons were defined as "*jural minors*" as long as the head of the household lived.[146] The purpose of this centralized management by family elders was to prevent food waste by several women and children in a household. A son who attempted to open a granary or store was labelled a thief and summoned to the village elders for admonition and, if feasible, punishment.[147]

The research established that grandchildren and women were prohibited from cutting bananas or planting trees. The belief that their hands were not pleasing to the ancestors may not have been a strong case. Instead, society was afraid of misuse and subsequent decline in production. Grave desecration was prevented by adhering to religious systems and continuously avoiding exploitation of cultivated crops by relatives and youth in the home. Some taboos enhanced the economization of resources; for example, a taboo preventing women from eating chicken and eggs ensured a continuous supply of chicken. Embeywa argues that:

> As men spent most of the time hunting or fighting, women remained mostly at home. If women were allowed to eat chicken, their men would return home and find a home with very little to offer for the entertainment of important relatives.[148]

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142. Ibid, p. 284.

143. F. T. M. van Driel (1994). *Poor and Powerful: Female-headed households and unmarried motherhood in Botswana*. Saarbrucken: Verlag fur Entwicklungspolitik Breitenbach, p. 127.

144. Ibid, p. 128.

145. Mwisiayi S. Malenya (70 Years, Retired Sub Chief of Shinyalu sub location), Oral Interview at his home at Likhovero, on 7th July, 1995.

146. Joseph M. Malusu (49 Years, Lecture at KU), Oral Interview at his residence at Kenyatta University, on 6th August, 1995.

147. Ibid.

148. E. H. Embeywa (1991). *The Place of Kenya Culture and Values in Environmental Education.* ASESP. Kenyatta University, Nairobi, p. 51.

This was a way of ensuring perpetual control of the economy by the elders. By the 1870s, with the arrival of the Arabs and Swahilis, this belief began to die as chicken, and its eggs were commoditized.[149] A similar rule is applied when planting crops. A careful selection of seeds was made right from the farm in anticipation of a better harvest. The selection of seeds might have begun in the 1860s.[150] Otherwise, before this, the people may have relied on the superabundance of biodiversity. That is, there were sufficient terms of variability among living organisms from all sources in the ecosystem to produce the ecological complexities in the species diversity. As a result, there was enough food with a sustainable ecology. Thus, biodiversity serves as the foundation for the enormous array of ecosystem services that were vital to human well-being in pre-colonial Isukha-Idakho. Biodiversity is crucial in both human and natural ecosystem management.[151] Decision humans make that influence biodiversity affected the well-being of themselves and others. The selected seeds were kept in their natural form, still covered with leaves, and then put on the household roof either at the doorway or on the roof near the fireplace.[152] In anticipation of the household head, seeds in the doorway received good blessings from the visitors. The more the eyes looked at these seeds, the more they could multiply on the farm.[153] It would also appear that the doorway was secure as it would be easily noticed when the seeds were sown.

The seeds kept near the fireplace were always covered by soot (*Muyale).* Sooting was a form of preservation as it kept away destructive micro-organisms, especially weevils. Thus, soot was the possible pesticide of the time.[154] These preservation strategies might have developed as early as the 1860s because cereals were mixed with ash by the time the Arabs and Swahilis arrived in the area and its neighbourhoods. In general, ashes have been recorded to be used in Africa. Ashes (Likoshe) were important in the social-economic structure. Ashes had therapeutic properties and were sprinkled with seeds to preserve them before planting. Ashes were mixed with water in a special pot (Lushelekho), and

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149. Ibid, p. 53.

150. Ibid, p. 54.

151. S. Chaudhary, A. McGregor, D. Houston, & N. Chettri (2015). The evolution of ecosystem services: A time series and discourse-centred analysis. In *Environmental Science & Policy,* 54, pp. 25-34, and B. J. Cardinale, J. E. Duffy, A. Gonzalez, D. U. Hooper, C. Perrings, P. Venail, & S. Naeem (2012). Biodiversity loss and its impact on humanity. *Nature*, 486(7401), pp. 59-67.

152. Joseph M. Mabia (98 Years, a Peasant Farmer), Oral Interview at his home at Shirumba- Muasali, 15th June, 1995.

153. Petro Liyayi (83 Years, a peasant Farmer), Oral Interview at his home in Ivakale - Elianda, on 19th July 1995 and Joseph M. Malusu (49 Years, Lecture at KU), Oral Interview at his residence Kenyatta University, on 6th August, 1995.

154. Andrew S. Liseche (60 Years, Retired Agricultural Extension Officer), Oral interview at Khayega Market, on 16th June, 1995.

the resulting alkaline (Mushelekha) product was and still is used for cooking vegetables and softening dried meat (shihango). Ashes were also utilized as fertilizer on farms, particularly in "bush-burn." As a sort of treatment, ashes were smeared on the stomachs of constipated people. It is reported that smearing ashes on the stomach alleviated dyspepsia.[155] It was also believed that the person would have instant diarrhoea if the ashes were put on human faeces. Thus, it was a threatening measure to deter people from dropping faeces anyhow.[156] The people were threatened that in case the axe ((*Ihaywa)* was cut or placed in the faeces; it would make the anus of the one who defecated to have severe wounds.

Those who handled the seeds before planting undertook special measures to keep purity. It was taboo or prohibited to have sexual relations when assigned duties of handling seeds or harvesting millet. According to traditions, sexual intercourse at such times meant impurity. Thus, the crops could not do well.[157] The traditions were strict about maintaining high yields.[158]

Planting often started on the grandparents' farm, with communal or corporate labour from the household.[159] This was only applicable when the grandparents were still alive. In this case, it would be the grandfather or great-grandfather. The same applied to harvesting; it began on the grandparent's parcel or the first wife's farm, then to the other farms of the household.[160] It was respect accorded to the elders in the household from whom the actual successes and blessings from the living dead would reach the members. The above also happened among the Wanga where the Nabongo exercised authority on everything by virtue of his kingship, which had duties of the priesthood. According to Murunga (1996), Nabongo presided over numerous ritual ceremonies, including breaking the soil and sowing.[161] This made him a custodian of crop fertility. Crops and animals could not prosper without the ritual blessings of their ancestors.[162] For instance:

> In the absence of such well-organized political institutions as the Nabongoship, the Bisukha and Bidakho relied on their clan leaders or the council of elders. The clan elders solved serious clan disputes through their authority as religious leaders. Instead of giving only to the clan elders, part of the harvest was given to the

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155. Andrew S. Liseche (60 Years, Retired Agricultural Extension Officer), Oral interview at Khayega Market, on 16th June, 1995.

156. Ibid.

157. Petro Matasio (76 Years, a Peasant Farmer), Oral Interview at his home in Lirhanda, on 5th September, 1995.

158. Ibid.

159. K. L. Muchanga (2023), *Op. Cit.*, p. 283.

160. Ibid, p. 283.

161. G. R. Murunga. (1996). Western Education among the Wanga of Mumias Division: A Case Study of the Roman Catholic Mission and the Mumias Boys' Schools, c. 1920 to c. 1960" (BA Dissertation). Kenyatta University, Kenya, p. 85.

162. Musindayi J. Manyonyi (88 Years, a peasant farmer and founder of Shimuli sect), Oral Interview at his home Isavane - Idakho, on 5th August, 1995.

rainmakers, hailstone stoppers, medicine men, and iron workers. It is believed that through such giving as rewards to these people. God would give them more powers to increase rain, stop hailstones and heal cattle and people simultaneously.[163]

Once rewarded, these people offered sacrifices to the ancestors by burning some of the food and burying some in areas where dogs, insects, and other wild animals could graze. By doing so, they expressed gratitude to the all-powerful God who was their defender and source of power.[164]

Having emerged as distinct ethnic groups by 1850, Bisukha and Bidakho developed, particularly living near the present-day Kakamega Forest, which they often referred to as their property. There was great awe towards the forest as it was associated with dangerous wild animals, ogres, and ancestral spirits.[165] Any phenomena considered abnormal, for example, identical twins were thrown into the forest. They believed that forests were reservoirs of diseases, and this explains why people feared gathering firewood in the forest or grazing their animals.[166] Nevertheless, protection of the forests and their resources were highly regarded, and the fear perceptions changed in the 1870s, especially with the arrival of the Swahili and Arab traders interested in wildlife for ivory and skins.[167]

Initially, plants grew anywhere, but with time rare plants were planted at specific locations on the homestead. Such places were used as consensus locations of family graveyards or farm boundaries. These included *Bilokho, Tsikhubu (Dracaena Fragrance), Binakotsi (Euphobia Tiruccali), Mikumu (Figus Thoningii), Tsisiola (Markhamia lutea),* etcetera.[168] As time progressed, taboos related with the obligation of planting them grew stronger. For example, the prohibition on women planting trees, bananas, and the like inevitably precluded them from making cutting decisions, which were solely the responsibility of men.[169] Women were prohibited from cutting down trees because that would have led to indiscriminate cutting, hence interference with the forest.[170] Other beliefs include becoming blind from the smoke of some trees, miscarriage for those who were pregnant, the body swelling, and cutting some trees as *Maytenashete* would lead to infertility.

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163. Yakhama, N, S. (2018), *Op. Cit.*, p. 32.
164. Musindayi J. Manyonyi (88 Years a peasant farmer and founder of Shimuli sect), Oral Interview, 5th August, 1995.
165. Isiongo Irma (63 Years, a Nun in the Sisters of Mary of Kakamega congregation), Oral Interview at the Sisters convent- Mukumu, on 2nd October, 1995.
166. Ibid
167. G. R. Murunga, (1996), *Op. Cit.*, p. 85.
168. Isiongo Irma (63 Years, a Nun in the Sisters of Mary congregation), Oral Interview at the Sisters Convent - Mukumu, on 2nd October, 1995.
169. Ibid.
170. Ibid.

Interference and cutting of *Mutere (Maesopsieminii)* could lead to the disappearance of other trees.[171] A group of elders interviewed expressed that:

> Women would face injunctions against felling trees probably because they were supposed to take care of the cooking. Thus, they would wantonly destroy the trees for fuel if they were in charge. Even when a tree had to be cut down for fuel, it was the household's head who gave the authority.[172]

The collection of firewood was done with a sense of economization whereby women always collected those short-seasoned plants when in dry withered form. They were only able to remove the dry branches.[173] This may not have been determined by prohibition alone. The Bisukha and Bidakho could only remove the dried branches due to the nature of social technology. Again, as the population increased significantly during the 1880s, so did the approach to fuel gathering. The dried branches were scarce, and it became necessary to seek out large tree trunks.[174]

Sacred trees were feared and not interfered with. For instance, *Erythrina Abyssinica* (*murembe*) tree was used for healing mumps (*tsindendeyi*), *Trichilia* (*Munyama*) healed stomachaches, and *Olea Welwichii* healed chest pains and backaches. Cutting down such trees signified that the person would be afflicted with all of the diseases that the tree had healed. The Musutsu (*croton macrostachyus*) tree was and still is used to make funeral bonfires. As a result, the negligent cutting of this tree was a summons for death to strike the victim's family.[175]

The Siala (*markhamia lutea*) tree, on the other hand, represented protection from evil spirits. People rarely cut down such trees. Only pruning could take place, but only on rare occasions. This was, in fact, a component of the pre-colonial Isukha and Idakho environmental philosophy.[176]

Animals, particularly wild animals, were conserved in the same way as plants. These creatures were thought to bring prosperity and protect people from harm, or they may be utilized to inflict havoc in the enemy's home.[177] For this reason, totemic animals were protected from molestation. The elders ensured and

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171. Abulala M. Shikokoti (76 Years, a peasant farmer a veteran of Second world war), Oral interview at his home in Busakala- Lukose sub location, on 4th September, 1995 and Clement Akhura (74 Years, Village Elder (Liguru) I Lugose sub Loacation), Oral Interview at his home in Busakala- Lukose Sub Loacation, on 12th May, 1995.

172. FGD of Council of Elders (at Ikolomani Chief Centre), on 12th September, 1996.

173. Ibid.

174. Ibid.

175. Aliavikali A. Dongolo (102 Years, a renowned Herbalist among the Isukha), Oral Interview at his home Ilala- Mukumu, on 16th May, 1995.

176. Ibid.

177. Z. A. Ogutu & M. Khayesi (1995). Culture as the Basis for Biodiversity Conservation in Kakamega Forest, Kenya. *Transafrican Journal of History*, pp. 195-204.

cautioned against the indiscriminate killing of such animals.[178] The majority of these animals, including snakes, leopards, frogs, birds, and tortoises, were captured in the forests and passed down from generation to generation in a familial lineage. These creatures were retained as a form of identification and for magical purposes. People who maintained these animals were feared; some were considered to as magicians and were sought for during times of uncertainty, such as illness.

It is essential to echo some respondents' words that some totemic animals were not originally in the Bisukha and Bidakho catalogue of totem animals. Due to interactions through wars, intermarriages, trading activities, and cultural sports, totemic animals might have been acquired from outside. For instance, the keeping of reptiles, especially snakes, was not initially practised by the Abisukha and Abidakho. It is a practice that might have come with Luo, Maragoli, or Bunyore women who got married in the area.[179] With time, these totemized animals have equally evolved to become part of a few families among the Bisukha and Bidakho. They are used as remote controllers for either increasing harvests or causing harm.

Animals whose skins were used in traditional practices were hunted by specialized families with the governing norms or the procedures and regulations for obtaining such animals.[180] It was also not advisable to kill a pregnant animal, whether domesticated or wild. This was an obvious method of sustaining procreation in the ecology. Killing such animals would irritate the ancestors, resulting in terrible punishment for the sufferer. However, the arrival of merchants from the Coast looking for leopard skins, python skins, and ivory shifted this tradition and power away from the elders and toward those seeking to profit from the sale of such valuables to Arabs and Swahili traders.[181]

Burial rites had a significant economic impact. It was common practice to feed mourners before and after the burial of the dead. A tiny token (*mukulukha*) was presented to relatives among Bisukha and Bidakho.[182] This signified the people's appreciation of the dead and that the society believed that giving *mukulukha* increased the harvest and general prosperity of the home.[183] Sometimes a rich man would be wrapped in a cow's skin during his burial as a sign of honour and respect for increasing the harvest and the health of the cattle. If the dead man had harvested a lot, then food was prepared for the mourners. If

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178. Ibid, p. 196.

179. Margaret Mmbaka (90 Years, a peasnt Farmer), Oral Interview at the home of Joseph Nyapala ILusiola – Ibwitsende, 6th May, 1995.

180. M. S. Mwayuuli (1989). The History of the Isukha and Idakho Clans among the Abaluyia of Western Kenya. Kanazawa University, Japan, p. 7.

181. Ibid.

182. K. L. Muchanga. (2023). *Op. Cit.*, p. 282.

183. Mwisiayi S. Malenya (70 Years, Reired Sub chief Of Shinyalu Sub location), Oral Interview at his home in Likhovero -Ibwitsende, on 7th July, 1995.

this was not done, the yield could decline in the next season, or weevils would destroy the food in the stores and the offspring would not enjoy a pamper harvest.[184]

Although the Bisukha and Bidakho believed in life after death, the idea of burying people in the house may not have been of Egyptian provenance.[185] The Hamitic myth appears to have affected some of the respondents, who strongly think that the majority of what they practice is originally Egyptian. This is consistent with what many responders said: they came from 'Misiri.' However, it seems possible that the Abitsende clan's habit of burying males in the house did not develop independently. This stems from the claim that while many Luhya sub-groups claim Misiri as their motherland, this clan, among others, practices this kind of burial. It could have been caused by the interactions and assimilations that occurred. It is difficult to identify the group that practiced this burial first in this environment. The Abakabras, Abatachioni, Babukusu, and Luo all did the same thing.[186]

Conclusion

First, the etymologies of the terms: Luhya, Isukha, and Idakho were derived from their occupations and settlements. According to the research, the phrase Luhya derives from the words field (*luyia*) and fire (*luya*), which refers to the location where people used to gather and debate issues affecting their communities around bonfires. People at the bonfire in the field (*Haluyia*), as the name suggests. However, this is a relatively new word. Initially, they were not referred to as Luhyia but Kavirondo people or simply referred to by their sub-ethnic names. The Isukha and Idakho, on the other hand, are etymologically related to either Masukhu or Shitakho. After sharing an animal, those who took the front limbs were known as Isukha (from Masukhu/Lungs), while those who took the back limbs (shitakho) were known as Idakho. Others referred to the people who lived around the Isiukhu River as Bisukha or the inhabitants of the Isiukhu River (a river that runs through the Isukha people). However, these assumptions continue to be debated.

Second, the investigation has revealed that Bisukha and Bidakho are not brothers, as S.M Mwayuli, J. Indongole, and G. Wagner claimed. According to the research, the Bisukha and Bidakho are a conglomeration of clans with disparate origins that are rarely related. The majority of these clans have origins in the north

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184. Clement Akhura (74 Years), Oral Interview at his home Ibusakala – Lukose Location, on 12th May, 1995.

185. Ibid.

186. Joseph M. Malusu (49 Years), Oral Interview at his residence Kenyatta University, on 6th August, 1995.

(Imatioli), pointing towards Mount Masaaba (Elgon) or somewhere in eastern Uganda. If this is the case, the Bisukha and Bidakho can be placed within the larger context of Western Bantu migration into Kenya. Another finding in this study is that Bisukha, Bidakho, and the general Luhya people do not share a common ancestor. As a result, each sub-ethnic or clan claims distinct origins or a tenuous link with others based on interaction that ensued.

This paper also revealed that the Bisukha and Bidakho political institution beliefs, customs, and cultural practices were inextricably linked to the people's experiences and attempts to influence their destiny. Indeed, their beliefs are intricately linked to everyday life and point to life beyond death under the custodianship of the elders. The elders were both political and religious leaders in this society. Despite the lack of a centralized form of authority, the segregary unilineal-patrilineal principles had a significant impact on the Bisukha and Bidakho society systems. As a result, the entire society was continuously segmented based on genealogical lineage constituted of primary groups, often blood related. Rather than the larger group that comprised the 'Oluhya' society, the blood grouping was the driving force in societal life, with more outstanding commitments within itself. Every adult member of the 'Oluhya' shared responsibility in his 'Oluhya's riches, thus centralizing individual identity in accordance with a communal or community identity.

Finally, the Bisukha and Bidakho's sociopolitical and economic activities were accompanied by a number of taboos, beliefs, rituals, and prohibitions that preserved a proper ecological balance for the sustainability of biodiversity. The study emphasized the interdependence of social, political, and economic institutions.

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Violence in the History of England's Christianity:
A Study on the Basis of Religious and Literary Discourse

By Natalya Davidko[*]

The current article is concerned with the dialectics between power, society and religion at a most dramatic period of the English history – the Tudor Reformation, a time when prevalent Catholic ideas were challenged by the new faith creating a conflict which could not be reconciled for centuries. The transition to a new social order took a strongly religious character. The schism triggered a tsunami of violence that permeated and shaped all aspects of life, polity, and culture. In the current article, politico-theological foundations of violence are viewed in historical perspective including both ideology and practice. Making violence a focal point of the research, we study all the means mobilized to justify it as well as mechanisms and venues of propaganda whose aim was to exert influence on people's mind-set.

Without Pity Heare Their Dying Grones.[1]

*How dreadful knowledge of the truth can be
When there's no help in truth![2]*

Introduction

Violence exists in many forms: physical and psychological, mob violence and individual violence, political and religious to mention but a few.[3] More than seven hundred years ago, in 1314 in his unweathering masterpiece, *The divine comedy: Inferno*, Dante condemned violence as sin, and placed homicides and everyone who "smites wrongfully," in the first round of the sixth circle. "By violence, death and grievous wounds are inflicted on one's neighbor; and on his substance ruins, burnings, and harmful extortions."[4] In recent years, violence of all kinds has been on the rise among them religious violence takes pride of place, suffice it to mention Al-Qaeda or ISIS or religious clashes between Christians and Muslims, or Judaists and Islamists in many corners of the globe. Violent deaths,

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1. G. Sandys, *A paraphrase vpon the divine poems* (London: Printed by John Legatt, 1638), 160.

2. Sophocles, *The Oedipus cycle: an English version (*New York: Harcourt, Brace & World, Inc., 1949).

3. For a detailed analysis of violence see in M. Rowley, and E. Wild-Wood, "Religion, Hermeneutics and Violence: An Introduction," *Transformation* 34, no. 2 (2017): 77-90.

4. A. Dante, *The divine comedy: Inferno* (New York: Pocket Books, 2005), 49.

ranging from individual homicide to the genocide of entire nations have been our bane for generations.

Though many religions teach people to treat others with kindness, violent conflicts erupt continually, to which history bears witness. "Serious research shows that religiosity does not necessarily lead to a decrease but rather, at least in certain circumstances, to an increase in latent or manifest violence".[5] Moreover, religions "tend to accept violence as an inevitable part of reality and even justify the use of violence on religious grounds".[6] Religious extremism is seen as one of the mega-problems of the 21st century, but it is not a new phenomenon: from the sixth century till well into the 18th century, it formed one of the biggest challenges that England (and Europe) faced and which took several centuries to resolve.

Christianity has a long history of religious violence going back to the first persecutions of the Church in the year AD 34, when St. Stephen was stoned to death on the charges of blasphemy. Under Nero (AD 67), emperor of Rome, thousands of Christians were killed. Nero personally contrived all manner of tortures. He set people on fire like live torches to illuminate his gardens, set wild animals on Christians to rip them to pieces, or boiled them in oil. In his reign, the Apostle Paul was beheaded, the Apostle Peter was crucified with his head down and his feet upward. During the Middle Ages, the Church demonstrated equal ferocity, the most notable examples are the Inquisition and the Crusades.

The current article is devoted to what we define as 'politico-theological violence', which smote several generations of bishops, priests, and laity of all walks of life in the history of English Christianity. Our special focus is on the historical evolution of the great schism between Catholicism and Protestantism (historical facts are important for the study of the genesis of Christian violence), whose aim was to combat the faith of the adversary. Sixteenth-century stereotypes and values differ dramatically from our modern humanitarian worldview. During this period, the political and social significance of violence was treated as a matter of critical importance. It was not regarded as violence as we understand it today, but a kind of higher piety and divine purification of evil. It was sanctified by the Church and legitimatized by the state.

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5. W. Huber, "Religion and violence in a globalized world," *Verbum et Ecclesia* 32, no. 2 (2011): 40.

6. Ibid, 39.

Theoretical Premises

Conceptualizations of the 16th Century Violence

The issue of violence and its role in society (primitive or modern) has been drawing the interest of philosophers and artists, especially in relation to religion, be it paganism with its rituals of sacrifice or Christianity with its martyrdom, theology of the Cross or the punishment of impurity.

Modern philosophers belonging to different schools come up with theories explaining the use of violence drawing on rich historical experience. The current study is premised on the works of three philosophers, who addressed the issue of violence from different positions but arrived at similar conclusions. Michel Foucault in his work, *Discipline and Punish: the birth of the prison* (1979), analyzed historical changes in the French criminal justice system.[7] René Girard, philosopher of social science and literary critic, in his book, *Violence and the Sacred* (1977), gives an encompassing view of causes of religious violence and shows how religion and violence are interlaced.[8] Paul Kahn's book, *Sacred Violence: Torture, Terror, and Sovereignty* (2008), focused on the analysis of torture and terror in the modern world, but contains insightful comments on the role of violence in pre-modern and early modern societies.

All the three researchers argue that violence has always been intricately connected with power and performed a political function of "emphatic affirmation of power and of its intrinsic superiority".[9] The objective of torture was confession, i.e., acknowledging sin – either against God or the sovereign. "Without acknowledgement of sin, the sovereign might exercise violence but not power".[10] Foucault summarizes, "If torture was so strongly embedded in legal practice, it was because it revealed truth and showed the operation of power".[11] In the history of penal law, torture originated in "investigative procedures that administered pain in the name of eliciting the truth of a crime and displaying its purgation".[12]

Public executions were another inalienable element of violence. Foucault calls it "punishment-as-spectacle," Kahn describes it as "the spectacle on the scaffold". The aim was to instill terror in the subjects. The entire course of the death ceremony was meticulously elaborated; it was "the art of maintaining life in pain:

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7. M. Foucault, *Discipline and punish: the birth of the prison (*New York: Vintage Books, a division of Random House, 1979).

8. R. Girard, *Violence and the sacred* (Baltimore: Johns Hopkins University Press, 1977).

9. Foucault, *Discipline and punish: the birth of the prison*, 1979, 49.

10. P. Kahn, *Sacred Violence: Torture, Terror, and Sovereignty* (Michigan: University of Michigan Press, 2008), 23.

11. Foucault, *Discipline and punish: the birth of the prison*, 1979, 55.

12. L. Hutson, "Rethinking the 'Spectacle of the Scaffold': Juridical Epistemologies and English Revenge Tragedy," *Representations* 89, no. 1 (2005): 30.

gradation of pain was calculated so as to prolong the agony".[13] European sovereigns did not hesitate to use torture and believed its visible manifestations exalted and strengthened their omnipotence. In this "theatre of horror," Foucault points out a constitutive role of spectators. Sometimes they took an active part in the bloody spectacle. "In their most elementary forms, these were shouts of encouragement or cheering that accompanied the condemned man to his execution, sometimes insults or mud-throwing";[14] often there were cries "Away with him!" or "Hang him, hang him!"

Several important conceptual categories in viewing violence were elaborated. Girard developed the concept of *Sacred Violence*, a sanctified, legitimate form of violence approved by the church and buttressed by the judicial system, directed at all enemies of the faith and state. He also explored the concept of *scapegoat* or *the surrogate victim*, through whom the "burden of sin" can be expiated and whose destruction was believed to purify society of all ills.[15] Whether the victim is really guilty of the sin ascribed to it does not matter much. The mechanism of surrogate victim transposes the ultimate truth to the realm of the divine so that God's truth is hidden from the common people and may be revealed to the select few. "The more detestable the victim was made to appear and the more passion he aroused, the more effectively the machinery functioned".[16] According to Girard, the surrogate victim is the basis for all religious systems. To make a guilty party amenable to punishment, religious thought has contrived an impressive "body of phenomena under the heading of impurity – phenomena that seem disparate and absurd" but under certain circumstances can well serve the cause.[17] How can one cleanse the infected members of society of all traces of impurity? The answer is evident – by blood. "Only blood itself, the blood of sacrificial victims can accomplish this feat".[18] Gerard goes as far as to state that "There is a unity that underlies the whole of human culture, and this unity of unities depends on a single mechanism – the community's unanimous outburst of opposition to the surrogate victim".[19]

Another important element was "gallows speeches." Foucault says that great importance was attached by the authority to the last words of the victim. "These last moments, when the guilty man no longer has anything to lose, are established as the moment of truth".[20] The condemned criminal was given an opportunity to speak, not to proclaim his innocence, but to acknowledge his crime and the justice of his conviction. These speeches were ranked as

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13. Foucault, *Discipline and punish: the birth of the prison*, 1979, 57.

14. Ibid, 60.

15. Girard, *Violence and the sacred*, 1977, 79.

16. Ibid, 276.

17. Ibid, 31.

18. Ibid, 36.

19. Ibid, 299-300.

20. Foucault, *Discipline and punish: the birth of the prison*, 1979, 43.

propaganda and moralization, so they were kept under strict ideological control. However, a convicted criminal might cause "disturbances around the scaffold" and become "a saint by not giving in under torture, and displaying a strength that no power had succeeded in bending".[21] Resistance to recantation became a sign of martyrdom.

Kahn comes to a conclusion that violence in society has often had a strong element of conflict between confessional faiths.[22] Religion legitimizes the application of violence as a curative means, imbues it with holiness and represents it as higher justice.

Research Material

The analysis of research literature is of utmost importance for understanding the pulse beat of society; it is a reflection of the thoughts and emotions of people, their anxieties and aspirations. In addition, it performs ideological work and creates vehicles for promoting and propagating political views and theological doctrines espoused by temporal or ecclesiastical authorities. These are claimed to be ultimate truths, which help structure society's world of meaning. The truths are historical, but not existential though efforts are undertaken to pass them off as such.

It is necessary to point out that the choice of research material is based on religion-oriented texts whose 'leitmotif' is violence and which express differing sentiments of members of society. In order to achieve fresh handling of the subject of violence, we didn't want to take the beaten path and have chosen the authors who are partly unknown to the modern reader, partly forgotten, rarely read or considered second-rate. The material includes sermons, politico-theological writings, chronicles, Acts and ordinances issued by the Tudor sovereigns, laws, psalms, drama, and broadsides. An examination of pieces of literary texts proposes to reveal the ideological effort and appraise their propagandistic value. All citations are presented in the 16th century spelling. Historicity is the leading principle of the research.

Anglo-Saxon England Embraces Christianity

When Æthelbert, king of Kent (from 589 to 616), the most powerful realm in the Heptarchy, met the Roman missionary St. Augustine,[23] he was so impressed

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21. Ibid, 67.

22. Kahn, *Sacred Violence: Torture, Terror, and Sovereignty*, 2008, 3.

23. It is of interest to note that Holinshed in his *Chronicles* describes Augustine as a "proud and bloodthirsty monk," who "infected a pure and uncorrupted faith with the poison of Romish errors" (R. Holinshed, *Holinshed's chronicles of England, Scotland and*

by his personality that underwent baptism and brought Christianity into his realm. He understood that the new cultural system was badly in need of laws and rules to govern its activities. To this end, the already existing customary laws were remodeled to incorporate a new system of faith and its institutions into the existing social order. The importance of his laws is that they provide us with the earliest known written information about the social status of the Church codified in the legal system. "The very first sentence of his code, the first recorded utterance of English law, mentions churches, bishops, priests, deacons, clerks".[24] It is of interest to note that the clergy were higher to the king in terms of priority for protection and enjoyed "preeminence of social and legal status in Kentish Anglo-Saxon society".[25] Thus, starting from the 6th century AD, the underlying basic ideology of English life was Catholicism, Rome-style. Other *cyninges* followed suit. Ina (king of Wessex), Ceolwulf (king of Northumbria) adopted laws that separated the Church from secular institutions and proclaimed Christianity to be one faith in the land: "We are all to love, and worship one God, and strictly hold one Christianity, ... one Christianity, and one kingship, forever in the nation".[26]

Anglo-Saxon kings saw practical utility of Christianity for themselves in consolidating their power within their realms or, if possible, obtaining suzerainty over other kingdoms. Damian Tyler points out that "Early medieval Christianity presented an image of God as king of a hierarchically organized universe, an ideology that served to enhance the status of his earthly counterparts".[27] Moreover, Anglo-Saxon kings hoped that they would monopolize religion under their power in the hierarchical organization of the infant nation-states and that bishops would be utterly dependent on their favor, which was a great historical misapprehension that caused much bloodshed in the centuries to come.

Inspired by Bede's[28] ideas, King Alfred the Great, King of the West Saxons from 871 to 886 and King of the Anglo-Saxons from 886 until his death in 899,

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Ireland (London: J. Johnson, 1807), v. II, p. 338). Thus, the conflict between ''cleene'' faith and abominable religion was built in into the ecclesiastical relations at the moment of adopting Christianity.

24. A. Lefroy, "The Anglo-Saxon Period of English law," *The Yale Law Journal* 26, no. 4 (1917): 291.

25. C. Tucker, "Anglo-Saxon law: its development and impact on the English legal system," *US Air Force Academy Journal of Legal Studies* 2 (1991): 149.

26. B. Thorpe (Ed.), *Ancient laws and institutes of England; comprising laws enacted under the Anglo-Saxon kings from Æthelbirht to Cnut'* (London: Printed by G.E. Eyre and A. Spottiswoode, 1840), 303.

27. D. Tyler, "Reluctant kings and Christian conversion in seventh-century England," *History* 92, no. 2 (2007): 146.

28. Bede the Venerable (672–735), a Northumbrian monk, wrote the famous *Ecclesiastical History of the English People*, a history of the church in England. He was considered the most learned man of his time and wrote about 60 biblical and historical books.

wrote books for the people of his time to read in their own tongue and defined the concept of the National church. First of all, he contended that "the English church which is still new in the faith must establish her own customs and engrain them in the minds of the English".[29]

> Each separate church exists and is governed by its private constitution and its proper rites according to difference of locality and the good judgment of each. That is the true position of National Churches.[30]

Tucker points out that the laws of Ina and Alfred "encouraged the development of the centralized English state and enhanced the authority and prestige of the Catholic church".[31] Gradually, the Church was gaining in influence: it appropriated the right to adopt and enact laws independently of the temporal power; it drew up decrees which granted the Church immunity from taxation; monasteries received extensive land endowments for perpetuity. The growing influence of the Roman Catholic church triggered friction between the local old elite and the advocates of the new religion. The first uprising against the new faith and a near return to worshiping idols and paganism was fomented by king Eadbald (Æthelbert's son), whose marriage was condemned by the Church – he married his father's wife. As a result, many Christian missionaries became vulnerable and were forced to flee from England, it was the first case of the persecution of the clergy. The conflict lasted for about a year; eventually, Eadbald gave up, converted to Christianity and renounced his marriage. Ultimately, the Pope was proclaimed "true Emperor, lord over all kings and princes, and commander of the earth".[32] The Pope established the hegemony of the Latin language over all European languages and the hegemony of the Catholic Gospel.

Martyrdom in Anglo-Saxon societies was mainly connected with a cult of murdered kings. Members of royal families were canonized due to their violent deaths and some miracles accompanying their deaths, for example a ray of light rising from the place of murder. The first case of martyrdom for the faith was the murder in the seventh century of two Mercian princes – Wulflad and Rufinus, – who were killed by their father king Wulfhere because they were Christianized. David Rollason considers that "the veneration of martyrs by murder had a long future in England and that such veneration was to retain a decidedly political complexion".[33] Miracles accompanying death were considered a sign of "God's

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29. G. Browne, *King Alfred's books* (London: Society for Promoting Christian Knowledge, 1920), 200.

30. Ibid, 270.

31. Tucker, "Anglo-Saxon law: its development and impact on the English legal system," 1991, 166.

32. F. Heer (Ed.) *The fires of faith* (London: Weidenfeld and Nicolson, 1970), 14.

33. D. Rollason, "The cults of murdered royal saints in Anglo-Saxon England," in *Anglo-Saxon England* 11: 1-22 (Cambridge: Cambridge University Press, 1983), 22.

mighty power and judgment".[34] Quentin Skinner summarizes the implications of this period for the future:

> During the centuries when Christian perspective was imposed on Western Europe, the outcome in human terms was nothing short of catastrophic. …The attempt to challenge the powers of the Catholic Church in the 16th century led to several generations of savage religious war.[35]

Precursors of the Tudor Reformation

The Protestant movement was, undoubtedly, the greatest event in the religious life of England and Europe. In the 1520s, the pretensions of the Church to supremacy in state affairs were assailed because they began to run counter to the developing national spirit which gravitated to the monarchical idea. It was not yet the Reformation as we understand it, but an entree to it. The two opposing ideologies were locked in mortal combat dooming zealots on both sides to suffering. The break with the Catholic Church of Rome initiated by Henry VIII, who was guided not only by personal ambitions, but by political and religious expedience, was a significant landmark of the age. But the Reformation did not appear out of nothing; it was prepared by major and minor events of the previous epochs among which the most significant was the return to God's word (Gospel) and the ensuing multiple translations of the Bible and Psalms in abortive attempts to escape the dominance of Rome.

In modern theories of the history of Protestantism, the generally accepted view is that it originated in Germany in 1517 and is associated with the name of Martin Luther and his *Ninety-five Theses* as a reaction against abuses and errors made by the Catholic Church. However, it seems to be a rather simplistic approach to a complicated problem of the Great Ecclesiastical Division of the 16th century. In search of the roots of Protestantism and historical precedents of disobedience to the Pope in England we should go back to the reign of King John (13th century) and to the personality of John Wycliffe (14th century).

King John: An Attempt at Disobedience and its Implications for the Tudors

The main issue of the time was the irreconcilable problem of relationship between the temporal and spiritual powers. Pope Innocent III (from 1160 to 1216)

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34. J. Foxe, *The acts and monuments of John Foxe: a new and complete edition: with a preliminary dissertation, by the Rev. George Townsend* (London: R. B. Seeley and W. Burnside, 1837), vol. iv, 128.

35. Q. Skinner, "Who we are: Ambiguities of the modern self," *Inquiry* 34 (1991): 148.

was one of the most powerful of the medieval popes who held both the miter and scepter which gave him supremacy over all European kings. The audacious project of the Pope was to devoid European sovereigns of their right to appoint high ecclesiastical dignitaries thus making all of them entirely dependent upon the Vatican. It was both humiliating and posing risks to the royal rights and nation's independence. The first attempt to lash out against the Pope's dominance took place in France. In 1141 when a conflict flared up between Louis VII (ruled from 1130 to his death in 1143) and Pope Innocent II over the appointment of the Archbishop of Bourges, Pierre de la Chatre. Outraged, Louis swore that so long as he lived the papal candidate should never enter Bourges and actually bolted the gates of the city. An interdict was imposed upon the king's lands, and a two-year war broke out between the king and Theobald, Count of Champagne, for having sided with the Pope in the dispute over Bourges. The royal army occupied Champagne and burnt the town of Vitry where a thousand people perished in the fire. The conflict was settled as Pierre de la Chatre was installed as archbishop of Bourges and Louis agreed to lead a Crusade to the Middle East to atone for his sins.

In England, King John (ruled from 1199 to 1216), who was considered one of the weakest kings in the history of England, nevertheless, defied the omnipotent pontiff. The Pope excommunicated and accursed King John. In response, the king in his anger banished the clergy and monks of Canterbury out of the land "to the number of threescore and four [sixty-four], for their contumacy and contempt of his regal power".[36] Innocent pronounced the general interdiction throughout England that the church doors were shut up: people could not get wedded, baptize their babies, or perform a funeral service. The purpose was to instigate a rebellion against the king.

The King stood up to Vatican for two years, but gave in when the French forces moved towards London at the instigation of the Pope. John submitted himself unreservedly to the Pope's supremacy in return for protection. This is how the Scottish historian of religion James Wylie describes this humiliating occasion (Figure 1).

> Taking off his crown, John laid it on the ground; and the legate, to show the mightiness of his master, kicked it about with his foot like a worthless bauble; and then, picking it out of the dust, placed it on the craven head of the monarch. This event took place on the 15th May, 1213. There is no moment of profounder humiliation than this in the annals of England.[37]

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36. Foxe, *The acts and monuments of John Foxe: a new and complete edition: with a preliminary dissertation, by the Rev. George Townsend,* 1837, vol. i, 345.

37. J. Wylie, *The history of Protestantism* (London; New York: Cassell Petter & Galpin, 1870), 65.

Figure 1. *King John Surrenders his Crown to the Pope's Legate*
Source: https://c8.alamy.com/comp/2GF1JT3/engraving-of-king-john-offering-his-crown-to-pandulphus-illustration-circa-1890-2GF1JT3.jpg.

King John's abortive attempt to stand up to the papal dominance is described in John Bale's[38] drama *Kinge Johan* (1538), the anonymous history play, *The Troublesome Raigne of John, King of England* (1591), and Shakespeare's *The Life and Death of King John* (1623). Bale's play, in my opinion, is most illustrative of those historical events for several reasons: 1) it is the first history drama; 2) it is written as Protestant propaganda and has a strongly pronounced anti-Catholic bias; 3) it dramatizes the reign of a historical English king, 4) Bale portrays the monarch as a character of virtue and is, probably, the first to revisit the unflattering medieval view of the king.

In the play, King John refuses to acknowledge the new Archbishop of Canterbury, Stephan Langton, appointed by Pope Innocent and tells so to Pandulphus, the legate from the see of Rome, in a laconic way:

> but as for Stevyn Langton playne
> He shall not cum here, for I know his dysposycyon.
> There shall no man rule in the lond where I am. kyng
> With owt my consent, for no mannys [man's] plesure lyvyng.[39]

John explains his capitulation in the face of French invasion with "ships full of gun-powder" bound for England by his desire to prevent bloodshed: "I do not thys of cowardnesse,/ But of compassyon in thys extreme heavynesse./ Shall my people shedde their bloude in suche habundaunce?"[40]

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38. John Bale was originally a Roman Catholic, became a Protestant, went abroad during the reign of Mary, returned to England after the accession of Elizabeth. He began writing Protestant plays in the 1530s. In 1536, he was charged with heresy, but was saved by Thomas Cromwell who believed in plays as effective propaganda.

39. J. Bale, *Kynge Johan, a play in two parts* (London: J.B. Nichols and Son, 1838), 51.

40. Ibid, 67.

Two years later on the 15ᵗʰ of June, 1215, under the pressure of barons John signed the Magna Charta[41], which was in effect to tell Innocent that the king "took back the kingdom which he had laid at his feet".[42] But despite this, king John's reputation was ruined and since then he has been regarded as a coward, an impious man, and the worst king to rule England. Holinshed rebukes the writers of John's time who "of meere malice conceale all his vertues, and hide none of his vices; and interpret all his dooings and sayings to the woorst." He goes on to say that the order of John's life written by Catholic chroniclers "may seeme rather an invective than a true historie".[43] Holinshed gives a more objective description of John's reign: "Certeinelie it should seeme the man had a princelie heart in him, and wanted nothing hut faithfull subiects to haue assisted him in revenging such wrongs as were doone and offered by the French king and others.[44] He might have achieved more if "the loialtie of his subiects had remained towards him inviolable," if the courtiers & commoners had performed their duty to their sovereign and the state. But "both courtiers and commoners fell from king John, their naturall prince, and tooke part with the enimie; not onelie to the disgrace of their souereigne, but euen to his ouerthrow".[45]

King John's Reputation Revisited

Under the Tudors, king John's reputation was seriously reconsidered. "The medieval villain became a hero of English liberty, a kind of anticipant Protestant, a lonely pioneer in resisting the tyrannies of Rome".[46] One of the first who undertook to revise the medieval view of King John was William Tyndale[47], who in 1528 wrote:

> Consider the story of King John, where I have no doubt they [papists] put the best and fairest description for themselves, and the worst for King John – for I suppose they wrote the chronicles themselves. Would the legate not have cursed the king with his solemn pomp, because the king would have done what God commands every king to do, and for which God has put the sword in every king's hand?[48]

41. Magna Carta, (Great Charter) is a charter of English liberties granted by King John to "free men" and placed limits of royal authority.

42. Wylie, *The history of Protestantism*, 1870, 66.

43. Holinshed, *Holinshed's chronicles of England, Scotland and Ireland*, 1807, 339.

44. Ibid.

45. Ibid, 337.

46. C. Levin, "A good prince: King John and early Tudor propaganda," *The Sixteenth Century Journal* 11, no. 4 (1980): 23.

47. English biblical translator, humanist, and Protestant martyr. He believed that the Bible alone should determine the practices and doctrines of the church and that all believers should be able to read the Bible in their own language.

48. W. Tyndale, *The works of the English reformers: William Tyndale, and John Frith* (London: Printed for Ebenezer Palme, 1831), 374.

Thomas Cromwell, Henry VIII's chief minister and orchestrator of English Protestantism, used King John in his propaganda of a new, true and pure church freed from the vices of Rome: king John was a convenient figure to draw historical parallels and present him as a "much-injured, blameless, and stoic" man who withstood the subversive attempts of the Catholic church to undermine the authority of the anointed English king. "The historical John prefigured Henry VIII, since both resisted the Papacy".[49]

For the purpose of promoting a figure of dubious merits and poor reputation as king John was, a very potent and shrewd instrument was needed to rehabilitate the disgraced king. And this instrument was found – the drama – a play that would demonstrate the pope's wickedness, wiles of the Church and vulnerability of the king turning him into someone close to a Christian martyr. This specific genre was chosen to assimilate and formulate ideas necessary to exert ideological influence. Also, a suitable playwright was found in the person of the priest-playwright John Bale, who had written by that time several anti-papal interludes and who wrote the first Protestant play *King Jonah* in 1538, which for contemporary audience became potent anti-Catholic propaganda. Some aspects of the play are worth considering in some detail.

The plot of the play unites historical factuality and allegory. Widow England complains to King John that she is torn from her husband, God, by the clergy, who profess a false religion. The king promises to help her, repudiates the appointment of the archbishop of Canterbury, which exasperates the Pope who buys over nobility and commoners, bishops and lawyers, and the clergy. Betrayed by all his subjects, King John resigns his scepter and crown to the Pope, who levies a heavy tribute that drains the king's treasury. Moreover, the Pope sends a monk with a bottle of poison to the contumacious king. The monk and the king drink of the same bottle and die. Eventually, Verity (Truth) and Imperial Majesty, a personification of royal authority, namely Henry VIII, appear, drive popery out of England and promise to lead England to "the land of milk and honey".

In Bale's presentation, John is victimized by the Pope; such vulnerability appealed to the English subjects. Most important, the closing scene is, by all appearances, a manifesto for a new social order based on Protestantism and the Act of Supremacy[50], in which the struggle between the state and the Church for absolute power is resolved in favor of the royal authority. The act declared that the king was "the only supreme head on Earth of the Church of England" answerable only to God. This is proclaimed from the stage *verbatim* by Verity:

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49. J. Morey, "The death of King John in Shakespeare and Bale," *Shakespeare Quarterly* 45, no. 3 (1994): 331.

50. The first Act of Supremacy was passed in November 1534 by Parliament. It granted King Henry VIII and subsequent monarchs Royal Supremacy: he was declared the Supreme Head of the Church of England.

> Verity: In hys owne realme a kynge is judge over all,
>   By Gods appoyntment, and none maye hym judge agayne,
>   But the Lorde hymself: in thys the scripture is playne ...
>   King is the supreme head of the church,
>   Bishopp, monke, chanon, priest, cardynall, pope:
>   All they by Gods lawe to kynges owe their allegeaunce.
>   Than shall never Pope rule more in thys monarchie."[51]

A pejorative description is given to the corrupt and decaying Church, which has been distorting God's word and to its leader who is believed to have usurped temporal power. "The prelates do not preach, but persecute those that the holy scriptures teach".[52] The Church has been torturing Gospel readers by putting them in irons. The Pope is called "thys bloudy bocher," who oppresses Christian princes by fraud and craft "tyll he compell them to kysse hys pestylent fete,/ Lyke a levyathan syttynge in Moyses sete".[53] The Pope is compared to the devil who sprang out of the bottomless pit blowing forth a swarm of grasshoppers and flies, venomous worms, adders, whelps and snakes. The discourse of anti-clericalism is being shaped, which is informed with hatred and intolerance.

Equally important are the lines in the epilog which are devoted to a discussion between Imperial Majesty and Civil Order about what should be done to the enemies of the crown and religion. The answer is "they are wurthie to dye" and be no more. The offender should be taken to Tyburne[54], hanged and quartered, "and on London brydge loke ye bestowe hys head".[55] Such punishment must have become common practice at that time as in the Protestant ballad *A Letter to Rome to Declare to the Pope John Felton[56] his Friend is Hanged in a Rope* (1570) we find a description of an execution word for word repeating what is proclaimed in the play. The ballad is written in the form of a letter to the Pope informing him of the death of his "obedient childe and knight," who exalted the Catholic doctrine, defended the Pope's supreme power and shed his blood for this cause.

> Ring all the belles in Rome,
> To doe his sinful soul some good:
> His quarters stand not all together,
> For why? they hang

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51. Bale, *Kynge Johan, a play in two parts*, 1838, 90-91.

52. Ibid, 97.

53. Ibid, 92.

54. For many centuries, the name Tyburn was the principal place for execution of London criminals and convicted traitors including many religious martyrs.

55. Ibid, 99.

56. John Felton, an English Catholic martyr, was executed by hanging and quartering on the 8th August, 1570. His offence was hanging a bull from the Pope "Regnans in Excelsis" (Reigning in the Most High) excommunicating Queen Elizabeth, on the gate of the Bishop of London. He was arrested, tried and sentenced to death.

Unshrined each one upon a stang[57]:
Thus stands the case,
On London gates they have a place.
His head upon a pole
Stands wavering in the whirling wind.[58]

Wycliffe the "Morning Star of the Reformation"

A serious cause for extreme violence was the issue of the Scriptures that instigated the struggle of the Catholic church for language domination. From the fourth century, the Bible began to be hidden from people. Believers must be separated from God's word and believe "nothyng but as holy chyrch doth tell".[59] In Bale's play, Sedition explains to King John how vulnerable faithful preachers are:

King John: Why, giveth he no credence to Christes holy gospell?
Sedition: No, ser, he [Pope] callyth them heretics
              That preach the gospell, and seditious schismatic
              He tache them, vex them, from prison to prison he turns them,
              He indicts, them, juge them, and in conclusion he burns them.[60]

It is common knowledge that the problem of biblical translations has a long and tragic history. As early as the 14th century, Wycliffe (1320–1384), no doubt, the greatest intellectual of his time whose teaching "made him the greatest of all the Reformers who appeared before the era of Luther",[61] spoke strongly against the temporal [royal] power of the Pope, who could only be a spiritual ruler; moreover, he argued that the monarch should have authority over the church in his country. Most important, Wycliffe always preached up the authority of Scripture over the authority of the Church. While studying the Bible, he saw that the ideas of the Gospel ran counter to what was preached and practiced by the Papacy. He became a harsh critic of many of the teachings of the Pope, whom he called "Antichrist," and accused him of the "heresie of simony".[62]

Inasmuch as the Church had appropriated the right to interpret the Scriptures and preach God's Word as they saw fit, Wycliffe spearheaded the struggle against the hegemony of the Latin language and advocated translations of the Bible into the common vernacular. It is believed that he completed a

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57. From Middle English 'stange' meaning "pole, rod, bar, stake, stick".
58. J. Collier (Ed.), *Old ballads, from early printed copies of the utmost rarity* (London: The Percy Society, 1840), 67-68.
59. Bale, *Kynge Johan, a play in two parts*, 1838, 11.
60. Ibid.
61. Wylie, *The history of Protestantism*, 1870, 60.
62. Ibid, 90.

translation of the Bible from the Vulgate[63] into Middle English (called Wycliffe's Bible). He was convinced that people should have firsthand knowledge of the Bible without mediation by the Pope. His translation deprived clerics of the unique right to interpret holy writ for laypersons[64] and let ordinary men and women read and interpret the Scripture for themselves. Wylie characterized Wycliffe as follows, "His appearance marked the close of an age of darkness, and the commencement of one of Reformation".[65] He laid down the main principles of Reformation and brought nearer the advent of modern times.

Wycliffe considered that the Church and its acolytes had forgotten the vow of poverty and had become enormously rich by accumulating land and gold. They formulated a dogma that the Church's "accumulations should go on while the world stood; he who shall withdraw any part thereof – so much as a single acre from her domains or a single penny from her coffers – robs God." These large possessions were exempt from taxes and public burdens. In these overgrown riches Wycliffe discerned the source of innumerable evils.[66] Wycliffe's accusations of the Pope might have brought him to the stake in his lifetime and certainly made him the best hated man in Rome because forty years after Wycliffe's death, in 1427, Pope Martin V (head of the Catholic Church from 1417 to his death in 1431) ordered that Wycliffe's bones be exhumed from their grave, burned and cast into the river Swift. Rome applied to Wycliffe what Foucault classified as "death-torture" – the art of "tortures that take place even after death: corpses burnt, ashes thrown to the winds or drowned in a river, or bodies exhibited at the roadside".[67] Bible translation was associated with religious dissidence, was punishable by death, and many people perished in the flames due to it.

The Lollards

Wycliffe's ideas did not die with him, but were espoused by different layers of society. The most devoted followers were the Lollards, a peculiarly English religious movement, including "a wide range of people from university-educated scholars to members of the gentry to village artisans".[68] Lollard literature of the time is mainly anticlerical and anti-monastic. The famous poem *Heu! quanta desolatio Angliae praestatur* (Alas! how great is the desolation of England) criticizes clerics, who instead of being "lights and mirrors to the laity", are immersed in the

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63. A late 4th century Latin translation of the Bible by Jerome of Stridon in 382, which eventually became the Catholic Church's official Latin version of the Bible.

64. R. Hanna, "The difficulty of Ricardian prose translation the case of the Lollards," *Modern Language Quarterly* 51, no. 3 (1990): 319-340.

65. Wylie, *The history of Protestantism*, 1870, vol. 2, 9.

66. Ibid, 100.

67. Foucault, *Discipline and punish: the birth of the prison*, 1979, 33-34.

68. F. Somerset, J. Havens, and D. Pitard (Eds.), *Lollards and their influence in late medieval England* (Woodbridge, UK; Rochester, N.Y.: Boydell Press, 2003), 10.

darkness of rapacity. Prelates are promoted by means of gift, quill, and entreaty. Their sins include building fine houses, begging, currying favor with the rich and mistreating the poor. This poem closes with a claim by the poet that he used to be a monk, but is one no longer).[69]

It is amazing how this characterization of clerics resonates with the lines of an ode written in 540 by Ambrosius Telesinus[70] (cited from Holinshed's chronicles):

> Wo be to that priest yborne,
> That will not cleanly weed his corne.
> And preach his charge among:
> Wo be to him that dooth not keepe,
> From ravening Romish wolues his sheepe,
> With staffe and weapon strong.[71]

As the Church had failed to punish Wycliffe in his lifetime, the papists persecuted anybody who held Wycliffe's opinions, be it an old woman or a young lad, clergymen or laity. Henry IV's (king of England from 1399 to 1413) enthronement aggravated the situation of the Lollards. The crown and the Church united in an attempt to completely dispose of the heretics, who traveled all over the kingdom preaching the Gospel attracting new followers. Under Henry IV, a law was passed condemning people to death for religion. It enacted that all "incorrigible heretics" should be burned alive. "Henry IV was the first of all English kings that began the unmerciful burning of Christ's saints for standing against the pope".[72] A special statute was passed by the king and his nobility called *Ex Officio* infamously known as a "bloody statute," which vested in sheriffs, mayors, and bailiffs the rights to pass sentences and put to death offenders of the church and Pope.

> ...take the said persons so offending, and cause them openly to be burned in the sight of all the people; to the intent that this kind of punishment may be a terror unto others, that the like wicked doctrines and heretical opinions be no more maintained within this realm and dominions.[73]

One of the most vehement opponents of the Lollards was Thomas Arundel, archbishop of Canterbury, who composed Constitutions against "heretical preachers," forbade the works of Wycliffe and banned any translation of the holy

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69. Ibid, 24.

70. A Welsh poet, who lived in the 6th century, mentioned in *Cambrian Register*, Volume 3 (Pughe 1818, 214) and in Caradoc's *The History of Wales* (Saint Caradoc 1832, 199).

71. Holinshed, *Holinshed's chronicles of England, Scotland and Ireland*, 1807, 338.

72. Foxe, *The acts and monuments of John Foxe: a new and complete edition: with a preliminary dissertation, by the Rev. George Townsend*, 1837, vol. iii, 229.

73. Ibid, 240.

Scripture into English by way of a book, libel, or treatise;[74] those people who read any such books "should be punished as sowers of schism, and favourers of heresy." It was Arundel who pronounced condemnation to a John Badby, a tailor, the first layman to be burnt in the reign of Henry IV. The "hearing became a show trial of national importance".[75] His execution was horrifying: he was put in the barrel tied to the stake and burnt to ashes in the presence of Prince of Wales, future king Henry V, who tried to persuade John to recant but failed. The translation of the Bible into the vernacular was categorized as a challenge to Catholic authority.

Violence at that time took epic proportions. In 1401, the first act for burning people for their beliefs was passed by parliament and was soon put into practice. Lollards were hunted down, and mass executions became a new normality (Figure 2). The methods were Jesuitical: daughters were made to set fire to their fathers; people were compelled to carry fagots to make fire for their friends and relatives as a penance; many people had their right cheeks burnt; those who were imprisoned were tortured by cold, hunger, and chains. Although persecuted, the Lollards continued as an underground movement right up to the Reformation.
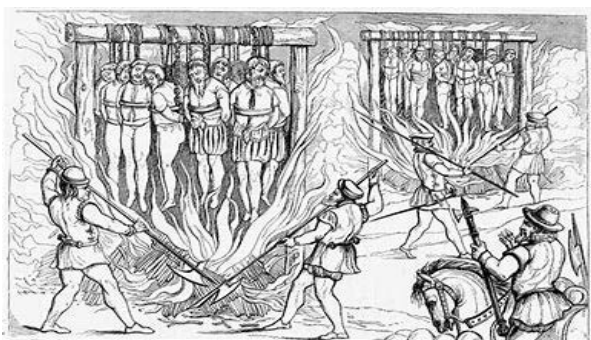
Figure 2. *Lollards Being Burned Alive*
Source: https://www.badnewsaboutchristianity.com/gbd_schismatics.htm.

William Tyndale a Martyred Translator

Another famous translator of the Bible whose fate was much more tragic was William Tyndale (1494–1536), ironically, the translator of the first Reformation New Testament based directly on Hebrew and Greek texts. He had to flee England and work on the continent where the first complete edition of his New Testament was published in 1526. His Bible was proclaimed heretic by the Vatican. Catholic and secular officials, including Thomas More accused him of purposely mistranslating the ancient texts in order to promote heretical views.

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74. Ibid, 245.

75. P. McNiven, *Heresy and politics in the reign of Henry IV: The Burning of John Badby* (Woodbridge: Boydell Press, 1987).

Tyndale's anti-clericalism is explicitly pronounced in his treatise *The Obedience of a Christian Man* (1528):

> Our clergy have robbed all realms, not only of God's word, but also of all wealth and prosperity. They have withdrawn themselves from all obedience to princes, and separated themselves from the laymen, counting them viler than dogs; and they have set up that great idol, the whore of Babylon, the antichrist of Rome whom they call pope.[76]

In his works, Tyndale claimed that Rome emanated evil and violence:

> The emperor and kings now-a-days are nothing but hangmen to the pope and bishops, to kill whomever they condemn, without any fuss. ... Who slew the martyrs, and all the righteous that ever were slain? The kings and the temporal sword slew them at the request of false prophets. What signifieth that the prelates are so bloody? When no man dare for them once open his mouth to ask a question of God's word, because they are ready to burn him.[77]

Another humanist, John Foxe, fully agrees with Tyndale when he discusses the torments and the death penalty stating that it was borrowed "from the papal laws and brought into the Christian arena" and that burning up "with fiery flame the living bodies of wretched men who err through blindness of judgment belongs more to the spirit of Rome than to the spirit of the Gospel".[78]

His depreciatory attacks against the popes, cardinals and bishops cost Tyndale his life. Rome sent spies all over Europe to hunt him. One Henry Phillips recognized Tyndale, made friends with him and gave him away. Tyndale was arrested; a speedy trial sentenced him to being strangled and burnt (Figure 3). Cromwell tried to intercede, but Henry VIII was adamant: he wanted Tyndale's death on personal grounds. Tyndale opposed the annulment of Henry's marriage with Katherine of Aragon.

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76. Tyndale, *The works of the English reformers: William Tyndale, and John Frith*, vol. i, 284.
77. Ibid, 275.
78. E. Rupp, *Six makers of English religion, 1500-1700* (New York: Harper, 1957), 62.

Figure 3. *Tyndale's Execution*
Source: Christian history: https://www.christianitytoday.com/history/issues/issue-16/tyn
dales-betrayal-and-death.html.

Tyndale's last words were: "Lord! Open the king of England's eyes." Ironically, two years after Tyndale's death in 1538, Henry VIII ordered that copies of the Bible in the vernacular should be placed in every church; the English language was no longer considered heretical, and the king got all credit for promoting God's word and disseminating the knowledge of the Scriptures. The Bible, which got the Royal License, was in fact that of Tyndale, the strangled and burnt translator.

Catholics vs. Protestants in the Tudor Dynasty

Henry VIII: from the "Defender of the Faith" to the "Architect of the English Reformation"

The Tudor era was one of intense religious, political and intellectual restructuring triggered by the spread of humanistic thought and religious changes which started in Germany. Henry VIII's religious policy is well-known for its inconsistency and alterability: ideological and political incoherencies lay behind Henry's laws. In 1529, he issued a Proclamation for "resisting Heresies, sown by the Disciples of Luther, a perverter of Christ's Religion," which ordained that every heretic, who "corrupted by heretical and blasphemous books should be put in execution".[79] Henry's religious ambivalence and dithering resulted in much violence: both conservatives and radicals got into serious trouble. On one day three preachers were burnt for heresy "against popery" and three conservatives were hanged as traitors for speaking in favor of the pope, and all at one time.[80]

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79. Foxe, *The acts and monuments of John Foxe: a new and complete edition: with a preliminary dissertation, by the Rev. George Townsend*, 1837, vol. iv, 676.

80. G. Bernard, "The making of religious policy, 1533-1546: Henry VIII and the search for the middle way," *The Historical Journal* 41, no. 2 (1998): 345.

The king's ordinance triggered a process that today might be called a humanitarian disaster with a long list of martyrs persecuted, tortured, and burnt. The first English Protestant martyrs of the Reformation were Thomas Hitton and Thomas Bilney. The crime of the former was that he smuggled two copies of the Tyndale Bible into England and the crime of the latter was that after having read the New Testament in Greek he started preaching the Gospel. Both were charged with heresy and burnt alive. The most ardent persecutors were Henry VIII, who received from Rome the title "The Defender of the Faith", Cardinal Wolsey, Thomas More, several bishops and friars. Cardinal Wolsey conducted the interrogation of Bilney himself, and Thomas More signed the writ of discharge to burn Bilney saying, "Go your ways and burn him first; and then afterwards come to me for a bill of my hand".[81] On his way to the stake, Bilney gave alms to the poor. His last words were "Jesus! Credo!" Three times the gusts of strong wind blew the flames away from him until one of the officers pushed him to the bottom of the fire which consumed the martyr.[82]

Under Henry VIII, political interests of different groups of courtiers vying for power or influence on the Monarch were camouflaged as guardianship of religious purity and *vice versa*, "dispreferred" religious beliefs were treated as treason. Thus Henry Howard, a poet who introduced the sonnet to English poetry and was the first to write in blank verse, was executed for treason on trumped up charges of being a devoted Catholic though he fought against the Catholic rebels in the revolt of 1536 and his poems are evidence to the contrary. In the poem *A Satire against the Citizens of London*, the poet compares the licentious manners of the citizens with the manners of Papal Rome unbecoming of a Christian community. He blames Rome for innocent victims and warns that justice will triumph:

> O! shameless whore!...
> O! member of false Babylon!
> Thy dreadful doom draws fast upon;
> Thy martyrs' blood, by sword and fire,
> In heaven and earth for justice call.
> The Lord shall hear their just desire;
> The flame of wrath shall on thee fall![83]

He prophesies the fall of Catholic temples and people's rapture at it. Howard's tragedy was that he was tried and executed on allegations of three witnesses that the Howards intended to usurp the throne. He was betrayed by his wife and his

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81. Foxe, *The acts and monuments of John Foxe: a new and complete edition: with a preliminary dissertation, by the Rev. George Townsend*, 1837, vol. iv, 650.

82. Ibid, 655.

83. H. Howard, *The poetical works* (London: John W. Parker and son, 1854), 99.

mistress, who testified against him. He demanded a public trial, but was denied. One week before Henry VIII's death, Henry Howard was beheaded in the Tower.

Religious and political motives were mixed in the case of Ann Askew, a lady from a noble family and a female preacher of the Gospel. The prevailing motive for her indictment was to get Anne to implicate Queen Kateryn Parr, the last wife of Henry VIII, which she refused to do. She was put to the rack until all joints were torn apart. It was a flagrant legal violation as the law forbade to apply this torture to women. She had to be carried to the place of her burning in a chair because she could not stand and then tied to the stake. She is the only woman on record to have been tortured in the Tower of London. King Henry VIII granted pardon to her torturers.

Henry's marital problems coupled with his rampant desire for absolute power made him revise his policy and undertake decisive steps to get rid of Rome's domination, side with English reformists on some ecclesiastical issues, and promulgate English as the language of liturgy and holy writ. In 1535, Henry sent a royal circular letter to bishops that "Rome's authority was but usurpation" and that sermons denouncing the pope should be preached in every diocese.[84] What attracted Henry in the Protestant movement was their rhetoric in support of the royal supremacy and control over the ecclesiastical body as well as channeling the Church's revenues to the Crown. However, until his death Protestants were tortured and executed with the king's tacit approval.

John Colet

Henry's wavering and his vague ideological commitments were interpreted by many researchers as a search of a middle way.[85] Among the Catholic clergy there were some who aspired to introduce serious changes, but leave the doctrine intact. The most influential figure was John Colet (1467–1519), a leader of Christian humanism, Dean of St. Paul's Cathedral in London, whom Henry actually saved from death. Colet did not wish to destroy the Church but wanted to improve it from within and turn it into a perfected and purified institution. His most famous speech was the *Convocation Sermon* made at St. Paul's in 1510 addressed to the "holy Fathers," in which he exposed the evils of the modern church. Colet was asked to give a sermon against the Lollards, but instead, he castigated the sinful clergy. The purport of his sermon was the urgent necessity of reforms. In his view, reformation must begin with high Church dignitaries and be followed by lower echelon.

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84. Bernard, "The making of religious policy, 1533-1546: Henry VIII and the search for the middle way," 1998, 323.

85. Ibid.

> For it was never more need, and the state of the Church did never desire more your endeavors. For the spouse of Christ, the Church, whom ye would should be without spot or wrinkle, is made foul and evil-favored, as saith Isaiah, "The faithful city is made a harlot".[86]

Colet sees four evils in the life of the Church: "devilish pride, carnal concupiscence, worldly covetousness, and secular business".[87] As a result,

> The dignity of priesthood is dishonored; priesthood is despised because priests are unlearned and evil; the hearts of prelates are so filled with gluttony and drunkenness and cares of the world that they cannot lift up their minds to high and heavenly things (ibid., p 3).[88]

He grieves that "the face of the Church is made evil-favored [ugly] because promotions are made by favoritism or familial ties, not by the right balance of virtue." He argues that these evils stem from the secularization of the Church: "Since this secularity was brought in, and the secular manner of living crept in in the men of the Church, the root of all spiritual life was extinct".[89] The urgent necessity of the day was "reformation and restoring of the Church's estate [condition]".[90]

Colet's translation of the Lord's Prayer got him into serious trouble with prelates. He was in imminent danger of being burned at the stake as a heretic. Only Henry VIII's intervention saved him from "stake and fagot." He died in his bed, but even after his death some prelates insisted on Colet's body being taken from its coffin and burned.[91]

John Skelton

Probably, one of the bishops who attended the convention was John Skelton[92], who was so impressed by the sermon that wrote a poem *Collyn Clout*, his first literary attempt at criticizing the clergy, putting his anger in the mouth of a simple shepherd by the name of Collyn Clout. The sermon and the poem share

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86. J. Colet, *The Convocation Sermon* (University of Dallas, Texas: CTMS Publishers, 2020), 1.

87. Ibid, 2.

88. Ibid, 3.

89. Ibid, 4.

90. Ibid, 5.

91. Foxe, *The acts and monuments of John Foxe: a new and complete edition: with a preliminary dissertation, by the Rev. George Townsend*, 1837, vol. iv, 597.

92. John Skelton (1460-1529), a poet laureate, a priest and tutor to young Henry VIII.

similar attitudes to the contemporary ecclesiastical situation in England[93] and use the same reasoning. Like Colet, Skelton's Collyn is the defender of the Church though he feels a need to reform it; he satirizes the friars, the bishops and the Church in general. He accuses them of haughtiness and vanity, of neglecting their duty, of laziness and ignorance, and most important, of failing to preach God's truth. He attacks the cowardice of the prelates; calls them "herted like an hen" and says that "Boldnesse is to seke/ The Churche for to defend".[94]

In the final lines we hear the voice of a prelate, who is indignant that a "daucocke or losell"[95] dare preach the Gospel "agaynst vs of the (Privy) counsell?"[96] He threatens such preachers with imprisonment and other great torments. This voice represents a group of the clergy who perpetrated violence.

> Ye prechers shall be yawde [cut down];
> And some shall be sawde [cut asunder],
> As noble Isay[97],
> The holy prophet, was;
> And some of you shall dye
> Some hanged, some slayne,
> Some beaten to the brayne [brain]
> And we wyll rule and rayne,
> And our matters mayntayne.[98]

In these lines the motif of violence is most vividly manifested. Collyn Clout became *vox populi* combining "dissident voices of the discontented laity, Wycliffite heretics, and other followers of Luther".[99]

Robert Crowley

Similar criticism of the clergy was put into verse by Robert Crowley (1518–1588), a printer, poet, polemist, a Puritan of the narrowest school, a preacher and social reformer. He is one of the most important literary figures of the English Reformation. He flourished during the reign of Edward VI, but had to flee England under Mary I. When the Reformation was renewed under Edward VI,

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93. R. Kinsman, "The voices of dissonance: pattern in Skelton's 'Colyn Cloute'," *Huntington Library Quarterly* 26, no. 4 (1963): 294.

94. J. Skelton, *The poetical works of Skelton and Donne, with a memoir of each* (Boston: Houghton, Osgood and Company, 1879), vol. I, 131.

95. Simpleton or rogue.

96. Ibid, 165.

97. Isaiah was a prophet severely persecuted by Manasseh, King of Judah. When Isaiah fled from his pursuers and took refuge in a cedar-tree, the king ordered the cedar to be sawn in half, and the prophet's blood spurted forth.

98. Ibid, 166-167.

99. Kinsman, "The voices of dissonance: pattern in Skelton's 'Colyn Cloute'," 1963, 175.

the poet set his hopes on the young king. In *An Informacion and Peticion agaynst the oppressours of the pore Commons of this Realme*, he addresses Edward VI:

> And this reformation had, no doubt the majestie of God shall so appeare in all your decrees, that none so wicked a creatur shalbe founde so bolde as once to open his mouth against the ordre that you shal take in all matters of religion. ... All the Kynges christined shal learne at you to reforme theyr churches. You shalbe euen the Light of all the world.[100]

While Edward was alive, Crowley expressed hope that Catholicism had no future in England.

Under Queen Elizabeth, he held many important positions in the Church preaching anywhere and on different occasions. Crowley was at the center of a group of writers, called "gospellers," who wanted to retell the Bible in popular literary forms. The Five Tracts written by Crowley are the most valuable examples of Puritan writings. In *The Voyce of The Last Trumpet* printed in 1550 (its unique copy resides in the British museum), Crowley severely criticizes lewd and unlearned priests for their ignorance and false doctrine. Sunk into the sin of gluttony, drunkenness, and covetousness, they neglected their duty to their faithful community. He incriminates to them that they have not fed the hungry, nor comforted the sorrowful, nor healed the sick; they have not brought back "the stray sheep" but displayed extreme cruelty to all of them.[101]

In another tract *Pleasure and Payne*, Crowley accuses the clergy of bringing many innocent people to destruction:

> Ye made your waye, Lyke gredy woulves,
> You layde to theyr charge herecie,
> But you dyd them falsely belye,
> For many of them you haue slayne
> Wyth most extreme and bitter payne.[102]

The poet welcomed the banishment of Catholic clerics from the realm:

> Awaye, awaye ye wycked sorte!
> Awaye, I saye, oute of my syght:
> Henseforth you sha[ll] haue no conforte.
> But bytter mournynge daye and nyght,
> Extreme darknes wythouten lyghte.[103]

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100. R. Crowley, *The Select Works of Robert Crowley, printer, archdeacon of Hereford* (London: Trübner, 1872), 175.

101. Ibid, 139.

102. Ibid, 119.

103. Ibid, 121.

Crowley was a dedicated Protestant and had rigorous views on unflagging dedication to one religion. Though he spent the years of Marian reign in a comfortable exile, he considered recantation of the victims of the regime as an ignominious betrayal of faith. For him, martyrdom was "a preferable act of resistance" on the part of people under persecution. Recantation destroys ideologically significant Protestant stoicism, and plays into the hands of their adversaries.

Psalms as an Inspiration for Violence

Religious writings informed with violence were used as a justification of Christian atrocities in the name of God. The best illustration may be imprecatory psalms whose cultural significance in early modern England ought not to be underestimated. In the 16th century, there were numerous translations, adaptations, and paraphrases of psalms in English by the leading poets such as Thomas Wyatt, Robert Crowley or William Kethe. Psalms became an essential component in the rapid spread of Reformation ideas.[104] This religious genre expresses a whole range of human emotions from joy to sorrow to the desire of avengement. Out of the few imprecatory psalms that speak of violence against the enemies of God, Psalm 137 called "the quintessential psalm of the Renaissance and the Reformation",[105] is the most inexpiable. The psalm is devoted to the Babylonian exile of the Jews, their sufferings in the outland, and desire to avenge themselves on Babylonians. The last stanza contains the lines written in vengeance against enemies may seem shocking to the modern reader.

> O Daughter of Babylon, doomed to destruction
> happy is the one who repays you
> according to what you have done to us.
> Happy is the one who seizes your infants
> and dashes them against the rocks (NIV 1984, Ps. 137:8-9, p. 444)

The same text in different historical circumstances may shape different theological interpretations, as well as at different levels of profundity. If we take a metaphorical level of analysis, we can see that scholarly exegetes such as Bede interpreted the verses of this psalm as allegorized narrative of Jewish captivity in Babylon or as remembrance of this captivity when the Hebrew people were cast from the joys of Paradise to the valley of weeping.[106] "The daughter of Babylon" stands for Rome, whereas "infants" are the first motions of evil thoughts that

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104. H. Hamlin, "Psalm culture in the English Renaissance: readings of Psalm 137 by Shakespeare, Spenser, Milton and Others," *Renaissance Quarterly* 55 (2002): 1.

105. Ibid, 219.

106. J. Neale, and R. Littledale, *A Commentary on the Psalms from Primitive and Medieval Writers* (London: J. Masters, 1874), 296.

should be dashed against that Rock which is Christ,[107] nevertheless, the metaphors are bursting with so much hatred, asperity and violence that the metaphor is perceived in a very direct sense. The lines echo Isaiah's prophesy concerning the fate of Babylon in the Old Testament:

> Whoever is found will be thrust through,
> and whoever is caught will fall by the sword.
> Their infants will be dashed in pieces
> before their eyes;
> their houses will be plundered
> and their wives ravished. [108]

Among imprecatory psalms, Psalm 118 was a favorite of Mary's. She chose a line from this psalm for a legend on the noble coin issued in her time. It is the Te Deum expressing gratitude to God for helping the righteous to root out all heretics. Each line of the psalm is resonant with Mary's feelings and actions:

> The Lord is with me; he is my helper. I look in triumph on my enemies....
> They surrounded me on every side, but in the name of the LORD I cut them down.
> They swarmed around me like bees, but they were consumed as quickly as burning thorns;
> in the name of the LORD I cut them down.[109]

The Psalm is a justification of Mary's persecution of heretics, whom she burnt mercilessly. Considering the historical situation of Mary's war for the reinstatement of her faith, we can see why the psalms reinforce the use of violence and sacralize it as a weapon against the impious. Each line of these Psalms inspires and justifies killing.

Mary and Elizabeth as Proponents of Sacred Violence

Tudor female monarchs imposed two opposed religious doctrines on their subjects, threatening them with imprisonment and execution. With the enthronement of Mary I (reigned from 1553 until her death in 1558) England saw a comeback of the Catholic faith and a new surge of violence in the realm: 300 people were executed for religious reasons. In 1554, Parliament revived the medieval laws against heresy, bringing violence within the national legislative framework. Mary I was "obsessed with the idea of her supreme duty to do battle with Antichrist. For conscience' sake she offered up a whole holocaust of

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107. Ibid, 302.

108. New International Version of the Holy Bible (NIV) (Colorado Springs: International Bible Society, 1984); Isaiah 13: 15-16, p. 493.

109. Ibid; Psalm 118, p. 436.

martyrs".[110] Recent studies offer a more positive assessment of Mary I's regime, though. To do her justice, she reconstructed universities turning them into "powerhouses" of Catholicism, refurbished some abbeys and churches, restored libraries, repaired stained-glass and woodwork in ruinated cathedrals. Eamon Duffy considers that the burnings were inevitable, and their efficacy in achieving the goals of political stability was high; it reduced the number of protestant activists: some were burnt, others exiled, still others demoralized.[111]

It is generally accepted that violence abated under Elizabeth I (reigned from 1558 to 1603): 200 martyrs lost their lives. These people were executed formally for treason because to deny the Act of Supremacy was considered high treason. "By a statute of 1571 it was made treason to call the Queen heretic, schismatic, or usurper, to introduce Papal bulls, and to send money to fugitives across the seas".[112] In addition, there were numerous executions as a result of the suppression of uprisings. The number of executed insurgents many of whom were Catholics is estimated at 6 to 7 hundred.[113] Historians claim that under the Tudor monarchy, torture became a "royal prerogative" in cases when the safety of the state was held to be in danger. "The climax of this development was reached during the reign of Elizabeth".[114] In her time, England "judicially murdered more Roman Catholics than any other country in Europe".[115]

The country continued to be confessionally divided. Approximately up to 1566, the papal policy in relation to England and personally Elizabeth was rather lenient. But with the accession of Pius V, a fanatic of a most rigid sort, a policy of seeking Elizabeth's ruin and deposition was adopted by Rome.[116] The Pope called on all English Catholics to assist in the overthrow of the queen, thus making them potential traitors, which the Puritan Parliament did not fail to avail of. Despite divergences in doctrinal principles, the sisters were united in one thing – violence was acceptable, necessary and should be universally applicable.

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110. A. Innes, *England under the Tudors,* third edition (London: Methuen and Co, LTD, 1911), 242.

111. E. Duffy, *Fires of faith: Catholic England under Mary Tudor (*New Haven and London: Yale University Press, 2010), 7.

112. H. Rollins, *Old English Ballads* 1553-1625.Chiefly from Manuscripts (Cambridge: University Press, 1920), xviii.

113. F. Betten, "The Tudor queens: a comparison," *The Catholic Historical Review* 17, no. 2 (1931): 188.

114. Ibid, 192.

115. J. Simpson, "No brainer: The early modern tragedy of torture," *Religion & Literature* 43, no. 3 (2011): 4.

116. H. Shires, "The conflict between Queen Elizabeth and Roman Catholicism," *Church History* 16, no. 4 (1947): 226.

Apologia of Violence in the Sixteenth Century

The religious schism caused polarization in the intellectual atmosphere and affected the form and content of politico-religious messages sent to people in the works validating the policy of a respective prince. Both sides claimed they had been burning and tormenting for the cause of Christ, true faith, and social peace and accused the other side of instigating war. In the Elizabethan age, the eligibility of violence was discussed from two opposing points of view – Protestant and Catholic, each of the disputants accusing the opponent of abusing authority and using torture in excess. Protestant writers contended that treason and cruelty stemmed from the very principles of the Roman Church.[117] Catholic writers argued that Protestant reformers provoked cruelties themselves.[118] Ideological struggle took place at different levels. First of all, it involved popular polemic discourses of a politico-judicial character which tried to justify violence legalistically without involving religious arguments.

In 1583 and 1584, there appeared two tracts, the product of Protestant and Catholic apologetic. The sovereign power found legal justification for atrocities they practiced in the book by William Cecil[119] *The Execution of Justice in England* written after two armed revolts against Elizabeth I (in the North in 1569 and in Ireland in 1579) instigated and supported by the Pope with the aim of deposing the queen and imposing a Catholic prince. Cecil offers two arguments in favor of torture: first, torture is a legitimate mode of political conduct; and second, felons were not persecuted for religion but for treason.

> Gods goodness hath given to Her Majesty as to His handmaid and dear servant ruling under Him the spirit of wisdom and power, whereby she hath caused some of seditious seedmen and sowers of rebellion to be discovered and to be taken and charged with points of high treason, not being dealt withal upon questions of religion, but justly condemned as traitors.[120]

It was not difficult to engrain in public conscience the idea that Catholicism in any form was a threat to England's well-being and Her Majesty's legitimate right to govern the realm and the Church. Cecil's work defines any Catholic activity, even private, as a public betrayal of the State and high treason; in this light, torture and execution should be understood as a fair punishment which the

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117. J. Drabble, "Mary's Protestant Martyrs and Elizabeth's Catholic traitors in the age of Catholic emancipation," *Church History* 51, no. 2 (1982): 172.

118. Ibid, 176.

119. William Cecil (1520–1598), English statesman, principal adviser to Elizabeth I through most of her reign and a master of Renaissance statecraft.

120. W. Cecil, *The Execution of Justice in England* and *A true, sincere, and modest defense of English Catholics, by William Allen* (Ithaca, NY: Cornell University Press, 1583/1965), 7.

victim fully deserves.[121] He insists that offenders were judged "by the ancient temporal laws of the realm, and namely by the laws of Parliament made in King Edward III's time in 1330".[122] Whereas the "quick and wholesale execution of batches of Protestants by the preceding government of Mary"[123] was illegitimate.

This short brochure received a quick retort from William Allen[124] in his book *A True, Sincere, and Modest Defense of English Catholics*. He refutes Cecil's assertion that English Catholics were put to death for treason alone and accuses courts of using an expanded definition of the concept. He argues that the Marian persecution was fully legal because heresy was declared illegal under the prevailing English law. Mary's government was simply applying the obvious law when it sent hundreds of Protestants to the flames. In contrast, the Elizabethan government had no legal right to put Catholics to death since it had revoked a law against heresy early in the Queen's reign:

> We can prove Queen Mary's doings to be commendable and most lawful, the other, toward us and our brethren, to be unjust and impious. ... And therefore we most justly make our complaint to God and man that you do us plain violence and persecute us without all equity and order".[125]

He blames in most indecent terms the protestant martyrs whom Catholics burnt. He describes Cranmer as "a notorious perjured and often relapsed apostate, recanting, swearing, and forswearing at every turn, and sacrilegiously married to a woman",[126] though Protestant bishops were allowed to have a wife. He accuses a pregnant woman at the stake of purposely giving birth to a child, whom he calls "filth and shame" and who was in cold blood thrown into the flames by executioners because "she looked for the glory of a saint and of a virgin martyr"[127] (Figure 4). Foxe gives a different estimation of the terrible event:

> Apparently [the baby] was ordered cast back into the flames by the provost and the bailiff. And so the infant baptized in his owne bloud, to fill up thenumber of Gods innocent Saintes, was both borne and dyed a Martyr, leaving behind it to the world,

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121. Ibid, 4.

122. Ibid, 8.

123. Ibid.

124. William Allen (1532–1594), English-born Roman Catholic cardinal and scholar, who supervised the translation of the Douai-Reims Bible into English and engaged in intrigues against the Protestant regime of Queen Elizabeth I. It was the first officially authorized Catholic Bible translation from the Latin Vulgate into English, and has formed the basis of some later Roman Catholic Bibles in English.

125. W. Allen, *A true, sincere, and modest defense of English Catholics* (Ithaca, New York: Cornell University Press, 1584/1965), 94.

126. Ibid, 104.

127. Ibid.

which it never saw, a spectacle wherein the whole   world may see the Herodian crueltie of this graceles generation of Catholicke tormentors.[128]

Allen, however, insists that Catholic prelates were "persecuted for defense of our fathers' faith and the Church's truth",[129] so they ought to be considered real martyrs, whereas the persecution of Protestant prelates was "the due and worthy punishment of heretics, who shed their blood obstinately in testimony of falsehood against the truth of Christ" and cannot be treated as martyrs but as "damnable murderers of themselves".[130] Allen sums up: "The religion founded in the sacrament of Christ's cross can be destroyed by no kind of cruelty. The Church is not diminished by persecutions, but increased.[131]

Figure 4. *The Burning of a Pregnant Woman and Newly Born Baby*
Source: Commentary on the Woodcuts for Book 11. https://www.dhi.ac.uk/foxe/index.php?realm=more&gototype=&type=image&book=11#top.

Protestant Martyrs in the Marian Reign

Among high dignitaries executed under Mary was Thomas Cranmer, the archbishop of Canterbury, a confidant of Henry VIII, tutor of Edward VI, and mastermind of the reformist movement. He ranked high with the king and was hated by Mary I because he divorced the king from her mother; married the king to Anne Boleyn, performed her coronation, was godfather to Elizabeth, did not acknowledge any other authority than that of the king. Revenge played a

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128. Foxe, *The acts and monuments of John Foxe: a new and complete edition: with a preliminary dissertation, by the Rev. George Townsend*, 1837.
129. Ibid, 114.
130. Ibid, 115.
131. Ibid, 268.

prominent role in the downfall of Cranmer. Mary used to say, "I would have Cranmer as a Catholic or else no Cranmer at all".[132]

The most important thing for Cranmer's enemies was to get a written recantation signed by his own hand, which they obtained by promising him his former greatness and the queen's favor, though they knew that his death-warrant had already been signed. For love of life, the degraded archbishop signed all the six papers compiled by his torturers. The papists triumphed, and in order to consolidate their victory they staged another humiliating procedure – Cranmer was to deliver a sermon in St. Mary's Church in Oxford before a great auditory in confirmation of his renunciation of the Protestant faith. He was to take the blame for the Queen's mother's divorce, to revoke all his books and writings as a false doctrine and proclaim the Papal gross doctrine as divinely revealed truth.[133] But instead of repentant disavowal, the congregation heard:

> I refuse the Pope as Christ's enemy, and Antichrist, with all his false doctrine. My book teacheth so true a doctrine of the sacrament, that it shall stand at the last day before the judgment of God, where the papistical doctrine contrary thereto shall be ashamed to show her face.[134]

He was immediately taken to the place of execution. When the wood was kindled, stretching out his right hand, he held it in the fire until it burnt to ashes frequently exclaiming "This unworthy right hand!" meaning that it signed his shameful recantation.[135] And then perished in the fire.

Victims of Religious Intolerance under Elizabeth

Bernardino de Mendoza (1540–1604), a Spanish diplomat, wrote to the King of Spain in 1581 about the fortitude of English Catholics in the face of most violent persecutions:

> The priests they succeed in capturing are treated with a variety of terrible tortures; amongst others is one torment that people in Spain imagine to be that which will be worked by Antichrist as the most dreadfully cruel of them all. This is to drive iron spikes between the nails and the quick.

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132. Foxe, *The acts and monuments of John Foxe: a new and complete edition: with a preliminary dissertation, by the Rev. George Townsend*, 1837, vol. viii, 81.

133. J. Strype, *Ecclesiastical memorials: relating chiefly to religion, and the Reformation of it and the emergencies of the Church of England under King Henry VIII, King Edward VI, and Queen Mary I* (Oxford: Clarendon Press, 1822), 398.

134. Foxe, *The acts and monuments of John Foxe: a new and complete edition: with a preliminary dissertation, by the Rev. George Townsend*, 1837, vol. viii, 88.

135. Ibid, 90.

Notwithstanding the torture by which they sought to extract from the martyrs declarations of the persons with whom they were in communication, they were unable to obtain them, and I cannot exaggerate the beneficial effect that this has had, and the confidence that it has inspired in all sorts of people.[136]

One of the martyrs was a Catholic missionary priest, the famous "Flower of Oxford" Edmund Campion, a Jesuit, who had come to England "to sustain the faith of his Fathers" and had vowed not to be involved in any political activities. There are two possible views on this case: under the canopy of religion, Jesuits had the purpose of sedition and subversion of the Elizabethan regime whereas the opponents contend that the evil regime recast essentially religious activities as political in order to dispose of heretics. The former opinion is represented by John Stow[137] in *The Annales of England* first published in 1592.

They forsook their native country, to live beyond the seas vnder the Popes obedience, (the pope practised the utter subversion of her [Queen's] state and kingdome, to advance his most abominable religion). These men having vowed their alleagiance to the pope, gave their consent, to aid him in this most trayterous determination. And for this intent and purpose they were sent ouer to seduce the hearts of her majesty's loving subiects, and to conspire and practise her graces death.[138]

Some modern researchers also consider that the Jesuit invasion of England which began in 1580 with the arrival of Edmund Campion had received commission from the Pope to sow disloyalty and sedition. About 250 Jesuits arrived, "some of them were actively engaged in treason, and all were legally traitors".[139]

The opposite opinion is that Protestants "began to fear lest great alteration in religion might ensue, they thought good to alter the whole accusation from question of faith and conscience to matter of treason" whereas "these poor religious priests, scholars, and unarmed men could not be any doers in the wars of England or Ireland ".[140] He asserts that they were ignorant of all conspiracies and "most innocent of that for which they were condemned; and that all was for religion and nothing in truth for treason".[141] The Jesuits were condemned on the grounds of "slanders and calumniations of certain heretics or politiques [opportunists] unjustly charging them with treason and other great trespasses against the commonwealth, to avert the eyes of the simple from the true causes of

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136. P. Caraman, *The other face: Catholic life under Elizabeth I.* (New York: Sheed and Ward, 1960), 234.

137. John Stow (1524/25–1605), an English historian and antiquarian, who wrote a series of chronicles. His works were considered thorough and accurate, exposing the truth.

138. J. Stow, *The Annals of England to 1603* (London: G. Bishop and T. Adams, 1603), 1169.

139. Shires, "The conflict between Queen Elizabeth and Roman Catholicism," 1947, 227.

140. Allen, *A true, sincere, and modest defense of English Catholics*, 1965, 79.

141. Ibid, 88.

their suffering".[142] On the 1st of December 1581, Campion and other Jesuits were executed. That Campion was held in high esteem by people and not only Catholics becomes evident from the rumors that got about after his death that the river Thames ceased to ebb and flow on the day of his execution.

Another *cause celebre* was the Babington plot[143] of 1586. The leader Anthony Babington came of good family; he was well off, had money and valuables of all sorts. It was love of religion and of country which inspired him, not mercantile interests.[144] He attracted other conspirators. In his activities, he was aided by Spain, who in the long run failed him.

> Babington therefore entreth into a new course, about invading of the Realme by forreiners, about the havens where they should arrive, about the aid that should joyne with them, about the delivery of the Queene of Scots, and about committing the tragicall execution of the Queene (Elizabeth) as he termed it. Babington labors to prove that it is lawfull to kill Princes excommunicate, and if ever equity and justice be to be violated, it is to be done for the Catholicke Religions fake.[145]

When the conspirators were arrested, they all confessed in full and all pleaded *Guilty* to the charge of intending to murder the Queen and conniving with Mary Queen of Scots. From the very beginning the plot was doomed as it was controlled or even orchestrated by Elizabeth's intelligence service. Babington wrote to Elizabeth begging her for mercy; he even offered money for his release, but to no avail. All the conspirators were executed undergoing terrible torture.

This is how Holinshed's *Chronicle* describes the event:

> The first seven most malicious were executed neare the severitie of laws definitive sentence; and the consideration of their iudgments; namelie to 'be drawn to the place of execution, there to be hanged till they were half dead, their bowels to be burnt before their faces &c. But the other seven were so favorablie used, as they hoong [hang] untill they were even altogither dead, before they suffered the rest of their judgement.[146]

The atrocity of the event went far beyond any reasonable cruelty. They were cut open; the bowels and hearts were 'drawn' out. Finally, the heads 'which had imagined mischief' were cut off, and the trunk was 'quartered'. The dismembered

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142. Ibid, 85.

143. The Babington Plot (1586) consisted of two originally separate plans. The first, a Spanish invasion of England which would depose Elizabeth and enthrone Mary Queen of Scots, and the second plot by English Catholics to assassinate Elizabeth.

144. P. Pollen, *Unpublished documents relating to the English martyrs* (London: Privately printed for the Society by J. Whitehead & Son, Leeds, 1908).

145. W. Camden, *Annals, or, The Historie of Queen Elizabeth* (London: Thomas Harper, for Benjamin Fisher, 1635), 303-304.

146. Holinshed, *Holinshed's chronicles of England, Scotland and Ireland*, 1807, vol. iv, 915.

fragments of the body were then available for public display. However, William Camden simply remarked in his annals "they were bowelled alive and seeing, and quartered, not without some note of cruelty".[147] The chronicler describes each conspirator as to his behavior and character. He stresses "the detested pride" of Babington, who would not kneel and pray for mercy in the face of death, but "stood on his feet with his hat on his head, as if he had been but a beholder of the execution."[148] He describes the caitiffs as "obstinate papists bewitched with an ignorant devotion".[149] He acknowledges the fairness of the sentence and even sees some lenience on the part of Elizabeth to the traitors, who mitigated the dire procedure after seeing the shock of the public. Holinshed admits that they were "more sharply executed than by law was censured".[150]

Elizabeth's bigotry did not spare anybody. One John Lewes was neither a Catholic nor a heretic Protestant, he was what we would call today 'agnostic', nevertheless, he was burnt in 1583. Stow in his *Annals* describes the event in several short lines, "On the 17-day of Sept. John Lewes, who named himself Abdoit, an obstinate heretic denying the Godhead of Christ holding diverse other detestable heresies was burned at Pozwich Norwich".[151] This ordinary event was turned into something more significant. A broadside was printed with a rough sketch of Lewes tied to the stake (Figure 5); a ballad was written *Shall silence shroud such sin* aimed at exposing the depth of Lewes' fall through denying the existence of God, but instead stirred the reader's sympathy with Lewes for his unbending spirit and courage – he did not repent even in the face of death.

John Lewes was condemned for "brutishly/God's glorie defamed." The Dean of Norwich, preachers, the Sheriff, tried to persuade him to "fall on his knees,/ his sinnes for to confesse." "But he full stoutly stood therein ... Not bending knee, hand, hart, or tong,/ to glorifie God's name".[152] The most important stanza from the ballad is printed on the broadside. When the victim was threatened with everlasting torment in Hell, he simply answered, "thou liest" and died unshriven.

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147. Camden, *Annals, or, The Historie of Queen Elizabeth*, 1635, 308.
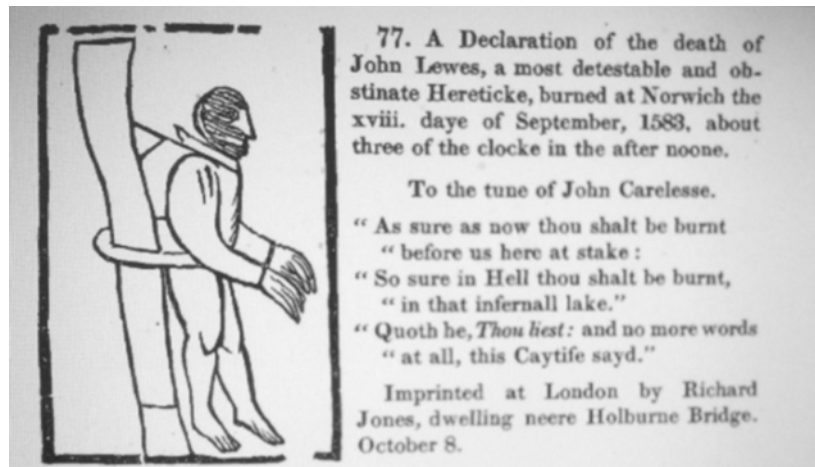148. Holinshed, *Holinshed's chronicles of England, Scotland and Ireland*, 1807, 916.
149. Ibid, 919.
150. Ibid, 920.
151. Stow, J. *The Annals of England to 1603*, 1603, 1175.
152. Rollins, *Old English Ballads 1553-1625*, 1920, 60.

Figure 5. *Broadside Declaring John Lewes' Death*
Source: Robert Lemon. Catalogue of a Collection of printed Broadsides.[153]

Conclusion

The concept of violence in the period under study became an issue of social relevance and a point of intersection of politics, religion, philosophy, ideology, and literature. The historical material provides ample evidence of religious association with violence. It also became a most common "political practice" to eliminate opponents of the Monarch and the state. Conceptually, violence at that time encompassed torture, agonizing death, as well as posthumous befoulment of the dismembered body. It was mainly connected with various degrees of physical pain or body maiming.

Though cases of religious atrocity were already registered in the Anglo-Saxon period, it attained its apex in the Tudor age. Under all the Tudors, legal violence was exercised without moderation or restraint: even imagining treason was made a capital offence punishable by death. Death in its turn was not simple hanging or beheading, but the continuation of refined torture aimed at prolonging suffering.

Violence in the name of God is a complex phenomenon, which was amply used during the religious schism started by Henry VIII. English society was divided along religious lines. Within one century, religion alternated three times entailing voluntary or coerced conversion that was accompanied by extreme violence used by militant zealots on both sides to do away with heresy and silence dissent.

Ideological efforts during this period were directed at the subordination of the subjects to a new political and religious reality. Ideology was transmitted via

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153. R. Lemon, *Catalogue of a collection of printed broadsides in the possession of the society of antiquaries of London* (Frankfurt am Main: BoD – Books on Demand, 1866/2022), 26.

"mass media" of the time: sermons, drama, ballads and broadsides. It informed contemporary literature with new propaganda ideologemes and left to us a nuanced picture of the changing historical context.

> 'Let penalties be regulated and proportioned to the offences, let the death sentence be passed only on those convicted of murder, and let the tortures that revolt humanity be abolished.' Thus, in 1789, the chancellery summed up the general position of the petitions addressed to the authorities concerning tortures and executions. Protests against the public executions proliferated in the second half of the eighteenth century: among the philosophers and theoreticians of the law; among lawyers and parliamentarians.[154]

The Enlightenment condemned public torture and execution as an 'atrocity,' vestige of the past. However, in the 21st century, instead of abating or disappearing altogether violence has been given new momentum with mass punishments of nations and renewed gas chamber executions. This is a dangerous trend for the world.

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154. Foucault, *Discipline and punish: the birth of the prison*, 1979, 73.

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Legal Protection of Linguistic Minority under Discrimination: The Case of Anglophone Cameroon

By Kome Donard*

The minority English-speaking population in Cameroon, where French is the majority language, has a number of political, economic, and social complaints that collectively make up the "Anglophone problem." These grievances are described using the terms discrimination, marginalization, and second-class citizenship. The right to speak English in Cameroon must always be upheld as a fundamental right. To protect the rights of minorities, Cameroon has established a number of laws. Since Cameroon and many other countries have ratified a number of human rights instruments, it is the state's duty to safeguard all the rights guaranteed by these instruments, including those of minorities. As demonstrated by the current crisis, another escalation in that cycle, there are several political systemic deficiencies that need to be closed if Cameroon is to grow as a single nation. Greater localized control over political and financial resources might be necessary to achieve this. In order to better serve the needs of citizens, existing institutions and leadership structures must become more accommodating.

Introduction

Background

The birth of the Federal Republic of Cameroon on October 1, 1961, marked the reunification of the two territories that had undergone different colonial experiences since World War I. The German *Kamerun* was partitioned between the French who tried to culturally assimilate the country, and the British who ruled indirectly.[1] Cameroon is often described as 'Africa in miniature' because of the wide range of different landscapes, languages and ethnicities. Such differences can and do pose challenges to national unity but also create a rich tapestry of varied cultures that have the potential to become a strength in the longer term if properly utilised.[2] According to Joseph, Cameroon is a country in central Africa often described as "Africa in miniature" but has come to the spotlight lately due to crisis of identity and cultural assimilation of the minority English speaking people. Southern Cameroon's problem popularly known as the "Anglophone Crisis" is as old as the country. It is the expression of a poorly managed

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1. N. M. Joseph, "Is the Conflict in Anglophone Cameroon an Ethnonational Conflict?" *E-International Relations* (2019): 1.
2. New African, *Cameroon: All Africa in one country.*

decolonization process, that saw two distinct (British Southern Cameroons and French Cameroon) people come together to form a country void of any real foundations that could guarantee coexistence.[3]

Over the last twenty months, Cameroon has been the focus of a nation sliding into civil war in Africa, from what started in November 2016 as legitimate grievances by English speaking lawyers, teachers, students and civil society over the prolonged marginalization of Southern Cameroons, but peaceful protests turned deadly when the government military shot at peaceful protesters, wounding many and killing several.[4] Leaders of lawyers, teachers and civil society organizations made themselves available to dialogue for a quick solution.[5] Unfortunately, during the dialogue process, the government rejected talks over a return to federalism which existed from 1961-1972, which guaranteed bilingualism, biculturalism, bi-juralism, equal opportunity for all and provided constitutional provisions for power sharing, economic independence and freedoms.[6]

Cameroon like most other African countries has its internal problems although there has been no major armed conflict since independence in 1961. However, a problem that exists is that the minority English speaking group is being dominated by the French speaking majority and which also controls the government. Thus, Anglophone Cameroon has been at the forefront of ethno-regional protests and which demands rearrangement of state power. There is a widespread feeling in the Anglophone regions that reunification with Francophone Cameroon in 1961 has led to a growing marginalization of the Anglophone minority in the state project controlled by the Francophone elites, endangering its political heritage and identity. It was not until the political liberalization process in the early1990s that the Anglophone elites began to mobilize the regional population against the allegedly subordinated position of Anglophones and to demand for self-determination and autonomy, reintroducing federalism and secession to the political agenda.[7]

In Cameroon several laws have been put in place to protect the rights of minorities. Cameroon, like many other countries, has ratified a number of human rights instruments, which engage the responsibility of the State to protect and promote the human rights guaranteed in them including those of minorities.[8] Some of these treaties include: the Charter of the United Nations , the African

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3. Joseph, "Is the Conflict in Anglophone Cameroon an Ethnonational Conflict?" (2019): 1.

4. Ibidem.

5. Ibidem.

6. Ibidem.

7. Ibidem.

8. A. Y. U. K. N. K. W. A. Pascal, "The Legal Framework for the Protection of Liberty in Cameroon," *Academia Letters* (2022): 1.

Charter on Human and People's Rights, International Covenant on Civil and Political Rights (ICCPR), Inter-national Covenant on Economic, Social and Cultural Rights (ICESCR), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment(CAT),Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), International Convention on the Elimination of All Forms of Racial Discrimination.[9]

In terms of legislation, the Constitution of Cameroon recognizes and guarantees the rights of minorities. This right is provided in its Preamble. The Constitution of Cameroon is complemented by other legislations, including the Criminal Procedure Code, the Penal Code.[10]

Conceptual Framework

In those States where minorities exist, the right to enjoy one's own culture, to profess and practice one's own religion, or to speak one's own language in community with other members of one's group, shall not be denied to those individuals. Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which served as the foundation for the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities (UNDM). Its article 27 states:

> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.[11]

Despite the contribution of international legal frameworks, there are no globally recognized guidelines for what qualifies as a minority. The following description was put forth by the UN Special Rapporteur Capotorti in 1966 in accordance with Article 27 of the ICCPR:

> A group numerically inferior to the rest of the population of a State, and in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population

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9. Ibidem.

10. Ibidem.

11. International Covenant on Civil and Political Rights, opened for signature Dec. 16, 1966, 999 U.N.T.S 171 (entered into force Mar. 23, 1976), at art. 27, available at http://www.hrweb.orgi legal/cpr.html.

and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religions and language.[12]

According to recommendations from the UN Sub-Commission, Jules Deschênes amended this definition in 1985, and it now reads as follows:

A group of citizens of a State, constituting a numerical minority and in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law.[13]

Both definitions have distinct challenges, even though they both help us comprehend the concept of minorities. For instance, where there may be no obvious numerical majority or minority, the numerical minority criterion is not totally sufficient. And it is true that a particular ethnic group can have a majority in terms of numbers while also holding a non-dominant position. As such, they are similarly entitled to the application of many minority standards in order to protect their rights to identity protection and non-discrimination, which are the cornerstones of minority rights. Additionally, citizenship is a criterion that can be used to deny some people their rights as minorities and hasn't actually been recognised as a defining attribute of minorities. Slimane argues that:

While both definitions contribute to an understanding of the concept of minorities they are not without their difficulties. For example, the criterion of numerical minority is not entirely satisfactory where there may be no clear numerical minority or majority. And, indeed, a distinct ethnic group can constitute a numerical majority and be in a non-dominant position and thus be similarly entitled to the application of many minority standards in order to ensure their rights to non-discrimination and to protection of their identity – which form the foundations of minority rights. Also, the limiting criterion of citizenship can be used to exclude certain groups from their rights as minorities and has in fact not been accepted as a defining minority characteristic.[14]

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12. F. Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*. UN Doc. E/CN.4/Sub.2/384 (Rev1. 1979) at 96 in UN Human Rights Study Series 5 (1991).

13. J. Deschenes, *Proposal concerning a definition of the term minority*. UN Doc. E/CN.4/ Sub.2/1985/31/Corr.1 (14 May 1985), para. 181. Deschenes, J UN Doc E/CN.4/subs2/1985/ 31 of 14.5.85 at para. 181.

14. S. Slimane, *Recognizing Minorities in Africa* (Minority Rights Group International, 2003).

The complexity of multi-ethnic states in Africa (or necessarily on other continents) that are highly diverse in terms of ethnicity, religion, and language, and sometimes made up of more than 250 different ethnic groups, as is the case in, for example, Nigeria or Cameroon, may not be fully reflected by the criteria developed at the international level. Similar to this, it is not always easy to distinguish between minority groups and indigenous peoples, and this is also true in the context of Africa. But in Africa, the concept of a "minority" still holds true, and the international human rights law system stipulates minimal requirements for domestic applicability. Slimane explains:

> The criteria elaborated at the international level may not fully reflect the complexity of multi-ethnic states in Africa (or necessarily on other continents), that are highly diversified in terms of ethnicity, religion and language, and made up sometimes of more than 250 different ethnic groups, as is the case in, for example, Nigeria or Cameroon. Similarly, the distinction between minority groups and indigenous peoples is not always clear-cut3 and this is equally the case in the African context. However, the term 'minority' is still relevant in Africa and the international human rights legal framework provides minimum standards for domestic application. The criteria recognized in international law should guide our reflection and help to identify possible applications that may best fit in Africa The examples of the colonial and minority white-ruled states of Angola, Mozambique, South-West Africa (now Namibia), Rhodesia (now Zimbabwe) and apartheid South Africa give a negative connotation to the term 'minority' in the eyes of some African states.[15]

Anglophone Marginalisation Syndrome

Political Discrimination

Centralization and Assimilation of Anglophones

The current crisis has increased support to federalism among the Anglophones population – which most probably was already high – and reinforced support for secessionism. This new configuration shows the depth of the Anglophone problem.

Ghost Town operations and school closures could not have continued for nine months without the adherence of a large proportion of the population. As the population becomes more frustrated and disappointed, its desire for fair

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15. Ibid.

integration and willingness to coexist with Francophones is eclipsed by aspirations for autonomy.[16]

Although most Anglophones want federalism, there is no consensus about the number of states in a future federation. A two-state federation, as before unification, or a four or six-state federation to better reflect the sociological composition of the country and make the idea of federalism acceptable to Francophones, or ten states to copy the current pattern of Cameroon's ten regions? Some people insist that however many federated states are created, the federal capital Yaoundé should not be included in any of them. For some Anglophone activists, federalism seems to be a maximalist negotiating strategy. They raise the bar high in order to obtain at least an effective decentralisation, with genuine autonomy for the country's ten regions, starting with improvements to and the full application of current laws on decentralization.[17]

Limited Political Representation

The Anglophone problem is a combination of political, economic and social grievances expressed by the English-speaking minorities in the predominated French speaking republic of Cameroon. These grievances are expressed in terms of discrimination, marginalization and second-class citizenship. Because the fundamental causes of the conflict have not yet been addressed or resolved, it has led to the escalation of the conflict which has resulted to the destabilisation of social and economic activities in the economy.[18]

One of the factors that fuelled frustration with the francophone-dominated state in the late 1980s, notably the increasing monopolisation of key posts by members of the President's ethnic group who appeared to be much bolder in staking out claims on the state's resources than had Ahidjo's *barons*. As of August 1991, according to Joseph Takougang, 37 of the 47 senior divisional offers were Beti, as were three-quarters of the directors and general managers of the parastatals, and 22 of the 38 high-ranking bureaucrats who had been appointed in the newly created office of the Prime Minister.[19]

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16. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads Africa.* Report N°250 | 2 August 2017, p. 18.

17. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads Africa.* Report N°250 | 2 August 2017, p. 18.

18. Joseph, "Is the Conflict in Anglophone Cameroon an Ethnonational Conflict?" (2019): 3.

19. P. Konings, and F. Nyamnjoh, "The Anglophone Problem in Cameroon," *The Journal of Modern African Studies* 35, no. 2 (1997): 207-229.

Economic Discrimination

Economic marginalisation has played a major role in provoking discontent among Anglophones. Even though the two Anglophone regions are suffering no more than some Francophone regions from the prolonged economic crisis, Anglophones feel their potential is not being realised (or is being deliberately wasted) and feel abandoned.[20]

No serious economic study has been published on the economic impact of the crisis, but there is no doubt that the isolation for several months of these two regions, which contribute around 20 per cent of Cameroon's GDP, has had an impact on them as well as on the national economy. In 2016, the Anglophone regions were among the most digitally connected in Cameroon, just behind Douala and Yaoundé. Shutting down the internet paralysed several sectors of the local economy, notably banking and microfinance. The local economy is based on the oil sector (9 per cent of GDP), timber (4.5 per cent), intensive agriculture, including large plantations owned by the Cameroon Development Corporation and other smaller plantations that supply Douala and the countries of the Central African Economic and Monetary Community, as well as cocoa, rubber, etc.[21]

Anglophones and Southerners in particular often complain about the low proportion of Anglophones in the workforce and in decision-making posts in state oil companies, such as the National Refining Company (Société nationale de raffinage, Sonara), based in the Southwest, and the National Hydrocarbons Corporation (Société nationale des hydrocarbures, SNH). The crisis has hit all sectors of the local economy, except for hydrocarbons and forestry, which has had an impact on some commercial sectors and industries in the Francophone regions. Several estimates put the direct cost of cutting access to internet alone at CFA2 billion (€3 million).[22]

In addition, there was the deteriorating economic crisis which anglophones were inclined to attribute first and foremost to the corruption and mismanagement of Biya's regime. They claimed that their region had failed to benefit from its rich oil resources and criticised the absence of increased investments in its ailing economy and neglected infrastructure. Oil revenues were alleged to be used by those in power to feed 'the bellies' of their allies, and to stimulate the economy in other regions. The *Societe nationale de raffinage* (Sonara), the oil refinery near Limbe

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20. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads Africa.* Report N°250 | 2 August 2017, p. 21.
21. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads Africa.* Report N°250 | 2 August 2017, p. 21.
22. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads Africa.* Report N°250 | 2 August 2017, pp. 21-22.

(or Victoria as some prefer to call it again), continued to be headed and predominantly staffed by francophones. There was also great anxiety in anglophone Cameroon that its major agro-industrial enterprises, especially the Cameroon Development Corporation (CDC) and *Plantations Pamol du Cameroun Ltd* (Pamol), would be either liquidated or sold to francophone or French interests during the ongoing structural adjustment programme.[23]

Discrimination in Recruitment, Training and Education

The Anglophone lawyers claimed they were appalled by the gradual phasing out of common law principles in Cameroon's legislation, especially through the recent harmonisation of the Criminal Procedure Code, the Organisation for the Harmonisation of Business Law in Africa (OHADA) Uniform Acts and the Inter-African Conference on Insurance Markets (CIMA) Code. They feared that the same phenomenon would be observed in the Civil Code and the Commercial and Civil Procedure Code, which are being drafted.[24] They blamed the government for their inability to organise under a separate Common Law Bar, because the law actually proscribed the existence of any Bar separate from the Cameroon Bar Association, which could permit them to cohere and defend their interests as common law lawyers. They also asked for the creation of a Common Law Bench at the Supreme Court.[25]

The Anglophone lawyers raised issues of representation and the recruitment of legal personnel. In his statement, Esso mentioned that there were 1 542 active magistrates, including 91 in service at the Ministry of Justice, 1 412 in service in the courts and 39 on secondment. This group included 1 265 French-speaking magistrates and 227 English-speaking magistrates. As for judicial officers, there were 514 in total – 499 Francophones and 15 Anglophones.[26] Of the 128 magistrates practicing in the Northwest region, 67 (52.3%) are French speaking with a civil law background. Of the 97 magistrates in the legal services, 64 (65.9%) are Francophones. Of the 27 magistrates in the legal services in Bamenda, there are 21 Francophones (77.8%). A similar trend is observed in the Southwest region.[27]

The current Anglophone crisis is an extension of the historical resistance to the alleged assimilation of the indigenous English-speaking population. It began with the provoked harassment of Anglophone lawyers engaged in peaceful

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23. Konings, and Nyamnjoh, "The Anglophone Problem in Cameroon," (1997).
24. A. S. Caxton, "The Anglophone Dilemma in Cameroon: The Need for Comprehensive Dialogue and Reform," *Conflict Trends* 2 (2017).
25. Ibid.
26. Ibid.
27. Ibid.

protest marches in September 2016 to vent their grievances over the perceived marginalisation of the Anglophone Common Law practice in the country. In October 2016, they went on strike, and in November, the Anglophone Teachers Trade Union also staged a solidarity strike to protest against the distortions confronting the educational system in the Anglophone regions.[28] Need for unity and solidarity in the Anglophone Community in order to choose a concrete plan of action and reallocate its resources to guarantee its achievement.[29]

Legal and Case Laws Framework for the Protection of Linguistic Minority in Cameroon

International Instruments for the Protection of Linguistic Minority

It was, however, not until the adoption of the ICCPR in 1966 (which came into force in 1976) that the question of minority rights re-entered the international agenda that safeguard linguistic minorities.[30] Its article 27 states:

> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

U N Human Rights Committee Case Laws

In 1990, the Human Rights Committee heard the case of *Lubicon Lake Band v. Canada*, in which the Lubicon Lake Cree Nation alleged that by allowing oil and gas development on or near the ancestral land of the Lubicon Lake Cree Nation, Canada had denied the development of the culture, way of life, and health of the community. Finding Canada had violated ICCPR Article 27, the Committee "reaffirmed that the Covenant recognizes and protects in most resolute terms a people's right of self-determination and its right to dispose of its natural resources, as an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights."[31]

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28. Joseph, "Is the Conflict in Anglophone Cameroon an Ethnonational Conflict?" (2019).

29. Ibid.

30. Abdulrahim Vijapur, "International Protection of Minority Rights," *International Studies* 43 (2006): 374.

31. Okporie, Samuel Agwu: protections of the rights of minorities and indigenous people have been of serious concern to international human rights system. Discuss

In 1998, the Human Rights Committee decided the case of *Ivan Kitok v. Sweden*, in which Mr. Kitok alleged denial of his rights under ICCPR Articles 1 and 27. He claimed he was denied the right to breed animals and follow the customs of his indigenous Swedish tribe. In this decision, the Committee stated, "[t]he regulation of an economic activity is normally a matter for the State alone. However, where that activity is an essential element in the culture of an ethnic community, its application to an individual may fall under Article 27 of the Covenant."[32]

The case of *Antonina Ignatane v. Latvia* decided on 25 July 2005 by the Human Rights Committee of the United Nations, charged with overseeing the application and implementation of the International Covenant on Civil and Political Rights.[33]

Regional Instrument: African Charter on Human and Peoples' Rights

The African Charter provides for a series of collective rights for which 'peoples' can rely. Although the African Commission has not yet defined the concept of 'people' contained in the African charter, a brief reading of the Commission's case-law clearly shows that the notion of "people" has not been interpreted as encompassing only the idea of State The approach to the rights of minorities is also reflected in the General Directives on National Periodic Reporting, which require the application of Article 19 of the Charter.[34]

Article 19 of the Charter states:

All peoples shall be equal. They shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

The principle of non-discrimination is a way to guarantee linguistic rights. Article 2 stipulates:

Every individual shall be entitled to the enjoyment of the rights and freedom recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

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with the aid of relevant judicial and statutory authorities, a seminar paper presented to the department of law, faculty of law, ebonyi state university, abakaliki in partial fulfillment of the requirements for the award of masters of laws (llm) degree in law, July 2013.

32. Ibid.
33. Ibid.
34. Slimane, *Recognizing Minorities in Africa*, 2003, 3.

Furthermore, article 24 states: *All peoples shall have the right to a general satisfactory environment favourable to their development.* This was applied by the African commission in the case of Ogoni community in Nigeria.

African Commission on Human and Peoples' Rights: Case Laws

The African Commission has not dealt with many cases regarding indigenous peoples. In *Katangese People's Congress v.Zaire* (Communication 75/92), the African Commission, whilst recognizing the right of the Katangese to self-determination, found no violation of that right as it can only be exercised in harmony with the principles of sovereignty and territorial integrity[35].

In the case of the Ogoni people in Nigeria, the African Commission on Human and Peoples Rights noted that there had been a violation of the collective right of people to freely dispose of their wealth and natural resources – as contained in Article 21 of the Charter of the African Commission on Human and Peoples Rights – when the government had "facilitated the destruction of the Ogoniland" by giving "the green light to private actors, and the oil Companies in particular to devastatingly affect the well-being of the Ogonis".[36]

National Framework for the Protection of Linguistic Minority in Cameroon

Constitutional Protection

The 1996 Constitution remains the principal tool for human rights protection in Cameroon. Although these rights are contained in the preamble of the constitution, they are all binding. Preamble one indicates that "the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights". The preamble also provides for the right to life, education, equal protection of the law, healthy environment and freedom of expression. It also provides for freedom from torture, cruel, inhumane or degrading treatment and

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35. Okporie, Samuel Agwu: protections of the rights of minorities and indigenous people have been of serious concern to international human rights system. Discuss with the aid of relevant judicial and statutory authorities, a seminar paper presented to the department of law, faculty of law, ebonyi state university, abakaliki in partial fulfillment of the requirements for the award of masters of laws (llm) degree in law, July 2013.

36. Ibid.

guarantees the right to liberty and security of the person as well as minority rights protection.[37]

   The constitution of Cameroon remains a set of fundamental legal-political rules that are binding on everyone in the state, including ordinary law-making institutions and regulates the structure and functioning of the governmental institutions, political principles and the rights of citizens. It can therefore be understood that the Constitution covers the exact content of the political set up of a state (that is, it sets out the basic structure of the government and also declares and defines the rights and duties of citizens.[38]

   The Constitution expresses the commitment to holding free, fair and genuine elections by universal, free, secret and direct suffrage. In other words, it protects electoral rights which includes: the right to vote and to run for elective office in free, fair, genuine and periodic elections conducted by universal, free, secret and direct vote; the right to gain access, in equal conditions, to elective public office; the right to political association for electoral purposes (for example, the right to establish or join or not join a political party or any other grouping with electoral aims); and other rights intimately related to these, such as the right to freedom of expression, freedom of assembly and petition, and access to information on political-electoral matters.[39]

   The preamble of the Cameroon Constitution expressly protects minority rights. It states: "all persons shall have equal rights and obligations. The State shall provide all its citizens with the conditions necessary for their development; the State shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law".[40]

   The Constitution has made it possible for certain regions to have special status. Article 62 of the Constitution of Cameroon states: "….Without prejudice to the provisions of this Part, the law may take into consideration the specificities of certain Regions with regard to their organization and functioning". Going by this provision, it goes without saying the regions containing the Anglophone minorities should have a special status with regard to their organization and functioning.[41]

   Cameroon will soon elect its next President. Whilst preparation of this important event is underway, the country is facing one of its greatest social crisis

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37. B. Tonga, *The state of Human Rights Protection in Cameroon; Prospects and Challenges* (2021), 3.

38. E. K. Ghamu, "The Legal Framework for The Protection of English- Speaking Minority in Cameroon," *Texas Journal of Philology, Culture and History* (2021): 28.

39. Ibidem.

40. Ibidem.

41. Ghamu, "The Legal Framework for The Protection of English- Speaking Minority in Cameroon," (2021): 28-29.

known as the Anglophone crisis. This reflection aims to point out the fact that the Constitution adopted on 18 January 1996 and revised by law 2008/001 of 14 April 2008 cemented a constitutional system that has failed to achieve one of the principles that the same Constitution guarantees: the principle of equality between Francophone and Anglophone.[42] Article 1(3) of the Constitution states that 'the official languages of the Republic of Cameroon shall be English and French, both languages having the same status'. The Constitution sets out the principle of linguistic equality in Cameroon, without further explanation on how this principle would be guaranteed. The same article further states that 'the State shall guarantee bilingualism throughout the country. It shall endeavor to promote and protect national languages'. In the meantime, the preamble of the Constitution states that: 'the State shall ensure the rights of minorities […] in accordance with the law'. But the Constitution does not provide a definition for the term 'minorities'.[43]

Specific Laws

There are various other specific legal instruments that help in the promotion and protection of minority rights in Cameroon especially anglophones. For instance, the Penal Code of 2016[44] protects several categories of rights. Sections 275 and 276 punishes a violation to the right to life through murder and capital murder respectively. Other provisions that have a human rights undertone includes section 277 which punishes torture. Section 296 punishes rape, section 305 punishes defamation, section 293 punishes slavery and section 302 punishes sexual harassment.[45]

The criminal procedure code[46] also helps in the protection of human rights in Cameroon. It lays down the procedural rules in criminal proceedings, starting from criminal investigation (searches and seizures, interrogations and questioning), to pretrial rights (right to a speedy and public trial, by an impartial jury of the State, and to be informed of the nature and cause of the accusation), trial rights (right to be heard, presumption of innocence, right to counsel) and post-trial rights (right to appeal).[47]

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42. F. M. Y. Lemdjo, "The constitutional problems to protect the principle of linguistic equality in Cameroon," in *Advancing the Rule and Role of Law in Africa*, 2018.

43. Ibid.

44. Law No 2016/007 of 12 July 2016 relating to the Penal Code.

45. Tonga, *The state of Human Rights Protection in Cameroon; Prospects and Challenges*, 2021, 3.

46. Law No 2005 of 27 July 2005 on the Criminal Procedure Code.

47. Tonga, *The state of Human Rights Protection in Cameroon; Prospects and Challenges*, 2021, 3-4.

The Cameroon labour code[48] equally protect the human rights of minorities pertaining to labour issues. Section 2(1) of the 1992 Labour code notes that "the right to work shall be recognised as a basic right of each citizen". The state is mandated to take all necessary steps to assist its citizens to secure employment.[49]

Both the constitution and specific laws of Cameroon should be in conformity to international laws as this can be consider the guarantee for protection of linguistics minorities as was observed in the case of Skender v. the Former Yugoslav Republic of Macedonia. In the case of Skender v. the Former Yugoslav Republic of Macedonia decided on the 22nd of November, 2001, the applicant was a national of the Former Yugoslav Republic of Macedonia of Turkish origin. He had two daughters whom he wished to send to Turkish-speaking school situated in another district than the one where he lived, as the school of their own district did not provide teaching in Turkish. According to the Primary Education Act, pupils should attend the State primary school of their place of residence. In 1997, the applicant asked the Turkish-speaking school to admit his elder daughter. He received no answer and complained, allegedly on two successive occasions to the competent authority. He started proceedings before the Supreme Court. The school, at this stage refused to enroll his elder daughter, as they did not live in the district of the school. The Supreme Court refused, on procedural grounds, to examine the applicant's complaint in respect of the school's refusal.[50]

The Constitutional Court did not quash the Supreme Court's decision. The Supreme Court re fused to examine the applicant's request for having the proceedings reopened as the applicant had not provided fresh evidence as required by law.[51]

The Chamber of the European Court of Human Rights which is charged with overseeing the European Convention on Human Rights unanimously declared the applicant's application inadmissible after holding that Article 14 complements the other substantive provisions of the Convention and the Protocols. It has no independent existence since it has effect solely in relation to the enjoyment of the rights and freedoms safeguard by those provisions.

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48. Law No. 92/007 of 14 August 1992 relating to the Labour code of Cameroon.
49. Tonga, *The state of Human Rights Protection in Cameroon; Prospects and Challenges*, 2021, 4.
50. Okporie, Samuel Agwu: protections of the rights of minorities and indigenous people have been of serious concern to international human rights system. Discuss with the aid of relevant judicial and statutory authorities, a seminar paper presented to the department of law, faculty of law, ebonyi state university, abakaliki in partial fulfillment of the requirements for the award of masters of laws (llm) degree in law, July 2013.
51. Ibid.

Although the application of Article 14 did not necessarily presuppose a breach of the provisions- and to this extent it was autonomous- there can be no room for its application unless the facts in issue fall within the ambit of the one or more of the latter.[52]

Recommendations

Return to Decentralization or Federation

The Anglophone crisis has showed the limits presidential centralism and a governance system that depends on co-optation. Implementation of effective decentralization could mitigate this problem at the national level.[53]

The executive and the senior levels of the administration are the only real opponents of decentralization. That is understandable: it would take away the presidency's complete control over the regions and could – by opening the way for local democratic experiences with possible national impact – threaten the regime's absolute power. But there is a serious risk that the crisis could deteriorate and, in time, destabilise the country. A government-backed decentralisation could provide a more consensual and peaceable future.[54]

Decentralization could take place on the basis of the ten current regions. It would require full application and the improvement of existing laws. At the moment, decentralization is deficient: government-appointed representatives run the big cities, play the role of super mayor and only report to the President of the Republic, rendering town councils inoperative. The latter have to wait for their budgets to be allocated by the government representatives, which provokes discontent among both opposition mayors and those belonging to the ruling party. The transfer of financial resources (the percentage of which is not detailed in legal texts) has only increased from 4 to 7 per cent in 13 years, while it is 20 per cent in other decentralised unitary states like Kenya and Ghana. Other powers are not always transferred and remain in the hands of authorities appointed by Yaoundé.[55]

If a new attempt at decentralisation is going to be acceptable and effective, it must reduce the powers of administrators appointed by Yaoundé by creating regional councils, introducing elected regional presidents, transferring significant

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52. Ibid.
53. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads Africa*. Report N°250 | 2 August 2017, pp. 25-26.
54. International Crisis Group. Cameroon's Anglophone Crisis at the Crossroads Africa. Report N°250 | 2 August 2017, p. 26.
55. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads Africa*. Report N°250 | 2 August 2017, p. 26.

financial resources and powers, and implementing measures that are already provided for in law. It should also take legal measures specific to Anglophone regions in the areas of education, justice and culture (not currently covered by legislation).[56]

Anglophone lawyers and teachers called for a return to the two-state federation to permit for some level of local autonomy and control. While tenable, at the moment this demand seems to be a no-go option for many in the current government.[57]

According to MANIKKALINGAM, federalism mean the broad class of political arrangements within a single political unit between a unitary system, where all powers are concentrated at the centre, and secession, where there are a minimum of two independent political units. Federal arrangements can range from quasi-federal ones, like India, to federal arrangements, like the United States. A federal arrangement involves autonomous spheres of political action for the primary political unit and the subunits.[58] While federalism may be politically desirable in a culturally plural society, to require federalism we need to identify the specific conditions under which it is the primary means to ensure political equality. Linguistic pluralism, alone, is not such a condition. Political inequality due to linguistic pluralism can be addressed by a combination of local and provincial autonomy, special representation and bilingualism. It does not require federalism. What leads to federalism in a context of linguistic pluralism is the group bias of the unitary state against the minority language group. Linguistic diversity, alone, can make federalism desirable, politically, but fails to make it required, morally.[59] Manikkalingam argues of four considerations of federalism:

- Local Autonomy: Local autonomy provides a way of choosing one by tapping into local knowledge. Local government services include the maintenance of streets and parks, the functioning of community centres for the youth, elderly and disabled, the disposal of waste and the provision of utilities. Some local governments have power over education and law enforcement. Local governments can tax residents for the purposes of providing these services and the functioning of the government. A creative and effective organisation of local government services and support for the participation of different social groups can help turn cities

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56. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads Africa*. Report N°250 | 2 August 2017, p. 26.
57. Caxton, "The Anglophone Dilemma in Cameroon: The Need for Comprehensive Dialogue and Reform," 2017.
58. R. Manikkalingam, *A Unitary State, A Federal State or Two Separate States?* (2003), 6.
59. Ibid, 11.

and other local areas, such as villages and towns, into centres of cultural diversity and toleration. The impact of local government decisions is small in scale, minimising the cost of mistakes. While decisions can be made autonomously at the local level of the municipality, the town, or the village, the basic constitutional structure of society provides the political context in which they are made.

- Provincial Autonomy: It allows a number of contiguous local governments to internalise their externalities, i.e., it provides a means by which they can co-ordinate the benefits and costs of programs that cannot be restricted to the boundaries of local governments, and benefit from economies of scale. And it forms an intermediate level of co-ordination between local governments with common areas of interest and the central government.

- Special Representation: The majoritarian system of territorial representation can place minorities at a disadvantage in electing representatives of their choice. Small swings in votes can bring large changes in electoral results. This leads to a huge discrepancy between the number of votes received by a party and the number of seats that it wins in parliament. This discrepancy can undermine equality of representation. This may be tolerable when there are no linguistic differences because a group can persuade representatives through other means. But in the presence of linguistic differences informational failures due to the cost of dealing with representatives who do not speak their language, compound minorities' lack of representation. Under these circumstances electoral systems weighted in favour of increased minority representation are not only compatible with political morality, but may even be required by it. These schemes can include linguistically defined electoral units, proportional representation, or setting aside "minority" seats in parliament.

- Bilingualism: Local autonomy, provincial autonomy and special representation address the cost of interaction between minority citizens and local bodies, enables these citizens to participate in politics at the local level and have adequate representation at the national level. However, they do not address all the disadvantages suffered by minority citizens who speak a different language. Bilingual policies defray the cost faced by minority citizens in interacting with the state and the market. The cost of interacting with the state can range from filling out passport applications to language requirements for government employment. The cost of interacting with the market can range from restricted job opportunities to the challenge of reading labels and signposts[60].

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60. Ibid, 11-18.

The Anglophone diaspora took over the leadership of the struggle, following the arrest and detention of the CACSC leadership. The Anglophone diaspora substituted the initial quest for the restoration of two-state federalism with the demand for a separate State of Ambazonia.[61] Several groups emerged, mobilising Anglophone nationalism within Cameroon and beyond towards the attainment of Ambazonia. Prominent among these groups include the CACSC, Southern Cameroon Peoples Organization (SCAPO), Southern Cameroons South Africa Forum (SCSAF), Movement for the Restoration of Independence in Southern Cameroon (MoRISC) and Southern Cameroonians in Nigeria (SCINGA). Others are the Southern Cameroon National Council (SCNC), Republic of Ambazonia (RoA), Ambazonia Governing Council (AGC) and the Southern Cameroon Youth League (SCYL).[62]

The experiences of the two federations suggest that a federal arrangement that does not accommodate those who do not belong to the empowered regional majority is likely to be subjected to perennial stress and is less likely to succeed in managing ethnic diversity. This particular experience of African federations also highlights one of the conditions that continue to threaten the federal experiment in Africa, namely the lack of consensus on liberal democratic values. One of the reasons for the success of federations in the west is the widespread consensus on liberal democratic values[63]. As Fessha notes, most western federations are not afraid that national minorities will use their power to "persecute, dispossess, expel or kill anyone who does not belong to the minority group". In the absence of consensus and respect for liberal democratic values, the precarious federal experiments in Africa will continue to pose a grave threat to the fundamental rights of individuals and to the political stability of the state.[64]

The imperatives of developing consensus and respect for liberal democratic values becomes more evident when one notes that the territorial approach to subnational autonomy may not necessarily respond to the concerns of all ethnic groups. This basically relates to the fact that the territorial concentration of ethnic groups is a precondition for the extension of subnational autonomy towards a particular group.[65] To a group that is not geographically concentrated, the territorial solution that federalism provides is less appealing. The territorial arrangement in South Africa that, albeit indirectly, gives ethnic groups political space at the subnational level, does not cater for Afrikaners who are dispersed

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61. Joseph, "Is the Conflict in Anglophone Cameroon an Ethnonational Conflict?" (2019): 1.
62. Ibid, 2-3.
63. Fessha, "Federalism, Territorial Autonomy and the Management of Ethnic Diversity in Africa: Reading the Balance Sheet," *L'Europe en Formation* 363 (2012): 281.
64. Ibid.
65. Ibid.

throughout the country. This would require the state to look for innovative ways of addressing the anxieties of groups that cannot benefit from a territorial solution. However, at a minimum, it requires strict enforcement of liberal values in the form of fundamental individual rights.[66]

Inclusive Dialogue and Rebuild Confidence

It is difficult to envisage a credible dialogue unless the government takes conciliatory measures and until trust is rebuilt between the parties. A discourse of tolerance, openness to dialogue and recognition of the Anglophone problem by the head of state would constitute a first important gesture. This should be immediately followed by several measures to calm the situation: release members of the Consortium; invite exiles to return to the country; halt legal proceedings against Anglophone clergy; open legal proceedings against security forces responsible for abuses; reshuffle the government and senior officials to increase the political representation of Anglophones and replace the senior officials whose actions have exacerbated tensions; and restructure and reconstitute the Commission for Bilingualism and Multiculturalism. Finally, the President of the Republic should visit the Anglophone regions.[67]

The government could then go on to reconstitute the ad hoc interministerial committee, this time with parity for senior Anglophone officials, and broaden its remit beyond dealing with sectoral demands. This would require decriminalising the political debate, including on federalism, and considering recourse to a third party (Catholic Church or an international partner) to mediate.[68]

To deal with the current impasse, the government needs to reengage in more comprehensive dialogue, and also be more receptive to the problems raised and proposals made. Recently, the government created a National Commission on Bilingualism and Multiculturalism, which is to report directly to the president on matters affecting bilingualism and multiculturalism in the country. This is a positive gesture. The government also announced reforms, creating a Common Law Bench at the Supreme Court and common law departments in state universities in the French-speaking part of the country. These could improve the lot of Anglophone lawyers. However, the government could show further commitment by acknowledging that the Anglophone population as a whole – not just teachers and lawyers – has general challenges which need to be addressed. In

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66. Ibid, 281-282.
67. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads.* Africa Report N°250 ǀ 2 August 2017, p. 25.
68. International Crisis Group. *Cameroon's Anglophone Crisis at the Crossroads.* Africa Report N°250 ǀ 2 August 2017, p. 25.

addition, remedial measures requiring perpetual inviolability could be embedded in the Constitution.[69]

Unconditional Release of Prisoners and Amnesty for Anglophone Protesters

For the government to be more persuasive, it also has to be more receptive. The government should stop the use of force by military officers on the populace. This violence only serves to complicate matters, and time has shown that this method has not been effective in solving the crisis. If the calls of the people are legitimate, then ordinary civilians should not be arrested for exercising their constitutional rights. The UN Secretary-General's Acting Special Representative, François Loucény Fall, who visited the country on 13 April 2017, asked for the unconditional release of those jailed in connection to the crisis. Their continued detention greatly mars renewed calls for dialogue. Protesters should also be granted amnesty by the government, so that they can continue to behave, feel, think and act like Cameroonians.[70]

Political and Economic Reforms

The government should make concessions with a view to improving the political and administrative representation of Anglophones. The government should also increase public and economic investment in the Anglophone zone and ensure that the majority of the security forces and administrative and legal authorities deployed there are Anglophones. Finally, it should apply the measures it has announced or that were decided with the Consortium and take additional measures to strengthen the semi-autonomous character of Anglophone educational and legal systems.[71]

Conclusion

This article sought to determine whether the conflict between Cameroon's two English-speaking areas was an ethnic or identity-based one. The method and repressive tools that the current government has used to crush the opposition have reduced the strength of the Anglophone struggle, and some could even say

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69. Caxton, "The Anglophone Dilemma in Cameroon: The Need for Comprehensive Dialogue and Reform," 2017.

70. Ibid.

71. International Crisis Group, *Cameroon's Anglophone Crisis at the Crossroads.* (Africa Report N°250, 2 August 2017), 25.

that it has hit a brick wall. Even though it is losing ground, the fight nonetheless goes on despite internal conflicts, most notably the one between the southwest and northwest (both regions make up the Anglophone Community).

Although the Anglophone Diaspora has done much to raise international awareness, much still needs to be done even to achieve federalism, much less complete separation and independence. What Southern Cameroon needs are strong international alliances and guarantors to push this struggle into the ultimate defining phase. This is because the government is heavily supported by France. Therefore, the Anglophone Community needs to come together and show solidarity in order to select a specific course of action and reallocate its resources to ensure its success.

English speakers' right in Cameroon must always be safeguarded as a fundamental right. Several laws have been implemented in Cameroon to safeguard minorities' rights. A number of human rights documents have been ratified by Cameroon and many other nations, and as a result, it is the state's responsibility to uphold all of the rights protected by these instruments, including those of minorities. Minority protection is a well-established notion in international law. As a result, international legal instruments, which include both binding and non-binding measures, provide protection for minorities. As a signatory to these documents, Cameroon has acknowledged its threefold obligation to respect, safeguard, and uphold human rights. A positive sign that Cameroon is committed to fulfilling its three obligations to assure the preservation of human rights is that minorities' rights are given adequate protection in the country. On the other side, the government's failure in this endeavor suggests that it is not fulfilling its tripartite obligation. However, due to a lack of enforcement, the state's legislation protecting anglophone Cameroon's rights are still ineffectual.

There are a number of political systemic gaps that need to be filled if Cameroon is to advance as a single country, as evidenced by the current crisis, which is another escalation in that sequence. To overcome this, more localized control of political and economic resources may be required. Existing institutions and leadership structures must be more receptive to the requirements of citizens. Access is restricted and a connection with the populace results from overly centralized power systems. On the other side, the military needs to do better when it comes to protecting human rights, as young people who have recently graduated from school are becoming more radicalized. The closing of these disparities depends greatly on civil society.

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