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TITLE

‘Talking back to power’: deviance in Luke 18:1-8 and women in Zimbabwe

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Dedication

I dedicate this thesis to my beloved wife Lillian Matarirano, whose unprecedented assistance and support fueled passion and commitment in my work on this research. During the days I was residing in South Africa, she will every single day enquire on my progress not mentioning the financial support she will always forgo to see this project through. Lillian's inquisitive and moral support became sources of my strength and hardworking to the fruition of this study.

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Abstract

This study is a contextual reading of the parable of the persistent widow found in Luke 18:1-8 from the perspective of the concerns of widows in Zimbabwe. Given the everyday usage and mirror reading of the Bible in Zimbabwe, the study assumes that the parable of the persistent widow can be read as realistic narratives regarding concerns of widows in Antioch (where I shall argue for the location of Luke) but also as a parable that provides discursive material to address contextual concerns of widows in Zimbabwe.

Every day, court cases, electronic, print media and social media are full of stories concerning widows whose lives drastically change due to property being taken away after the death of their spouses. Several such stories exist but some are not publicized. The succession and inheritance laws in Zimbabwe meant to address such challenges have failed the widows because of the mutilation of culture by greedy people. Related to this is the challenge that culture does not give priority to writing of 'Will' and talking about death. Consequently, Culture has become the default source of authority used by relatives to dispossess widows of their properties (Odoyoye 2001:85).

This study contextualizes the parable of the persistent widow in Luke 18:1-8 and read it from the perspective and as analogue to think-about issues facing widows after the death of their partners and using the findings from the discussions about the parable to fight for the concerns of widows in Zimbabwe. Located within the broader framework of honor and shame, the parable of the persistent widow provides comparative experiences regarding gender, class and place of widows within the domestic space. As theoretical perspective, deviance theory understood within the ambit of honour and shame cultural context is used to explain the widow's behavior of travelling alone and then talking to a male judge during queer times of the day. From the surface, the actions of the widow which looks shameful within culture of honour and shame is used to think-with issues facing widows in Zimbabwe.

List of Abbreviations

FAO -Food and Agriculture Organisation of United Nations

IFAD- International Fund for Agricultural Development

NGO- Non-Governmental Organisation

HIV/AIDS- Human immunodeficiency Virus and Acquired Immune Deficiency Syndrome

HRL- Human Rights Lawyers

HRO- Human Rights Organisation

HRW- Human Rights Watch

Zim Stat- Central Statistical Office (aeronomy)

SSC- Social scientific Criticism

Contents

UNIVERSITY OF PRETORIA.....	
Dedication.....	i
Acknowledgements.....	ii
Abstract.....	iii
List of Abbreviations	iv
Chapter One.....	1
Introduction	1
1.1 Preamble.....	1
1.2 Summary of Study.....	1
1.3. Chapter Outline.....	2
1.4. Motivation of the study	4
1.5. Literature Review: Previous Interpretations of the Parable	6
1.5.1. Prayer View.....	9
1.5.2 Liberation/Postcolonial View.....	11
1.5.3 Feministic Views.....	13
1.6. Theoretical Perspectives	14
1.6.1. Historical critical method.....	15
1.6.1.1. Form criticism	15
1.6.1.2. Redaction criticism.....	17
1.6.1.3. Narrative Criticism	22
1.6.1.4 Reader Response Criticism.....	23
1.6.1.5. Social Scientific Criticism.....	31
1.7. Honour/ shame culture and women in the Mediterranean world.....	34
1.7.1. Honor-Shame and Everyday Public Life	41
Chapter Two.....	44
Dispossession and inheritance traditions in Zimbabwe	44
2.1 Introduction	44
2.2. Models of dispossessed women	44
2.2.1 Neria documentary	44
2.2.2. Priscilla Misihairambwi-Mushonga.....	47
2.2.3. Sheila Chimoyo.....	48

2.2.4. Fortunate Mhuri.....	51
2.2.5. Other widows.....	53
2.3 Traditional Inheritance practices in Zimbabwe and Africa	55
2.3.1. The practice of Inheritance laws in Zimbabwe and women	57
2.3.2. African inheritance (kugara nhaka).....	60
Chapter Three	64
Theoretical perspective (deviance theory)	64
3.1. Introduction	64
3.2. Definition	64
3.3. General causes of deviance behavior	66
3.4. Political Deviancy	70
3.5. Social Deviancy.....	72
3.6. Types of deviants	75
3.6.1. Anomie theory	75
3.6.2. Structural theory.....	76
3.6.3. The control theory	78
3.6.4. Labelling theory	79
3.6.5. Minority theory.....	80
3.7. Conclusion.....	82
Luke’s location, date and themes	84
4.1 Introduction	84
4.2. Authorship	84
4.2.1 Internal evidence	85
4.2.2 External evidence.....	86
4.3 Date of writing	87
4.4 The audience/Composition of the Gospel of Luke	88
4.5 Location.....	90
4.5.1 The city of Antioch	93
4.6 Themes in Luke	96
4.6.1 Universal salvation.....	96
4.6.2. Women.....	99
4.7. Conclusion.....	102

Chapter Five	104
Class and status: Judges and widows.....	104
5.1 Introduction	104
5.2. The Rulers	104
5.3 The Judges.....	106
5.4 Roman-Greco households.....	108
5.5 Women in the Hellenistic-Roman World	109
5.6 The Jewish women.....	112
5.6.1. Infrastructure	122
5.7 Conclusion.....	124
Interpreting the Lucan widow (Luke 18:1-8) as a protesting deviant.....	125
6.1 Introduction	125
6.2 Form and Redaction of the Parable	126
6.2 Social Scientific Interpretation.....	128
6.2.1 Deviance Outside the Domestic Space (Public Space).....	128
6.2.1.1 Anomie deviance theory.....	131
6.2.1.2. Control theory.....	133
6.2.2 Deviance in the domestic space of the Judge.....	136
6.2.2.1 The minority theory	138
6.2.3 Deviance in talking.....	141
6.2.3.1. Structural theory.....	143
6.2.3.2. The labeling theory	146
6.2.3.3. Control theory.....	149
6.3. Advantages of a deviant Character in Relation to Luke’s Story	151
6.4 Conclusion.....	153
Chapter Seven.....	155
Application and implication of Luke’s Deviant to Women in Zimbabwe.....	155
7.2 Anomie theory	155
7.3 The inferiority deviance	156
7.4 Minority deviance theory.....	158
7.5 Control theory.....	160
7.6 Structural theory.....	161

7.7 Labelling theory.....	161
7.8 Conclusion.....	163
7.9. Findings	163
7.10. Recommendations	165
APPENDICES	174
Appendix 1. A Guide to succession and inheritance laws in Zimbabwe	174
Appendix 2. Deceased Estates Succession Act [Chapter 6:02]	182
Appendix 3. Civil marriage Act 5.11	183
Appendix 4: Customary Marriages Act	189
Appendix 5. Unregistered Customary marriage	197

Chapter One

Introduction

1.1 Preamble

Zimbabwe is a country with over 80% population being Christians and naturally, religion becomes the prism through which people construct reality (Zim Stats 2012). The Bible is taken as a manual for daily living. Religion has become critical in modeling peoples' lives in a community; Zimbabwe is not spared from this phenomenon. In this regard, the Bible gives social guidance concerning life situations (Mundenda 2014:4). It is in this context that the problem faced by widows in Zimbabwe where their properties are taken away after the death of their husbands will be looked at.

Consequently, this study is a contextual reading of the parable of the persistent widow found in Luke 18:1-8 through the lens of deviance theory as a parable of protest against a dispossessed widow. Such approach provides hermeneutical resource for recommending practical solutions regarding the challenges of widows in Zimbabwe.

1.2 Summary of Study

The above title which is mirrored from Luke 18:1-8 conveys what the researcher sees as an ingredient for the widow's honor, which resulted in the Judge opting to preserve his honor by giving in to the demands of the widow. According to Malina (1981:49) honor is the value of a person in his own eyes plus that person's value in the eyes of his or her social group; the public recognition of one's social standing. Given that men held the dominant position while women occupied the private or domestic sphere, men needed to preserve their honor through protecting women (Malina 1981:49). To maintain honor, a man had to defend the chastity of women under his dominance and protection, while the women preserved their dignity by not challenging in anyway; a male figure (Malina, 1981:49).

In reading this parable using reader-response theory, the researcher uses deviancy theory to be elaborated later; to explore the widow's actions as contrary to the cultural expectations of Palestine (honor/shame) and, ironically, her deviance is used as positive cue to Zimbabwean widows. The

actions of the widow may only be interpreted in relation to deviation from the expected norms, hence the incorporation of deviance theory. In the researcher's opinion, reading of the text against its socio-literary background using reader-response theory will shed light on the social forces behind the text (Gottwald 1983:81) as well as its literary world which Luke constructed in response to the situation. The succumbing action of the judge due to the woman's persistence (deviant actions) seems to be where the weight of the story lies. Consequently, the reading will be undertaken with one question in mind, as reflected in the aim, namely: "how does the deviancy of the widow in the story provide positive insights to challenges faced by the dispossessed widows of Zimbabwe who are disadvantaged by the tradition?" By taking this perspective, this distinguishes the study from the many expositions of the text that either interpret the judge as metaphor for God or the widow as metaphor for prayer and even those who only used honor/shame as a method. It will be shown that the parable has been interpreted in various ways. In some quarters it was used as a parable for prayer encouraging disciples to prayer persistently until they receive the positive responses from God (Marshall 1980:145). They are also those who have employed feministic approaches to show how the widow over powers the Judge. However, the researcher is interested in the rare character of the widow who broke cultural expectations in demanding justice and how her character is, ironically, a model for widows in Zimbabwe. In other words, the study will employ reader response theory to show the deviancy of the widow in an honor/shame setting.

1.3. Chapter Outline

Chapter 1 deals with formalities such as the aim, motivation, and delineation of study, methodology and structure; serving as a miniature of the whole thesis. The chapter forms the foundation of the thesis and all the other chapters sprout from chapter one in terms of both content and context; carrying with it the whole framework of the thesis. Importantly, the chapter looks at historical methods; form criticism, redaction criticism, narrative criticism and reader response criticism Brown (1997), Draine (1990), Duling (2003), Elwell & Yarbrough (2005), Perin (2002), (Powell 1990) & (Puskas 2002). Social Scientific method will prepare the foundation of honor and shame model. In the main chapter of this study –chapter 6, the story in Luke 18:1-8 is interpreted as a deviant story (widow) in a frame work of honor/shame culture. Ideas from John Elliot (1993),

Malina (1981:25), Rohrbough (1996:19), Malina and Neyre (1991:25) and Jeremias (1986:359) are used to explain the honour/shame model.

Chapter 2 presents an overview of the challenges faced by widows in Zimbabwean women. Experiences of verbal abuse, dispossessed of property such as land, eviction from homes, and annexation of resources such as household goods and animals is explained in details. Processes of inheritances which include the African inheritance system and Zimbabwean inheritance traditions are outlined. The chapter shows models of women who were disposed of their Estates.

Chapter 3 develops the theoretical perspective of deviance theory. The theoretical perspective is delineated where types of deviant theories are expounded. These types of deviant theories are later matched with the actions and behavior of the widow in chapter six to find out if they can mirror the widows in Zimbabwe.

Chapter 4 explains Luke's location, dating and important social issues which give background to the story of the deviant widow. Using ideas mainly from Malina (1981:28) Rohrbough (1996:23) and Veyne (1990:81), Luke-Act's background within Syria is explored. This information will provide tools of hermeneutics to the background of the social setting of the widow and the Judge.

Chapter 5 compliments chapter 4 by focusing on issues of social class with specific reference to the status of the two important characters; the Judge and the widow. In the first section of this chapter, the study turns to the function of judges in first century - whom they served and what were their accountability lines. Given the amount of persuasion it took before the deviant woman's request could be granted, and the reason provided by the judge for granting the request, we should ask whether it was a question of power dynamics at work or group loyalty that hardened the judges' attitude. The woman was by virtue of her gender as well as her social status as a widow, inferior to the judge. This meant that the judge had better social capital than her. How did the judge administer justice in this case - in a way that brought honor to himself and his superiors or in a way that caused shame?

Chapter 6, which is the main chapter, interprets Luke's persistent widow from a perspective of deviance theory. Complimentary theories of for, redaction, reader-response, and model of honor/shame are used to explain the behavior of the widow as self-liberating and expression of agency. Tenants concerning deviancy are used to pay attention to her behaviors at three contexts:

- outside the domestic space;
- inside the domestic space and
- her interaction with the Judge.

The thrust of this chapter therefore is to exegete the text of Luke 18:1-8, to show the widow as a protesting deviant figure. Her protesting behavior may provide a window to the condition of widows in Luke's urban context in Antioch.

Chapter 7 applies the findings from chapter 6 by looking at significance of her protesting behavior in Zimbabwe. What strategies can widows in Zimbabwe borrow from the widow in Luke 18:1-8 and employ to liberate themselves from the trauma caused by property dispossession?

1.4. Motivation of the study

This study was initially triggered by the plight of widows in Zimbabwe as observed by the research, particularly in the Mabvuku and Goromonzi areas. Many of such stories are detailed and elaborated in Chapter 2. However, here, I illustrate with the example of Member of Parliament – Priscilla Misihairabwi who helplessly watched her properties being expropriated by her step-children, backed by the law and tradition. Her story is striking in that she is a member of parliament, therefore expected to be powerful enough to protect herself and others looking up to her. Giving in to the situation meant that other women in the area had no one else to look up to and no legal recourse.

Misihairabwi as both a lawyer and Member of Parliament was expected to defend her properties as will be detailed later, but instead she chose to let her husband's family do as they wished with her property. This is more an indictment of society than a reflection on the victim because since she is both a lawyer and a Member of Parliament, Zimbabwean women would have been encouraged.

In his journal article titled "Some good news and some bad news", Mukonoweshuro (2012) elaborates by asserting that, given the fact that Priscilla was a lawyer besides being a Member of Parliament, she had all she needed to contest her property. She was at a crossroads and she had to make a decision to either choose to pursue court proceedings, taking the shame head, or choose honour. Mukonoweshuro explains how many widows in Zimbabwe watch while their deceased husbands' relatives pack the possessions that belonged to the couple without ever saying a word

to the widow. In response to the question as to why she had not protested, Misihairabwi said that she wanted to be a good respectful daughter in-law (*muroora*). She demonstrated this by letting them do as they please and that the widow's relationship to the in-laws is that of respect mixed with fear (Mukonoweshuro 2012).

Several similar stories from other parts of Zimbabwe are documented and Priscilla's story is not unique. For example, the home movie, "Neriah", which is based on Oliver Mutukudzi's song, is one of the caricatures of the life of a widow after the death of her husband. Many widows' negative experiences exist in different forms, ranging from property seizure to ostracism, and violence against the widow (Sakala 1998:17), with many other cases which sometimes are not even recorded (Paradza 1998) & (Mundenda 2014). In some cases, the situation seems to be aggravated by the HIV-AIDS related sicknesses and death.

Due to the above challenges, I raise the question, "What academic resources do the affected in Zimbabwe possess to deal with the situation?" My search for resources reflected a dearth in literature, particularly from a theological and or biblical perspective. Sakala (1998), for example, wrote on "Violence against women in Southern Africa". While her book is about the problems encountered by women particularly in Southern Africa, it comes from a feminist perspective and less helpful to those looking for biblical resources. The book dwells on how patriarchal structures oppress women in Africa thereby leaving out issues of inheritance and gender equality which are core in this research.

Paradza (2012) wrote about "Widow's Experience with Property Inheritance in the Context of HIV in Zimbabwe". She focused on the inheritance challenges which emanate from the effects of HIV in Zimbabwe (Paradza 2012). However, she mentions nothing on how the scripture can be used as a tool to help the widows despite her writing to a predominantly Christian community. Zimbabwe had a population of 13,5million in 2012 and statistics has it that 80% of the population are Christians (Zim Stat 2012). Paradza (2012), who focuses on motivating the widows in the same situation, also lacks a Christian input. Other African feminists, Mercy Amba Oduyoye, Mpyana Fulgence Nyengele, and Musa Dube whose work will also be looked at, ignore the sociological and historical interpretation of stories such as one given by Luke. While the above only reflect a sample of the kind of literature available on the plight of widows in Zimbabwe and elsewhere in Africa, justification of the uniqueness of this research against the above works would be provided.

Given the fact that in Africa, religion plays an important role in shaping the lives of people, the Bible is a resource for Zimbabwean widows to draw hope and inspiration. However, others questioned whether it has a sustainable response to their plight (West 1990:74 and Tulloch, 1994:232) This question distinguishes the normal exegetical work of the text from a contextual reading of the text (Speckman 2007:139). It forces the reader of the text in the context of Zimbabwe to ask pertinent questions about the plight of the widow in the text. This persuades readers who are aware of the Zimbabwean context to infer cues from the widow in the text and apply to the Zimbabwean widows.

1.5. Literature Review: Previous Interpretations of the Parable

It is important to look into different interpretive perspective by various scholars.

Scott (1989:45) quotes Aristotle who defines a parable as a metaphor which consists in giving a name that belongs to something else and the transference being either from genus to species or from species to genus. For Aristotle a parable is a metaphor or a simile Scott (1989:45). It therefore presupposes that it should not be taken literally but metaphorically. While the meaning has some element of truth but it remains a challenge to always regard a parable as something which had a hidden meaning. Scott (1989:45) gives Adolf Julicher's definition who writes "The parable is a figure of comparison in which the effect is secured through the juxtaposition of a similar but unrelated entity of a fixed nature alongside something that is less known, indistinct or vague." According to Scott (1989:45) for Julicher, the comparison should be analyzed in the historical context of Jesus' ministry, but at the same time it conveys a single idea of the widest possible generality that is usually ethical in character. It is important to note that although Julicher seems to be referring to a metaphor as well but he brings a new concept of the idea that a parable brings a single meaning.

Cotter (2015:2) writes that a parable is a metaphor or a simile drawn from nature or common life, arresting the hearer by its vividness or strangeness and leaving the mind in sufficient doubt about precise application to tease it into active thought. He also emphasizes the fact that the parable should present one single point of comparison. For him the details of the parable are not intended to have independent significance. The meaning should according to Cotter (2015:2), be congruous with the interpretation of his own ministry offered by Jesus in explicit and unambiguous. The meaning should also at the end point to the Kingdom of heaven. There is need to note that for

Cotter parables are not the end in themselves but means to the Kingdom of heaven. Keegan (1985:11) brings out a new flavor when he defines a parable as a figurative form of speech, uttered in a situation of the life of Jesus which is intended to correct, reprove or attack, therefore for him parables are weapons of warfare. It is important to observe that parables were part of intelligent rhetoric used to win the enemy.

Crossan (1988:53) argues that parables are a language event in that they inject in new possibilities into the hearers; they offer hearers a new way of understanding. According to him, a parable as a whole dramatizes an ontological possibility and the two basic ontological human possibilities which the parables present are the gain and loss of existence. Crossan emphasizes Julicher's findings of one central thought or point with the details and other elements having no independent significant of their own. He emphasizes Julicher's point that a parable has one central thought with the details and other elements having no independent significant on their own.

Crossan (1988:32) further states that figurative language has two quite different functions; one is to illustrate information while the other is to give the meaning. Metaphor can appear as either parable or myth. A parable tells a story which, on its surface level, is absolutely possible or even factual within the normalcy of life, while a myth tells one which is neither of these on its surface level. According to Crossan (1988:35) a myth builds the world while a parable destroys it. "Myth is the expression of the dynamic disequilibrium which is the powerlessness to build adequate homomorphism between incompatible and hence disturbing facts Crossan (1988:36). It is the expression of the reluctant acknowledgement that the event is mightier than the structure (Crossan 1988:37). The belief is hummed for generations in the minds of men and humming itself in the human mind Crossan (1988:36). In summary, Crossan is implying that myths construct acknowledged social realities of life. Perhaps the world originates from our thoughts and actions and is maintained as real by its inhabitants. It is therefore the work and role of parables to subvert these allusions and bring the realities of life.

According to Hultgren (200:1), parables are considered the primary source of the teachings of Jesus. Hultgren (2000:2) states that the English word parable originates from a Greek word $\pi\alpha\rho\alpha\beta\omicron\lambda'\eta$ which comparison entailing comparisons between eternal, transcendental realities and that which was familiar to the common human experience of his day. Hultgren writes "a parable

is a figure of speech in which a comparison is made between God's Kingdom, actions, or expectations and something in this world, real or imagined. Hultgren 2000:9 argues:

One of the distinctive element of the parables of Jesus is that they are not used for argumentation purposes where you find the sense of the 'parables' of ancient philosophers, popular rhetoricians or rabbinic master piece but the subject of the parable is typically the familiar of everyday life, men and women working, losing and finding; fathers and sons in strained and joyous relationships; kings, rich men, and slaves in stereotypical roles; domestic animals, seeds, plants, vineyards, leaven and the like.

Perhaps the above explanation brings the three types of parables according to Hultgren (2000:3), the narrative parables, similitudes parables and the exemplary narrative. The exemplary narratives are sometimes known as the story parables like Good Samaritan (Luke 10:25-37), Rich Fool (Luke 12:16-21), the Rich man and Lazarus (Luke 16:19-31) and the Pharisee and the Publican (Luke 18:10-14). It is from this same category that Adolf Julicher quoted by Hultgren put the parable of the persistent widow (Luke 18:1-8).

Among the definitions of parables advanced by different Scholars above, Hultgren definition shall be appropriate for this study because of many facets it manifests; it shows how a parable can be used to challenge the norms of a society while at the same time heralding the fact that a parable can be a story used as panacea to the real world. While it remains a fact that Luke 18:1-8 is a parable which Jesus used to advance the theory of a prayer, using Hultgren definition of a parable it can be regarded as a story as well. Hultgren (2000:3) has shown that parables can be real stories but at the sometimes can be imaginative stories and Luke 18:1-8 shall be regarded as such. However, notwithstanding the importance of Jesus' parables, the text of Luke 18:1-8 shall be reimagined as a sociological story since as Hultgren implied that the thrust of the parable is not on the details of the parable but on the meaning given; findings of one central thought or point with the details and other elements having no independent significant of their own (Hultgren200:9). There is indeed a patriarchal world in Palestine during Jesus' time but can this parable subvert the myth? Can the parable subvert the traditional view that the story holds especially its focus on the Judge as opposed to the widow? Can the giving- in of the Judge be socially proved by the actions and behavior of the widow? Having come out with the appropriate definition from varies definitions from different scholars and demonstrated the usefulness of Hultgren definition, it is prudent at this juncture to delimit the previous approaches used to interpret Luke 18:1-8.

1.5.1. Prayer View

Scott (1990), Freed (2002, Marshal (1985) and Goodspeed (2011) argue that the story of the persistent widow is a parable of prayer. These New Testament scholars affirm that Jesus was teaching about perseverance in prayer that the disciples needed to pray without ceasing until God responds. For them, if the unjust Judge grants a widow's petition because of constant intercession, how much more would God do to his disciples.

Most scholars who argue that the story is about prayer start from the assumption that Luke redacted the story to give it its discursive meaning. Structurally, the story appears only in Luke, meaning that it originated from the source (L), presupposing that the story is coming from the Lucan Community (Hultgren 2000:249). According to Hultgren (2000:253), Jesus was on his way to Jerusalem after healing the ten lepers (Luke 17:12-19) and responding to a question of the Pharisees concerning the coming of the Kingdom of God (Luke 17:20-21). Two stories follow concerning prayer; thus, the story of the persistent Widow and the story of the Pharisee and the Publican (18:10-14). Hultgren (2000:254) notes that the story of the Pharisee and the Publican is addressed to a wider audience whilst the parable of the persistent widow is targeted to the disciples only. It is therefore from that angle that literary context interprets this parable as a story of prayer.

Freed (2002:94) concurs with the above assertion of Scott that it is a parable of prayer. He begins by engaging in a textual exercise to prove that verses 1 and 6-8 are Lucan in both content and form as what Hultgren (2000) did. Freed also employs textual analysis to stress persistence in prayer. He however, adds an appendix of *parousia* that the Community was being urged to have faith increased and to be taught how to pray before *parousia*.

In a similar perspective, Hicks (2012) divides his article into three fragments; the unity of 18:2-8 where he spends most of his time proving that the whole genre is a parable uttered by Jesus, he employs various conservative scholars to show that no Lucan edition exists in the parable. He was supported by Goodspeed (2011:87) who continues in his second section where he carries a textual analysis on verse by verse showing the harmony and congruent of the whole text under review. It is on his final segment titled 'Parabolic overview' that he explicates the meaning of the parable. As anticipated from his stance of regarding the parable as a whole, Hicks concurs with Jeremias who sees the widow as a central figure who is the model of persistent prayer (Hicks 2012). The widow remained persistent despite the uncertainty of the situation, so disciples are called to bear

the same tenacity in issues of prayer. Hicks (2012) therefore, advances the theme of prayer which for him is in tandem with the one of the themes in the Gospel of Luke.

In support of the above assertion, Buttrick (1987:1307) interrogates the original text from the whole text of Luke 18:1-8. For him, the original parable is Luke 18:2-5. The words “and the Lord said” seem to show that verses 1 and 6-8 are application which the Early Church gave to the story. He points out that there is difference of mood between parable and application. To come out with correct meaning, readers need to separate what the Gospel writer suggested from what Jesus may have said.

Verses 6-8a draw a conclusion from the story of 18:2-5 which illustrates Jesus’ introductory exhortation of 18:1; drawing a conclusion that, if the aggressive persistence of a widow seeking justice from a Judge, who neither fears God nor respects people, results in a successful hearing, how much more will God respond to those who persevere.

Cotter (2015:1-3) concur that the additional verses which are 1 and 6/7-8 are treated as the redaction script and they help the study to focus more on the meaning of the original story. It appears certain that Luke 18:1 is a product of Lucan redaction. The existence of typical Lucan constructions supports this conclusion. The conclusion drawn from the arguments portrayed above means the parable will be interpreted from verses 2-5 (Cotter 2015:1-3) and (Crossan 1988:114).

Marshall (1978:169) brings another historical perspective in his application to the text. Although Marshall seems to observe that Verses 1 and 6-8 are coming from Luke, he concurs with the interpretation given, that God too will, vindicate his elect in the end. The other distinct feature on his interpretation is in verse 3 with the emphasis of the Greek term *ἔρχομαι* which is in the present continuous tense (keep on coming) (Marshall 1978:169). It is in his attempt to interpret the word that a variety of consequences to the Judge are given; that the widow may physically assault the judge, that the Judge was afraid to be worn off and that the widow may give the Judge a bad public image. According to Marshall, it is the fear of these possible outcomes which resulted in the Judge responding Marshall (1978:169).

While the literary perspective above has fairly attempted to interpret the story in a clear and audible manner, they all are guilty of the same technical challenges. The first pitfall to observe is that the meaning is drawn from both Lucan comment and the parable itself; in other words, there is no

distinction between verses 1 and 6-8 visa-a-vis 2-5 in as far as the interpretation is concerned. In short, the literary perspective methods draw the meaning of the text from the Gospel Writer. The second challenge with the approach is that their interpretations are the same even if they try to put it differently. The final shortfall of the perspective is depicted in its traditional focus of the Judge. The story is interpreted according to the character, attitude and response of the Judge, while this document would want the readers to interpret the story in relationship with the widow, in fact, the widow in this story should speak to the widows and women in Zimbabwe.

In my view, such interpretation is guilty of four accounts of charges. First, modern New Testament scholarship has unanimously agreed of a distinction between verses 1 and 6-8 against 2-5 (Hultgren 2000:250), Marshall (1978:67) & Buttrick (1987:1304), academically sifting verses 2-5 as the originally confinement of the story while leaving out verses 1 and 6-8 as the work of the redactor brings challenges. The above interpretation does not observe that instead, the whole text is construed as one pericope, which means the first account falls away. The second point is that such interpretation of blending the redactor's views with the story as told by Jesus misleads the readers influencing them to interpret the story in the traditional way of the prayer view. It means such kind of elucidation of the story has seen its age. Third, such interpretation puts focus on the Judge. The story is expounded from the beginning to the end according to the character, attitude and response of the Judge, in the process leaving out the social setting, actions and response of the widow who undoubtedly, in my view is the thrust of Luke. Finally, the interpretation given above incriminates the image of God who can only respond after a persistent nagging. While Luke 18:1-8 is admittedly a parable, Hultgren 2000:73 present different types of parables. In his interpretation of parables, he writes of one type of parable which he terms exemplary narratives. Exemplary narratives are those parables which are read in a realistic mood of the story. It is from such a background that the traditional interpretations of the story as an encouragement of prayer is abandoned while Hultgren's interpretation of a parable as a realistic story will be adopted.

1.5.2 Liberation/Postcolonial View

Effort was also engaged to interpret it in light of the liberation methods. This was a movement that grew and developed in South America as a response to the poverty and ill-treatment of ordinary people. Prior, (1997:119) explains that Liberation theology is a synthesis of Christian theology that analyses the emphasis of social concern for the poor and the oppressed. It proposes to fight

poverty by addressing its alleged source which is sin (Prior, 1997:120). Liberation theology is a movement that attempts to interpret scripture through the plight of the poor Stephen (2005:78). According to Coggins and Houlden (1990:232), true followers of Jesus must work toward a just society; bring about social and political change. The central aspect of the Gospel in this method is to defend the rights of the poor. It began with a movement in the Roman Catholic Church that made criticism of the oppressed (Prior, 1997:121). It seeks to defend the right of minority and marginalized ethnic groups as well as to support emancipation of women (Prior, 1997:119). It strongly holds that the Bible should be read and interpreted from the perspective of the poor. The biblical God, they believe; is on the side of those who are down trodden in a society (Coggins and Houlden, 1990).

In using the above theory in Luke's story, Paul D. Weaver (2016) and Barbara Reid (2013) concur that the Judge is representative of authority and power while diametrically opposite to the widow who symbolizes powerlessness and vulnerability. Weaver (2016) asserts that Jesus wanted to show two different worlds; the world of the Judge and the world of the widow. Aichele (1995:48) concurs that the Judge is a representative of authority and power, the elite, wise people and reputable individuals. It is into this political and economic pyramid which has power oppression right at the top and powerlessness at the bottom and Jesus speaks words of courage. It is therefore, a story of justice, that the weak and vulnerable will attain justice in God's kingdom (Aichele 1995:51).

In my view, though the interpretation backed the desired prod on the widow in that, Post colonialism is the academic study of the cultural legacy focusing on human consequences of the control and exploitation of colonized people and their lands (Aichele 1995:53), but the story becomes too metaphorical, leaving out the shrewd but arrogant role played by the widow which earned the Judge's attention. The perspective persuades readers to regard the widow as naturally benefiting from the benevolence of the Judge. In addition, with all the behavior and actions of the widow, the above interpretation does not take into account the cultural context from which the story comes; ignoring the fact that she lived in a community which was bound by the honour and shame culture. The liberation theory may have attempted to respond on the question of the widow's vindication of her estate but fails to address issues of her sociological world which remains important in this study. However, although the methods may not be explicit in providing

interpretation of this study, the methods remain pivotal as theories of deviancy are implied in postcolonial interpretations.

1.5.3 Feministic Views

Related to the outcasts theme is Luke's concern for women which is shown by Jesus' followers who mainly are women. According to Luke, Jesus had women followers and supporters as he often used women figures in illustrations (Luke 15:8-10). This is augmented by the fact that Luke's Jesus publicly associates with women and treats them with fairness and equality e.g. Luke's version of the birth of Jesus is focused on Mary while Matthew's thrust is on Joseph (Davies 2013:44). It is the only Gospel which contains the story of Jesus' visit to the home of Mary and Martha who will be afforded a rare opportunity to lean and listen to Jesus as the disciples (Davies 2013:42). This shows how much Luke valued the ministry of women.

It is from such a context of Luke that one is persuaded to ignore any other interpretation which will leave out the figure head of this widow in this story. The story locates us at the periphery of the society where a women are not listened to. Therefore, seemingly Luke is interested in highlighting the asymmetric placements and reaction of people at the periphery (Punt 2018:5). The interpretation dislodges the once held relationship of humanity and God and drift human beings to peripheries where they should have to beg to God for recognition (Punt 2018:8).

It is from the above motivation that the more enticing perspective would have been the feministic approach as presented by Reid (2016). Reid argues that focus should be given to the widow other than the Judge. The argument to give the thrust to the widow is that the Judge's focus would be interpreted as incriminating God (Reid 2016). It is from such scrutiny that the feminist hermeneutics of suspicion will place the focus of attention of the story to the widow other than the Judge. The argument for such a stance is that patriarchal tendencies have deliberately dwelt their thrust on the Judge (male figure-head) other than a widow who is a woman. Reid (2016) argues that if the focus rest on the Judge, therefore the story will suggest that one needs to first wear out God before He responds. Unlike focusing on the Judge, when the attention is on the widow, God's power is revealed to liberate the powerless and weak like the widow (Reid 2016) The story therefore may presuppose that even when the immobilized and restrained are under the jaws of the cruel and unjust rulers, God will always redeem them and hand them victory.

It is a feminist hermeneutics of suspicion perspective. The perspective would have been regarded as a killer method, right to interpret such a text, because the study looks at women in Zimbabwe. It would have perfectly fitted well in an attempt to provide a panacea to the widows in Zimbabwe. However there seem to be lingering unanswered questions pertaining to the actions of the widow in the story. There are questions which continue to boggle the minds of readers like; if the interpretation is wholly and solely on feministic approaches, how do we account for the unexpected violation of norms by the widow? Does it entail that feminism is about the breaking of cultural laws of a community by women? Why would the widow willy-nilly violate the traditions and practices of a social setting in order to be granted what she wants? These and other questions may suggest that while the feministic approach has laid a solid foundation as a potential perspective method to interpret the story in the text of Luke 18:1-8, it fails to respond to crucial questions of culture. The mere fact that culture (honor/shame) would not allow the widow to behave in the way she performed, invites a lot of the above unanswered questions. It is from such an angle that the feministic approach falls away.

The success of the above methods is based on the fact that these social scientific methods together with the postcolonial methods will be implied in the interpretation of this thesis.

Within this, an imaginative reading of the text will be conducted. This imaginative reading is what West (1991:94) classifies as a “contextual” reading. We may also think of it as ‘mirror reading’ (Gottwald 2008:83 and Waetjen 1989:108), it can as well be referred as ‘reader response theory, since a sociological dimension will be highlighted through the “deviance” model. It means the reader-response theory will be applied to the text of Luke 18:1-8 in which the main character of the story the widow is presented as a deviant woman. It should be understood that in order to prove that the widow in question is a deviant, deviance theory will be explored in depth. The setting of the story is presumed to be in honor shame culture. In short, the study will employ reader-response method to interpret the deviancy of the widow in the story (Luke 18:1-8) who is caught in an honor/shame society. It is from such a task that reader-response method and honor/shame culture will be explored in this chapter while deviancy theory will be dedicated to chapter two.

1.6. Theoretical Perspectives

There are many tools that could have been used to interpret the parable in Luke 18:1-8. Historical critic methods, narrative criticism, reader response criticism, social scientific criticism and

honour/shame model are interpretive methods which can be employed to understand the parable of the persistent widow. These methods will help the reader to understand the parable as a whole thus from the historical background of the parable to the socio-political environment of the Mediterranean world during Jesus' time. The deviance theory will be studied using reader response method in an honour/shame model.

1.6.1. Historical critical method

The historical methods include source criticism, higher criticism, lower criticism, form criticism, narrative criticism, traditional methods, redaction criticism, textual criticism and social scientific method. Among these, the study will look at form criticism, redaction criticism and narrative criticism.

1.6.1.1. Form criticism

The theoretical perspective of form criticism is helpful in understanding the social setting from which the parable functioned. According to R.N. Soulen and R.K. Soulen (1989:75) form criticism is life setting within which a particular action or narrative function and gains its contextual meaning. It is derived from a German word called *formgeschichte* which means the history of form (R.N. Soulen and R.K. Soulen 1989:75). Coggins and Houlden (1990:174) write that the word was coined by Martin Dibelius to describe his popular tradition underlying the written Gospels. He was supported by Hermann Gunkel who brought out the issue of genre (Coggins and Houlden 1990:174).

It was originally developed for OT by Herman Gunkel, Martin North, Gerhard Von Rad and other Scholars and later was applied in the NT by Karl L. Schmidt, Martin Dibelius, Rudolf Bultmann and Robert M. Price (Coggins and Houlden 1990:174). The major question in this method is; in what form did the text first circulate in? The different forms/types include genres like music, poetry, narratives, parables, myths, legends, sayings and lamentation.

The form criticism is concerned with the fact that the works once existed in their oral form stages (Coggins and Houlden 1990:176). The method reacted to the source criticism which majors on written sources and Form critics believed that there was need to go beyond the literary forms. It is a field of Biblical studies that sees the Bible as a collection of traditional stories and sayings or units which circulated orally and eventually strung together and preserved in what is the pre-

history of this form (Coggins and Houlden 1990:177). Form criticism is a method of Biblical criticism that classifies units of scripture by literary pattern and then attempts to trace each type to its period of transmission (Coggins and Houden 1990:174).

Elwell & Yarbrough (2005:237) enumerates the assumptions which form criticism contain. The first assumption was to determine the oral phase the text was in before it was written. Which form was the text before it was written because all written documents first survived in their oral form? Elwell & Yarbrough (2005:237). At this stage the method determines whether the text first circulated as a song, poem, parable, myth, historical narrative, sayings, miracle and epistle, folk stories, exhortations or sermons. It attempts to locate the sitz im leben the pericope is found- the social setting of the text Elwell & Yarbrough (2005:238). The second hypothesis is that the Gospel writers did not originate the books but they recorded or compiled the stories which were circulating around the communities Elwell & Yarbrough (2005:239). It means before the establishment of the sources, the material of the Bible was in its oral form.

The other assumption was the need to place the literary materials in the Gospels in their historical forms so as to understand the background of the Gospels (Elwell & Yarbrough 2005:239). It seeks to determine a unit's original form and the historical context of the literary tradition. It first identifies a text's genre or the literary form it circulated in, before it seeks its sociological setting R.N. Soulen and R.K. Soulen (1989:77). This will help the study to place the parable in its precise context.

Form criticism helps us to penetrate into the period before the New Testament documents were written when the history circulated orally, (R.N. Soulen and R.K. Soulen 1989:75). The above affirmation is important because it draws the reader to contextual questions like how were the widows treated during Jesus' time? How did the judges relate with widows if they had cases which needed settlement? How were parables interpreted? Form criticism will help to probe some of the questions raised. According to R.N. Soulen and R.K. Soulen (1989:80) sitz im leben is an aid to exegesis especially once we can establish how and why a particular story was written. This will create an opportunity and platform to understand the text better. It creates a foundation to understand that the stories were preserved for worship purposes one way or the other in the New Testament. This will help us to appreciate the fact that gospels are not biographies meaning that readers will appreciate that gospels should not be historically read but theologically understood

(R.N. Soulen and R.K. Soulen 1989:81). An understanding of a pericope is often of major importance for accurate exegesis.

However, there are limitations of form criticism which necessitates the complement of other methods of interpreting the text. The first challenge is the possibility to establish fixed and clear-cut forms through exegetical tools. The question therefore is whether these forms ever existed (Elwell & Yarbrough 2005:239). The existence of this oral period which is being referred to is questionable because since there were already scrolls Jesus disciples may have carried with them small note books (Elwell & Yarbrough 2005:240). This idea presupposes that if the existence of forms is doubtful therefore the method of form criticism itself may as well be an illusion.

While Form criticism provides the context in terms of socio-political environment, cultural background and other contextual issues, it does not attempt in any way to interpret the parable of the persistent widow in its own hence need to engage other methods.

1.6.1.2. Redaction criticism

To compliment form criticism, I am interested in how Luke's discursive intention in telling the parable. Marxen asserts that the term redaction Criticism was coined from the word redaktionsgeschichte which denotes how a researcher investigates how an editor or author expresses his/her theological outlook by means of the arrangement and editing of pre-existing traditional material (Duling 2003:97). These traditional materials are those which would have been availed to the author as oral sources or written sources and the redactor plays with them (Perin 2002:143). Perin (2002:145) defines the discipline of redaction as the determination of "the theological motivation of an author as this is revealed in the collection, arrangement, editing and modification of traditional material, and in the composition of material or even the creation of new forms within the traditions of early Christianity". The authors play a pivotal role in the compilation of the gospels in the redaction method. The gospel writers are not just copy and paste machinery but they contributed to the production of gospels. In the context of Luke 18:1-8, it means readers should anticipate a certain amount of biasness and thrust of Luke is the writer (Puskas 2002:87).

Puskas (2002:91) concurs with Perin (2002:145) that redaction is a discipline which is concerned with the selection, omission, addition, correction or judgement of information to produce a final and written document. It re-assures Gospel writers as active contributors to the final product. While

form criticism deals with pre-existing units before they were written, redaction criticism which is also called author criticism deals with writers' creativity in shaping the material so as to advance a theological argument (Perin 2002:145). This is based on the assumption that both Luke and Mathew used Mark so any discrepancy emanating is caused by redaction criticism. Source criticism ascribe to the use of different sources for any variations in the gospels but redaction criticism attribute it to the Gospel writers who may have edited the material to suite their theological motives (Puskas 2002:92). It is indeed the theory that different copyists and commentators of the early biblical writings embellished and altered the biblical texts to make them appear more miraculous, inspirational, and legitimate (Puskas 2002:92). It is concerned with the theological intent of the writers. In short redaction criticism focuses on how the redactor shaped and molded the narrative to express theological and ideological goals (Perin 2002:145). Redaction criticism will help this study to appreciate the role played by Luke as the writer. It will persuade the text of Luke 18:1-8 to be read along with the whole theological thrust of the writer of the gospel of Luke.

Puskas (2002:95) delineate assumptions of redaction criticism. The first assumption is that unlike form criticism, redaction method assumes that the Gospel writers became authors in their own right by placing the stories in context through carrying a detail editing of texts (Puskas 2002:95). There are questions which the reader needs to consistently probe in order to understand Luke 18:1-8 like, what was the audience of Luke? Why did Jesus choose a widow in the narrative instead of just an ordinary woman? What was the purpose of the parable during Jesus time? What is the meaning of the parable in the modern contemporary world? According to Puskas (2002:97), "The Synoptic writers show –all three each in his own special way- their editing and construction, selection, inclusion and omission of materials." This may probably mean that in redaction criticism readers may distinguish the mind of the redactor from the text.

It should be clear that according to redaction criticism authors are not just handlers, compilers or copyists.. In other words, they did not translate but they became exegetes meaning they interpreted the stories in their own ways (Puskas 2002:96). Redaction criticism assumes the results of Source Criticism and Form Criticism before manipulating the material to their advantage in an effort to satisfy his/her audience (Puskas 2002:95).

Puskas (2002:101) enumerates principles and aims of redaction criticism. The first concerns its tradition of choosing to include or exclude materials. There is always a tradition to include or exclude other source material by Gospel writers so as to suit a certain theological formula. The principle of selection provided a clue to the theological interest of the Gospel Writers. It may be a reason that Mathew and Luke would choose to omit or include material from Mark Puskas (2002:101). This will also imply to material peculiar to the gospel writers because these unique materials always contain substantive biasness to individual gospels, a good example is that the parable of Luke 18:1-8 has its distinct thrust on the marginalization theme.

The second principle is the arrangement of the material chosen from the sources which always have a pattern and sequence which it follows (Puskas 2002:105). The redaction criticism also determines how the Gospel writer arranges his materials from different traditions- the patterns which these materials are arranged send signals as to what the Author wants to achieve Puskas (2002:105). The scrutiny goes on to unravel how these patterns affect the overall structures which has bearings to meaning and significance of individual traditions which is known as the Composition Critical Analysis which is a sub-discipline of Redaction Criticism (Puskas 2002:106). It means that everything should not be taken for granted as every word has a special purpose in writing of these gospels. It also conscientize readers to critically analyze everything in their endeavor to interpret the texts.

Significant additions or omissions of material is another principle which should not be ignored (Puskas 2002:106). The Gospel writers make changes to the traditions that they use, adding to them or omitting portions of them (Puskas 2002:107), an example is when Matthew and Luke altered their non- Marcan source to suit their community that is, for Luke, stories of women, outcast, sinners, lepers, while Matthew has validation of Jewish laws, fulfillment of prophecy, and genealogy of Jesus which goes back to Abraham.

Puskas (2002:107) argues that there is the change in wording of the tradition. When it can be established that the Gospel writer has changed the wording of tradition, one may then explore the idea that the change was theologically motivated. The Author changes the wording in order to make a theological point (Puskas 2002:107). In Matthew, Jesus's sermon is said to have taken place on the mountain (Matthew 5:1-10) while Luke places the sermon on a plain ground. These

differences reveal active role played by the gospel writers hence Luke 18:1-8 should be interpreted in light of the same background.

Perin (2002:147) emphasizes the creativeness of the author as one advantage of the method. It gives the author space to make the scripture speak to different context. The author has a platform to interpret the text according to the expectations of the community so that it addresses and respond to their cry. In Luke 18:1-8, readers may understand the resilience and courage which the widow has in order to speak to the Judge during those days. It is still important to discover the presuppositions since the purpose of the author can still be recovered (Perin 2002:148).

Brown (1997:213) reiterates that If the author is re-writing the gospel, he is correcting or reinforcing some issues or position in social setting of the community hence it can show us some of the environment of the communities. It means that the gospel writers fine-tuned their gospels in order to perfectly suit their communities. It emphasizes the fact that Gospels are less concerned with chronological accounts of historic events but theological agendas (Brown 1997:214).

In an attempt to understand the gospel according to Luke, Brown (1997:220-224) summarizes the major themes found in the Gospel of Luke. Firstly, is the announcement of the birth of Jesus to the shepherds who were regarded as outcasts because their work would not allow them to protect their wives and children at night which was a virtue and also were regarded as thieves because their flock grazed on other people's properties (Brown 1997:220). This is contrary to Matthew whose Angels will first visit the wise men (Brown 1997:220). This is a clear indication to show Luke's theological biasness. The second observation is that the birth of Jesus in a manger symbolized Luke's gospel hunger to be identified with the poor and lowly while in Matthew the gospel does not mention where the baby was lying. (Brown 1997:221).

The inauguration sermon of Jesus laid foundation that his ultimate mission was setting free the oppressed and giving good news to the poor (4:16-20 & Isaiah 61:1-2) (Draine 1990:231). This mission statement is accompanied with Jesus' empathy and sympathy to the marginalized communities. This is demonstrated by Jesus of Luke who associate himself with tax collectors, going home with Zacchaeus, the Chief collector (Luke 19:1-10). Luke introduces parables like the lost sheep, lost coin, the lost son as a counter to his hospitality towards gentiles (Brown 1997:223). It is only in Luke where you hear the parable of the Good Samaritan in which the Samaritan

becomes the hero 10:25-37. When Jesus heals the ten Lepers only the Samaritan expresses his gratitude 17:11-19 (Brown 1997:224). One of the recurring motifs in all these narratives is the consistent concern of the marginalized community coupled by unwavering desire to lift them (Brown 1997:223).

Brown (1997:227) notes that in the first –century, Palestinian women were also a marginalized member of societal social codes, but Jesus of Luke breaks the boundaries of these patriarchal structures. This is further demonstrated by the fact that Jesus had women followers and supporters and often used women figures in the illustrations he told 15:8-10; 18:1-8. He publicly associated with women and treated them with fairness and equality e.g. Luke’s version of the birth of Jesus focuses more on Mary while Matthew’s is on Joseph (Brown 1997:228). The Gospel of Luke becomes the only Gospel which contains the story of Jesus’ visit to the home of Mary and Martha while they are given an opportunity to learn and listen him as a Disciple (Luke 10:38-42) (Brown 1997:228). It is from such a vein that the study will interpret the story of the persistent widow in Luke 18:1-8 using lenses from Luke as the Gospel Writer.

While redaction criticism has many contributions to the study of this research particularly in Luke 18:1-8, it has its limitations. The method may apply that the author is too creative thus giving a false account of the authenticity of the Gospel (Brown 1997:230). There is always danger of misrepresentation of facts by the author since the writer has audacity to maneuver. This may create situations where there is a large gap between historical facts and theological motives of individual gospel writers. The other problem is that there is confusion as to know which material should be regarded as the redacted material and which one are genuine sources (Brown 1997:231). The confusion may result in mistrust of some materials found in the gospels particularly those with differences in both content and context. There is a tendency to overemphasize modified material by authors as if they are more important than the original material when some of them are not (Brown 1997:233). Omissions, additions, corrections, modifications and other changes are all not due to the theological motives because some are caused by just lack of enough material. This means the exercise to sieve changes due to theological motives and those caused by inadequacy of material is futile. However, Narrative Criticism will also compliment in the study of this research.

1.6.1.3. Narrative Criticism

Furthermore, I am interested in how the parable was told –the characters and setting of the parable. Powell (1990:41) defines Narrative criticism as an attempt to understand biblical text as part of a connected story with coherent purpose. He further writes that it seeks to understand how the writer arranged the story in order to illicit a certain response from the original audience (Powell 1990:41). Powell (1990:42) explains why certain ideas, words, and events are presented as they are and what their intended meaning is. He avers that Narrative criticism assumes that the writer of the text had a specific meaning in the mind (Powell 1990:41) The method is most easily understood through the use of parables of Jesus that there is always a meaning to the tale. It means in all four gospels, each writer had a different audience and subtly different intent hence they choose own vocabulary, style, and details carefully (Powell 1990:41). According to Guthrie (1990: 73) Narrative criticism focuses on stories in biblical literature and attempts to read the stories with insights drawn from the secular field of modern literary criticism. He emphasized that the goal is to determine the effects stories are expected to have on their audience (Guthrie 1990: 73). This may technically imply that the meaning of the parable of Luke 18:1-8 is interpreted in the spirit of the major theme in the book of Luke.

Guthrie (1990:74) further outlines that the method seeks to determine the expected effects of stories on their implied readers, without taking into account all of the possible effects in the text. It means the text responds to the expectations of the implied readers. Guthrie asserts that a narrative critical study does not raise historical questions but seeks to understand specific meaning of words or characters based on the way they are used or presented in the story under consideration (Guthrie 1990:74). When redactor criticism refers to the implied reader, it means the reader the author had in mind upon composition but in narrative criticism, it refers to the constructed reader based on the specific information in the story itself (Guthrie 1990:76). In short, the implied reader in redaction is the reader the original author had in mind whereas in narrative criticism, the implied reader is the audience of the reader today.

Powell (1990:51) narrates the assumptions of the method. He notes that biblical texts are to be analyzed as internally interactive unities in their finished canonical forms not as composite of various sources. The fact of emphasis is that the method confines itself to the current audience more than it looks at history. Biblical texts are supposed to be read with the aim of grasping and

entering the story world created by the text and not first of all for reconstructing their historical text (Powell 1990:51). It is an emphasis that the method is concerned with the contemporary world more than it reflects on the historical events. In explaining the above assertion Powell writes that by using methods as source criticism, form criticism and redaction criticism gospel scholars were able to learn about the life, and teaching of Jesus and to gain insights into the interests and concerns of the early Christians who produced the texts we now have concerning him. However, narrative criticism expands to include inquiry into the function of these texts as literature- that is as forms of communication that affect those who receive or experience them (Powell 1990:51). This point to the fact that narrative criticism is the story of today while other mentioned methods concern the story of yesterday.

Elwell and Yarbrough (2005:115) argues that the method is very important because it creates a platform where there is no single meaning in a biblical text. They give an example that the gospel of Luke will be read differently by black Christians in South Africa or Zimbabwe from a white protestant in USA (Elwell and Yarbrough 2005:116) It shows that readers are active interpreters as opposed to passive recipient. This proclamation will allow the parable of Luke 18:1-8 to be interpreted in view of the community of Luke in Zimbabwe.

However, Elwell and Yarbrough (2005:116) notes the limitation of the method. According to them the presumption that the text is only a story, implying the individual narrative elements are invented and not factual. This assumption invites some doubts on the historicity of other narratives we find in the Bible. This dilemma has forced some readers to dismiss portions of the Bible claiming that the story is just but a product of the gospel writer (Elwell and Yarbrough 2005:116). This means relying solely on the narrative criticism method is superfluous.

1.6.1.4 Reader Response Criticism

Furthermore, I approach the parable as story that has resonance with both the hearers during Luke's time and readers in Zimbabwe. It is a school of literary theory that focuses on the reader (audience) and their experience of a literary mark, in contrast to other schools and theories that focus attention primarily on the author or the content and form of the work Davies (2013:9). Davies (2013:11) outlines that reader response method reacts to the traditional way of analysing the biblical text as

objective as possible in order to reconstruct the historical events. In the past, the historical methods placed the Bible into its historical context and raised questions concerning its authorship, dates, place of writing and social setting. Davies (2013:13) argues that in that way, the text of the Bible was used as a window through which the biblical scholar could have a glimpse of historical reality but reader response switches the thrust from authorial intent to the reader and her/his role to its production. There is a clear modification of focus from the original author to the reader.

According to Soulen R.N. and Soulen R.K. (2001:155) Reader- response theory recognises the reader as an active agent who imports ‘real existence’ to the work and completeness of its meaning through interpretation. Reader- response criticism argues that literature should be reviewed as a performing art in which each reader creates their own, possibly unique, text – related performance.

The school of reader- response was founded in 1970; it focused on finding meaning in the act of reading and examining the ways individual readers or communities of readers’ experience texts Soulen R.N. and Soulen R.K. (2001:155). The focus is on what texts do in the minds of the reader, for them, a text can only exist as activated by the mind of the reader. Davies (2013:12) would write “it is not that the presence of poetic qualities compels a certain kind of attention but that the paying of a certain kind of attention results in the emergence of poetic qualities” Interpretation is not the art of construing but the art of constructing hence interpreters do not decode poems but they make them.

According to Davies (2013:12) reader response reacted to New criticism method which emphasized that each literary work was to be regarded as autonomous and self-sufficient entity which was to be studied in its terms without reference to its historicity and historical terms and without regards to the intentions of the author. This meant that the meaning of the text was self-contained in that the reader inherited the meaning exclusively in the text. In other words, the text has the full meaning and any nuances from the reader were to be discarded. In reaction to the above declarations Davies (2013:12) claims that in reader response method, once the author had written his text, the umbilical code had been broken and has no control over how it will be interpreted, if anything, the author became just another reader. For the reader response method any attempts to determine the authors aims and purpose in writing was merely a distraction for the text was considered to be a free-standing and self- sustaining entity which was regarded as the repository of its own meaning (Davies 2013:12). This necessitated New criticism’s text centred approach to

be gradually viewed as grossly inadequate for there was an increase awareness that literary compositions could not be hermeneutically sealed from history and isolated from the cultural context in which they were written (Davies 2013:13). These proclamations elevated the role of a reader who initially was a passive recipient.

The reader response method defines the new role of a reader who could not simply be marginalised or ignored, for readers were active participates in determining of literary meaning and creative contribution to the interpretative process (Davies 2013:14). This new role meant that texts only became active and meaningful when people became involved with them and responded to them. The reader-response method sought to challenge the privileged status of the text and emphasize instead the role of the reader together with the profound significance reading experience. In that way, Davies 2013:15 writes, “reader response argued that the interplay between text and reader was of considerable significance of the interpretation of a literary work” A close scrutiny shows that a reader is no longer someone who regurgitates scripts from the book but who has capacity to interpret the contents and context of the text.

Davies (2013:15) quotes Wolfgang Iser who writes that the reader must take into account not only the text itself but also the actions involved in responding to that text, “such actions were determined, in large measure, by the literary text itself, for the text was usually full of gaps and indeterminacies, and it was precisely these gaps that activated readers faculties and stimulated their creative participation.” It is a fact that most texts leave a lot of gaps which require the reader to fill in. In the parable of the persistent widow in Luke 18:1-8 there are many questions pertaining the life of the widow which can only be attempted by the reader. Wolfgang writes

Reading is a process of anticipation and retrospection which involves the deciphering of words and sentences, relating of parts to the whole, the modifying of perspectives, the revising of assumptions, the adjustment of perceptions, the asking of questions and the supplying of answers, hence instead of looking behind the text for the meaning, the meaning was to be found in front of the text, in the active participation of the reader. (Davies 2013:17)

Stanley Fish concurs with Wolfgang that the object of critical attention is experienced by the reader rather than any objective structures, or patterns in the text itself (Davies 2013:19). The reader from playing a passive, submissive role, readers were agents in making of meaning and were encouraged to reflect upon the with the interpretation of the work. It is at this level that critics were happy to

promote the idea that texts were capable of producing an infinity variety of diverse readings and different meaning from the same text were welcomed (Davies 2013:19). It is at this moment that the reader maybe declared an equal partner with the author in as far as the production of the meaning is concerned.

Reader – response stresses the importance of the readers’ role in interpreting texts. Rejecting the idea that there is a single, fixed meaning inherent in every literary work, this theory holds that the individual creates his or her own meaning through a transaction which the text based on personal associations (Knight 1999:179). Because all readers bring their own emotions, concerns, life experience, and knowledge to their reading therefore each interpretation is subjective and unique. The method has been widely supported by the fact that in modern world learning is done by a student more than the teachers input. Students extract meaning from texts through experiencing; hypothesizing, exploring and synthesizing. Reader – response encourages students to be aware of what they bring to the texts as readers: it helps them to recognise the specificity for their own cultural backgrounds and to work to understand the cultural background of others (Knight 1999:179).

Keegan (1983:73) argues that readers – response theorists share two beliefs; that the role of the reader cannot be omitted from our – understanding of literature and that readers do not passively consume the meaning preserved to them by an objective literary text. The reader response theorists recognise that texts do not interpret themselves. This is evidenced by the variation of meanings from one reader to another.

The definition of reader-response is presented by R.N. Soulen and R.K. Soulen (2001:157) “refers to a literary approach that is centrally concerned with the reader and the process of reading rather than with the author or the text as a self-contained unity.” The writers hold that they are two key premises to this approach; firstly that the meaning of the text does not reside within the text itself but is actualised or created by the interaction between the reader and the text, while secondly, the fact that the meaning of the reader differ from the reader to reader, Coggins and Houlden (1990:578) write that literary critics have turned their attention away from the author to the reader who comprehends the text, deciphers words and sentences, relates parts to the whole, selects and organizes, anticipates and modifies expectations, and creates meaning. It means that to understand literature, the reader must begin to fill in the gaps, to infer what is not given, at least provisionally.

The reader in the process is drawn into the adventure by not what the text gives but also by how it withholds meaning, the reader plays a pivotal role in coming out with the comprehensive meaning of the text. Keegan (1983:73) argues that it is a synchronic method meaning that it is described as it exists at a particular time. R. Fowler quoted by Silva (1996:3) concurs that the spectrum of reader-response criticism is so broad that it cannot be categorized under one heading, however Knight (1999:179) alludes that the approach views literature in terms of its readers and their values, attitudes, and responses. Green (1995:304) in support of the above working definition writes “reader-response criticism relates meaning to the ways in which texts are received by readers, meaning texts are not simple reproduced but are produced” The approach poses the reader as not a passive respondent but an active contributor in the formation of meaning of any given text. According to R.N. Soulen and K.R. Soulen (2001:160) there are two key premises that firstly, the meaning of a literary text does not reside within the text as a self-contained unity, but is actualised or created by the interaction between the reader and the text while secondly, the meaning of the text can differ from one reader to another. This therefore means that the role played by the reader should be acknowledged in coming up with the meaning of the text. In an attempt to shade more light on the relationship of the author and the reader in as far as the meaning of the text is concerned; Keegan (1983:120) came up with a theory called the BI-polar theory, which holds that every literary work has both an artistic pole and aesthetic pole therefore the artistic pole (piece of writing) is the accomplishment of the author while the aesthetic pole (perceived meaning of the writing) is the work of the reader. Keegan’s theory holds that it is only when the two poles converge that the literary work come into being, in other words, the meaning of the text is realised.

Green (1985:305) traces the roots of reader-response criticism back to the philosophies of Immanuel Kant and R. Descartes who both argued that the mind comprehend an object meaning the knower contributes something to the object of knowledge, that the mind does not just mirror but construct its objects, processing sensations outside the mind with the mind’s own concepts. “As Copernicus suggested that the sun does not revolve around the earth but the earth around the sun, so is Kant who suggested that the mind does not correspond to the world but the world to the mind” (Green 1985:307).

Coggins and Houlden (1996:579) citing the works of Wolfgang Iser maintained that only the text is stable since the intention of the author are unavailable but the response of the reader is varied in

that the essential factor in the meaning of the text is not the spatial form of the text on the page because the reader has a leeway on the interpretation of the final meaning. Green (1995:306) enumerates four tenets of the reader-response approach, beginning with what he terms the place of the reader. He quotes post-modern scholars who talk about the death of the author and the birth of the reader. According to Green, a reader is neither a detached Cartesian mind nor a tabula rasa. The notion was supported by Bultmann (1985:79) who affirms the importance of the place of a reader arguing that exegesis without presuppositions is not possible. He goes on to suggest that the process of understanding the meaning of the text is on the encounter between the text and the reader, an encounter that he describes as the fusion of two horizons which are the text and the reader. Green (1985:310) sums it up when he echoes that the important context of the interpretation is not the original context of the text but the present context of the reader. It means that what was supplied by the author in the text was filled-up by what was supplied and revised by the reader.

The other important tenet is exhumed by Coggins and Houlden (1996:581), the filling of gaps. The author unintentionally leaves out gaps which the reader is then forced to fill them up in order to make sense out of the text, “the reader must then revise, reformulate or discard the assumptions given by the author” This in most cases is so because literature in the Bible does not simply tell us about the spirit of the past age or its social condition but it should speak to us in our modern context.

The third tenet is known as establishing the meaning by the reader, which has been criticised by Pregeant (2009:215) who argues that reader-response leads to pure subjectivism in which readers who are interpreters make the writing say whatever they like to say. The assertion was vehemently dismissed by Green (1985:312) who argues that the reader has limited options in creating meaning because of the role of historical criticism which demarcates the space of the reader. Green concludes in this tenet by affirming that “if the place of the reader determines what he or she gets out of a text, then meaning is indeterminate” Finally, Green (1985:315) mentions the fourth tenet as irony, which makes the reader to make judgements and decisions about the relative value stated or intended meaning drawing the reader into its vision of truth, so that when the reader finally understands, he or she becomes a member of the community that shares that vision.

To comprehend the reader-response method there is need to take it into its own perspective; Coggins and Houlden (1996:578) give an example of Acts 5:1-6 on the story of Sapphira and

Ananias who sold their property but failed to declare fully their proceeds. The narrative illustrates the manner in which this happened by the example of Barnabas who as well sold a field and brought the money and laid it at the apostles' feet while a man named Ananias kept back part of the proceeds of the land resulting in his untimely death. It should be observed that Ananias and Sapphira had not appeared anyway in the story before, therefore the reader doesn't even know whether they had connived and conspired to act dishonestly. Since their character is ambiguous to the reader it is difficult to place them on the same par with Barnabas. Questions like how did Peter discover motives which are private and confidential to the couple? How did Peter know that they lied to the Holy Spirit and even the involvement of Satan? Ananias had presented the money as if it was the whole amount so how did Peter know that he had kept part for himself? According to Coggins and Houlden (1996:581) the reader would not only fill in the missing gaps but work toward establishing the meaning.

The conclusion of the story of Sapphira and Ananias leaves open to a number of possibilities. Who are the all who heard it? What were they afraid of, God's wrath or the sudden death? Who are the young men referred to and why was it their responsibility to remove and bury the corpses? How would they bury without any consultation with relatives? Were these people (Ananias and Sapphira) supposed to be buried anywhere? All these questions and others remain a challenge to any reader but they can only be addressed by reader-response method.

In the prescribed text of Luke 18:1-8 there are a lot of gaps which need to be filled by the Reader. The dichotomy begins from the fact that this is a parable not a historical narrative; hence the reader may begin by establishing as to whether such stories were real in Palestine during that time. The parable does not inform the reader the actual nature of verdict which the widow sought from the Judge. The Author is reluctant to disclose reasons why the Judge would not vindicate the widow apart from the fact that he neither feared God nor man. The text only mentions that the Judge gave in to vindicate the widow but again the outcome is concealed to the reader.

According to Green (1985:315) reader-response theory has many advantages to the texts which can be capitalised in this study. The first merit is that reader-response criticism allows readers to interpret the text in various ways. This method will create a conducive platform by allowing the text of Luke 18:1-8 to be interpreted to the contemporary situation. This may mean the text which may have meant something during Jesus' time may have a new meaning today. Reader-response

method allows readers to bring personality traits, memories of the past and present experiences to the text. This will present latitude to the study of Luke 18:1-8 so that it can be studied in other new perspectives like deviancy models.

Green (1985:316) also stipulates that reader-response method forces the readers to look past the words of the text as it searches for the deeper meaning. It means the text does not have the meaning in isolation but the meaning should speak to the communities. This may explain the variance found in the meaning of the text that is what the text mean to a certain community is different from what it means to the other. It also creates space for readers to see different perspectives of others while reading. The text of Luke 18:1-8 may have been read and interpreted by ancient readers to mean something but in this study, it will mean a different perspective. Studying the mentioned text in a sociological sense is different from interpreting it in other theoretical perspectives.

The other important advantage of this method is the fact that it focuses on the importance of the reader and their individual response to the text. It is from this assertion that reader-response method gives a green light to researchers to conjure different meanings from the text. This will see the study being interpreted in reader-response theory to investigate the role played by the widow in the text.

It is clear that the text which is central to this study contain a lot of grey and misty areas which would require the reader to fill in the gaps. It is from this vein that the reader-response method would be applied to decode and unlock some of these questions which the parable has. The text itself has shown that it has a lot of gaps which need to be filled and it can only be addressed through the application of the reader-response method. This task would be carried in Chapter 6 using the actions of the widow which have been dubbed as deviation from the expectations of the society.

While the reader response method suffices to study and interpret the parable in gospel of Luke 18:1-8, it has its own limitations. Davies (2013:21-28) summaries some of the challenges the method contains. The first concern is that the strategy might result in a seemingly uncontrollable proliferation at the subjectivity and idiosyncratic readings that readers might abuse their new found authority and arbitrarily imposing their own meaning on the text while at the same time riding over aims and intentions of the original author. The idea is that the author's intention might have been objectified in the text and it was the task of the reader to recover it. Davies writes,

few critics fail to show moral indignation when their meaning is distorted in the reviews and other interpretations. But their sensitivity is often one way, and this they show inconsistency amounting to double standards- one for their author and another for themselves. This always result in having two different meaning in a single text (Davies 2013:28)

The reader response critics had managed to challenge the privileged status of the text, displaced it from its position, centre staged and subordinate the reader in its place (Davies 2013:19). This is dangerous because it tempers with the meaning of the original author. In other words, Davies (2013:20) writes that the tyranny of the text was replaced by the freedom of the reader who now become the sole arbitrator of the text's meaning.

It is from the limitations of reader response method that although the method will complement the deviance theory, it does not serve to comprehensively interpret Luke 18:1-8. Reader response method fails to address the crucial question of the actions and behaviour of the widow before the judge hence need to explore the social scientific criticism. In an attempt to grasp fully the gravity of deviation of the widow, the study will first present the social setting during that time through an analysis in social scientific method where honour/shame model is found.

It is a fact that the story in Luke 18:1-8 should be understood in its rightful sociological setting in order to interpret and apply it to a modern context. In an effort to achieve this, the study will explore in details the honour/shame culture in order to make the reader appreciate and evaluate the behaviour and actions of the main character (the widow) against what the society expected of her. Presentation of the honour/shame culture will shed more light on the deviation of the widow from the community's expectations in a patriarchal society. There is need therefore to explore an investigation on the expectations and anticipations of the behavior and actions of both the widow and the Judge in the first-century Mediterranean context.

1.6.1.5. Social Scientific Criticism

I am interested in the social world painted by the parable –issues of class, gender and location. To explore this, I use Social scientific criticism which is the exegetical process that brings scrutiny to bear on the religious, geographical, historical, economic, social code and cultural values operative within the world of early Christianity (Elliot 1993:9). It is a method in the biblical arena which deals with interpretation of text through social cultural dimensions. According to Elliot (1993:9) it does so by utilization of the perspectives, theories and models generated by social science. Esler

(1989:41) concurs with Elliot that it is that face of the exegetical task which analyzes the social and cultural dimensions of the text and of its environment. The fact which should be observed is the method's hunger for social culture, economy and politics of the community. Esler (1989:42) further states that social-scientific criticism attempts to explore the original social and cultural setting of the text through clues in the cultural content and rhetoric and through the analysis of other ancient evidence. It seems the critic assumes the world in which these texts were written is very different from our contemporary world. It is from that vein that that a modern interpreter cannot simply make claims without first understanding the social conventions and assumptions of the author's world. It is clear that the method emphasizes the art of deducing meaning from the social context of the author.

Elliot (1993:10) outlines the assumptions of the social scientific method. The first one is that it approaches the text of the New Testament from the view point that meaning in language is embedded in social system that is shared and understood by speakers, hearers, and readers in the communication system. This may mean that its role is to examine the social features of the form and content of the text along with factors that gave shape to them. A good example may be that if the words used by Jesus are influenced by the language of the day then there is need to consider the issue of language when coming up with a meaning. The second assumption is that social scientific criticism is a subdiscipline of exegesis, not a new independent methodological paradigm (Elliot 1993:12). Elliot supplementary states that the method complements the other subdisciplines of the historical critical methods, literary criticism, rhetorical criticism, textual criticism and many others by bringing in geographical, history, economic, social, political and cultural contexts Elliot (1993:12). This insinuates that apart from other areas which are covered by other historical methods, the social scientific criticism addresses questions of sociology and cultural anthropology.

The other important assumption is that the world in which these texts were written is very different from our contemporary world (Elliot 1993:13 Elliot. While other historical methods concentrate on the world of the author, social scientific criticism focuses on the world the author lived and communicated, because meaning is understood as a socially constructed phenomenon (Elliot 1993:13). It shows that the social scientific criticism complements other historical methods by filling the missing gap particularly in social, economic and political issues. It also helps the reader

to appreciate that the method does not compete with historical methods but is a complementary to the missing links in as far as biblical interpretation is concerned.

Rohrbaugh (1996:65) proffers that social scientific criticism presuppose that all knowledge is socially conditioned and perspective in nature, exegesis without social presuppositions is as impossible as exegesis without theological presuppositions. In addition, Rohrbaugh (1996:72) notes that SSC critics also find it necessary and useful to distinguish emic points of view from etic points of view. These critics mean that biblical interpretation must involve the clarification both of the social Location of interpreters themselves and of the texts and authors under examination. In short, the social factors are as equal important as the content of the text itself. It is from that background that SSC seeks to make manifest social arrangements and cultural values and norms that were latent in ancient texts but not expressly stated in order to make the thought of the text or processes of every life more comprehensively (Rohrbaugh 1996:78). The spring board of the method is therefore hinged on the environment of the text.

Neufeld & Demaris (2010:76) echoes one of the importance of SSC in the studies of New Testament that the method does not only study social aspects of the text, but the conditioning factors and intended consequences of the communication process. This means the method looks at both social and cultural dimensions in which the text was produced so that a better understanding may be reached concerning the original audience, the writer and the purpose. The method looks at all facets which cover the text. Neufeld and Demaris (2010:80) write that New Testament documents speaks to us from a particular social world and need to be investigated using disciplines developed specifically to comprehend the social dimensions of the human experience. In interpreting a text using this method one needs to take into consideration issues of language, clothes, food, songs, climate, rivers, and other related cultural symbols. It is important to understand that this method includes an assortment of different fields of study that are comprised of historians, archaeologists, anthropologists and sociologists Rohrbaugh (1996:80). The method covers a large spectrum of different disciplines.

Social scientific criticism is a biblical interpretative method which analyses the social and cultural dimensions of the text and of its environment context as already established (Rohrbaugh 1996:80). It does this through the utilizing of the perspectives, theory, research and models of the social sciences. One of the models employed by SSC is honour and shame model which concentrate on

how individuals behave and act in different cultures. It is from this model of SSC that the widow in Luke 18:1-8 will be investigated. The model of honour/shame culture will attempt to respond to questions like; How was the widow in the text expected to behave after the death of her husband? How was she expected to settle her challenges since the husband had died? How was she expected to conduct herself particularly before the judge? Culturally, did the widow break any cultural norms during Jesus' time? These and other questions will be looked at using the honour/ shame model.

1.7. Honour/ shame culture and women in the Mediterranean world.

Honor/shame culture is defined by the social-scientific criticism. According to Elliott (1993:6) social-scientific criticism was defined as the exegetical task which analyses the social and cultural dimensions of the text. He further stated that it is the stage in the exegetical process that brings scrutiny to bear on the religious, geographical, historical, economic, social codes, and cultural values operative within the world of early Christianity. It is from these theories that honour/shame culture emanate from (Elliot 1993:6).

In the Mediterranean world there were three control patterns of human personality which are honour, shame and guilt (Malina:1981:12). These three strategies were meant to control human behaviour, in other words, they defined human activities. Honour/shame played a dominant role in public life in influencing the statuses of people. Honour/shame model was propounded by Bruce Malina who researched it in depth.

Malina (1981:14) expounds that in Mediterranean societies interaction between people is always characterized by competition with others. "Everyone must be constantly alert to defend individual or family honour" (Malina 1981:19). This means that traditionally, societies had clear rules for the kind of these exchanges. It should be clear that a challenge always implies recognition of the honour of other persons hence to challenge an inferior or somebody without honour brings shame or humiliation (Malina 2001:21)) The winner of the competition or challenge may have defended his honor while the loser may have invited shame and his standing in the community is heavily challenged (Malina 2001:22). People in a community spent the rest of their lives working to preserve honor while avoiding any shameful acts.

According to Malina (2001:25) men competed among themselves to defend their masculinity. The other way a man could maintain his honor was through his ability to protect women. A man was not expected to take up any revenge to women if he was challenged because they were considered inferior species who are supposed to be protected by him.

The “honor and shame” model fits in with the sociological approach to the text (Elliot 1986:74). Elliot is well known for having popularized this sociological method of honor and or shame as one of the “methods” in biblical studies. Green (1995:68) argues that the approach asks how the text functions as reflection of real life behind the text. Equally, Malina (1981:25), states that the social world of the New Testament times was different from the contemporary one, and that it can only be through models. Malina (1981:77) defines Honor and or Shame as external controls of human behavior that depend upon the opinions of others. He goes on to explain that in cultures where honor and or shame are the dominant controls, secrecy, deception and lying are strategies for defending one’s reputation by seeking to influence the opinions of others. This model should prepare a seed bed for deviancy theory which will be employed to study the story of persistent widow in Luke 18:1-8.

Scholars like Elliot (1993:8), De Silver (2000:47), Rohrbaugh (1996:19), Melina (1981:54), Johnson (1979:82) and Neyrey (1991:183) help to explore the honour/ shame model in the context of the Mediterranean culture. The theory is also evidenced in the New Testament, in some cases with the involvement of Jesus. In Luke 13:10-17 honor/shame is evinced when Jesus was teaching in one of the synagogues on a Sabbath day. A woman with a spirit that had crippled her for years came to Jesus and Jesus laid hands on her and she was immediately healed but the leader of the synagogue indignantly accused Jesus of healing the woman on a Sabbath day.

Indignant because Jesus had healed on the Sabbath, the synagogue leader said to the people, “There are six days for work. So, come and be healed on those days, not on the Sabbath.” Luke 13:10-17

Jesus was able to take up the challenge and charged them that they were hypocrites because they did untie their animals and give led them away to give them water. He further asked them if they did not have passionate for the daughter of Abraham who was bound for 18 years and now has been set free. The statement alone did effectively put the leaders to shame since the scriptures said all the entire community was rejoicing. This is a good example of honor/shame model where the

challenge of the leader of the synagogue is met by Jesus who boldly takes up the challenge and gives the riposte that unmasks the synagogue leader's objection as hypocrisy (Malina 1981:83).

The honor/shame culture is said to cut across all cultures particularly African cultures where it is blended with patriarchal chains. The application of this model presents an insight as to how the story of the 'deviant' widow in Luke 18:1-8 may motivate the widows of Zimbabwe to fight for their properties. The model helps to break other oppressive cultural barriers and social fixation in many African cultures.

Rohrbaugh (1996:19) in his book titled *the Social Sciences and New Testament interpretation* defines shame and honor as the value of person as perceived by the society. "Honor is a claim to worth and the social acknowledgement of that worth" Malina & Neyrey (1988:28) it means, when a person perceives that his or her actions are honorable the society should concede, he or she expects others in the group to acknowledge this fact, and such a result is a grant of honor. Briefly, to honor a person is acknowledging publicly that his or her actions conform to social acts. Malina says, "Honor as a pivotal value in a society implies a chosen way of conduct undertaken with a view to and because of entitlement to social treatment in return" Malina (1985:28). Neyrey (1991:25) define honor as the "positive value of a person in his or her own eyes plus the positive appreciation of that person in the eyes of his or her social group".

In interpreting the story, Malina (1985:44) argues that a woman was expected not to be shameful through the ability to religiously follow the rules and norms of a society. For Malina, "the shameless woman is the one with a dishonorable reputation beyond all society's doubt, one who is outside the boundaries of acceptable moral life, hence one who must be denied the normal social courtesies". Malina (1985:39) illustrates the operation of honor/shame model;

honor and shame model operates in the following manner, when one lay claim to a certain status embodied by your power and in your sexual role, you are claiming honor, a good example is when a father in a family commands his children to do something and they (children) obey (power) he (father) becomes honorable while when the children disobey, they have dishonored him.

The above quotation concretizes Malina's assertion that to honor a person is to acknowledge publicly that his/her action conform to those accepted by a society; therefore, if a person is honored, he or she should

be treated as such. During the 1st century, people were concerned about honor and achieving it was treated as the highest level of accomplishment. The person in any given society depends on his honor which was always reflected on his/ her status ladder of the community.

In his book titled, *The New Testament world: Insights from cultural Anthropology* Malina (1985:37) explains that “honor was at various stages challenged and the bearer needed to take up the challenge to prove his honorable status”. It was challenged at two levels; the first level was that the intentional challenge posed by the challenger directed to the honorable office bearer, and in the context of this study, the widow challenging the Judge. The second level was that of the public witnessing the challenge that represented the society and their response was critical because they immensely contributed in rewarding a person the honorable status. It therefore means that the one challenged should also judge how the community will react because the results of whether one has passed or failed the challenge falls within the hands of the community. Malina (1985:38) makes it clear that the boundary lines marking off a person’s honor include both the individual and corporate honor which involve family, community and national honor like Judges, Kings, Priests and others. From this understanding, Malina avers that the Bible often refers to socially defenseless persons, orphans, widows and aliens as people incapable of defending their own honor and hence, Kings and Judges were expected to defend them. The ability of Kings and Judges to defend them added honor in their own score sheets.

There are two types of honor which were recognized in the Mediterranean world:

- the ascribed and
- the acquired honor.

Ascribed honor is inherited from the family at birth as the person takes on the general honor status affirmed by the family (Malina 1996:43). Being born to an honorable family makes one honorable. In this light, biblical genealogies such as those found in Matthew and Luke serves to show one’s line of honor. A genealogy points to one’s ascribed honor. Honor can as well be ascribed to a person by notable power invested in that individual by certain authority. It can be ascribed by God, King, aristocrats, in short by a person who can claim honor for others and can force acknowledgement of that honor because they have the authority to do so (Malina 1996:53)

The opposite is the acquired honor; gained or lost in the perpetual struggle for public recognition (Malina 1996:30). It is acquired by excelling over others in the social interaction that is known as challenge and response. This type of honor is acquired through challenge and response where a sort of constant social tug of war game is carried. The form of the challenge may be through communication or other related forms. Malina (1996:33) argues that a challenge is a claim to enter the social space of another. The reason to enter into one sphere of life may be positive in that one needs to gain cooperative or negative in that a person intends to dislodge another in his social space (Malina 1996:35)

Malina (1996:37) goes on to explain that a person's claim to honor requires a grant of reputation by others before it becomes honor. If a person's claim to honor results in no social grant of reputation, then the person's action is labeled ridiculous or contemptuous and is treated accordingly. Can this type of honor be applicable to the Judge in the story who realized that his actions to shun out the widow eventually would attract disgruntlement from the community? This model will be put to the test in Chapter six.

Elliot (1993:8) explains that in first century, Mediterranean societies' interaction between people was always characterized by competition with others for recognition. Everyone must be constantly alert to defend individual or family honor. Such social interaction often takes the form of challenges and riposte most often verbally, but also with symbolic gestures and even with force. It should be observed that a proper challenge can take place only among people who are equal or almost equal in honor.

Elliot (1993:94) in *What is social scientific criticism of the New Testament?* says, "this is the socially approved and expected attitude and behavior in the areas where power, sexual status, and religion intersect". He goes on to affirm that it is the public claim to worth status, along with the social acknowledgement of such worth status and reputation. For this reason, a woman not under the tutelage of a man, or a woman who is childless, or who is widowed or divorced without family, is viewed as being "stripped of honor" (Malina 2001:48). Once a woman is married, she acquires honor due to the marriage but, when the husband dies, the honor is naturally withdrawn; hence sometimes widowhood was considered a curse. The widows after the death of their husbands will put on certain regalia to show forth that they will not be allowed to participate in other public platforms, (this is a traditional way of mourning the death of a husband). It is usually a mark to

communicate to others that your traditional status has changed. It shows that you are no longer of honor because the death of your husband becomes a testimony that honor has been withdrawn. By agreeing to put on the regalia, you are confirming that you adhere to the principles and norms of the community as a woman embracing ‘shame’. (Malina 2001:51).

A contest always implies recognition of the honor of other person; hence to challenge an inferior or somebody without honor brings shame and humiliation to the challenge. It therefore, means if the challenge is issued, it is accepted only if one considers the challenger worth of respect because accepting the challenge of an inferior is shameful. The above sentiment should be understood in relation to the challenge posed by the widow to the Judge in the prescribed text. The men worked to conserve their status and not primarily to protect their possessions. It means the status of one was not measured by his belongings but by his value thus honor and shame. Malina (1996:58) also that observes;

Publicity and witness are crucial for the acquisition and bestowal of honor. Representatives of public opinion must be present. Since honor is about the tribunal or court of public opinion and the reputation that court bestows. Literally, public praise can give life and ridicule can kill. Malina (2001:28)

The study analyses and interprets ‘honor’ while at the same time looking at how it operates. In the story, honor is mainly ascribed to male characters; it is in this spirit that the actions of the Judge in the story will be investigated and measured along the community’s expectations for what they perceived as an honorable Judge. The study now turns its focus to the other important term which is ‘shame’.

Malina (1985:31) further defines shame as a positive symbol which was received when one expresses sensitive to one’s reputation and sensitivity to the opinions of others. Johnson (1987:85) defines shame as claim to worth that is publicly denied and repudiated. In other words, this refers to behavior that is not approved by one’s society’s culture. For him, shame indicates fear of being regarded as outcast -rejection, lack of belonging, abandonment, expulsion or loss of social position. Conversely, a shameless person is the one who does not recognize the rules of human interaction and social boundaries. As already noted, in the Mediterranean region, honor was regarded as a male virtue, while shame was an identity associated with women. In order to comprehend the full picture of the operations of shame in females, there is need to trace how the masculinity control

mechanism affected the females from a girl child age to the time when she is married and worse, when she becomes a widow similar to the one in the given text.

An interrogation exercise to the above expected behavior of a female in the Mediterranean World against the actions of the widow in the text will shed more light on the ‘shame’ model. It has been learnt that the reverse actions of the widow in Luke 18:1-8 were expected, judging from how an ideal woman is supposed to conduct herself (Johnson (1987:87).

Concerning women and girls, Rawson (1986:23) notes that honor was mostly associated with virtuous conduct within and outside the domestic space. For example, the girl child will be under the father without any rights where upon after twelve to twelve and half years, the father would marry her off (Rawson 1986:24) When she was under the custody of her father, she had no rights of possessions; the proceeds of her work and any she might have, belonged to her father while when she is married the same rights are transferred to her husband (Rawson 1986:24) The father reserved the right to marriage of a girl child in that he would decide the husband and, in some cases, married his daughters to men whom he regards as rich or virtuous, while in some worse situations sell their daughters into slavery (Jeremiahs, 1986:360). Jeremiahs further asserts that even the marriage money belonged to her father. The betrothal ceremony signified a transfer of power and authority from the girl’s father to the husband. Berger and Luckmann (1970:72) in their book titled *The social construction of reality* supported Jeremias “Betrothal, which was preceded by courtship and the drawing up of the marriage contract, signified the acquisition (*qinyan*) of the woman by the man, and thus the valid settlement of the marriage”. Consequently, this process was done to the woman when found in adultery where she was punished with capital death through stoning. Berger and Luckmann (1970:19) write that it was the duty of the husband to support and bury his wife. It became key obligations to feed and bury your wife such that even the poor men were expected to at least, provide a decent burial for his wife. A man may fail other responsibilities but was expected to make sure that if his wife dies, a decent burial is provided for her.

On public life, Jeremias (1967:358) argues that Jewish women took little part in their public life. He observes that when the Jewess of Jerusalem left her house, her face was hidden by an arrangement of two veils so that her feature would not be recognized. Rhodes (1976:67) argues that any woman, who went out to a public place without this headdress, committed an offence and

her husband had the right to divorce her. A woman who conversed with strangers, especially men would be likely to be divorced without the payment prescribed in the marriage settlement. Preferably, a woman would not to go out at all; instead he would confirm her movement within the household. In the presence of male visitors, she confines herself in her room and does not see the visitors at all (Jeremias, 1967:365).

In addition, Stiebert (2002:73) defines in details the shame which chiefly is associated with women. She described shame as a reversal of honor. For her, there were always norms, rules and values which were expected from women in the Mediterranean World. She enumerates a list of women's expectations which households were known of doing. For example, women were said to be thoughtless, gluttonous, lazy, selfish, and quarrelsome and disrespectful to the community (Stiebert 2002:76). It was through the fear of these attributes which forced men to always make sure that women were confined to their homes. Again, it would be noted that these expectations made it impossible for women let alone a widow to challenge a male counterpart. In reference to Luke' deviant widow, it would be inconceivable for a widow to persistently ask from the Judge for a verdict settlement against her. Moreover, according to Campbell quoted by Stiebert (2002:80), women were not allowed to be seen behaving in any way; that, which may implicate her to be considered shameful. Campbell cites examples of things that a woman was forbidden to do: kissing her husband in public, walk or talk to a man in public on her own or argue in public and laughing in public (Stiebert, 2002:75). The main question which continues to haunt the study is; If the women were forbidden from such actions and behavior, how did the widow in the story exhibited such a comportment?

More so, in contrary to the above anticipated actions of the women in Palestinian world; why did the widow in the text found herself at the domestic space of the Judge? Wasn't she inviting a shameless label through her behavior? Finally, why did the Judge ended giving in to the demands of this widow?

1.7.1. Honor-Shame and Everyday Public Life

According to Bechtel (1991:47), shame as already ascertained, was one of the main values in the 1st Century Mediterranean World that sanctioned social behavior. For her, there is an emotional response of feeling shame or being ashamed and the social sanction of sharing or putting to shame. Bechtel argues that the emotional response of shame relates to the anxiety aroused by the

inadequacy or failure to live up to internalized, societal and parental goal and ideas Bechtel (1991:49). These goals and ideas dictate expectations of what a person should be able to do, know or feel against the societal expectations. The fear for being shamed is a result of that loss of social position. Bechtel has three categories of the functions of shame;

- That shame functions as social control to repress aggressive and undesirable behavior. It operates as a balance and check system to the individual behavior. In this case the Adjudicators are the individual's norms and values together with the communities;
- It also functions as a pressure to preserve social cohesion of both individuals and the communities. The virtues are judged and controlled by one's response together with that of the community;
- It can be used positively as a tool to dominant others. This is where honor and shame virtues bestowed on an individual are used to show power to others. (Bechtel 1991:50)

Bechtel gives different examples of how people were put to shame. The first example was spitting in a person's face which was a symbol of denigrating and rendering one as unclean and unaccepted in a society. Nakedness was also regarded as a symbol of defenselessness of their nation and demonstrates failure to attain victory thus it became a symbol of dishonor or shamelessness. Other common techniques used to denigrate captives were to make them laughing stocks, or slandering, taunting, or mocking them (Bechtel 1991:72).

Similar comparative assertions were later muted by an African scholar (Oduyoye 2001:88)

Most African societies are patriarchal; consequently, societal norms and sex-role functions are prescribed by the dominant male sex. Since social cohesiveness is maintained by strict adherence to social roles, appropriate role performance usually earns approval while in appropriate performance brings disapproval. The adjudication exercise is solely confined to men.

Two things have been clearly established; that honor/shame cuts across all cultures, and as confirmed by Mercy Amba Oduyoye, it is also found in Africa and subsequently in Zimbabwe. The other important revelation which has come out is that in an honor/shame society, the actions of men are supposed to uphold and exhibit honor in whatever they do while those of women should

preserve themselves against shameful acts. In such a culture where behaviors and actions of women are predetermined, the widow's exceptional behavior can be interpreted through one way; deviance. It can only be the deviation behavior of the widow which necessitates a research in deviance theory as an attempt to account for the unaccepted behavior of the widow particularly against the norms mentioned above.

While honor and shame has provided insights regarding the culture and society where the story is located, it does not justify the ridiculous behavior of the widow in the text against such a given sitz im leben. Honor/shame archetypal provided this study with a comprehensive environment the story of the persistent widow is emanating from. It has been ascertained that in such a social setting the widow would not have behaved in the way she conducted herself, therefore many questions linger around the challenge marshalled by the widow to the Judge. What is it that caused the deviation of the widow from the societal norms? The sole answer is found in deviancy theory- deviant theory helps explore the widow perceived character outside the expected social norms. Deviancy theory raises questions regarding the manner in which the woman acted from the social periphery to destabilize the centre (patriarchal social norms). Further, it helps to reveal how the woman's shameless acts encroaches the space of the Judge thereby disarming him. It is in this context that the deviant character of the widow would play a critical role particularly in interpreting the widow's motives against such an honor/shame environment.

While honor/shame model qualifies as the frame work in which the research will be studied, the deviance theory provides tools to explore how the widow deviate from expected cultural barriers, thus her provocation to the Judge may be listened, ironically, as positive. The social culture of the environment of the text of Luke 18:1-8 will therefore be provided by honor/shame model while the contrary actions of the widow in the text will come from the deviancy theory. It is in fact the behavior of the widow (deviance) against such a culture in an honor/shame society which should be applied in chapter 6. However, the deviancy theory will be applied in the story using an imaginative reading which is reader response theory. I will develop deviant theory in chapter 3.

Chapter Two

Dispossession and inheritance traditions in Zimbabwe

2.1 Introduction

This chapter brings to light the challenges that widows face such as dispossession of their properties and land after the death of their husbands. The documentary of a Zimbabwean movie home brewed movie ‘Neria’ which also became a music piece compiled and sung by the late Oliver Mutukudzi will be employed to radiate a general situation faced by Zimbabwean women after the death of their husbands. In order to achieve this, published stories of examples of widows who were dispossessed of their properties after the death of their husbands like Priscilla Misihairambwi-Mushonga (Mukonoweshuro 2013), (Chimoyo 2011) and (Mhuri 2012) will be accessible. The story of the widow in Luke 18:1-8 gleaned together with deviance theory will be mirrored to Zimbabwean women where questions such as; what forms of deviance can the women of Zimbabwe take? What type of deviant action or behavior can Zimbabwean women embrace in order to break their cultural barricades? And how may the story in the text of Luke 18:1-8 motivates women to stand against the potential dispossession of their properties? It is hoped that the behavior of the widow in the story will be contextually re-interpreted so as to provide a cue for these poor women.

2.2. Models of dispossessed women

In order to have a clear picture of women who were dispossessed of their properties, a local movie titled ‘Neria’ shall be presented and different examples of women who encountered the same predicament will be highlighted.

2.2.1 Neria documentary

The documentary although old will serve to show that issues of dispossession of widows began time immemorial.

Network Africa 2018 outlines a classic African film that has struck a nerve that runs across the continent, with an original sound track and supporting performance by Zimbabwean legendary world music sensation, Oliver Mutukudzi was broadcasted in 1993. Neria is a Zimbabwean film

made in 1993 written by Novelist Tsitsi Dangarembga, directed by Godwin Muwuru, produced by John Riber in the media for development production company (OpenOffice. Org 1993). The film concerns the struggles of a woman in a suburb of the capital, Harare, Zimbabwe. Although the movie was produced more than a decade ago, it shall stand as an exhibit that Zimbabwean women dispossession of property and land started time immemorial and has continued to date. It was when she is widowed after her husband is killed in an accident, that her husband's brother takes advantage of the death of his young brother and uses the inheritance for self-benefit at the expense of Neria and her two children. Previously, Neria (Jesesi Mungoshi) lived a happily life sowing clothes and making money for the family. From the start of the narrative, Patrick (Emmanuel Mbirimi) makes it clear to his brother Phineas (Dominic Kanaveti) on numerous occasions that he regards his wife as equal because she has worked hard for the properties they own as a family, on a good month, she even makes more than him so she deserves to be treated as equal. One day as they were coming from a beer hall, Patrick reiterates his message to his brother Phineas, that he should respect his wife and see her as someone who has worked very hard towards the property they acquired as a family (OpenOffice. Org 1993).

The residue of the movie is that when the soap commences, Neria, a 35-year-old woman living in the suburb of Warren Park is happily married with two children who are enjoying school. The family had just completed building a new home and owns a modest car. Neria and Patrick are painting their new home, a project which Neria contributes both financially and physically. The couple has been living in the city since their marriage, and regularly visiting their relatives particularly mother of Patrick in the village (OpenOffice. Org 1993).

The family's happy life is brought to demise when Patrick died. It was after the death of her husband that Patrick's relatives use tradition to exploit the tragedy and shunt the widow aside. Neria's travails mount up alarmingly when Phineas takes the family car, had her furniture shipped to the village and even takes away the children to live with him. He steals cash and the family bank out of his late brother's closet. Neria goes through hard times as Phineas takes her belongings and children claiming to be the heir to everything his brother left. Through the hash times, Neria's only solace comes from her brother Jethro (Oliver Mutukudzi) who among other efforts to console his sister, composes a song 'Neria' hoping its lyrics can wipe her tears and ease her grief.

It is at the infant stages of widowhood that Phineas grabs all the property from Neria and the widow struggles to make ends meet. She pleads with Phineas for money from their savings with her late husband to help her family but is ignored every time. Although in an African tradition, Phineas was the heir as the brother of Patrick, he did not protect the family as was expected of him. It is apparently obvious that Phineas is abusing his traditional role as the protector of his family. Neria's best friend Connie advises her to consult a lawyer so that they take a legal route but she is reluctant as she does not want to offend her husband's family.

One day as she came from her work, she found that the premises had locks changed and her children were gone. When she decided to pursue them after a while, she found her little daughter seriously sick, in need of hospital care but Phineas refused to take her to hospital using Neria's car. In an act of desperation, Neria fetches her sick daughter to hospital using public transport (bus) and fortunately, just gets to the hospital on time.

It was after Neria's agony, devastation and suffering that she ended up taking the legal route. After an involved court hearing which brings to light Phineas' exploitative, greedy and insensitive nature, the Judgment is that Neria remains the legal guardian of heir. Phineas contest the decision at high court but heavily lost to Neria who is given back all her properties and peace (OpenOffice. Org 1993).

In customary marriages, all property rights during marriage or after divorce or death belong to man (OpenOffice org 2017). The disposition of the estate and guardianship of children are determined by male relatives of the husband (OpenOffice org 2017). It should however be noted that women may return property that is traditionally associated with their domestic role such as kitchen utensils. It appears as though immovable property is regarded as man's property.

According to (open Office 2017) "In Zimbabwe, the traditional practice of wife inheritance (kugara nhaka) calls for the wife of a deceased man to be inherited by the man's male relative, usually his brother (FH 1 2005, 7: UN 2004)." The major problem is that there is no specific legislation prohibiting wife inheritance hence in many circumstances, the recourse which a widow can take will depend on the actions taken by in-laws if she refuses to abide by customs. The law only comes alive in situations that she is beaten or treated with violence that she can report to the police. It is at this level that the perpetrators of the violence will be prosecuted and the police can

also help her to obtain a peace order from a civil court prohibiting her in-laws from harassing her (Open Office org 2017).

The home movie ‘Neria’ remains one of the caricatures of the life of Zimbabwean widows after the death of their husbands. The soap precisely reflects what normally happens in Zimbabwe to women after the death of their husbands that they are dispossessed of their property and land. The major stimuli of such ruthless action are patriarchal structures which treats women as second citizens to their male counter parts. The movie however has gone a mile-stone by offering a therapy to the challenges through the use of courts. However, it should be observed that courts are just but one of the solutions to the entire problem women face. It is from the same strain that the application of the deviant theory to the situations in Zimbabwe will motivate the women to challenge the ring fence created by the patriarchal structure. In order to shed more of that on the problems faced by women in Zimbabwe the study will investigate more published stories of challenges of inheritance in Zimbabwe.

2.2.2. Priscilla Misihairambwi-Mushonga

Priscilla Misihaimbwi-Mushonga is a politician and a former member of the house of assembly for Glen Norah, Harare, Zimbabwe. In the government for National Unity she was appointed minister of Regional Integration and International Cooperation (Open Office org 2017). Priscilla was widowed in August 2011 when her husband, Dr Christopher Mushonga, an orthopedic surgeon died of injuries sustained during botched robbery at their house. They were married for thirteen years. Christopher was murdered while her wife the minister was out of the country. A heavily armed gang raided Mt Pleasant home after disarming the police guarding the property before brutally assaulting him (Open Office org 2017).

The inheritance wrangles between Priscilla and her step sons reached alarming levels with the step sons accusing her of organizing a fake robbery scene in order to get the estate. Priscilla Misihairabwi- Mushonga whose husband died when she was a Lawyer, a member of cabinet and a Member of Parliament of the Republic of Zimbabwe, had all she needed to contest her property. She was at a crossroads and she had to make a decision to either choose to pursue court proceedings, taking the shame head, or choose honour.” (Open Office org 2017)

Priscilla, a former opposition MP and cabinet minister and a lawyer was forced empty-handed out of her matrimonial home of 13 years after the death of her husband. She together with her husband owned three houses, including one in the leaf suburb of Mt pleasant, showed bank accounts and owned several cars. Her case was in a report released by Human Rights Watch (HRW) based in New York besides many other media platforms.

The late husband's children petitioned the Master of High court to rule on inheritance of his estate following reports that he left two wills and the second one had been tampered with. After an initial spirited fight, Misishairambwi Mushonga ceded the Mount Pleasant home the couple had lived in as well as a flat and funds in the couple's joint accounts, cars, clothes, houses and household property, among other things she gave up after a seven years of inheritance battle. Misishairambwi in her fifty-two-page article titled *You will get nothing, you are nothing* writes "It's not just about property, but also the loss of human dignity, I was left with a suitcase only". She said "I had access to the courts, to the best lawyer, to information, and I was a cabinet minister, I went through all this but I chose dignity and integrity" (Human Rights Watch 2017). In 2010 she signed over her late husband's estate to his relatives after they hounded her for months- both on her door steps and in the courts.

The fact that Priscilla Misishairambwi-Mushonga was such an esteemed individual with honour and respect that she could have used her influence to access everything she desired but instead she chose to let her land and property be taken away leaves a lot to be desired. The question which this study will never cease to ponder on is, if this happens to an icon of the country what more to ordinary poor women who continue to face same predicaments? If Priscilla, a Lawyer, Member of Parliament and cabinet minister totally failed to protect herself; who will protect the poor widows? It could be through this vulnerable valve that similar stories continue to be witnessed.

2.2.3. Sheila Chimoyo

A similar incident is that of Sheila Chimoyo who lived with a husband Mr. Albeit Marange in the capital city of Harare (Mukonoweshuro 2012). The couple lived together with their two children. The family was a model for many families who appreciated the way the family lived (Mukonoweshuro 2012). Sheila's husband loved his wife together with his two children who attended good schools in their primary education. It was that type of family you would always

want to be linked with. They both had their rural home in Mutare where Sheila's husband, Mr. Cleopas Marange lived together with his relatives (Mukonoweshuro 2012).

In an attempt to assist her husband, Sheila would always buy vegetables from Mbare and re-sell at his suburban area. The family's income was enough to send their children to school, purchase groceries, and other important items for their lives. The family also supported the relatives of his husband by timeously sending them groceries, clothes, school fees and other necessary goods for sustenance. The parents of Albeit every month expected their son together with their in law to send them money or groceries.

It was on 12 December 2011 that her husband (Albeit) who was battling with cancer for more than two years finally succumbed to the chronic disease (Mukonoweshuro 2012). According to Mukonoweshuro (2012), life suddenly took another twist for her and her two children. Albeit passed on at her house in Harare in the early hours of the 11th of December 2011. Sheila was very devastated and she wept uncontrollable for many days. She was in agony because she had lost part of her life.

According to Mukonoweshuro (2012) Sheila Chimoyo was shocked when her in-laws claimed she had used witchcraft to kill her husband and seized the small house where she lived with her two children. "I was accused of bewitching my husband I am not a witch and I did not kill my husband." It was a terrible experience because everything happened when I was still mourning" (Mukonoweshuro 2012). Firstly, she was accused of bewitching her husband despite the fact that the family relatives knew that Mr. Marange was battling with cancer for a long time. Secondly, other relatives even visited him when he was in hospital sick. Thirdly, the doctors at one time summoned the family relatives and revealed the ailment to them on requisite by Mr. Marange (Mukonoweshuro 2012). It was after the death of her husband that the family representative visited her while she was still mourning a day after burial and accused her (Sheila) of having bewitched her husband.

In narrating her story, Sheila said that when she heard Albert's relatives accusing him of being a witch, he failed to believe her ears. (Mukonoweshuro 2012) writes that Sheila felt betrayal because even the parents who were beneficiaries of their hospitality accused her of killing their son. The

in-laws claimed that she had used witchcraft to kill her husband hence it did not take long before family meetings were convened (Mukonoweshuro 2012).

Sheila remembered in pain how she was the darling of the family when her husband was alive. The parents used to visit her with some produce from the rural area (Mukonoweshuro 2012). The cordial relationship between Albeit's parents and their in-laws ended when Albeit died. She found out that it was the same people who were now accusing her of witchcraft (Mukonoweshuro 2012).

In the meetings that followed, the relatives of her husband including the parents accused Sheila of bewitching her husband in order to have access of the property, especially the house (Mukonoweshuro 2012). When Sheila protested that her husband had died of cancer, they alleged that cancer was caused by witchcraft which had been initiated by her. In the meeting, they were more than a dozen of Albert's relatives against Sheila whose relatives were denied access to the meeting (Mukonoweshuro 2012).

It was after a series of meetings that family representatives visited her and asked her to leave the house together with the two children because the family would not like to live with a witch- craft (Mukonoweshuro 2012). Since Sheila was in the mourning mood, she hurriedly left her children together with every iota of the property they had worked together and went to live with her sister in Mutare. It was just after a week that she heard that the husband's relatives had sold her properties and their Harare house was still waiting for the buyer. Sheila Chimoyo lost the Estate they had worked together with her husband (Mukonoweshuro 2012).

When Sheila was chased away from her house, the relatives sold the house and shared the dividends amongst themselves. The properties in the house were auctioned and they shared again the money amongst themselves. The relatives of Sheila's husband later took the children to the aunt who was living in Mutare rural area where they had to walk more than twelve kilometers to get to school. Mukonoweshuro (2012) quotes Sheila saying 'I hope and pray other women will not go through what I went through' (Mukonoweshuro 2012).

It was after many months after the death of her husband that Sheila managed to pick up the pieces and now runs a small import business, selling clothes, linen and kitchen utensils. "I buy different items from our neighboring countries for resale in Zimbabwe and I can feed my Children and send them to school" (Mukonoweshuro 2012).

There are a lot of things that Sheila notes about the debacle of dispossession of properties after the death of many men. The first issue she notes is that the widow is always at the receiving end (Mukonoweshuro 2012). She observed that during the family meetings (matere) the widow is passive. Mbiti (1992:87) argues that one of the characteristics of a respected woman is the ability to be quiet when men are discussing. She recalls how she spent most of her time in these meetings quite listening to the relatives making decisions. The second attribute of a widow is that decisions are made while you are still mourning. It was soon after the burial that these family meetings started to be convened. The third issue is the fact that the widow's relatives are not allowed to participate in the meetings. According to Bourdillon (1987:141) in some situations there are two relatives from the widow's side who are allowed to be in these meetings thus auntie (tete) and uncle (sekuru). However, according to Sheila's story her relatives were not allowed because the husband's relatives claimed that they will not sit and discuss with those outside their clan (vatorwa) (Mukonoweshuro 2012). The decision to chase her way was reached unanimously because she thinks that it was influenced by greediness.

Sheila Chimoyo had argued that many widows lose property on the day their husbands die whilst they are mourning (Mukonoweshuro 2012). According to the poor widow she was left with nothing. This seems to have happened to many widows in different parts of Zimbabwe.

2.2.4. Fortunate Mhuri

Another widow, whose article is found in the Thomson Reuters Foundation, Fortunate Mhuri from Mutare in Eastern Zimbabwe, and her late husband had successful business selling auto parts (Mukonoweshuro 2012). When he committed suicide in 2012, she was devastated by his death. The Reuters foundation quotes her 'We were a happy family when my husband was still there but when he died, his sister told me to leave the house'. She was told to leave everything they had worked for (Mukonoweshuro 2012). The couple lived a happily life together and they were slowly becoming a successful family. The husband had challenges with his business partner and committed suicide. Although the dispute between him and his partner was handled by the courts but the relatives of her husband still chased her away and sold their properties (Mukonoweshuro 2012).

The story began when Fortunate Mhuri's husband committed suicide in 2012 after he lost a court verdict with a business partner. Before the tragedy, the family lived very well. Fortunate's husband

was a business man who specialized on selling of vehicle spare- parts (Mukonoweshuro 2012). The nature of job meant that Fortunate's husband travelled across many countries including overseas. This opportunity afforded the family a semi-luxuries life because he had access to foreign currency. The family owned a house, two vehicles and movable property. They sent three children to private schools (Mukonoweshuro 2012).

As already alluded to, her husband had a dispute with his partner over some share-issues which generated to fighting. Fortunate's husband went to court but lost the case with costs and he decided to take his life. It was after the death that Fortunate tested the other scary side of life. Although the family knew that he had died of suicide but there were adamant to say that it was Fortunate who had caused that suicide (Mukonoweshuro 2012).

Mukonoweshuro (2012) quotes Fortunate as having said "we were a happy family when my husband was still there but when he died his sister told me to leave the house and two vehicles together with all of my properties". The transition is sometimes difficult to switch from riches to poverty. Fortunate narrated that the end of her husband meant the end of life to her (Mukonoweshuro 2012). It took few days for her to realize that every good thing in her life has vanished and every bad thing has been invited.

In her narration, Fortunate said that even the relatives whom you never knew during the struggles of developing you will meet them at the funeral. She noted that those people who are lazy are the most vocal ones at the meetings (Mukonoweshuro 2012). Her story is more painful in that she was asked to excuse them as they made decisions of her future. Fortunate remembers how she was given a month to pack her things and leave. The husband's relatives cited that since the cause of death was suicide, they wanted to make sure that they protect Fortunate from the avenging spirit (Ngozi) (Mukonoweshuro 2012). The family relatives claimed that they wanted to protect their in-law so she should leave peacefully and they would work out how they will dispose the property. However, they had already accused her of witchcraft so she knew that it was just a disguise reason.

According to Mukonoweshuro (2012) Fortunate Mhuri is still languishing in poverty as she had surrendered her properties to the relatives of her husband. Her children are living with a relative in rural areas and she is struggling to survive. At a time when her story was published, she was working as a vendor in Bulawayo.

2.2.5. Other widows

In an article titled ‘the plight of widows in Zimbabwe’ written by Tshuma (2012) shows that the prospect of being a widow is one of the most dreaded and sensitive situations for any married woman in Zimbabwe and beyond (Tshuma 2012). The article uses a woman called Mrs. Elizabeth Mawere of Goromonzi Harare who poured out her heart to Tshuma. She told her that “widowhood is a curse in Zimbabwe because losing a husband is not only coping with grief, loneliness, or financial upheaval but also marking the beginning of untold suffering misery (Tshuma 2012). “Elizabeth lost her husband in 2002 and her in-laws blamed her for the death even though the circumstances were well known.” As if the blame was not enough, her in-laws went on to evict her from her marital home, rendering her homeless.

Elizabeth’s story which was published by Tshuma (2012) is one of those changes commonly faced by widows. The husband who was well known of living a promiscuous life, was living with HIV/AIDS for a long time Tshuma (2012). He later confessed that he is the one who had invited the disease to his family. Before his death he invited his close relatives and disclosed the disease to them. It later became an open secret to the relatives of the husband Tshuma (2012).

It was however after the death of her husband that the relatives professed ignorance of the disease, opting to accuse Elizabeth of negligence of her husband when he was sick (Tshuma 2012). They accused her of leaving her husband, their son alone during the time he needed the support. It is from that background that the relatives of the husband decided to chase away Elizabeth from her house, thereby leaving her property she had worked together with her husband for many years. The relatives of the husband claimed that the house will be handed over to the elder son when he was eighteen (Tshuma 2012). The children are still young that nobody knows whether the elder son will be given the house. However, rumor has it that the house is already under the name of the elder brother of the deceased (Tshuma 2012).

In another story, Dube (2014) writes about Sipho Ndiweni who suffered the same predicaments of being dispossessed of property after the death of husband by the relatives of the family. The family is said to have lived in Mpopoma where they had a small house and some properties. The couple is said to have had a happy marriage before the death of Mr. Ndiweni. They sent their children to an urban school. It was after the death of Sipho’s husband that the relatives of the husband came

and asked their daughter in-law to leave since her husband had died, in fact, it was when Siphon refused to be remarried to her husband's brother. Dube (2014) in his article titled "Property stripping" quotes a widow from Mpopoma who laments;

When he (husband) passed away, the relatives had intense conflicts for me and had to ask me to vacate our marital home after I refused to have the young brother to come in as my husband. I was forced to join my ailing mother who had a hut in Tsholotsho where my other children are. Prior to the passing away of my husband, we had a house in Mpopoma, a car and a house in Gwanda. When he died, all this vanished.

Dube (2014) narrates how after the death of her husband the Estate vanished. He writes that when Siphon's husband died, she was given the heir in form of her husband's brother who was supposed to literally replace her husband (Dube 2014). This inheritance system was rejected by Siphon who wanted her first-born son to be the heir. There was a conflict between Siphon and her in-laws which resulted in Siphon being dismissed (Dube 2014). It was when Siphon was dismissed at her house with her late husband that she went to stay in Gwanda where the couple had another house but again, she was chased from the house. Siphon was left with no choice except to return back to her parents' rural home where she had to live with her sick mother (Dube 2014). The tragedy is, however, that all the properties including both houses were repossessed by the relatives of the husband and they left Siphon living in poverty in Tsholotsho.

Dube (2014) writes of another widow Michelle Dzikamai who was widowed in 2012. she lost more than her husband because she was stripped of everything that she had. Shortly after his death, her in-laws took over the fields she had tilled for decades. They also stole the fruits from the trees in her kitchen garden and sold the harvest, leaving her without any livelihood. They further harassed, intimidated and insulted her and physically restraining her and telling her to leave her home in an attempt to chase her away (Dube 2014).

This story becomes one episode which takes place in rural settings, in Mberengwa area (Dube 2014). Michelle's husband worked in Gweru while the wife Michelle spent most of her time working in the fields helping his husband to build their home in rural areas. The couple did not have a house in town but had built beautiful houses in their rural area in Mberengwa (Dube 2014). When the husband of Michelle died, the situation changed for Michelle who was solely in

charge of the rural home since her husband spent most of her time in town. She was well known of working very hard in the fields Dube (2014).

When the husband died, the in-laws asked if she was ready to accept her husband's brother as an heir for her children. It was when Michelle refused that she was asked to leave the family because the family was not prepared to leave her to do as she wished at their son's home (Dube 2014). Michelle reasoned with them that she was the one responsible of developing the rural home in the absence of her husband who was always in Gweru where he was employed (Dube 2014). Again, Michelle left the home she had known for more than twenty years empty-handed. She described her situation that she went away with nothing and left everything.

Many similar stories from other parts of Zimbabwe are documented and there are also many other undocumented stories. There are many experiences which range from property seizure to ostracism, and violence against the widow (Sakala 1998:17), with many other cases which sometimes are not even recorded (Paradza 2012:28; Shumbamhini, 2003:31). In some cases, the situation seems to be aggravated by the HIV-AIDS related sicknesses and death. Since the study is a literature-based research, the above examples are representatives of the situation faced by most of the widows in Zimbabwe.

2.3 Traditional Inheritance practices in Zimbabwe and Africa

Having presented some of the examples of women who faced eviction of their properties and land in Zimbabwe, I now would like to present the traditional inheritance practices in Zimbabwe particularly of the Zezuru culture. This shall show if there are any gaps in the practices which are being abused by the deceased relatives. The inheritance practices strictly come from published documents since the study is a literature-based thesis.

A joint study by Food & Agriculture Organisation of the United Nations (FAO) and International Fund for Agricultural Development (IFAD) in 2014 presaged that most African countries like Ghana, Nigeria, Cameroon, Kenya, Zambia, Malawi and Zimbabwe to mention but a few, women access to land was primarily through their husbands. The report revealed that the tradition is that when husbands die and wives are either childless or have only daughters, are likely to lose all rights to land and property to husbands' relatives (OpenOffice org 2014)

The research from these Non-Governmental Organisation (NGO) reflects that all across the African continent, wife inheritance is often practised under the customary law. The presumption is that the widow and the children will be taken care of by the deceased's kin but on the ground these households are said to be one of the poorest around the region. In practice, the widow is influenced by the traditions to be married or taken up by man who would have been preferred by elders although she is given an opportunity to choose. It seems it is more of the family influence which dictates and more importantly a man who will ensure that the property/wealth of any kind remains within the family of his own (OpenOffice org 2014).

Mbiti (2000:52) writes that land and housing ownership is passed through male heirs, a woman's right to access and use land has customarily been defined solely by her relation to men, however with the increase to poverty, wide spread wars and the advent of HIV/AIDS epidemic in the past two decades have eliminated traditional practices. In cases whereas widows were allowed to stay on the land, sharing with their deceased relatives until death or remarriage. Mbiti ascertains that property-grabbing which has become a phenomenon in Africa, where as soon as the husband dies, his relatives come to the home and take everything of the value away from pots and pans to furniture, cars and houses. In support of such a practice, Bourdillon (1987:73) writing on African Inheritance argues that in some parts of Africa particularly in the rural subsistence economy, a widow continues to work the fields her later husband allocated to her, in the Urban, the situation is different because the widow is usually left destitute by her husband's kin who usually claim all her property including furniture and houses. While Bourdillon assertions are noted, they may only be true in extreme patriarchal societies while because of inheritance laws and other property protection laws such actions are no longer prevailing.

According to Bourdillon (1993:174), in countries like Kenya, Tanzania, Zambia, Zimbabwe and Malawi, widows must undertake a requisite cleansing Bourdillon (1993:174). It basically entails a widow having unprotected sex with her husband's brother or other appointed relative or in some situation like Ghana, parts of Nigeria and Kenya it is done with a professional village cleanser to remove the impurities that may have been ascribed to her. It is done before the re-marriage with the husband's brother of the appointed heir. Failure by the widow to perfume this rite will lead to her ostracism. In the South- Eastern part of Nigeria, widows go through a period of confinement ranging from 8 days to 4 months beginning when the husband's death is discovered (Bourdillon

1993:177) In some cultures in this period, the widow is not allowed to leave her room and her hair is completely shaved. She is expected to sit on the floor and wail at the top of her lungs every morning while she is forbidden to take a bath or change her clothes until the cleansing period is over (Bourdillon 1993:177). These practices may be prevalent in other parts of Africa but in Zimbabwe they do not exist.

Having interrogated the African inheritance laws across the continent, the study will now confine itself to the Zimbabwean situation. However, it remains a fact that most of the African inheritance practices exhibited by the African continent cascade to Zimbabwe (Bourdillon 1993:178).

2.3.1. The practice of Inheritance laws in Zimbabwe and women

In Zimbabwe there are two types of inheritance laws thus the testate succession and the intestate (A guide to succession and inheritance laws in Zimbabwe). The testate succession is governed by the presence of a valid registered 'Will'. When a spouse dies it is this 'Will' which is used to share the estate without any contestation. The second type of inheritance succession is called intestate which means that the deceased died without leaving a 'Will' instructing how his estate is to be distributed (A guide to succession and inheritance laws in Zimbabwe). It is when a person dies under such type of succession that his estate is registered with a Master of the High court or Assistant Master. An edict meeting is called where an executor for the deceased is appointed (A guide to succession and inheritance laws in Zimbabwe). According to the guide to succession and Inheritance laws in Zimbabwe, if no agreement is reached as to who will be the executor of the deceased's estate the Master of High court or Assistant Master of High court will appoint an independent executor (A guide to succession and inheritance laws in Zimbabwe).

Mbiti (2000:58) argues that in African culture writing a Will is not very common as people do not like to talk about death. Writing of a Will is always treated as wishing self or somebody to die. In any case there are traditional systems of distributing inheritance therefore many Africans do not subject themselves to the writing of Wills. It is from such a background that many widows in Zimbabwe find themselves under the intestate succession type of inheritance. It is from such challenges that relatives of the husband will preside over the distribution of estates. When inheritance succession Acts fail to empower women to get their fair share of estates, they seek for solace from types of marriages in Zimbabwe.

There are three types of marriages in Zimbabwe; the civil marriage (monogamous) registered marriage recognised by state commonly referred to as 5:11 marriage, the customary law marriage (under which a man may have more than one wife but it is registered) and the most common, the unregistered customary union. According to the guide to succession and inheritance laws in Zimbabwe, registered customary marriage Act in the event of the death of the husband, each wife shall be entitled to inherit the house and the house hold goods within the house she resides in at the time of her husband's death. The Act spells out that any movable and immovable property will be shared equally among the children of the deceased including children out of the wedlock. A census carried Zimbabwe in 2012 shows that 70% of the women are registered under the unregistered marriages (Zim Stats 2012). This simply means that their marriage is vulnerable to abuse by male relatives in the event that their husbands die. It remains a recipe for dispossessions of widows after the death of their husbands.

These unregistered marriages have no official laws of marriage. A widow under such laws who want to make a claim to property that was held in the marriage but is formally owned by the late husband has to demonstrate that she was indeed married to him. This act was never easy because of conflict of interest of her husband's relatives. It means doing so always produced negative results because the courts required the husband's relatives to confirm that the widower was married to this widow while at the same time, they wanted to have all the property by themselves. It is from such processes that the relatives ended up denying the knowledge of the wife so as to become beneficiaries (Department of Social Service and Justice, 2012).

The civil marriage is governed by the marriages Act (Chapter 5:11) and it is a strictly monogamous type of marriage that can only be dissolved in the High court (Civil Marriage 5.11). In this marriage Act, upon the death of a spouse the surviving spouse is the only recognised spouse who is entitled to inherit from the deceased estate. The surviving spouse will be entitled to ownership of the house and the household goods. Any other properties movable or/ and immovable will be shared in equal portions between all the children of the deceased including children out of wedlock (Civil marriage 5.11). It is clear that registered marriages offer protection to women after the death of their husbands but according to the above statistics only 30% of the women are under this marriage Act (Zim Stats 2012).

Appendices 1, 2, 3, 4 and 5 reveal that Zimbabwe has laws which are used in succession and inheritance. Appendix 1 is a guide to succession and inheritance laws in Zimbabwe which has inheritance laws. These laws are used to distribute Estates of the deceased especially where there are no 'Wills'. The Guide is an extract from constitution of Zimbabwe. A Guide to Succession and Inheritance is a summary of how the two types of inheritance operate thus the Testate and the Intestate Succession. It comprehensively states how inheritance is executed to those with Wills and those without. The Guide includes synopsis of unregistered customary union, registered customary marriage (Chapter 5:07 and Civil marriage (Chapter 5:11). Appendix 2 is a Deceased Estate Succession Acts (Chapter 6:02) which contains procedures and processes of the actual distribution of the Estate to the surviving spouse and family. It is an instrument which is used by the minister of Justice, legal and parliament affairs for the Estate distribution.

Appendix 3 is called Civil Marriage Act (5:11) which is a Bill of marriage Act that is monogamous in nature. It defines the Acts' spectrum in terms of marriage age limit and protect the surviving family. It explicitly outlines the marrying, pledging or betrothal of children by any person. The Bill states that a civil marriage is contracted in terms of the general law of Zimbabwe. Appendix 4 is known as Customary Marriages Act (5:07) which is solemnized by a customary marriage Officer of the district in which the woman or her guidance resides. The marriage Act is dissolved by Order of a court of competent jurisdiction in terms of matrimonial Act. Appendix 5 which is the Unregistered Customary Marriage requires that the couple be blessed and approved by their parents and relatives for them to be legally married in terms of Zimbabwean customs. When the man has completed all the formalities in terms of payment of lobola, he shall be allowed to take his wife. In this marriage, the property belongs to the spouse individually meaning that the owner is the one it is registered under.

The Human Rights Watch report on 24 January, 2017 titled 'You will get nothing' violations of property and inheritance Rights of widows in Zimbabwe detailed about widows who are deprived of property rights after the death of their husbands. "Widows in Zimbabwe are routinely evicted from their homes and land while their properties are stolen by in-laws when their husbands die". The Human Rights Watch report (2017) further states that the widows stand to lose their source of livelihoods, too often they would have been deprived of their property.

It is apparently clear that the only type of marriage which may protect women from dispossession of property and land is Civil Marriage Act (Chapter 5:11), however, many families do not have this type of marriage because of discouragement from relatives. The type of marriage has been negatively received with mixed reactions because many people feel it favours women since it protects the surviving spouse. There is an invisible feeling that some women kill their husbands in order to remain with everything when they are married in this type of marriage. One of the reasons which cause eviction of women is the mutilation of African inheritance (kugara nhaka) commonly practiced in Zimbabwe.

2.3.2. African inheritance (kugara nhaka)

According to Murphree (1969:83) the distribution of the estate which is called (nhaka) or inheritance is a ritual which is done after the death of the husband. Murphree (1969:83) reveals that there is always a delay in this ceremony to allow a wide circle of relatives to be present. Traditionally, all relatives who should participate in this ceremony are obliged to attend. However, in this modern day, because of economic challenges the ceremony is done soon after the burial when everybody is still present. There are those who celebrate the ceremony a day after burial while others will arrange for a later date to convene for the distribution of inheritance. During the heydays, the ceremony was always placed in the most convenient season particularly when there is lull in agricultural activity after the harvest. The period should not be too long as this will tempt the widow to commit illicit sexual intercourse which is called 'burn the grave' (Murphree 1969:83). Among the Budjga people the ceremony is called 'bona', where the word is derived from ku-pona 'to live' (Murphree 1969:84).

Bourdillon (1991:214) writes that once the spirit of the deceased has been finally settled in his family. His estate and widow can be distributed among his heirs. In some cases, the inheritance ceremony is part of the ritual of settling the spirit, but often there are two separate ceremonies and sharing the inheritance ceremony takes place soon after the death of the deceased has finally settled (Bourdillon 1991:214). Gelfand (1973) argues that it is a ceremony normally carried after a year of the death of a family member.

The above proclamations point to the fact that the inheritance (kugara nhaka) ceremony is done at different periods across the country. There are factors which influence the period of the ceremony. Factors like different tribes and economic challenges determine the way how this ceremony is

carried. However, it has been established that the ceremony is widely accepted in Zimbabwe especially in the shona traditions.

Bourdillon (1991:214) notes that inheritance is supervised by a close kinsman or kinswomen of the deceased who is not entitled to receive, the most usually being a sister (*tete*) or the husband or sisters or *muzukuru* or possibly both in consultation with each other. This is mostly done to make sure that there is no conflict of interest especially if the supervisor is also the beneficiary. The general principle is that a man's personal name and position can be inherited only by a son, but his position as the head of the family group can be inherited by a younger brother. This principle however depends with the traditions and customs of the tribe. In other words, it varies from one tribe to another. The deceased's widow is expected to adopt the inheritor who is usually kinsman's brother as her husband who should accept responsibility for the widow and her children. The objections to any particular kinsman of her late husband are respected and she is usually asked to choose her new husband or if she objects to all her late husband's brothers, the family will comply but the marriage is dissolved (Gelfand 1973:204). It is from such sentiments that one may argue that while widows are given options to accept or reject inheritance (*kugara nhaka*), their democracy is guided. Bourdillon (1991:205) describes how widows will often go for a rite which is supposed to prove that they have not committed adultery since their late husband's death. It is this rite which qualifies them for the ceremony of *kugara nhaka* because if proved otherwise she may engage in other cleansing rituals or be chased away. According to Murphree (1969:87) once the inheritor to the deceased has been decided, the inheritor sits on a mat with the widow. He is given a cup of water or millet beer which she sips before passing on to the inheritor to show her acceptance of him (Murphree 1969:87). After the inheritor has drunk from the cup, it is passed to the widow's senior kinsman, who drinks from it also to indicate his acceptance of his son-in-law (Murphree 1969:88). Each person present, in order of seniority places a gift on the head of the inheritor and formerly addresses him with the name or the kinship title of the deceased, exhorting him to perform properly the duties he has received with his new position (Murphree 1969:87). The inheritor becomes responsible for the estate of the deceased which, in consultation with the deceased sister, is expected to distribute equitably to appropriate kin. He is also responsible for the social relations of the deceased including responsibility of service and payment of rewards left by the deceased (Murphree 1969:87). However, there are places where the inheritor is a son who will symbolically assume all other responsibilities except of becoming the husband of the widow.

According to Bourdillon (1991:216) in the traditional inheritance system widows do not receive any of the deceased's property, though they do keep their own personal belongings. Bourdillon further asserts that in the rural substance economy, a widow continues to work on the field which was left by her husband and she is cared for by his relatives or by her own family if she refuses to accept an inheritor. In the urban situation, however a widow may well be left destitute by her husband's kin who often claim all his property including the house, furniture and items purchased with the husband's and wife's joint income, immediate on the death of their kinsman and without bothering to decide who is responsible for the maintenance of the widow (Bourdillon 1991:216). It should be observed that Bourdillon's assertions are not universal but are found in some other parts of the country. However, his views on the urban setting should be highly noted. Bourdillon (1991:217) also postulates that the formal inheritance ceremony is not in most areas customarily for a woman or for a man without offspring because mostly in such situations the widow is left alone.

Gelfand (1973:205) writes on the responsibility of a nephew (*muzukuru*) who is the eldest son of the sister (*tete*). Gelfand enumerates that *muzukuru* acts as kind of a link or intermediary between the cognates of the family and particularly to look after the property of his deceased uncle (his mother's brother) until the day of inheritance when the widow and her children are inherited by one of her late husband's brothers Gelfand (1973:206). After the day or even at the death of his uncle, he carries his personal belongings and pucks them waiting for the day of inheritance where he will display the property and show the family the property which should be distributed (Gelfand 1973:206). After the ceremony, he also sees what the deceased property including livestock and other movable and immovable are correctly shared among his sons. During inheritance the nephew is expected to act as master of ceremonies. In some places like Goromonzi, he is given a beast as a token of appreciation which is called (*mbwazukuru*).

The above narrative of inheritance has helped this study to clearly show how inheritance is done in most places in many parts of Zimbabwe. A caution should however be given that it does not apply across board because it varies with places and tribes. It is also important to know that while this may be an ideal practice among most of the Shona people, it is no longer practiced due to various factors like modernity, corruption, greediness and also influence of other traditions because of globalization.

Bourdillon (1987:85) acknowledges that while the above technicalities of court procedures provided a ring fence to the estate settlements, it is the cultural dimension which is taken advantage of and acts as a brick wall to these widows. Bourdillon traces the causes of such oppressive traditions that the African culture particularly the *Shona*. He argues that once the spirit of the deceased has been finally settled in family home, his estate and the widow can be distributed among his heir. According to Bourdillon (1987:87) the general principle of inheritance is that a man's personal name and position can be inherited only by a son but his position as head of the family by a young brother. The widow may accept the inheritor or some close relative of the later husband's kinsman. There is however always an option to the widow who may either accept or deny water offered to her by the potential inheritor (Bourdillon 1987:87). However, these days the ritual is sometimes a delayed event because a lot of ground will have been covered in connivance of the widow to accept the wishes of the elders. The above affirmation confirms that widows have completely no inheritance after the death of their husbands.

In this chapter, the research has shown that there are countless models of widows who were dispossessed of their land and properties in Zimbabwe. A survey from published articles (because the research is literature based only) has shown that these incidences happen across the country and to anyone regardless of the region, tribe, and educational background, rich or poor. The other fact which has come up is that these challenges are synonymous in Africa although Zimbabwe has its own share of these accounts. While the processes and procedures of courts coupled with the courts' fees prohibit widows to exercise their rights, it is the cultural practice which is the main impediment to access of their right to property. The question is therefore what should women in Zimbabwe do in order to preserve the land and properties? How will the story of the persistent widow in Luke 18:1-8 act as a cue or solace in an attempt to motivate the women in Zimbabwe to fight for their properties and land against the greedy relatives of their husbands? How could the theory of deviancy become a catalyst towards a solution to these challenges? An attempt to use the deviance theory to the Zimbabwean women will be carried in Chapter seven, meanwhile the study explores the deviant theory.

Chapter Three

Theoretical perspective (deviance theory)

3.1. Introduction

This chapter discusses the theory of deviancy within the prism of Honor/shame culture discussed in chapter one. In other words, the model projected of a widow who was supposed to be polite, quiet, passive and dormant under the armpits of a patriarchal society. It is her contrary actions which destabilized the Judge which persuaded this thesis to critically look at a sociological method called deviant theory. It is hoped that deviancy theory studied in an honor/shame context will answer questions of the behavior and actions of the widow. This may suggest that the widow should be treated as a protesting woman who is yearning for help. It is this remonstrance which can become a solace for the Zimbabwean women who face the same challenges. This chapter will therefore investigate the deviancy theory and see if it has some positive influences to the aim of the study. Since deviancy theory will be practically exerted to the text of Luke 18:1-8, a detail study of the theory will be done.

3.2. Definition

A deviant character is a result of deviation from the norms, rules and social anticipation of the community. According to Robert Merton “deviancy is an action or behavior that violates social norms, while social norms are rules and expectations which guide members of a society thus deviancy is absence of conformity to these norms” (Thio 1988:31). Little (1992:48) goes on to describe such a person as the one who acts outside his/her social role to such an extent that he/she is defined in a new role (Thio 1988:31). Malina and Neyrey (1988:33) define deviancy as an action or behavior that violates social norms, rules and expectations which guide members of a society; thus, deviancy is absence of conformity to these norms. A deviant act outside his/her social role to such an extent that he/she is defined in negative terms. Malina and Neyrey (1988:33) state that deviancy is a socially shared interpretation of persons and their behavior whose violations of line will not only put them out of place but result in them defined as social unfit persons.

Thio (1988:31) employs Talcott definition that deviance is departure from the normative standards which have come to be set up as the common culture, according to him “a tendency to deviance is

a process of motivated action, on the part of Actor who has unquestionably had a full opportunity to learn the requisite orientations, tending to deviance from the complementary of conformity with common standards” The issue from this definition is the degree of the actions vis-à-vis the expected norms in a given society.

Albert Cohen states that deviant behavior does not only mean violation of expectations about our social statuses and roles, but violation of any rule as long as that violation excites some disapproval, anger or indignation (Thio 1988:33). Norman Denzim would broaden the scope of the above definition by including in his list of deviant acts those that are even mildly disapproved such as violation of rules of etiquette, violation of colleagues’ standards, violation of university rules, cheating among students and many others (Malina and Neyrey 1988:33). For Albert Cohen, in his anomie theory, deviance is a conduct that departs significantly from the norms set for people in the social statuses (Thio 1988:33). These definitions point to two important elements found in a society, that all societies have their cultural norms which are supposed to be adhered to without compromise and that anyone who breaks the set laws is labeled a deviant.

Adler (2003:17) concur with the above definitions that deviance is violation of social norms while norms are behavioral codes or prescriptions that guide people into actions and self-presentations conforming to social acceptability. Adler (2003:17) cite William Summer who presents the norms into three categories; the folkways, mores and laws. For Summer folkways are those norms which are based on custom, tradition and etiquette like standard of dress, demeanor, physical closeness or distance from others and eating behavior, and violation of these will constitute to a deviant. The second category falls under broad societal morals whose infraction would generate more serious social condemnation, and they include interracial marriage, illegitimate child bearing, and drug addiction (Adler 2003:18). Violation of these social norms threaten the social order, good examples are that interracial marriages threaten racial purity, illegitimate child bearing threatens the institution of marriage its self while drug addiction represents the triumph of hedonism (Adler 2003:17). People who violate mores are considered wicked and potentially harmful to the life of the society which they may be labeled deviants as well. The laws are the third category of social norms according to Willam Summer, in this category anyone who violates them is subject to arrest and prone to punishment ranging from fines to imprisonment (Adler 2003:17). Although there is

an overlapping relationship between the mores and laws, the character of the widow in the study of the text in Luke 18:1-8 shall be subjected to the 'more' type of deviance.

Adler (2003:20) has reiterated that people are labeled deviants because of their attitudes, behaviors and conditions, thus they can be branded deviant for alternative sets of these attitudes or belief system. Deviance therefore may result from outward actions which are intentional or inadvertent. It is from the above assertion that the Adlers exhumate status of how people may become deviant, according to them; there are three statuses, the folkways, mores and laws. As will be revealed this study is more concerned with the folkway type of deviants.

3.3. General causes of deviance behavior

There are many reasons which cause deviant behavior according to sociologists, for the sake of time and space this study will prescribe them in the following categories, general views by different sociologists, political and social reasons.

Adler (2003:18) have divulged that people are labeled deviants because of their attitudes, behaviors and conditions, thus they can be branded deviant for alternative sets of these attitudes or belief system. Deviance therefore may result from outward actions which are intentional or inadvertent.

Orcutt (1983:7) presents an interesting subject in the study of deviants. He describes the causes of deviant behavior under two branches; the macro nominative level and the micro nominative level. With the use of Merton's anomie theory, explains the reasons why people attain deviancy attitude and also why these attitudes differ so dramatically in different societies and for different sub groups within single society. He states the macro-nominative and the micro-nominative approaches. The macro-level refers to the rate and social distribution of deviant behavior within and between societies while micro level means the interpersonal causes of deviant behavior (Orcutt 1983:7). In short, the macro- nominative level is the investigation of deviance attitude caused by the community while the micro concentrates on individuals. The macro-level focus on the causes of norm-violations associated with broad structural conditions in the society. They concentrate on influences of global structural or characteristics of populations, poverty, illiteracy levels, unemployment etc. It is obvious that these societal causes bear clear implications for the community and public policies (Orcutt 1983:8).

Micro-level theories on the other hand, focus on examining relationship between person's involvement in deviance actions and the characteristics involved of his/her beliefs, perceptions and attitude (Orcutt 1983:10). The thrust of this level is to assist individuals in resisting negative peers. While these two nominative level theories appear distinct but there is connectivity between the two because the macro- level influences the micro-nominative level (Orcutt 1983:7). It has been generally agreed that mostly, persons with low status or esteem or lower-class environment are more vulnerable to deviance behaviors. Orcutt (1983:9) affirm that persons with low-status jobs or slum dwellers happen to have high rate of criminals. It can be ascertained after a distinction of the two levels of deviance that this study will confine itself to micro-level type of deviant.

Another dimension related to Orcutt types of deviance behavior is that of Palmer and Hamphrey (1990:24) who investigate that the diversities range from crime, mental illness, and suicide to minor rule breaking. For them the variation is caused by two different compartments of deviance behavior thus the institutionalization and individualistic deviance. These Sociologist scholars argue that those deviance behaviors which are group motivated and society evaluated are called institutionalized deviance behaviors (Palmer and Hamphrey 1990:24). There are those which do not follow a pattern in any way and which even surprise the family members, they are individualistic in nature. According to Palmer and Humphrey (1990:13) since deviance implies nonconformity, doing things differently from the everyday routines, cultural customs provide the basis for social organization of a society. This means that the correctness and wrongness of an action is determined by a society. Every society's system or social organization is made up of the norms and roles that guide interaction among its members (Palmer and Hamphrey 1990:12). Palmer and Hamphrey (1990:14) distinguish the individualistic type of deviance from the institutionalized in that when a person deviates from conventional norms and roles in a way which are not patterned and institutionalized but peculiar to him or her it is called individualistic. The above- mentioned nature of deviation seem to be incongruent with the behavior of the widow in Luke 18:1-8. The study will however match this phenomenon to the characteristic of the widow in question.

In the same token, Gove (1980:10) distinguishes two types of deviance, the primary and secondary levels. Primary deviance behavior according to him, is assumed to rise in a wide variety of social cultural and psychological contexts and secondary deviation is a means of defense, attack and

adaption to overt and covert problems created by the societal reaction to primary deviation (Gove 1980:10). It means secondary deviance type develop from primary deviance level.

According to Gove (1980:11), deviance is not a property inherent in certain forms of behavior but rather a property conferred upon by the audiences which directly or indirect witness on them. Gove (1980:11) further delineates reasons why people may become oriented to such behaviors. One of the reasons according to him is that a person may belong to a minority group or subculture whose values and ways of living may lead to violation of the rules of the dominant group (Gove 1980:10). The second one emanates due to vulnerability and exposure to unresolved past life experiences (Gove 1980:10). There will be need to further analyze the above notion if it speaks to the widow in the text. The other reason is caused by one who has conflicting responsibilities resulting inadequacy performance of one role while the last one is a situation where one violates the rules for personal gains usually with anticipation that he would not be caught. As already alluded to these types of deviance behavior will further be put under scrutiny in chapter six.

A comprehensive analysis is presented by Robert Merton. According to Thio (1988:35) Merton's Anomie came as a reaction to Sigmund Freud psychoanalytic theory of deviant behaviour which represents the free expressions of the libido, biological impulses or animal desires with which the individual is born. This is the recognition of childhood events that could influence the mental functioning of adults, in simple terms, it means, the structure of society primarily restrains the freedom expression of man's fixed native impulses (Thio 1988:35). For Merton, it meant the society discourages the individual from engaging in deviant activities. This is exactly the stance which was employed and utilised by Emile Durkheim.

Merton's theory takes the opposite direction concerning the causes of deviant behaviour in that it is the society which causes deviance (Thio 1988:35). Durkheim in short, had speculated that the absence of social norms which implies the failure of a society to control its members is a result of deviance, but Merton's theory of anomie assumes that deviance will occur if the society encourages it by pressing individuals to commit it (Thio 1988:37). Merton's view springs from the American society's emphasis on the cultural value of success which became so pervasive that all classes including the poor were expected to be ambitious to have high expectations in the 1960s. It is when the goals of a society become significant to an individual to the fact that achieving them become important than the means adopted (Thio 1988:35). The theory was developed when there

was high value in achieving success particularly momentary issues (Thio 1988:35). Merton continues on to say when individuals are faced with gap between their goals and means to attain them e.g. finances and current status, strain occurs. However, although there was a grand push for everyone to get a good job, not everyone attained it; in other words, legitimate means of achieving the high success goal of getting good jobs was not freely available to all classes. The gap created between the anticipated cultural goals and the failure of legitimate cultural means brewed the recipe for deviant behaviour and actions, thus anomie theory according to Robert King Merton, (Thio 1988:36).

Robert Merton's theory will be most useful in this study because he brings specific types of deviants. It is these types of deviants which will be applied to the widow in chapter to explore if the widow in the text is a deviant or not.

Lastly, Albeit Cohen's anomie theory is slightly different from the one presented by Robert King Merton (Traub and Little 1985:115) for Cohen, while agreeing with Merton that American society encourages all classes of people to compete for success, it makes it difficult for lower classes to achieve it, hence dejection. Cohen argue that it is both the middle and upper class whose systems fail to be sensitive to the lower class who end up attempting to coin their own laws and customs which are contrary to the given norms thus crafting a seed bed for deviation (Traub and Little 1985:118). The third version of strain theory is given by Cloward and Ohlin, differential illegitimate opportunity (Traub and Little 1985:118). The two Sociologists agree with Merton in everything except the fact that not all lower-class occupants become deviant in nature. The difference with Merton's anomie theory is that not all lower- class members become deviants. (Traub and Little 1985:118). However, in substance there is no difference in the causes of deviance in these sociologists, what is important is the fact that lower-classes are vulnerable and have high potential to become deviants. It should be noted that the widow maybe in that class.

While there are variations to the causes of deviants due to different theories, the fact of the matter is that anomie theory(s) have concluded that deviance is highly influenced by failure by lower class to attain their anticipated goals. Although the technicalities that lead to deviance are still contested by different Sociologists, it has become apparently clear that when certain needs are not met by certain individuals, deviance is highly likely to occur. It is these points of convergence of the causes of deviance which will be exerted to the widow in Luke 18:1-8 in an attempt to interpret

the activities and behaviour of the persistent widow in the text. Although the causes of deviance have been considered in general, there is need to analyse them in specific so as to allow those characteristics of deviation to be related to the widow in Luke 18:1-8 so as to find out if there is any relationship. In order to achieve a result, the study will trace the origins and development of deviance in societies. Two rubric deviant conditions have been chosen thus political and social deviancy.

3.4. Political Deviancy

During the first century, various forms of deviancy exist and one of them being political deviancy. For example, from a political perspective, the Zealots were frustrated by external Roman rule (Hobsbawn 1981:49) An attempt to trace the origins of such a character which was common within the Jewish community is important. In Luke 12:2-31, Jesus exhorted to his listeners that there were not supposed to worry about what they were going to eat or drink tomorrow. Due to loss of land, Jewish peasants worried about what they were going to eat or drink (Hobsbawn 1981:49). Hobsbawn (1981:52) says that land was problematic especially to Jewish peasants. Peasants were supposed to have land for grains for both consumption and trade so as to enable them to provide for whatever ceremonies they might be celebrating in the course of the year. In addition to these daily necessities, peasants were supposed to have surplus to transfer to the rulers who would apportion it first to themselves in order to underwrite their own standard of living and to distribute to groups in the societies that do not farm but must be fed for their specific goods and services in return (Hobsbawn 1981:54). It is from this context that when many peasant Jews worried about what they would eat, they were referring to this surplus because the rulers demanded it from them in spite of their status (Hosbawn 1981:53).

The other primary obligation of a Jew was to be able to tithe without fail which was a support to the elaborate priesthood temple apparatus in Jerusalem. Hobsbawn (1981:53) argues that “this should be understood from the background that land belonged to God and giving back its produce simply meant acknowledging where it had come from” (Hobsbawn 1981:49). The problem began when the Jews were under the Roman Empire when they had to endure double taxation. There were Roman taxes as well which further added to the burden of the Jewish people (Josephus 1959:151). The tribute was seen as robbery indeed. Josephus writes that the tribute was called

outright slavery by militant teachers such as Judas of Galilee who immediately organized active resistance. (Josephus 1959:151).

According to Horsley and Hanson 1985:61, another factor which strongly contributed to popular unrest, and is closely related to peasant indebtedness and loss of land, was periodic drought and famine. Severe drought and famine occurred that forced many peasants into debt and caused them to lose their land. This phenomenon was coupled by exploitative behavior of Jewish ruling class sending many peasants to join various movements for the quest of freedom. Josephus quoted by Horsley and Hanson (1985:65) figure out that with such conditions which became unbearable for Jewish peasantry, it was not surprising to find upsurges of banditry. It was however, common for these brigades to have support and even protection from the people of their village where they periodically rejoined their community with no difficulty (Josephus 1959:155). Although the authorities demand local assistance in capturing brigands but the peasants would always ignore the call (Josephus 1959:151). From this mingling with the community, it's possible that seeds of deviancy may have been planted in other peasants who expressed passive stubbornness to rulers as explained above (Horsley and Hanson 1985:64).

Horsley and Honson (1985:66) quote the historian Josephus who writes extensively about banditry whom he labeled as important membership of the Jewish society in defining the life of Jewish community. The bandits were dominant during the rise of Herod to power. According to Josephus (1959:158), in the mid-first century, they provided leadership for Judean peasants seeking justice when the Roman governor was slow to act. Josephus acknowledges that from time to time the Roman Government dealt with phenomenon of banditry. According to Hobsbawn (1981:31), banditry arises in traditional agrarian societies where peasants are exploited by government and landlords. For him, banditry emerges as a result of incidents which they feel are unjust or intolerable. In most cases, the issues are general social economic conditions in which many peasants are marginalized and vulnerable (Josephus 1959:151). Hosbawn (1981:32) writes, "social banditry is universally found where-ever societies are based on agriculture and consist of peasants who are landless while laborers are oppressed and exploited by the ruling class." According to his research, banditry occurs regularly in areas and periods of administrative inefficiency which allow breathing space for those decreed outlaws (Hosbawn, 1981:34).

Although the type of deviance is to the extreme as it involves revolts and physical battles in most areas, it helps the reader to appreciate how the seeds of the deviance were planted, geminate and grow in the Israelite kingdom. The above concept reveals that deviance has been there from time immemorial; however, this type of deviance is political deviance where the bandits did break the social norms of submission to powers and fought for their rights. During the twenty century, political deviance always happened under different groups not as individuals. This type may not be the one exhibited by the widow in Luke 18:1-8. It is an extreme level of deviance but it helps the reader to appreciate the evidence of deviance during the Palestinian period. It also serves as a window-dresser that deviancy was not unique during that time. However, the thrust of this study rests on the social deviancy.

3.5. Social Deviancy

Luke's story fits the category of social deviancy because it narrates behavior that was not expected within domestic spaces. Using modern cultures in France, Susan Rogers applies this logic to gender relations in peasant communities in general and to those in the Lorraine region of France in particular (Lofland 1985:147). Cultural tradition as well as the law confers authority and prestige on males, who hold virtually all formal positions, while the power of women in the village is "more effective" but, at the same time, covert and informal (Lofland 1985:147). This assumption was supported by Odoyoye (2001:84) that the men accept this fact so long as there is no public challenge to their authority and so long as they are still given "credit" for running things. For Odoyoye, to think that the practical informal realities rendered men's power merely cosmetic and vaporous would be to forget that symbolic concessions are "political concessions" as well. That such women's power can be exercised only behind a veil of proprieties that reaffirm men's official rule as power holders is a tribute-albeit a left-handed one-to the men's continued control of the public transcript. It therefore affirms that even if women have all it takes to dominant men but in public men will remain superior. To exercise power in the name of another party is running the risk that the formal title holder will attempt to reclaim its substance as well as its form (Odoyoye 2001:84). It means men, even when they lack qualities of leadership, they naturally assume the position with the help of women.

Similarly, Guha (Horsley and Hanson 1985:53) with examples from India, notes that open acts of de-sacralization and disrespect are often the first sign of actual rebellion, even seemingly small

acts-for example, lower castes wearing turbans and shoes, a refusal to bow or give the appropriate salutation, a truculent look, a defiant posture signal a public breaking of the ritual of subordination. Provided the elite treat such assaults on their dignity as tantamount to open rebellion, symbolic defiance and rebellion do amount to the same thing. The logic of symbolic defiance is thus, strikingly similar to the logic of everyday forms of resistance. Ordinarily by prudent design, unobtrusive and veiled, disowning exists in any public defiance of the material or symbolic order. (Horsley and Hanson 1985:55). When, however, the pressure rises or when there are weaknesses in the "retaining wall" holding it back; poaching is likely to escalate into land invasions, tithe evasions into open refusals to pay, and rumors and jokes into public insult (Horsley and Hanson 1985:55). Thus, the offstage contempt for the Spanish church hierarchy that was before the Civil War, confined to veiled gossip and humor, took, at the outset of the war, the more dramatic form of the public exhumation of the remains of archbishops and prioresses from the crypts of cathedrals, which were then dumped unceremoniously on the front steps (Scott, 1990:224). It is indeed a new level of resistance.

It is clear that deviance undergo different levels, the first level as explained above is slightly changes which cannot be noticed in some cases like refusal to comb hair, one-word answers and sometimes a personal vow to silent. In the initial stages one may not interpret these small changes which will be happening.

Scott (1990:221) elaborates upon the relationship between the subordinate and the dominant which he presents as in different stages. The first level is what he terms the *silent period* where subordinates are uncharacteristically silent whenever the latest news from the front in the civil war became a topic of white conversation. He writes that "they go about their black masks, not a ripple of emotion showing and yet in all other subjects except the subject of war they are the most vocal of all races". Scot describes the mask of silence "the more menacing power the thicker the mask". Scott (1990:222) further distinguishes two different outlooks concerning the slaves or subordinates thus the public transcript and the hidden transcript, with the former (public) used in pretense when their powers are present. He accused the subordinates of offering a performance of deference and consent while attempting to discern, to read the real intentions and mood of the potentially threatening power holder 'play fool, to catch wise' drama.

According to Scott (1990:223), the subordinates will be carrying two different transcripts; the public and the hidden transcript. The hidden transcript which manifests itself beyond direct observation by power holders consists of offstage speeches, gestures and practices that confirm, contradict, or inflect what appears in the transcript. Scott goes on to say that what is certainly the case is that the hidden transcript is produced for a different audience and under different constraints of power. It is this manner that the pressure generated by a perceived but unrequired injustice finds expression- that system subordination elicits a reaction and that this reaction involves a desire to strike or speak back to the dominant. Scott records that the subjects who are thwarted unjustly experience little or no reduction in the level of their frustration and anger unless they are able to directly injure the frustrating agent. Ranajit Guha quoted by Scott (1990:225) argues convincingly that open acts of disrespect are often the first sign of actual rebellion.

Scott (1990:230) avers that after the diplomatic engagement the deviancy level will move the next gear where a public refusal or persistence may be witnessed. When it suits them, the dominant may elect to ignore a symbolic challenge, pretend that they did not hear it or see it. They (dominants) may act in obedience to the challenge so as to avoid a lot of attraction from the public. Amba Oduyoye (1997:59) concurs with the above theories in that a woman in Africa when faced with matters of choice or preference, is bound to come into conflict with main stream cultural norms in question. She goes on to say that particularly when led to a so-called deviation from the norm, she is confronted with unwelcome cultural conflicts. Some of the forces against her include other women Amba Oduyoye (1997:61). In an attempt to clearly present how the levels of deviance move from one lap to another, Scott (1990:230-232) gives an example of an incident of deviance.

He explains that in a live television while being interviewed by three interviewers, Mr. Lagos unexpectedly burst out, “and now you promise the country eight more years with torture, assassination and the violation of human rights”. The interviewers are said to have unsuccessfully tried to interrupt him, but he continued “you will have to excuse me, I speak for sixteen years of silence” It is the last statement which manifest the deviant character. It shows out that for eight years people publicly pretended to be aloof pertaining the politics of the day and never had the President dreamt that one day on his face in a live television one will spill the beans. It therefore means Mr. Lagos, the silence he breaks, is the silence of defiance in the public. The result was that from that time people started to converse about issues which affected them and bad governance openly and the consequence was that Augusto Pinochet lost the election heavily Scott (1990:230-231).

Scot (1990:231) writes “the precise form on open declaration of defiance will naturally depend on the severity of indignities and oppression of the form of domination it is intended to challenge” Perhaps in the story of the shameless widow and the Judge the concept will help readers to appreciate the nature and texture of the discussion between the two characters. This will lead to read and interpret the un-said words of the widow and the response of the judge.

In short, she reiterates that when an act of cultural deviation involves women’s issues, the conflict just escalates. Can the comportment of the widow in Luke 18:1-8 be interpreted along the traits of social behavior? Perhaps before we analyze that in Chapter six, the study should conclude this chapter by engaging the types of deviants. It is the characteristics of these types of deviants which should be examined before they are linked to those exhibited by the widow in chapter 6.

3.6. Types of deviants

Having looked at the causes of deviance behavior, the study turns to examine the types of deviancy behavior. While many theories of deviance are significant, this research will limit itself to five types of deviance: *anomie theory*, *control theory*, *labeling theory*, *structural theory* and *minority influence deviance*.

3.6.1. Anomie theory

The first type of deviance originates from anomie. The term anomie is rooted from the Greek word anomie which means without (Thio 1998:25) It can also be called the strain theory (Thio 1998:25) Anomie theory according to its proponents Emile Durkheim and Robert Merton, is the lack of the usual social or ethical standards in an individual or group (Thio, 1998:20). It is the experience of societally induced strain that forces people to engage in into deviant activities (Thio 1998:24). The theory reacted to Sigmund Freud who in his psychoanalytic theory had suggested that deviance or dangerous behavior is a result of the expression of the libido or biological impulses or animal desires the person is born with (Thio 1998:26). Contrary, Robert Merton argues that it is the society that encourages people to become deviants (Thio 1998:25). Thio holds the concept in United States of America, the society heavily emphasized a culture of success, everyone was pressurized to become rich. Parents, schools and churches pressurized individuals to achieve high scholastic records and have great ambition for the future (Thio 1998:25-27). The culture value of success became pervasive that all classes of people wanted to attain high aspirations. The cultural goal to

success was freely available to everyone (Thio 1998:27) regardless of their social class backgrounds. However, in contrast, the legitimate means of achieving the high success goal such as getting a new job, well-paying projects and other good things are not freely available to all classes of people (Thio 1998:31.) According to Robert Merton the obtaining result is that people of lower classes when compared with those of the higher, have less opportunities to fulfill their aspirations (Thio 1998:32). It is in an attempt to get out of that predicament that these lower classes resorted into illegitimate means of achieving their success thus becoming deviants (Thio 1998:36) It is a situation when the cultural means fail to achieve the goals that others engage in illegitimate ways to achieve these set goals.

Robert Merton used the term to describe the differences between socially accepted goals and the availability of means to achieve those goals. This sometimes is, where the goals are achieved through dubious means. It is when individuals employ deviant means to attain their goals, retaliate against society or merely make a point. The anomie theory says that when individuals are faced with a gap between their desire (goals) and means to attain them, in order to get them, they may resort to illegal means and hence, deviant actions. The discrepancy created between the anticipated cultural goals and the failure of legitimate cultural means will yield deviant behavior or actions (Orcutt 1983:73).

It remains to be verified in chapter 6, if this anomie type of deviants has any resemblance on the actions and behavior of the widow. Can any of these tenants found in this type of a deviant reflect to the widow in Luke 18:1-8? This question will be examined in chapter 6 where the actions of the widow will be evaluated.

3.6.2. Structural theory

Related to the anomie theory is the structural theory which is when a gap is created between cultural goals and the means to achieve those set goals, in other words if the means cannot meet the cultural norms. According to this theory, societies are composed of both culture and social structure (Stearth and Little 1985:218). Culture establishes goals for people in society while social structure provides or fails to provide the means for people to achieve those goals. In a well-integrated society, people use accepted and appropriate means to achieve the goals that society establishes, in such ideal situations, the goals and means of the society are in balance. It is when

the goals and means are not in balance with each other that deviance is likely to occur. This imbalance between cultural goals and structural available means can actually encourage deviance (Stearth and Little 1985:218).

Albeit Cohen (Goode 1994:71) trace the origins of this type of deviancy that coming from the context of competition in America, a competition to become rich was enacted and everybody's goal was to become successful. This competition's appetite gave everyone a desire to become wealthy and others ended up embarking on short-cuts. The structural theory is when a gap is created between cultural goals and the means to achieve those set goals; in other words, if the means cannot meet the cultural norms. According to this theory, societies are composed of both culture and social structure. Culture establishes goals for people in society while social structure provides or fails to provide the means for people to achieve those goals. In a well-integrated society, people use accepted and appropriate means to achieve the goals that society establishes and in such ideal situations, the goals and means of the society are in balance. It is when the goals and means are not in balance with each other that deviance is likely to occur. This imbalance between cultural goals and structural available means can actually encourage deviance (Goode 1994:72).

The above theory means if the goals are not met by the cultural means certain groups or individuals develop distinctive norms and values that deviate from the main stream culture of the society. Albeit Cohen argues that unequal access of opportunities give pressure on certain groups or individual within the social structure causing it to deviate. In most situations there is great pressure from lower classes because they have less opportunity to succeed by legitimate means causing them to deviate in order to achieve their goals.

The structural theory demonstrates that when people in a low class or in a marginalized group fail to attain her/his goal will in most cases try to maneuver in order to achieve the prescribed goal. It is during these processes that in some instances means to get the goals will fail to justify the ends, hence deviance. This may be a replica of what may have happened to the widow in the text (Luke 18:1-8) whose means to get the Judge to hear her were outraged in relation with an honor and shame culture.

3.6.3. The control theory

The third type of a deviant emanates from what Walter Reckless calls the failure of the control theory. This is the teaching that there are two major controls in human beings thus the inner and outer controls which influence the actions and behavior of individuals. It is again from this behavior that children who lack this self-control may grow to become deviants.

The control theory holds the view that people refrain from deviant behavior because of diverse factors that control their impulse against breaking social norms (Goode 1994:74). According to Travis Hirschi and Walter Reckless, the reasons why many people do not act on deviance impulse is because of two controls, the external and the internal (Thio, 1988:8). The external control includes parents, friends, legal codes and police officers. A good example is that a store security might quell a person's desire to steal (Thio, 1988:15). There are also internal controls which include conscience and motivation which may as well suppress other appetites a person may have (Thio, 1988:16).

According to Goode (1994:76) control theory stresses how weak bonds between the individuals and society in that weak controls allow people to satisfy their desires even if it means breaking the laws. The assumption is that people with weak ties would easily engage in crimes so that they could benefit or gain something to their own interest. In control theory, deviance is defined as a result from extensive exposure to certain social situations where individuals develop behavior that attract them to avoid conforming to social norms Goode (1994:80). This may mean deviance is a result of the failure of both the internal and external to contain an individual from breaking norms. Goode (1994:81) quotes Hirschi who writes that humans are selfish beings, who make decisions based on which choice will give the greatest benefit. This may mean that people go to work not because they enjoy or want work but because they get paid to obtain food, water, shelter and clothing.

Luckenbill (1982:110) quotes (Reckless (1973), Reiss (1979) and Toby (1983) who premised this type of deviancy on the basis that all human beings have potential to become deviants for all issues in which they fail to attain on legal terms. It means people do not want to get negative results in all their undertakings but the difference between those who become deviants and those who do not, is on their response to both the internal controls and the external controls. It is conscience, integrity, morality and the desire to be a good person among others and external controls of police,

family, friends, relatives and religious authority among others that determine the actions of people Luckenbill (1982:110). It is when an individual has failed to be bound by these controls that one ends up becoming a deviant while those who are bounded by these controls will never do an illegitimate thing. It is argued that these restraints form a person's self-control to some extent but in the absence of these controls, an individual may revert back to his/her original intent which is deviant. This theory may persuade readers to understand that many people have a deviant seed in them but it is conceived and concealed in the subconscious and only manifest when it cannot contain itself anymore. Question like how did the widow in the text of Luke 18:1-8 manage these controls will be probed in chapter six.

3.6.4. Labelling theory

While anomie theory asks the question, why deviant? Labeling theory asks, why social control? (Goode 1994:80). The major question in labeling theory is why do certain behaviors generate punishment while other people committing same crime are not punished (Goode 1994:82). This sometimes is revealed in courts that in some situations people who have committed same crime may not receive same reprimand. The labeling theory argues that sentences are determined by the tag labelled on an individual. The gravity of sentence depends with the label which the judge may have prescribed to individual.

Labeling theory is the theory of how self-identity and behavior of individuals may be determined or influenced by the terms used to describe them (Goode 1994:83). In this case, people are not what they are because of their actions and behavior but rather because of how other people perceive them. The deviant attributes are therefore not given by individual but instead by the society. Labeling theory holds that deviance is not inherent in an act, but instead focuses on the tendencies of the majority or the dominant over the minority or the inferior (Goode 1994:85). In a society, if the majority of people label one a thief it may take years to prove otherwise even though the person has spent years without having stolen anything. When a society has approved their cultural norms any non-compliance to them will attract a deviant tag even if the laws are wrong.

The other characteristic of labeling theory is that people if labeled deviant come to be identified as such, "it states that people come to behave in ways that reflect how others label them (Goode 1994:80).

It has already been established that conforming members of society interpret certain behaviors as deviant and then attach this label to individuals, determine the distinctions between deviance and non-deviance. Powerful individuals in the society like politicians, Judges, Police officers, medical doctors and other influential figures impose the most significant labels. It may mean that the term deviant in this theory is subjective.

In this type, the deviant is perceived to be out of place to such an extent or in such a way that labelers view this being out of place or being in a new negative place as a personality trait, a quality of personhood (Malina and Neyrey (1988:34). According to them this is how an attempt to label Jesus a deviant was made (Malina and Neyrey (1988:35) In the case of Jesus labeled a deviant failed to earn a more prominent title because the community would not affirm the allegations which were inconsistent to the action of Jesus who sometimes would heal, preach, pray and raise the dead. It can be ruled out that deviant behavior in this portfolio is ordinarily defined as a thought, a feeling or action that members of a social group judge to be a violation of their values or rules. It is a statement about the person's social status. Malina and Neyrey (1988:35) allude that it is the community which passes and declares that a person is a deviant after the assessment of her/his action. The Community is said to carry out a biographical scrutiny or character reconstruction which will allow it to find evidence to approve or disapprove the action of the labeled individual. The point to note is the emphasis that the community plays a role in the labeling of deviance. The labeling theory will be exerted of the widow and find out if there is any resemblance pertaining her actions, utterances and behavior to this type of deviance.

3.6.5. Minority theory

The other form of deviance is a theory which is called minority influence. It is a form of social influence that takes place when a member of a minority group influences the majority in such a way that they end up accepting the minority's beliefs or behavior. This happens when a small group or an individual act as an agent of social change by questioning established societal perceptions or social norms. The theory according to sociologists is the reverse of the traditional upheld view that majority should influence the minority. According to him the majority influence is a result of conversion. He explains that in order for minority to influence the action or information displayed should be distinctive from the general. Minority influence is more likely to occur if their point of view is consistent, flexible and appealing to the majority

They are four factors that make minority to have influence over the majority; the behavioral style, thinking style, flexibility and compromise style and identification style. The minority need to be consistent and confident in their view that they do not swindle and shift views, related to that is the ability to build confidence. A consistent minority disrupts established norms and creates uncertainty, doubt and conflict. The majority will therefore be more likely to question their own views; the minority is supposed to propose a clear position and should advocate its position consistently.

The second principle which the minority embraces is the thinking style. The minority need deep thinking culture about their views, systematic thinking because research has shown that if a minority can get the majority to think about an issue and think as agents for and against then the minority stands against a good chance of influencing the majority. Flexibility and compromise are the third important aspect of the minority influence. While the issue of consistency is important but research has also showed that the minority should be flexible and comprising in extreme demands to show that there is reasoning. Identification is the last important factor; People tend to identify with people they see similar to themselves. The study of minority influence began as a reaction to the portrayal of influence as the province of status and numbers and from realization that minorities need not just be passive recipients of influence but can actively persuade (Goode, 1994:73).

As already noted, this is a form of social influence that takes place when a member of a minority group influences the majority in such a way that they end up accepting the minority's beliefs or behavior. This happens when a small group or an individual becomes an agent of social change by questioning established societal perceptions or social norms (Goode, 1994:73). The theory according to sociologists, is the reverse of the traditional upheld view that majority should influence the minority. Minority influence theory argues that when a minority has managed to take on and confront the majority or dominant, it is called deviance. It is in general, a deviation from the traditional view that superior powers are the winners and majority always dominate the minority.

The reasons behind the establishment of types of deviants is mainly an attempt to show that such actions and behaviors existed in a real world hence the performances by the widow in the text of Luke 18:1-8 should not be treated as unique features. The actions of the above categories of

deviants will be used to match the recitals found from the widow in the story. This will help the readers to appreciate those traits which converge because resemblance in personalities between the two suggest that the widow's actions should be interpreted along a protesting figure. This will then be used as a model to mirror to the women in Zimbabwe who one way or the other face similar predicaments.

While deviance has some negative consequences like its potential to obstruct the societal system resulting in approval of illegitimate laws and destroy members' willingness to perform their prescribed roles which promote the growth of the society, it has many positive attributes to the community. According to Durkheim in Clinard (1974:30) without deviance society will not stand. Chapter six will expound and critically examine the advantages of deviation in a community and how societies immensely benefit from deviant actions

The above-mentioned deviance theories will be applied in Chapter Six in an attempt to match whether the behavior of the widow can be related to deviance in any way. As already mentioned, the actions of the widow will be measured against the results of deviance from these five features of deviance if a match is found it means the widow resembles the deviant characteristics therefore, she would be labelled as such. The above deviance theories have established two important key result areas. The first one is that deviance exists in a community. The theories have ascertained and acknowledged that empirical sociological evidence shows that deviant actions and behavior is a reality in human lives and should not be ignored. The second aspect of the findings is that there are different causes of deviant behavior. The above theories of deviance will be applied to the story of the persistence widow using reader-response theory in an honor/shame culture in a bid to find out how deviance played a role in the change of heart of the Judge.

3.7. Conclusion

This chapter has critically examined the major model (deviancy theory) in trying to interpret the behavior of the persistent widow in the text of Luke 18:1-8. It was after the failure of other approaches that deviance theory was able to give an edge to the text with anticipation of allowing the widow through her deviation character to speak to the Zimbabwean women. How much will the widow in the parable of Luke 18:1-8 be imaginatively interpreted to teach women in Zimbabwe how they can protect their rights? Deviance theory will be studied in honor/shame culture which

has already been explained in chapter one to find out if the widow in the text exhibits such attributes. If these deviant traits manifest, then it will be applied to the Zimbabwean context.

Chapter Four

Luke's location, date and themes

4.1 Introduction

To understand the story in Luke 18:1-8, a panoramic view of the whole Luke's Gospel is needed. The parable of the widow in Luke 18:1-8 is not peculiar from the thrust of the whole book of the Gospel of Luke, in fact, the parable of the persistent widow is incongruent with the narrative of the entire Gospel. Although the account of Luke is similar to other Synoptic Gospels, it is unique from similar narratives in the synoptic gospels. For example, unlike other gospels, Luke adds more of his own material (L source). This Chapter gives background to themes found in Luke such as universal salvation, inclusion of the poor, the outcast, women, the marginalized and the Gentiles. It is from such a background that critical matters like authorship, date and place of writing are interrogated.

4.2. Authorship

Substantial evidence indicates that the author of the Gospel of Luke also wrote the book of Acts; both books are addressed to Theophilus (Luke 1:3 Acts 1:1) while at the same time Acts begins by referring to a former book; the preface refers to 'my former book' Baxter (1995:47) avers that the author of Luke's Gospel not only wrote an account of the life, death, and resurrection of Jesus but also wrote the account of the birth of the Church. This is premised on the introductions of the two books "in as much as I have taken to compile a narrative of the things which have been accomplished among us...in the first book o' Theophilus, I have dealt with the things Jesus began to do and teach..." Guthrie (1990), Joseph (1989), Greenberg (2011) and Brown (1997) speculate as to who Theophilus was. There is a school of thought which holds that it was someone with authority in the hierarchy of the Roman Government like a Governor or someone with influence who was his friend. Scholars such as Guthrie (1990:245) and Fitzmyer (1989:154) argue that since the literal meaning of this name is 'Lover of God', it is therefore, a representative name to all those who love God. Although the writer does not mention any insinuation on authorship, the fact that there is mention of the former treatise in the Acts account, removes any doubt about the authorship of Luke's Gospel. The coincidence that the inscription bears the name of Luke other than any other Apostles add substance to the fact that the Gospel was written by Luke (Brown, 1997:128).

Apart from the insinuations of the prefaces, there is more evidence to point to the fact that Luke is the author of the Gospel. There are linguistic and theological similarities between Luke and Acts which indicate that both works derive from the same author (Swidler 1980:133), (Talbert 1982:76) and (Tuckelt 1996:41). To fully explore the arguments for Luke's authorship, we shall divide the evidence between internal and external factors.

4.2.1 Internal evidence

The first claim is the medical language which is dominant in Luke – Acts and also the Greek influence. Fitzmyer (1989:93) argues that the level of the medical language found in Luke-Acts cannot go unnoticed. Luke describes Simon Peter's mother in law as suffering from high fever (Luke 4:38) and a man body who was 'swollen with fluid' (Luke 14:2). Greenberg (2011:125) claims that the language used in Luke suggests that the author had a medical background. Philemon 2:4 addresses Luke as the beloved physician whom Paul regards as a faithful companion. These linguistic and theological similarities between Luke and Acts indicate that both works derive from the same author with the medical language dominant in Luke – Acts. The traditional view that the Gospel of Luke and Acts were written by a physician who was a companion of Paul and a Gentile is found in both resources. Generally, scholars (such as Brown, 1997: 19) agree that the Gospel of Luke was written by Luke the physician/ doctor and evangelist.

The second supporting evidence that the books were written by Luke is the level of Greek found in both books which is highly advanced pointing to the idea that it was written by someone highly learned. Kartzow and Maseno (2015:8-11) postulates that the author was well educated, familiar with writing polished Greek and had an excellent understanding of politics and culture in the region. The contention is also imperative because it points to the nature of audience he was writing to.

Like Mark, Barnabas, Timothy and Titus, Luke became a companion of Paul as well, hence the use of 'we' in the passage (Fitzmyer 1989:104) If there is an agreement that the Gospel of Luke shares the same author with Acts, then there is need to understand that Acts 16:10-17; 20:5-21, 21:1-18 and 27:1-28 indicate the presence of the writer in Paul's journeys. This has to be understood in line with the "we" passages of Acts. The 'we' passages serve as evidence that Luke was a companion of Paul and he had authentic sources (Fitzmyer 1989:104). The focus of the author seems to be outside Palestine, the sermon on the plain notes that people came to hear Jesus

from all around including Gentiles from the region of Tiro and Sidon (Luke 6:17). There are also facts which point to evidence of external substantiation of Luke as the Writer of Luke –Acts (Kartzow and Maseno 2015:8-11)

4.2.2 External evidence

Affirmation from Irenaeus exists that Luke, the follower of Paul recorded the Gospel that was preached by Paul. In Romans 2:16, 16:25 & Galatians 1:11, when Paul says “my Gospel” he had in mind Luke’s Gospel. It is believed that Paul refers to the Gospel of Luke whenever he says ‘according to my Gospel’ (Marshall, 1980:152). Origen also links the third Gospel with Paul’s statement about a certain brother “whose praise is in the Gospel throughout all the Churches” as if Paul was referring to praising the Gospel according to Luke (Marshall, 1980:153). In 2 Corinthians 8:18, Paul writes to the Corinthians that he is sending ‘the brother who is praised for writing the Gospel’. Origen affirms that this is the Gospel which is praised by Paul. Jerome in his book “The famous men” wrote confirming and affirming the same statement. Jerome adds ‘the third (gospel writer), by birth a Syrian of Antioch, “whose praise is in the gospel” (Marshall, 1980:154). All these assertions point to the fact that the Gospel of Luke was written by Luke the companion of Paul.

According to Esler (1989:25), Luke was not an eye-witness but the content is consistent with an eye-witness flavor. This is supported by the Muratorian Canon which declares that Luke himself did not see the Lord in the flesh and therefore, as could trace the course of events, so he set them down. This is the reason why the ancient writers connect Luke and Paul to the extent of describing Paul as saying “my Gospel” referring to Luke’s Gospel” Irenaeus on his book titled ‘against heresies’ writes; “so the apostles, plainly and grudging no man, delivered to us those things they have heard from the Lord, so Luke also grudging no man delivered to us those things he heard from them.” This shows that the extra-biblical sources confirm Luke’s authorship of Luke-Acts (Esler, 1989:23)

The other important issue is the nature of Greek language in Luke’s gospel that points to the impression that it was written for the Greeks and Gentiles. Origen quoting Eusebius writes that the third gospel was made for the converts of Gentiles while Jerome proffers that both the gospel of Luke and book of Acts of the Apostles show that the author knows Greek more than Hebrew (Leaney 1975:93). Jerome also observes the omission of the Hebrew words like Hosanna,

hallelujah and Amen which he could not translate to Greek (Leaney 1975:94). These and other facts unanimously affirm Luke's authorship of Luke-Acts.

Having observed that the books of the Gospel of Luke and Acts were written by a single author who is Luke, it is important because authorship goes along with the type of theology. Luke who also wrote Acts of the Apostles is well known for his theology of the marginalized community which is central to the parable of Luke 18:1-8. Issues of dates play a critical role in examining the purpose of the message which eventually will relate the *pericope* of the story of the persistent widow with the whole Gospel of Luke.

4.3 Date of writing

Again, there is no precise date of writing the Gospel, but dates of events we know may present us with ideas as to when the Gospel may have been written. Scattered evidence which exists shows that Luke was aware of the destruction of Jerusalem Temple which was in 70 CE (Kingsbury, 1997:19) insinuating that Gospel may have been written after 70 CE. There are no quotations to suggest that the book was written in the second century. Although Luke and Matthew share a similar source Q, Luke seems not to be aware of the book of Matthew which is written closer to 100 CE, while at the same time Luke seem unconscious of the book of Acts which is dated to around 110 CE hence the author of the Gospel of Luke is unaware of death of Paul (Kingsbury, 1997:20). The only explanation is that the Gospel was written way before the Gospel of Matthew and the book of Acts. The other bare testimony is that Luke used the Gospel of Mark as a source, giving an impression that since Mark was written between CE 68 and 70, Luke was written after that period (Kingsbury, 1997:18). These factors are far from convincing and providing solutions to the precise date of writing of Luke-Acts.

For a closer analysis, the study may begin in the 60s bearing in mind important issues like the trials and the death of Paul who was a close companion of Luke. The challenge we have is the absence of such information purporting to support those who advocate for a date before the trial and punitive death of Paul. Those scholars supporting this view cite that if the books were written after these events, the information of all this would have been in these books. The argument that Luke was written after the destruction of Jerusalem but before the second century suggests that his report concerning the destruction of Jerusalem is *vaticinia ex eventu* or prophecy after the event (Marshall, 1980:154). The notion involved is that Luke was aware of events on the destruction of

the Temple persuading scholars to place the book between 70 and 95 CE. Existing in chapter three are signs that the community encountered severe opposition from Jewish authorities who made life difficult for Christians that would rather force the study to draw up the date to around 80-95 CE (Marshall 1980:154). It is along the build-up of these events that the writing of the Gospel of Luke maybe estimated between 80 and 95 CE.

Investigation of dates of the Gospel of Luke remain core to the study of this parable because it removes grey areas on questions like; what was the social life of Judges and Widows in Palestine during this period? How was honor/shame culture during the above- mentioned period? How were parables of Jesus regarded during the period under review? These and other questions will help to bring the study in context.

4.4 The audience/Composition of the Gospel of Luke

Who were Luke's audience? The fact that the Gospel does not mention its audience attracts the study to scout for some clues. Plausibly Luke wrote to Hellenistic Jews and gentile Christians (Marshall 1980:156).

It would seem that the writer had Hellenistic Jews in mind; particularly with his mention of various Jewish orientations. For example, the writer begins with the inclusion of the Jewish Temple (Luke 1:8). Luke is proud to present the parents of both John the Baptist and Jesus as devout Jews who concisely and religiously followed all Jewish traditions. Jesus is portrayed by the writer as having been presented to the Temple and as a regular attendant of the synagogue to show that he was a Jew and may have come for the redemption of Jews (Jeremias 1970:15)

In addition, it seems that Jewish legendary figures like Moses and the Prophets spoke of the risen Jesus (Luke 24:27 and 44) thus connecting his Gospel with Luke 2:41-51 the family of Jesus visits the Jerusalem regularly as a symbol of their commitment to the Jewish religion. Luke in his entire Gospel continues to remind his readers that Jesus was on his way to Jerusalem Luke 9:51, 13:33, 17:11 and 19:11. This is critical because Jerusalem was respected throughout the Empire as the ancient center of Judaism (Jeremias 1970:15) Evidence exists that the audience is familiar with Old Testament as witnessed through quotations deduced from scriptures and the Greek version of Old Testament. The above contentions are clear testimonies that the Gospel was pursuing a Jewish community.

While there are persuasions to lure readers that the Gospel of Luke was designed for the Jewish community, evidence exists that the Gospel was also intended for the Gentile Christians (Jeremias 1970:16) The first point is that Luke himself was a Gentile which makes scholars to conclude that a non-Jew would not write for Jews but for his people. Another aspect related to the above is the notion that Luke was a companion of Paul who was an Apostle sent to the mission of Gentiles hence he needed a non-Jew to accompany him (Jeremias 1970:18)

It is a fact as noted before that the Gospel of Luke was intended for Theophilus who may be an individual or a sympathizer to the community, but what is important is the view that the name Theophilus symbolically epitomizes a gentile name, in fact, a Greek name that the name could have never been attributed to a Jew (Esler 1989:32) The account of Luke is written more from a theological view rather than a historical interpretation. Luke does not include any elaborate genealogy, something which could have been vital to Jewish readers. The datum that Luke removes Jewish cultures and language in contrast with Matthew, may suggest that the audience had little knowledge about Jewish culture (Esler (1989:34) These affirmations may entice the readers to believe that the Gospel of Luke's recipients are Gentiles, but not unless they have read features that support Jewish audience.

It is credible to argue that Luke's Gospel contain nuances of both the Jewish and Gentile community because both communities have fitted without restrictions. It is from such a background that a conclusion may be drawn that Luke was writing to a mixed audience of both Jews and Gentiles. In this study, it is therefore presumed that Luke may have been writing an apology for a wider audience who were a mixture of Jews and Gentiles. This assertion may suppose that the place of writing comprised both the Jews and Gentiles. The question which we may be persuaded to deal with is 'which place is the destination of the Gospel of Luke?' The question fails to have ready- made answers since it is not explicit in the Gospel.

Although it may be a challenging task to explore the precise place where this Gospel was intended to, there is need to harness the gradations which we find in the Gospel. It is apparent that Luke is writing to a highly learned and sophisticated audience (Esler 1989:30) The use of the highest quality of cultured Greek gives enough testimony that it was an affluent city. This is coupled by the fact that the story portrays both political and social overtones, resulting in targeting one of the modern highly developed cities but with a concoction of both Gentiles and Jews.

4.5 Location

An exploration of the intended original audience of Luke-Acts points to different places outside Palestine (Esler 1989:28) The debacle of Theophilus whom the writer figured out as the intended target of his book cannot be ignored. It is clear that Luke's prologues imply that Theophilus was Luke's patron, the one who commissioned his writing (Luke 1:3 Acts 1:1). However, the question is 'who is this Theophilus?' Two views have already been advanced; that he was an individual or a representative.

The text may mean an individual who was either a person of honour (most excellent) but it may also entail that Theophilus was a remarkable community benefactor since it was common in ancient letters to address social concerns through community representatives (Esler 1989:29) The same text may as well mean 'loved by God' drawing direct from the meaning of the term Theophilus. This would imply that the term was employed as a representative figure who is a broader audience. This study will subscribe to the latter (Esler 1989:29)

Esler (1989:30) employing Cadburg's theory contributes that Luke-Acts was written in a city set-up. Cadbury cites editorial additions of the word 'city' where the focus of the teachings of Jesus and the early Missionaries is centered in urban settings coupled by the frequent mention of a city even there is no mention of that place (Esler 1989:30). He also observes Luke's immersion in Hellenistic culture of his day, which is not only the mention of Theophilus at the start of his work but also features such as the fine literary Greek of the sea voyage and shipwreck description in Acts 27, an indication of urban setting. The conclusion that Luke wrote in one of the Roman cities where Hellenistic culture was strong or even dominant is of great assistance in reaching an understanding of the social political world in which his community find itself. The claim which has been premised from the above declarations is that the community of Luke was based in an urban set-up, possibly Antioch.

Although at the moment there is no clue regarding where the Gospel might have been composed to, there are indications pointing to Antioch. The idea that it was written to Theophilus bring up two important considerations; the first is the confirmation that it was not written to the Jews only hence outside Palestine and also that it was targeting a highly affluent class who obviously live in town. However, scholars unanimously agree that the Gospel was written outside Palestine, probably in Antioch.

Kingsbury (1997:13) points to a number of evidences who affirm that the place was outside Palestine and also it was in an urban setting. The descriptions given by Luke of houses appear to reflect a land scape and culture different from that of Palestine village. The other thing which point outside Palestine is Jesus' sayings about future persecution which reflect a setting in the Hellenistic diaspora. There are also terms employed like the Roman rulers, the Judges and vassal kings suggesting that the location is in an urban setting and also located in the eastern part of the Mediterranean. The excavations clearly show the structures for cities and even the remains of properties (Kingsbury 1997:13).

There are also clusters of texts that focus on meals and hospitality meals which represented a major expression of that social interaction among the elite, hospitality represented a challenge which demanded a reply in the form of quick return. City banquets were expressions of honour and status for the elite (Kingsbury 1997:14). Festivals with food offered to the public at large served important community functions and were typical forms of benefactions (Kingsbury 1997:15). As often portrayed by Jesus at meals either as host or guest (Luke 5:29-32, Luke 7:36-50, Luke 19:5-10), public meals remained central to the urbanite Jewish community as they influenced the statuses of individuals. The acceptance of meals took place at meals (Acts 10:17-29 & Acts 11:13). It means the issues of banquets, meals, house fellowship and festivals were more pronounced in cities than it was in rural setting (Kingsbury 1997:16).

The calibre and nature of prominent people found in these Lucan narratives could not be located anywhere else except in urban setting. Tyson (2018:87) tried to draw the profile of the implied reader of Luke-Acts. One of his qualifications was that he would need to be a literate person who can converse with Greek language well. The other important criterion for him was that the reader should be reasonably well informed about the geography and political situation in the eastern Mediterranean world. He writes that although a person may not be a Jew but needed to be conversant with both Jewish and Hellenistic mannerism. It was from such a profile that Kingsburg (1997:21) proffers that such a description suits not only with an elite but urban dweller. This may point to the fact that Luke-Acts audience are Urbanites.

The other empirical opinion is the way how Luke portrays women who are either working along Jesus, Apostles or Paul. These women who are serving these servants of God (Acts 4:38-39 and Acts 8:1-3), and serve Jesus with their properties (Luke 8:1-3), are a verification that it can only

be an urban setting where they reside (Kingsburg 1997:22) These women are acting as patrons of their guests more than a mere service e.g. Lydia a ‘seller of purple goods’ serves as hostess to Paul (Kingsburg 1997:224) This is evidenced by the fact that most of these women are portrayed as independent from their husbands, with meals of their own which was unusual to ordinary woman in rural area but very true to one of elite women who is situated in town (Jeremias 1970:18). Kingsburg (1997:17) exhumes a number of the excavations which clearly show the structures for cities which is found in the content of Luke which clearly exhibit an urban setting.

Finally, Kingsbury (1997: 23) writes about Jesus’ address to invite the poor, maimed, lame, and blind as a signal not of the invitation of the impure but as a gesture of good euergetism extended to rural inhabitants hosted by those in cities. The profiles of the guests resemble those who were dominant in rural setting while the hosts are town inhabitants. The above statement means that it was common for the elite who lived in urban setting to invite the poor who were either in agora or neighboring rural places.

Kingsbury (1997: 23-25) presents interesting material of important evidence, of a deliberate substitution of Hebrew and Aramaic terms and names like ‘master’ or ‘Lord’ replacing ‘Rabbi’ in Luke 9:33 and 18:41. There is also the substitution of the word ‘Golgotha’ in favor of the word skull in Luke 23:33 while the title lawyer replaces the usually word ‘scribe’. These factors buttress the fact that the Gospel of Luke was directed outside Palestine, but to an urban place. From the above assertions a conclusion can be drawn that the Gospel was written to a community which is outside the Jewish Kingdom but the grand question remains; where exactly was the Gospel of Luke written to?

The above arguments have helped to understand that the audience of Luke-Acts is located in an urban setting in the city probably in Rome or Antioch. The availability of both Jews and Gentiles will point to Antioch as the destination of the Gospel of Luke. This conclusion is reached because of the dominance of Jews which cannot be Rome but rather, Antioch. Antioch as a location out-play other possible origins of the Gospel like Ephesus and Caesarea because of her multi-cultural domain. Since the nature of place of the community of Luke will be critical in the next chapters, it is pivotal at this stage to critically scan the city of Antioch before we delineate on the purpose of Luke’s writings.

4.5.1 The city of Antioch

DeVries (1997:345) says Antioch was an ancient Greco-Roman city on the eastern side of the Orontes River which was founded near the end of the 4th century. It boasted of the spice trade, silk and royal roads which necessitated economic military benefits. It became the main center of Hellenistic Judaism because of its role in the emergence of both Hellenistic Judaism and early Christianity. It is in this town that the name Christians is said to have originated. According to De Vries (1997:346) the disciples of Jesus were first known as brethren (Acts 15:1), disciples (Acts 9:23), Saints (Acts 9:26) and Believers (Acts 5:14). De Vries then goes on to mention that it was in Antioch that they were first called 'Christians' (Acts 26:28). The term originates from the Greek word which is traced from one of the titles of Jesus referring to their actions as Christ-like. It is in this light that Antioch city became both one of the dominant Jewish and non- Jewish Christians because of its location.

It was a metropolis city, the third largest city in the Roman Empire after Rome and Alexandria. It had about five hundred thousand inhabitants. It is said to have been founded by one of the Generals of Alexander the Great in about 300 BCE by Seleucus after the victory over Antigonus and he named it in honour of his father Antiochus (De Vries 1997:347). It flourished and became a wealthy sophisticated meeting point of Greek and oriental cultures. It was an urban city with advanced standards and shared multiplicity of cultures. It was the commercial hub of the whole Roman Empire, the citadel of Greco-Roman culture while at the same time the primary home of Christianity when it moved beyond its Jewish beginnings to the Gentile world (De Vries 1997:346) Its site was ideal for commercial activities by both sea and land, the city was connected to the Mediterranean Sea by Orontes River, it had its own sea port Seleucia Pieria, with its harbor, it became one major seaport cities in the Mediterranean world during the Hellenistic and Roman periods De Vries (1997:347). Antioch was the major sea port of trade and also land route connecting Asia Minor and points to the west with Syria, Palestine and Egypt to the inland high way, and the strategic position, hence, it became a busy commercial center in the Greco-Roman world of the New Testament (DeVries, 1997:348).

Two major features which enhanced its growth and development was its fertile soil and water supply. It was located in a fertile plain in the bend on the Orontes while water supply was conveyed by aqueduct from natural springs in the lush garden resort area known as Daphne. DeVries

(1997:351) echoes that with the establishment of Antioch as the capital of Seleucid Kingdom, the city was well on its way of becoming a pivotal commercial and political heart of Greek culture in the eastern Mediterranean world.

The Roman road system enhanced its status as a distinguished commercial center. During the time of Julius Caesar, a number of construction projects including an aqueduct, caesarean, and an ornate basilica were sponsored by government (DeVries, 1997:352). According to Josephus (Ce), Herod a friend of Augustus and ruler of Palestine constructed the colonnaded street and paved it with marble. It had a good communication system linking it with every part of the Roman Empire. Travelers, merchants, traders and other people met in Antioch and conversed in many languages. Although the city had many different ethnic groups during the time of the early church it had walls which divided these ethnics meaning Jews lived in their own quarters, Greeks in theirs, Romans and Gentiles. Antioch was made the capital of Syria. It possessed magnificent temples, theatres and baths. It became the headquarters of the Roman garrison. In the 4th Century Antioch administered all provinces on the Empire's eastern flank (DeVries, 1997:348).

While the city of Antioch has proved to be a center of commerce, it also became a hub of Christianity. It was Antioch that some Jewish believers fled to during the height of persecution that followed the death of Stephen (Acts 11:9). It should be remembered that it was Antioch that the Gospel was shared openly and freely with Gentiles (Acts 11:20). Many New Testament scholars subscribe to the notion that Jerusalem council was a cry to respond to the mass conversions which had happened in Antioch. In Acts 11:22-24, we are told that the church in Jerusalem sent Barnabas to Antioch because of the magnitude of the developments in the community. Goodspeed (2011:148) argues that while Thessalonica church was a symbol for poverty, Antioch was the model for a wealthy church. Barnabas and Paul spent the whole year in this city working with the church and massive growth records were observed during this period (Acts 11:22-24). We also learn that Antioch became the home base for Paul's missionary journeys (Acts 13:1-3, Acts 14:26, Acts 15:35-41 and Acts 18:22-25 (De Vries, 1987:66). The above information plays an important role in confirming not only the importance of Antioch as a Christian city but also her being an affluent Christian city with mixed cultural background.

The excavations which were carried from 1932-1939 proved most of the above-mentioned things with explorations uncovering a number of important features of Roman city, including the remains

of walls, amphitheater, forum and the circus although there are limitations to this archaeological work because of modern city of Turkey (De Vries, 1987:66).

According to Shelton (1998:82-84) Antioch city can be said to have a two-faced extreme economy. Wealth families lived in domus - beautiful spacious houses constructed by the rich, aristocracy, nobles and rulers, contained single story houses built around a court yard known as atrium. The atriums had rooms opening up off of them and had no roofs. The house had many rooms including kitchen, bath, dining, bedrooms, rooms for slaves, a long-covered arch or verandah and low wall with pillars. Shelton further states that the houses were designed such that these low walls will keep these houses cool in summer. According to her, the bathrooms had running water which was heated during winter periods. In its classic layout, the atrium served as the focus of the entire house plan with the main room in the public part of the house where the head (pater-familius) would occasionally receive invited guests (Shelton, 1998:84)

The Romans used different dining rooms for the changing seasons. In winter, they dined in the interior of the houses while in summer, in an arbor attached to the house or in the upper story. The stone couches were covered with cushions from which the dinners supported themselves on their left arms as they reclined at the table. In the open space between the couches a playing fountain cooled the dinners. (Shelton, 1998:87)

While the affluent lived in those expensive magnificent houses, the poor lived in the extreme squashed houses predominantly in an urban setting. In Antioch, the poor lived in two known places which were at the market place commonly known as 'agora' or at the villages surrounding the city (Shelton, 1998:87).

In Jesus' time, the smallest homes of the poor might have been little more than a square, store structure covered with a white washed sort of stucco. In some situations, there would be typically one large multi-purpose room and small backroom for the animals which were usually not many. These houses were actual curve dwellings resulting in them called *Insulae*. Although these houses were mostly common in both villages and market places, they were more elaborate in 'agora' places. The location of these two sites is important because the widow in the text may have come from either the 'Agora' or a village setting (Shelton, 1998:101).

In cities, chiefly in Antioch; the poor built and maintained blocks in cities known as *insulae* and lived in hazardous and overcrowded conditions. However, the rich had impressive town houses, usually in addition to their large villas which had expensive floor tiles, numerous entertainment spaces and rich marble decoration, reflecting the importance of the elite. This portrayed image helped to create their public persona (Shelton, 1998:105). The two places of residence (the rich and poor) were distinct in terms of the way they lived. This will help the study to precisely locate the two main characters thus, the Judge and the widow.

So far, it has been established that the city of Antioch is the reasonable location and context to Luke's story. This attempt to locate the geography of the recipients will play a critical role in this study. The effort will precisely determine the place of the two major characters of this study; the widow and the Judge. Since Crossan (1988:36) had explained that parable can be used to challenge the norms of the society, it follows that Jesus of Luke was addressing this community of Antioch with such a variety social, economic and political life. Assuming that the parable was said to these suggested recipients, it will enable Chapter Six to trace and depict deviant behavior in the widow from her place of residence, if there is any. The next task is to unravel the themes in the Gospel of Luke which should further measure up the actions and conduct of the widow against the rude Judge.

4.6 Themes in Luke

The major theme of Luke is the salvation history of mankind. This theme logically cut across from the Gospel of Luke to the historical book of Acts. According to DeSilver 2004:298 the major themes of the Gospel of Luke may be divided into two sections: universal salvation and women

4.6.1 Universal salvation

DeSilva (2004:197) avers that the Gospel of Luke has an inclusive understanding of the salvation of God which is not directed to the people of Israel alone but to all humanity. This is evidenced through the arrangement of Luke's material who sets the birth of Jesus as a world event (Luke 2:1-2) and also the presentation of the announcement of the Angels who distinctively say that His coming was good news to all the people (Luke 2:18). DeSilva (2004:199) also points out that when Simon sees Jesus, he mentions that the son will be salvation for all the people and a revelation to the Gentiles while glory to Israel (Luke 2:31-32). DeSilver concludes by highlighting that Jesus'

sermon in the Synagogue and Luke 4:16-30 points to God's concern of all the people including non- Israelites.

According to DeSilva (2004:318) "Luke alone, among the Evangelists portrays Jesus' rejection at Nazareth as a direct result of his declaration of God's salvific purpose toward Gentiles (Luke 4:25-29). The Gospel of Luke according to DeSilva unravels God's compassion for the outsider and the non-Jew's capacity to respond with faith and love. This is evidenced by the centurion (Luke 7:1-10) who is a model for faith, the Samaritan (Luke 17:16-18) as the hero who returned to thank Jesus and the Good Samaritan (Luke 10:30-37). In most of the above cases, the Gentiles surpassed the Jews signaling the new dawn of Luke's Jesus mission to the whole world. DeSilva (2004:320) demonstrates that the Gentiles who have been called by God's name may be rest assured that God will be faithful to them, just as He was to Israel.

DeSilva (2004:321) delineates Luke's thrust to the outcasts by highlighting several issues; the first announcement of the birth of Jesus to the shepherds who were regarded as outcasts because their work would not allow them to protect their wives and children at night which was a virtue to the Jews, and also were regarded as thieves because their flock grazed on other peoples' property. This was followed by the birth of Jesus in a manger which symbolized Luke's hunger to be identified with the poor and lowly. The inauguration sermon of Jesus laid foundation that his ultimate mission was setting free the oppressed and giving good news to the poor (Luke 4:16-20 & Isaiah 61:1-2). DeSilva reminds the readers that Jesus of Luke associated himself with tax collectors, going home with Zacchaeus, the Chief Tax collector (Luke 19:1-10). Luke introduces parables like the lost sheep, lost coin, the lost son as a counter to his hospitality towards Gentiles. It is only in Luke where you hear the parable of the Good Samaritan in which the Samaritan becomes the hero (Luke 10:25-37). When Jesus heals the ten Lepers only the Samaritan expresses his gratitude 17:11-19 (DeSilva, 2004:323).

In a wave to fully demonstrate that Luke's major theme is anchored on universalism, Johnson & Harrington (1991:118) draw us to the words of Simon, who recognize in Jesus the salvation which God has prepared before all people "a light for the illumination of all the Gentiles and the glory of Israel (Luke 2:31-2). It means from the inauguration stage; Jesus was set for the salvation of everyone. We also find Luke altering Mark by extending the quotation from Isaiah 40 to include the words of Isaiah 40:5 "all humanity will see the salvation of God". This is a deliberate ploy to

show that Jesus did not come for a particular community which is always the Jewish people but that He came for all.

Johnson & Harrington (1991:118) show that in Luke 3:5-6, there is a deliberate strategy of Luke to trace Jesus' genealogy to Adam (Luke 3:23-38) which is contrary to Mathew who traces Jesus' descendants to Abraham (Mathew 1:1ff). For Luke, Adam is a representative figure as father of mankind, unlike Abraham who is the ancestor for the Israelite genealogy. This means that Luke's Jesus is for all. There is also the reference by Jesus to the actions of Elijah and Elisha among Gentiles (Luke 4:25-27); this is obviously meant to overshadow a mission among non- Jews in the Christian period. As much as readers know that the above figures are always linked to the Jews, Luke technically dilutes the notion. Luke in another episode describes those who will feast in the Kingdom of heaven as coming from the north, south, east and west (Luke 13:29ff), a clear indication that the feast is open for all nations as the geographical portrayal of those directions will include the Gentiles.

There is as well, the parable of the banquet which at first has special invited guests who fail to come giving different excuses (Luke 14:15-24 & Matthew 22:1-14). Unlike Mathew, Luke describes how the host sends out his servants to two groups of new Guests after the original guests had declined and these are the poor, crippled, blind and lame while the second group is of people from open roads. For Mason (1992:56), the first groups represent the Jewish community while the second is represented by the publicans, sinners, tax collectors and the Gentiles who are coming beyond the city. The parable is therefore, a direct analogy by Jesus that when the Jews did not accept Jesus as the Savior opened doors wide for the Gentiles as well. This is fulfilled in Luke 4:16-30 where Jesus preaches his last message that repentance for the forgiveness of sins would be preached to all nations (Manson, 1981:58)

Baxter (1995:13) outlines the message of Luke that good news about Jesus is for the whole world. Baxter shows that it was known in other Gospels particularly Matthew that Jesus kept himself from tax-collectors, Samaritans, women and prostitutes. Jesus in other Gospels would not enter the house of the sinners and never eat with tax collectors. In Luke, Jesus attitude completely enhanced a contrast view. He entered the house of the sinners, he ate with them and showed love and concern for them and as already noted, Luke's Jesus came for everyone (Luke 19:10). In showing that Jesus

was Savior for all people and not only Jews, Luke manifest this unmerited love through different clusters of people (Manson, 1981:57).

Luke's Jesus was a friend of tax-collectors and sinners (Baxter, 1995:14). Only Luke has the story of Zacchaeus, a tax collector who climbed up into the tree in order to see Jesus. The murmuring of the onlookers when Jesus asked him to dine with him became a clear authentication that it was unusual for them (Luke 19:1-10). In the Gospel of Luke, contrast stories are told, the Jews had a deep hatred for Samaritans, but Luke records many incidences which show acceptance of Samaritans (Luke 9:52-55, Luke 17:11-19 and Luke 10:25-37).

There are other related stories which are recorded in Luke which include the Pharisee and the lost coin (Luke 15:8-10), Prodigal son (Luke 15:11-32), the Pharisee and the tax collector (Luke 18:9-14). There are other many related stories which show that Jesus came for everybody including the despised, marginalized, poor and other periphery communities.

However, the other interesting group is the study of women, who were always regarded as the marginalized community. It is from such understanding that the chapter will interrogate how Luke-Acts viewed women so as to show that the widow in the story is no exception but falls under the theology of Luke to women in general (Baxter, 1995:13).

Among the themes raised by the Gospel of Luke like the prayer motif, Holy Spirit, the destruction of the Temple, persecution and others, the marginalization theme twilights all other themes. It is against such understanding that the story of Luke 18:1-8 should be taken into context particularly its relation to the broader theme.

The above proclamations have revealed Luke's thrust outside the Jewish boundaries, that his Gospel was not confined to the Jewish community. The parable in question should not be regarded outside the theology of Luke. The theology of marginalization should help readers to understand that Jesus of Luke's heart is on the down-trodden like the widow in Luke 18:1-8. It is however at this stage vital to delve to the second section of Luke's interest to emancipate the women.

4.6.2. Women

In the second section, DeSilva (2004:320) outlines Luke's biasness on women. He begins by enumerating that in first-century, Palestine's women were also a marginalized member of societal

social codes, but Jesus of Luke breaks the boundaries of these patriarchal structures. Jesus had women followers and supporters and often used women figures in the illustrations he told (Luke 15:8-10; 18:1-8.). He publicly associated with women and treated them with fairness and equality e.g. Luke's version of the birth of Jesus focuses more on Mary while Matthew's is on Joseph. The Gospel of Luke becomes the only Gospel which contains the story of Jesus' visit to the home of Mary and Martha, while they are given an opportunity to learn and listen him as a disciple (Luke 10:38-42). The other important angle which DeSilva (2004:321) brings is the elevation of women ministry equating them with their male counterparts. Luke 2:25-35 validates that the witness of Simeon to the significance of the infant Jesus is paralleled by the prophetess Anna. He notes the complimentary attitude which extends even to the examination and demise of Sapphira along with her husband Ananias. In a world that does not accept women's witness, she was independently accountable for bearing accurate witness (Acts 5:1-11). DeSilva goes on to observe women as models for discipleship in Jesus' parables of the lost coin (Luke 15:8-10) and the story of the persistent widow (Luke 18:1-8). Women are depicted as financial supporters of Jesus' ministry (Luke 8:1-3 & Acts 18:1-2, 24 & 28) (DeSilva, 2004:323). Lastly, DeSilva goes on to observe Luke's portrayal of women as faithful witnesses of Jesus' suffering, burial and resurrection by becoming the first to proclaim the resurrection (Luke 7:36-50) (DeSilva, 2004:322-324)

In support of DeSilva's proclamation Baxter (1995) and Evans and Porter, 1990) considered also that women were inferior to men in all aspects of life. A Jew will always offer a recitation of one of his prayers "I thank God that I am neither a gentile, slave nor a woman" (Evans 1995:54). Women were not allowed to study Torah and law (Evans 1995:55). In light of this Baxter (1995:29) presents an outline of how Luke's Jesus is portrayed as a friend of women. There are many stories in Luke where Jesus is associated with women. In Luke 8:1-2, there are women disciples who are depicted in the Gospel. We also find Jesus staying in the home of Martha and Mary (Luke 10:38ff). As already noted by DeSilva, the birth narratives in Luke are different from those we encounter in the Gospel of Matthew. In Luke, the Angel does not visit Joseph as what we find in Matthew, instead, the Angel visit Mary. In the same narratives the Angel visit Elizabeth (Luke 1:26ff) while the message is shown to Anna as well (Luke 4:38ff).

There are other women who are given special attention. Simon's mother in law receives special treatment by Jesus (Luke 7:11ff), the woman with hemorrhage is cured by Jesus (Luke 10:38ff.

There is also the story of a widow in Nain whose only son was brought back to life by Jesus when people had carried the corpse for burial (Luke 7:11-17). Luke 7:36-50 is about a prostitute who had gate crashed a dinner hosted by Simon the Pharisee. The woman who was a prostitute entered the house a villain but Jesus said that he has never seen such faith in the house of Israel, declaring her a heroine. A historical narrative is noted in Luke of a woman who cried out that Jesus' mother was blessed (Luke 11:27-28). A bent woman healed on the Sabbath day is also recorded in Luke 13:10-17. There are also many parables which contain main characters of women in the Gospel of Luke; the lost coin (Luke 15:8-10) and (Luke 18:1-8). There are weeping women who followed the cross as recorded in Luke. These stories reflect Luke's Jesus paying special attention to women (Evans and Porter, 1990:47).

Baxter (1998:31) found out that in Luke, there are various groups of women who were involved throughout the mission of Jesus. There are those women who were set alongside men in carrying out the mission of God. We find the women of Luke (Luke 8:3) serve (*diekonoun*) just as men in Acts 8:3 (*nein*). There are also women who prophesy alongside men; thus, we find Anna in Luke 2:36-38 adjacent to Simon in Luke 2:25-35. This can be interpreted in relation to Luke 2:25-35 and Acts 2 that the spirit has been poured out on all flesh so that "your sons and daughters shall prophesy". Phillip's daughters who prophesied are mentioned alongside Agabus in Acts 2:9-11. In other words, it is in Luke that the status of women is lifted to the same level as their male counterparts.

In Luke, Evans and Porter (1995:204) discover that women sometimes have church services in their houses (Acts 12:5, 12, 16:15 just as men do in Acts 18:7. We are also confronted with historical narratives where women teach alongside their husbands; Priscilla and Aquila teach Apollos in Acts 18:26 despite the view of 1 Corinthians 14:34-35 which states that women should keep silence in the church for they are not permitted to speak. It is clear that Luke's perspective on women is widely different from other Gospels because for him, they are at par with men in almost all the aspects of Christianity religion.

In the Gospel of Luke, we are also confronted with evidence of women ministry in their different categories showing that all women are worthy in the Gospel of Jesus. There are single women living with their parents who are working for the Lord (Acts 21:8-9) where we have Phillip's four unmarried daughters who will not tire to work for the Lord. We also have a business woman who

stays without a husband named Lydia (Acts 16:14-15) but she has a household that supports the work of God with even her resources. There is a wife who works with her husband in a family business; Priscilla who with Aquila were tentmakers and is known for their support of the work of God through their support to Paul (Acts 18:2-3). There are also married women involved in motherhood like Mary the model disciple (Luke 2:1ff, 41ff). These women demonstrate that in Luke, various kinds of women in different categories were involved in the mission of God's work. It is along such understanding that the story in Luke 18:1-8 should be viewed as a mirror to the whole salvific theme found in Luke-Acts (Evans and Porter, 1995:51).

The above arguments on the biasness of the Gospel of Luke towards women serve as clear evidence that the story of Luke 18:1-8 should not be taken in isolation but as his thrust on marginality. It means Luke's Jesus has a mission to elevate the inferior communities like the widow in the story. The widow in the story patriarchally is a villain but Jesus give her the new status of a heroine as will be attempted by the deviancy theory.

The above outline of how women were regarded by Luke cascades to the spirit of the parable of the persistent widow (Luke 18:1-8) that Jesus may have wanted to show how women may have the same stamina with their male counterparts. Perhaps this may stimulate women in Zimbabwe to rise up and vigilantly protect their estates.

The segment on the purpose of writing has achieved two main purposes; themes of universal salvation and the mission of women in Luke. In Luke, the salvific theme, embraced everyone including the gentiles. The second theme proved that Luke raised the women to the same level with the male counter parts and that Luke 18:1-8 should be interpreted along Luke's desire to liberate women. This chapter has created fertile ground for a theory like deviance to operate particularly in an honor/shame environment.

4.7. Conclusion

The chapter explored the location and possible audience of the Gospel of Luke. The analysis which can be given is that the audience was a mixture of Jews and Gentiles. This is premised first by the fact that Antioch has proved to be a center of different cultures hence different communities. The other reason which has come strong is that Luke's writings have a flavor of inclusivity more than particularism. What is important in this study is the fact that the recipients of Luke include the

Gentile world which was in a metropolitan setting. The content of this chapter has naturally identified itself with Luke 18:1-8, in fact the prescribed text was able to locate and relate with the whole Gospel according to Luke.

Having successfully identified Luke's themes and unraveled the potential community Luke is writing to, while at the same time revealing the importance of women in the Gospel, it is now prudent to pay a close attention to two empirical characters; the Judge and the widow.

Chapter Five

Class and status: Judges and widows

5.1 Introduction

This chapter focuses on the two important characters in the story of Luke 18:1-8; the judge and the widow with the hope to serve two purposes thus the depth understanding of the two characters and also how they were regarded by the society. These two characters will shed light as to whether their individual behaviors relate to their expected conduct of their roles in the community. Given the amount of persuasion it took before the woman's request could be granted, coupled with the reason provided by the Judge for granting the request, there is need to examine the administrative prowess and dynamics of the judge during Jesus' period in the Mediterranean world. The passage at hand has an unpleasant interaction between the woman and the judge. It is possible that the attitude of the judge was not directed against 'ethnicity' but against the gender of the woman; hence this 'universal problem' has to be investigated.

It is judicious to begin by probing the function of judges in first century society, looking at whom they served and what their accountability lines were. Indeed, given the amount of persuasion it took before the woman's request could be granted, and the reason provided by the judge for granting the request, we should ask whether it was a question of power dynamics at work or group loyalty that hardened the judges' attitude. The woman was, by virtue of her gender as well as her social status as a widow, inferior to the judge. This meant that the judge was in a more powerful position than her. How did the judge administer justice in this case in a way that brought honour to himself and his superiors or in a way that caused shame? Perhaps before we interrogate the Judge and his supposed ideal administration the study may first review the responsibilities and expectations of the rulers and nobles in the community to allow the readers to understand ideal rulers.

5.2. The Rulers

According to Jeremias (1970:87), the justice of the Roman government which was spread in its provinces began in the families. The Israel patriarchal fabric was made in such a way that their women social stratification position was lower than all other surrounding nations. The Hebrew

patriarchal society's women were totally and completely dependent on their fathers and husbands. Numbers 30:2-12 demonstrates a total dependency of women together with daughters on these male figures. A good example according is the fact that women vows could be simple vetoed by their husbands or fathers (Jeremias 1970:88), A daughter was a property of her father to an extent that he could sell her as a slave shall he sees it fit, Leviticus 21:7-11. The above assertion is shown by Lot's desire to offer her daughters to the men who wanted to offend him.

In a patriarchal society, Allen (1985:39) avers that the daughter is dependent upon her father or brother while the wife likewise, is reliant on her husband to an extent of remaining minors the entirety of their lives. It is apparent clear that the Jewish and Christian religion grew out of a world where men dominated in all areas of life: politics, religion, economy and even at homes, to an extent that women were inferior as if they were not fully humans.

Llan (1995:21) argues that the theological image of Yahweh as the loving husband and Israel as the unfaithful wife has in the history of theology perpetuated the subordinate role of women. The above image translates to the social structure of the pyramid of the governance of the Israelites/Romans where the female figures continue to be under the dominant of their male counter-parts.

The vulnerability of the women/widows vehemently forces the rulers and Judges to protect them as directed by God. The other glaring fact is that since appointments of Judges were not by merit but by consensus from both the powers being and the citizens in terms of their support, it therefore means the community had a large share in the approval of Judges (Llan 1995:24). In addition, the honour-shame community expected the Judge to behave in a certain way towards the vulnerable members of community like the rulers. It is against this background that this chapter will expound from the origins and development of rulers and judges so that in Chapter 6, we would have understood the Judge in depth in terms of what was expected of his office vis-à-vis the actions of the Judge in Luke 18:1-8. As already mentioned, the Judges were expected to administer their responsibilities diligently because they were appointed by the Emperor and also in an honour and shame community, they were supposed to preserve their honour through protection of the vulnerable members like the widows (Arlsdson 1997:111)

There are three things which have come clear in terms of enforcing the Judge in the study to have served the widow; he was appointed by the Emperor who would consistently supervise him, an honour /shame culture forced him to prioritize the widow's case in order to preserve his honour, and finally, the eurgotism and beneficence practice mandated the Judge to have firstly attended to the widow's plea. It is the behavior of the Judge to adamantly refute his prospects vis-à-vis the actions and behavior of the widow which will be interrogated in Chapter six which emanates from this (Arlldson 1997:113)

5.3 The Judges

The magistrates who were sometimes referred to as Judges were the public officials of Rome and of the Empire, together with the mayor, the chief justice, the chief engineer, the public treasurer and the army chief staff. The Judges had executive, judicial, legislative, diplomatic, military and even religious functions. The term of office was a year but renewable as long as you were a senator. In most cases the one term appointment was just in theory because most of them only left office on retirement (Shelton, 1998:208).

According to Shelton (1998:209), Judges operated as praetors, arbitrators of legal disputes, who will judge or arranged to have judged civil suits. They were administrators of civil laws. They were mainly designed to quench down any potential disorder. They were two types of magistrates; the Consuls and the Tribunes who were embodied with royal powers giving them supreme authority in military matters and everyone obeyed them and they were elected to protect from violence (Shelton 1998:209)

Table 1: Judges' titles

Title	Responsibility
Consul	Should consult (ask the advice of the people and senator)
Praetor	The magistrate who is in charge of civil laws but ranked below the Consul
Aedile	The Judge who was responsible for properties and private building
Quaestor	(Deriving its meaning from the word 'enquire') these were the Judges who investigated issues of murder and criminal.
Tribunes	The Judges who mainly concentrated on issues about army

The consuls believed property rights were sacred, and that it was the responsibility of government officials to protect property owners from any attempt to damage or decrease their property or to impede their acquisition of wealth (Shelton 1998:210). It was the duty and responsibility of a Judge to understand that he is the representative of the whole citizen body and therefore he must uphold the dignity and honour of the state. Shelton (1998:211) quotes Cicero who writes “he who holds public office must especially see to it that each man keeps what belongs to him and that private citizens suffer no loss of property through public legislation. It was particularly for this reason that the government and states were established so that each may keep what belonged to him. During the time of Augustus, they were City –Prefects (later disbanded) who were appointed by selecting them from Senators who were loyal to the Emperor with their position slightly higher than magistrates (Shelton, 1988:211).

Shelton (1988:212) points out that many of the duties duplicated those of the magistrates. These magistrates or Judges had the authority to punish all crimes not only those committed in the city but even those committed outside the city. The Praetors had among other responsibilities, administration and regulating the selling of meat in the city, maintain public order and discipline at the games and prescribed permission for business and professional activities (Shelton 1998:213) The Praetor was a judicial officer who had broad authority in cases of equity and he was responsible for the production of the public games and in the absence of Consuls, exercised extensive authority in the government. They presided over civil matters, administered civil laws, military command, became judges in courts of laws, acted as overseas in grain supply and distribution and monitored the treasury (Shelton, 1988:215).

The magistrate was the principal executive with absolute power; the chief priest, law-giver, and sole commander of army. His powers rested on laws and legal precedent and could only receive these powers through political processes of elections; in practice he had no restrictions in his powers. The Judge controlled all property held by state and had all the authority to divide land. In cities, the Judge was actually the chief representative of the city during dealings with goods or people and could unilaterally decree any new law. Sometimes the Judge submitted the decrees to either the popular assembly or to the senate for a ceremonial ratification but a rejection did not prevent the enactment of a decree (Shelton, 1988:213)

The most significant constitutional power that a Judge could hold was that of imperium (supreme power) which was only reserved for Consuls and Praetors. In theory, once the term of office of a Judge had lapsed, he was supposed to wait for ten years before renewal but since this created problems with incumbents the term was always extended indefinitely (Shelton, 1988:214).

According to Shelton (1998:215), the magistrates as already observed; controlled the treasury and supervised public works and places like market places. Shelton avers that at first, they did not need any training but later on, they were trained to administrate even bigger cities. In large cities, boards of magistrates were established. They were accountable to the public and to their peers. The praetor was responsible for administering justice in Rome; four Aediles were in charge of the general core of the city, traffic, water and food supply. It has become clear that the sole responsibility of the magistrate was to serve people. The Roman government was instituted such that all arms of the government were expected to expertly and diligently execute the roles. This is contrary to the judge in the story who has been portrayed as one who ‘neither feared God nor man’, and the question is why? This question will be implied in chapter six when the study interrogates the deviance theory.

However, having looked at the character, expectations and responsibility of the ideal Judge during the Greco-Roman world in Jesus time, this section turns to the second character in the episode, the widow. To understand women and widows in the Greco-Roman World there is need to analyse them in their respective cultures, Jewish and Hellenistic cultures as reflected in Luke-Acts. The widow in the story is perceived as Hellenistic Jewish woman but it should be remembered that the Jews were under the Roman government, therefore Hellenistic influences or tendencies should never be ignored. This will give us a better appreciation of their situation. For the sake of clarity, the Hellenistic-Roman and Jewish women and widows will be discussed under different sub-headings. However, to get us on the way there is need to firstly appreciate the nature of Roman-Greco households.

5.4 Roman-Greco households

Mark (2018:3) argues that households in the Hellenistic-Roman World included the head, who was the father commonly referred as the $\pi\alpha\tau\eta\rho$ meaning the father of the family, his wife, children, other relatives, slaves and servants. He goes on to confirm that the head of the family had great power over those living with him. He could force marriage (usually for money) and divorce,

sell his children into slavery, claim his dependents property and even had the right to kill family members (though this ceased after 1st Century). Marriage was often regarded more as a financial and political alliance than a romantic association (Mason, 2011). Fathers usually began seeking husbands for their daughters when they reached an age between twelve to fourteen years. It is in this vein that the husband was usually older than his wife and, in most cases, more than double her age (Mason, 2011).

A woman in Ancient Palestine was under social expectation to become a wife and mother. Despite the importance of the mother in the family structure as the bearer of children, she had no control over her children. Pejoratively, Marcus Aurelius in (Mark 2018:5) describes woman as lovers of gossip. Punt (2014:2) says “Jewish husband-wife relationships were made complex through the prevailing ideology of the inferiority of women as well as their age differentials, matched by wife’s limit rights to independent control over her property.” It is from this background that the study takes the reader to specific woman and widow social setting during this time.

5.5 Women in the Hellenistic-Roman World

Since we have located Antioch as the place of the target of the Gospel of Luke, it is cautious to also consider women in the Hellenistic-Roman world since they were also inhabitants of the study locale. Maxwell (1988:6) in his article titled “Women in the Greco-Roman World: Study paper for the Biblical Research Institute” summarized it when he affirmed that the Greco-Roman World was politically dominated by men. He explains that all the Emperors were men so were the senators, the proconsuls, the praetors, and every other ordinary officer of state. It therefore suggests that males dominated everything and influenced everything. Kraemer (1992:285) in her article in the journal titled “*Jewish women in Greco- Roman Palestine. An inquiry into Image and Status*” enumerated a number of areas these women were supposed to conduct themselves. She began by describing that in the Greek society, men were the heads of the families. Society expected women to marry when they became of age. It was the responsibility of their fathers and prospective husbands to arrange these marriages. Women were simply passed from the house of one master to the house of another (Kraemer 1992:287). Fathers were the sole authorities who gave their daughters dowry when married. If their fathers were dead their brothers made provision for it. When women became divorced, or when their husbands died and they had no children, these women returned to their former families, and took their dowries with them (Maxwell 1998:5). It

was practical that it was very easy to terminate a marriage because the husband just needed to send his wife away to her paternal family and the marriage ended. Women generally did not inherit anything; it therefore means she would go back to her family empty handed (Maxwell, 1988:6).

While Maxwell (1998:7) avers that women were free to own property as long as they observed two key traditional rules; that they were not supposed to use the property without the approval of male relative and that they were just stewards for the male child who will assume responsibility when he is of age. It therefore, means that they were merely stewards, unlike the house of the mother of John Mark which was used by Christians in the Early Church because the structural system made it difficult for them to acquire properties because they could not inherit nor ascribe it. It would appear that the jinx of exempting the women from paying taxes was tailor made knowingly that only a handful will own property (Maxwell 1988:9).

Kraemer (1988:287) continues to argue that there were rules which bound women in their lives; women were not allowed to conduct legal or economic transactions without a male guardian. In the Athenian law, women were forbidden to own property. A respectable woman was not allowed to leave the house unless a trustworthy male escorts her. Women were not allowed to eat or interact with male guests in her husband's home. She would naturally retire to her women's quarters. It actually began with girls who were not allowed to go to school and when they grew up, they were not allowed to speak in public. Cartwright (2014:4) in his article titled *The role of women in the Roman world* supported Kraemer in that, the Roman women had very limited role in the public life. According to him, they (women) could not attend, speak in, or vote at political assemblies and also, they could not hold any position of political responsibility. He however noted that women with powerful partners could only influence public affairs through their husbands and that those situations were exceptions.

Kraemer (1998:290) bemoans the sphere of life of a Grecian woman that her active life did not really begin until her marriage, she writes "in the classical period, women had been able to look forward to only two journeys: the first, from their fathers' house to their husbands, the second, from their husband's house to the grave, if not back to their fathers' home" It shows that women were real confined and suppressed of their freedom. The above notion was supported again by Cartwright (2014:6) who concurs that the duty of the Roman women was to look after the home

and to nurture a family, in particular, to bear legitimate children. They would always attend to the home and its slave workforce, cooking and washing for their husbands.

Kraemer (1988:293) notes that the Roman laws placed a wife under absolute control of her husband, who assumed ownership of her and her possessions. The husband was obliged to divorce her if she went out in public without a veil. The husband had power of life and death over his wife, as he did to his children and slaves. As with the Greeks, the Roman did not allow their wives to speak in public. Pertaining to the Roman laws, Cartwright (2014:9), in support of Kraemer states that women who were not married were supposed to nominate a male family member to act on their behalf when it came to issues of finances and properties because this rule enforced properties and inheritances to be kept under the dominion of male figures. In situations where women owned properties, they were not allowed to control these properties as they were deemed not capable to manage them. Cicero quoted the Roman law which stipulated that if that woman upon marriage declares her own property, it should be kept separate from her husband because they (women) were thought to be weak in managing property so that she would not blame anybody for the anticipated mismanagement of property (Baraz, 2003:128)

It would appear that the oppression systems followed these women in all their spheres of life, Cartwright (2014:55) notes that even their social lives were entangled in these oppressive systems. Respectable women wore long dresses and a mantle while they did not have any ties with their opposite number thus male counter-parts (in terms of status) and prostitutes wore a toga. If a respected woman was found guilty of adultery, one of the punishments was to wear a toga. It became acceptable that women were either regarded as prostitutes or respected women. They were classified into these two categories only. According to Cartwright (2014:59), it became even worse for prostitutes and waitresses because the Roman laws forbade them to prosecute for rape. These were categorised in the class of slaves whom when raped no charge was expected but it was just considered as merely property damage sustained by the owner (Cartwright 2014:59).

According to Maxwell (1988:17), the oppression and discrimination of women's role extended even to slaves whose roles were clearly different. The male slaves worked in the house in addition to doing the hardest labour. In large household, women perform house work mostly, including spinning, weaving and attending to children. In addition, at the request of the master they were

expected to offer their body to their owners by way of sexual services (Maxwell 1988:17). Maxwell elaborates that the male and female slaves were allowed to live together as couples but they were not allowed to marry because if they got married, their rights would infringe those of their master who always regarded them as his personal possessions (Maxwell 1988:19). It has become apparent that the Hellenistic World was a patriarchal system which oppressed women. Maybe having delineated at length on the Hellenistic woman the study turns to the Jewish women.

5.6 The Jewish women

As already alluded to, there is a thin line between the Hellenistic way of life of the women and their counterpart Jewish females because it should not be forgotten that the Jews were under the Roman government, Hellenistic influences or tendencies should never be ignored. Although a warning flag of overlapping tendencies in the women arena of the two worlds was raised, it should be admitted that the social status of Jewish women in Palestine during the Greco-Roman period had an image of its own (Baraz 2003:129) suggests that this status was not only shaped by the prevalent culture of the ruling empire, but also it was strongly influenced by religious norms and expectations. Judaism had put up their family ethics which were stronger and not easy to break.

Jeremias (1970:128) states that one of the major industrial activities during this time was the woolen manufacturing which became a specialty for Judea. Jeremiah (1970:130) mentions that it was work for married women. The dressed wool had to be spun into thread, and was ready for wearing which became a way of living in Jerusalem. In the Syriac apocalypse of Barach, it is written soon after 70 CE, the virgins of Jerusalem were addressed thus “and you, O virgins, who spin fine linen and silk with gold (Jeremias, 1970:131). A Historian, Josephus also reiterated the same hence the research may conclude that weaving was a task for women only. In fact, Josephus wrote that weaving when done by men, was a despised activity in Palestine (Josephus, 1982:716)

According to Punt (2014:4), Palestine Hebrew women were among the poorest in the world in Jesus’ day. It is particularly because of Roman Agricultural practices that displaces the Israelites (particularly Galileans) of their ancestral lands and increasingly impoverished the population (Josephus, 1982:721). Hebrew women were not allowed to divorce their husbands, but could be divorced for anything from burning the dinner to adultery (*shammai*), in a culture where women could not survive unless they were linked to the patriarchal household (Kraemer, 1992:106)

The raising of the son of the widow of Nain (Luke 7:11-17) is another example of Jesus' compassion for the women whose survival was threatened by the loss of her link to the patriarchal household. Safari and Stern (eds 1987:865) confirm that women statuses depended on the males' husbands, sons or male relatives. The death of these males meant the death of a woman in as far as the status is concerned.

A Jewish woman was deemed unclean during her menstruation period and if she inadvertently touches a man, he would need a purification ritual before worshipping in the temple. The story in Mark 5:25-34 of the woman afflicted with a twelve – year hemorrhage was real on outcasts. Women were normally not accepted as witnesses in Jewish law Safari and Stern (eds 1987:865). A women's primary sphere was in the home where she led table prayers and festival candle lighting ceremonies (Safari and Stern (eds) 1987:865)

Safari and Stern (eds 1987:866) write that women's status and freedom were severely limited by Jewish laws and customs in ancient Israel, from the second temple period; women were not allowed to testify in court trials. They were not allowed to go out in public or talk to strangers. When they were outside, they were supposed to be double veiled. During Jesus time, a man could divorce his wife, but the wife had no right to divorce her husband. He was only supposed to give a bill of divorce.

Safari and Stern (eds 1987:867) narrate one of the roles of women was that of mourning "they were well-known for their role as ritual mourners at funerals." Since they were not allowed to feature at public spheres, they were exempted at public religious ceremonies and duties such as studying the law or torah, making pilgrimage to Jerusalem and teaching in the synagogues was solely confined to men. Schools were for boys only and women sat apart from men in the Synagogues. Men would not speak to women in public (Safari and Stern (eds) 1987:868). In the Temple, women had access only to the courts of the Gentiles and of women, during periods of uncleanness for example, the monthly purification, 40 days after the birth of a boy and 80 days after the birth of a girl, they were not allowed in the temple nor in public places (Safari and Stern (eds) 1987:870). The women were expected to keep kosher (pure) she was expected to grind corn, bake, cook, wash, spin and weave. She was expected to take care of the children. One of the expectations was for her to obey her husband and his guests. In rural areas she would work on the

field and help the poor. The wife assisted her husband in his field and often sold his goods but sometimes she would not get the benefits (Safari and Stern (eds) 1987:865).

The father could even cancel or refuse an offer of marriage which was a contract between two male heads of families. A woman could sue for divorce but only the husband could enforce the suit. *Bethrothei* signified the legal acquisition of a woman by a man (Jeremias, 1970:362)

The woman's rights were compared with those of minors and slaves in the rabbinic writings of the *Mishnah*. Her ineligibility to perform in public religious life is reflected in the ancient synagogue prayer "Blessed art thou, 'O Lord God, king of the universe, who has not made me a woman.'" (Jeremias, 1970:366)

Safari and Stern (eds 1987:865) write in details concerning the place of women in the Temple. The second Temple, particularly in the last years of its existence, differed in its structure and functioning from the first temple where worship was now conducted by twenty-four priests and it had many different courts for a variety of activities. The people as a whole demonstrated great attachment to the temple and participated in various ways to the worship. The public administrative institutions were located in the temple courtyards (Jeremias, 1970:375). They continued to present a physical description of the temple that within the temple area was a synagogue, or quasi-synagogue, and the sages taught the Law in the courtyards. The scholars also draw our attention to the court of women which we are more interested in than any other physical structure of the temple.

According to Safari and Stern (eds 1987:866) the court of women was contrary to where the Israelites' male court was located which was in the inner compartment next to the place of holy of holies court. The court of women was at the outer wing and far away from where the proceedings took place. It was far smaller than the inner court because it measured 135 cubits by 135 cubits while the Inner court measured 135 cubits by 185 cubits Safari and Stern (eds 1987:877). According to Safari and Stern (eds 1987:867), the court of women apart from its location and size served more as a public hall than a sanctuary place. It is said all the communal functions relating to worship were conducted in the court of women. It was in this court according to the Safari and Stern (1987:888) that upon completion of the Day of Atonement preliminaries of reading the Torah were done. The same is said to happen once in seven years on the Feast of Tabernacles where

either the high Priest or the King will read torah to the assembled multitudes. This is the place which housed the chambers which were frequented by people; these include the chamber of animals, wood for sacrifices, and the house of oils and the house of the lepers (Safari and Stern (eds) 1987:866). It was regarded as a noisy court and people would not even know what was happening in the inner court where proceedings took place.

According to Josephus, a historian, in his works translated by Wiston (1992:619), the temple of women does not derive its name from the fact that it was occupied by women although they were the majority but it stems from the fact that women were not allowed to advance from this court under what circumstances because it also housed visitors, gentiles, slaves, foreigners, lamb, lepers and all other non- Jewish figures. It is from such enlightening assertions that Jewish women were regarded as second citizen with limited rights who in most cases occupied an observation seat. Such practices and traditions will help us to appreciate the fact that women were oppressed, and when we read the story in Luke 18:1-8, we should read it in context.

Safari and Stern (1987:866) reveal that women were not to be saluted or spoken to in the street. A woman walked six paces behind her husband and if she uncovered her hair in a public place, she was considered a harlot. Women were passed from the authority of her father to the authority of her husband. The Mishnah (oral law in Judaism) taught that a woman was like a Gentile slave who could be obtained by intercourse, money or slavery/servant hood (Safari and Stern (1987:878).

Jewish women as earlier on noted, could not play a significant role in the synagogue because they were unclean according to the laws of Leviticus for several days every month during their menstrual cycle (Jeremiah 3:3). They could not even recite the daily Shema (prayer) and did not read the *Torah* in the synagogue (Jeremiah 3:3) they were not allowed to come to any feasts or festivals. It is from this background that there was no need to educate them, so they would receive very little education on religion since the main religious instruction was given by men. They certainly could not travel with any Rabbi.

In the rabbinic world, women were not supposed to be found in the market place where the risk of their chastity was considered enormous (Neuffer 2011:2) Polygamy was present in the Jewish society but it was a phenomenon for the upper class. Wealthy men without heir could afford to add other wives but those with heirs and the poor were encouraged to divorce shall they think to take

another or other wives Neuffer (2011:3). It is clear that women were not only regarded as inferior to their male counter parts but rather as commodities of male figures.

Neuffer (2011:3-4) shed more light on issues concerning women's education by writing that girls learned to read and write only if someone at home taught them. The oral law prohibited women from reading *Torah* aloud. Synagogue worship was segregated and did not allow women to speak. Jewish women were barred from public speaking. Neuffer (2011:5) quoting Tal Ilan who had written a doctoral thesis on Jewish women in the Greco-Roman claims that if women studied scriptures, it was probably confined to Genesis. He also echoed that there were rarely incidents where women served as leaders.

The other conspicuous fact is that Jewish women were looked upon as inferior. Neuffer (2011:7) writing on First-Century Cultural background in the Greco-Roman Empire states that Judaism found substantiation of that presumption by looking at the bodily marker of circumcision. For him, Jews held the view that men were set apart by circumcision while there is no bodily sign for women. This assertion would even be imparted to Christianity where we find a sect of Judaic teaching that female salvation would always be somehow lesser than that of males (Neuffer 2011:3)

Jeremiahs (1970:366) writes that it was only in her wedding procession that the bride was seen with uncovered head, it only was mandated to the virgins. For Jeremiahs, a woman was expected to remain unobserved in public. It was disgraceful for a scholar to speak with a woman in the street because a woman who conversed with everyone in the street could, like a woman who worked at her spinning in the street, be divorced without the payment prescribed in the marriage settlement (Jeremiahs 1970:366)

Philo (1993:531) would actually write "it was considered preferable for a woman, especially unmarried girl in general not to go out at all." Philo designated market places, council halls, law-courts, meetings, gatherings and areas where a large number of people come together suitable for men only. Jeremiahs (1970:370) quotes (1V Maccabean 18.7) that elsewhere in Alexandrian, Jewish women were kept in seclusion, never even approaching the out door to avoid the sight of men. It was respectful and dignified for a woman to live in isolation. The text quotes a Jewish

woman living in Alexandria sharing how esteemed she was before marriage; “I was a pure maiden and I strayed not from my father’s house” (4 Maccabees 18:6-8).

Although other observations show, that a woman would work on the fields together with her husband but she was not to be left alone. Jeremiahs (1970:363) notes that in their father’s house, daughters came behind the sons; their education was limited to learning domestic arts, especially needlework and weaving while boys were taught laws of Torah and entrepreneurship skills. The father had all rights to these girls which included cancelling of vows, representing her in legal matters, acceptance and refusal of a marriage offer and he could sale his daughter into slavery. Josephus wrote about betrothal issues which were preceded by courtship and the drawing up of the marriage contracts which signified the acquisition of a woman by man and thus valid settlement of marriage. The betrothed woman is called wife, can become a widow by divorce and punished with death for adultery (Jeremiahs 1970:368) The acquisition of a wife was compared with that of a Gentile slave because as already noted the woman can be acquired by money or by sexual intercourse.

Jeremiahs (1970:369) enumerates the duties and expectations of good wives in the houses. The main duties rotate around the household chores. She had to grind meals, bake, wash, cook, suckle the children, and prepare her husband bed. All these roles were done dutifully as an appreciation to the protection she enjoyed from her husband. She had other duties which involved spinning and weaving, preparing her husband cup, and of washing his face, hands and feet (Jeremiahs 1970:371) These duties express her servile relationship with her husband. The husband rights include laying of claim to anything his wife found like earnings to her manual work. He had the rights to annual her vows (Num 30:7-9). The wife was obliged to obey her husband as the slave obeys his Master. The wife had a right to contest the annulment of vows in a court of law if it put her in a discreditable position but she would need a man to anchor on (Jeremias 1970:378)

According to Jeremiahs (1970:366) two critical issues robbed women of their freedom, the first one was polygamy which was permissible; the wife had therefore to tolerate concubines living with her. Jeremiahs would take caution that although polygamy was accepted but because of high fixed price in marriage many could not afford it or those who could afford it would end up with

only two wives. The second issue was the right of divorce which was given to exclusively the husband

It would appear according to Jeremias (1970:379), that the woman was so much the property of her husband that she could be sold into slavery to repay a theft he had committed. It however, should be noted that the position of the wife varied according to particular circumstances, examples are that, if a wife had strong brothers or a father who was of high status meant that the husband would not temper with divorce issues. The other factor was that, if the wife had children particularly sons, that was extremely important for women they (women) would be hardly divorced. The absence of children was considered a misfortune and more so a divine punishment (Jeremiahs 1970:380) A mother of a son was more important than a mother of a girl child because she would have given her husband a precious gift (Jeremiahs 1970:376)

The observance of all the positive ordinances that depend on the time of year was incumbent on men and not women. It is from this background that a wife was exempted of many things; to make pilgrimage to Jerusalem at the feast of Passover, Pentecost and tabernacle, to live in the booths and to sound the *Sopar* at the New Year (Jeremiahs, 1970:377)

Jeremiahs (1970:374) further charges that husband had also duties and obligation to fulfill to their wives. He had to provide her with food, clothing and shelter and to fulfill his connubial rights. He was supposed to redeem his wife in case of captivity and give medicine if she was not feeling well. It was the sole duty of the husband to provide a funeral for her if she died; even the poorest man had to procure at least two flute-players and one-woman mourner (Jeremiahs 1970:378)

It should be reiterated as already observed that it was a complete and sole responsibility of the father to marry off or sale to slavery her daughter. The daughter was as good as his property. When the husband died the daughter would either return to her father's house or remain but without using his deceased husband's name. It is through this patriarchal governance that the Jewish system wanted to fight through the use of rulers and Judges. These factual sentiments will shed more light on the choices which the widow in the story had when she decided to confront the Judge.

Jeremias (1970:374) continues to state that from the period of Talmudic teachings to the prophetic period, the courts appointed a guardian for orphans and widows, a trustworthy man who would

administer faithfully and voluntarily the estate they had inherited from their father. The above notion is supported by scriptures in the Old Testament. The prophet Isaiah urges his people: 'Uphold the rights of the orphan; defend the cause of the widow (Isaiah 1:17). Similarly, the prophet Jeremiah declares: 'if you really mend your ways and your actions; if you execute justice between one man and another; if you do not oppress the stranger, the orphan, and the widow (Jeremiah 17:5). The above texts prove that widows and orphans were at the heart of God and they were supposed to be protected by the authorities. This is concurred by the book of Job, 'Job, protesting his innocence, says: 'For I saved the poor man who cried out, the orphan who had none to help him. I received the blessing of the lost; I gladdened the heart of the widow' (Job 29:12-13). This means that it was the duty of the judge to look after the needs of the widows. In Jewish law as developed by the Rabbis, while orphans inherit their father's estate, a widow does not inherit her husband's estate. But the *ketubah* consists of a settlement on the estate from which the widow is entitled to maintenance until she remarries (Jeremiahs 1970:389)

Jeremiahs (1970:390) quoting from various Talmud writes;

In circumstances where the widow is, under the husband's appointment, guardian of his infant children, an oath can be demanded by the heirs as to her management, unless the husband has in writing freed her from rendering such an oath (Ket. ix. 5); but if from her husband's grave she goes back to her father's house, or to the house of her father-in-law, and is not appointed guardian afterward, she owes an oath only as to the future, not as to her previous receipts (Ket. ix. 6). A widow who lessens her *ketubah* (*i.e.*, collects a part thereof) cannot thereafter demand further payments, except upon an oath as to the amount received; she must take the oath, also, if one witness testifies that she has been paid. So, where land, sold or encumbered to third parties, is needed to satisfy the *ketubah*, the oath required in all these cases is taken in the most solemn form (Ket. ix. 7, 8).

The widow, even if the husband died after betrothal, but before marriage, may, without the aid of a court, sell enough of his landed estate to satisfy her *ketubah*; and if the proceeds of the first sale are not sufficient, she may sell more until the full amount is realized (Jeremiahs 1970:391) She may do the same thing to secure her support, if that is not given her. But this method of self-help seems not to have been practiced in later times (Shulhan 'Aruk, Eben ha-'Ezer, 96, 5). However, if she sells lands [that has a known value?] for less than their value, her sale is void; for in doing so she exceeds her powers, though the sale would hold good if it had been made under a decree of court (Ket. xi. 4, 5, where some dissenting views are recorded) (Jeremiahs 1970:393)

The complexity of laws of the widows is evidenced in the above narration where there is a lot of conflicting clauses which need technical interpretation. It is therefore clear that such intertwined and interwoven highly technocratic laws called for the Judge to interpret the laws for these poor widows. It should always be remembered that the document on the same chapter has shown that these widows were not educated at all since they were not allowed to read the Torah hence the Judge in the prescribed text of Luke 18:1-8 plays a critical role (Jeremiahs 1970:394) It is again in the same spirit that the story of the persistent widow may provide lessons that relate to the Zimbabwean situation

The other consideration from the above social economic factors is the Jewish restrictive laws which denied women to possess properties. The text is not clear as to the nature of the case, but scholars like Marshall (1978), Scott (1990) and Hultgren (2000) concur that the case which she needed vindication upon concerned money because it is the only type of estate; she was able to seek mitigation. Kramer (2015:7) delineates the rules which bounded both women and widows which restricted them to conduct legal or economic transactions without a male guardian. He quotes the Athenian law which states that women were not allowed to own property or engage in any business transaction because they did not have the capacity. Cartwright (2014:9) writes that women were forbidden to manage their properties because they were regarded as weak therefore if they had properties by any chance a son, father or male relative was appointed to administer the Estate.

It is along the above background that the text in question particularly verse 3 strive for further scrutiny as to how a widow on her own can approach the office of the Judge. It is clear that the society laws denied the woman access to the Judge; the text maintains that she approached the Judge asking for her case to be vindicated, not only once or twice but she kept coming. The actions of the widow maybe interpreted as being in violation of the norms of the society inviting shame to the family and herself but she (widow) fought her way out (Maxwell 1988:7). The question which will always surface in this study is how did the widow against all these cultural barricades manage to speak to the Judge?

The other fact is also that women were not permitted to conduct legal or economic transactions without a male guardian as already discussed. Maxwell (1988:7) writes on Athenian law that

women were forbidden of any transaction without male guardian; in fact, women were not allowed to own any property. Maxwell avers that women who were not married were supposed to nominate a male family member to act on their behalf when it came to issues of finance and properties because this rule enforced properties and inheritances to be kept under the dominion of male figures. This brings us to the core question; what type of vindication business did this widow have with the judge? In short, it reflects how the widow acted outside the social norms of the day.

A majority of women and widows in Palestine world during the first century lived as second citizen, a good example is that although women were free to own property of their deceased husbands, they could not inherit or ascribe that property, meaning practically it was not their property. The above assertion was supported by Cramer (1998:285) who argues that if her husband left her with property, her son or her father or even the male figure from the family of her husband were supposed to manage the estate on her behalf. This is further aggravated by the fact that girls were not given an opportunity to learn. Safari and Stern (1987:866) write about women who were not allowed to recite the daily *shema* (prayer) and did not read the *Torah* in synagogues handicapping even their knowledge.

It was made clear that women were not supposed to testify in a Jewish court. Cartwright (1914:61) argues that in a *halakhah* (Jewish law) witnesses were not supposed to be men who are deaf, mentally challenged, morally unstable or too young and were not supposed to be women as well. It is therefore, clear that women were not allowed to testify in a Jewish law. Chapter six should help as to how this widow in the text of Luke 18:1-8 confronted the Judge. What tools if any, did he employ to defend herself against the vicious shrewd judge?

In order to comprehend hermeneutics of the story of the shameless widow, we need to exert it under different themes. The first issue is to grasp the folkways and mores of her world during that time. As already alluded to, folkways are simple habits of action common to the members of the group; in fact, they are the ways of the folks that are somewhat standard and contain some degree of sanctions if they are not respected. They are the recognized and accepted ways of behaving in a society. Adler and Adler (2003:4) cite William Sumner as the proponent of these laws. According to Adler (2003:5), folkways are those norms which are based on custom, tradition and etiquette like standard of dress, demeanor, and physical closeness or distant from others and eating

behavior. Folkways include issues of speech, conduct of individuals like respect, eating and others. It therefore presupposes that violation of these laws constitute to a deviant.

Mores are stricter than folkways, as they determine what is considered moral and ethical behavior, they structure the difference between right or wrong. Mores are norms or rules that are guided by standards of morality within their culture and have consequences if not followed. People feel strongly about mores, and violating them typical results in disapproval or ostracizing. These types of laws are mostly dictated by a society's values, ethics and sometimes religious influences.

The inclusion of the above both Roman and Jewish women and widows will serve as a window-dresser to inequivalent deviant personality of the widow in Luke 18:1-8 particularly when presented in such context. The expected and ideal conditions of lives of women and widows will never allow such a behavior; the question therefore is how did the widow behave like that when she was under such conditions? Before the study engages deviance theory, there is need to look at the infrastructure of both the Judge and the widow- their supposedly places of residence.

5.6.1. Infrastructure

While the life of women/ widows has been investigated very well against a society of honour and shame during that time, for a closer appreciation of the complete life of widows, the study will attempt synopsis of the homes which dwelt these widows (Adler 2003:6).

Robinson (1992:33) outlines that during Jesus' time there were different house structures built for the under privileged during that time. There were smallest homes of poor which were little more than a square, store structured covered with a white washed sort stucco. These types of houses were called *Insulae*. Typically, These *Insulaes* had one large multi- purpose room and a small back room which was occupied by animals if ever they were there. The *Insulae* did bear a curve like shape entrance. There were multiple apartment houses which were built in long narrow blocks tenanted by ten or even hundreds of thousands of populations who lived in a poorly and health hazard manner (Adler 2003:6).

The second type of such dwellings, was sort of house also common for the poor village dwellers. It was built around a central open court with small rooms opening onto it. It only needed short beams for the roof structure, since the central court had no roof, so cooking could be done in the

open central court when the weather permitted (Adler 2003:6). Animals were kept on part of the house all night; in fact, the house stored all the property for the family (Adler 2003:7).

Families and several generations lived under one roof and had little or no privacy at all. The roof was usually flat and sturdy carefully constructed to collect rain water into cisterns or large containers. In these poor homes the floor was pounded earth, while of course the more affluent could afford pebbles or baked clay tiles because wooden tiles were for the wealthy. In most of these houses, there was no heating or lighting system because again it was only afforded by the rich (Plummer 2006:33).

According to Moxness (1996:87) this was in contrast of where the upper-class lived. The wealthy Romans or Jews lived in domus with double storey houses which were built around a court yard known as an atrium which had rooms opening up off of it and had no roof at all. One of the characteristics of such a house is that it had many spacious rooms including kitchen, dining rooms, bedrooms, rooms for slaves and servants, a long-covered porch, verandah, bath rooms and other auxiliary rooms (Adler 2003:8).

The rich or upper class used different dining rooms for the changing seasons thus in winter they dined in the interior of the house while in summer they utilized the arbor attached to the house or situated in the upper storey. The stone couches were carefully covered with cushions on which the dinners supported themselves as they reclined at the table. In the open space between the couches a playing fountain cooled the dinners (Nash, 1944:13).

According to Nash (1944:15) the bathrooms had running water to the affluent people's houses with the lead pipes bringing enough water to them. In the classic lay out, the atrium served as the focus of the entire house plan- the main room in the public part of the house where the male head of the house would occasionally receive invited guests and host them. It should be observed that this family consisted of the conjugal family members plus dependents, servants and slaves with the latter mostly occupying the bottom and outer part of the house a security measure as well Nash, (1944:16).

It has been learnt that the poor lived in places known as Insulae where they lived in hazardous and crowded conditions while the rich or upper class had impressive town houses, usually in addition their villas had expensive floor plans, numerous entertainment spaces and rich marble decoration,

reflecting the importance of the elite of the domestic space for the creation of their public persona (Nash 1944:17). The study also observed that the houses of these affluences, apart from the nuclear family lived servants and slaves. The house also had double or in some situations triple storey structures which contained many rooms including dining rooms, bedrooms, kitchen at the center and a pool at the middle (Nash 1944:18). The images of the infrastructure of both the wealthy and the poor will give the reader some imagination as to how this poor widow may have visited the judge who falls in the category of the affluent. This will also give a sound pictorial image of the nature of deviance committed by the widow as she frequently visited the judge.

It is a fact that the story of both Hellenistic women and Jewish women is a sorrowful story from the onset. It can be inferred that the women particularly the Jewish women lived more like servants in both their fathers' homes as girls before marriage and husbands' homes. It is hoped that the wide gap created between the men and women in the process will help readers to appreciate the unprecedented actions of the widow against the judge.

5.7 Conclusion

This chapter succeeded in unearthing three important dimensions concerning the story of the widow in Luke 18:1-8. The first scope was the delineation on the status of the Judge and his expected service to the community particularly to the widows during Jesus' time. The Judge according to the Jewish laws was supposed to protect the interest of vulnerable groups like the widows. The other observation concerning the Judge is that he was bound by honour and shame culture which mandated him to preserve the interest of the widows in order to protect his honour domain, while lastly, the eurgotism and beneficence of the land forced the Judge to have served the widow in the first instant he saw her but he ignored all these. The cruelty, selfishness and uncaring attitude of the Judge denied him to fulfill his obligation as a Judge. On the other hand, the social cultural norms of Palestine barricaded the widow from accessing her rights. In short, the Judge refused to help the widow and the conditions of the widow would not allow her to reach the Judge. In such a dilemma, how did the widow force herself in order to be attended by the Judge, the next chapter uses deviant theory to interpret the widow who was a protesting character.

Chapter Six

Interpreting the Lucan widow (Luke 18:1-8) as a protesting deviant

6.1 Introduction

In this chapter, using deviance theory I read the actions of the widow as an action characteristic of a deviant; performed in violation of expected cultural expectations. The parable of Luke 18:1-8 will be imaginatively interpreted in an attempt to yield a sociological meaning. The assumption is that Jesus of Luke may have realized the persistent oppression and suppression of women, hence the parable acts as an epitome of how these women may be liberated and protect their estates and land. Using aspects of deviancy elaborated in Chapter 3, my reading is an imaginative reconstruction of the woman's character (reader-response), paying attention to three aspects:

- her behaviors outside the domestic;
- at the domestic space;
- her interaction with the Judge.

The exegetical discussion of the text will explicate on how the widow undermined power and simultaneously how her behavior may provide a window to the condition of widows in Luke's urban context in Antioch. In addition, this chapter provides comparative material concerning widows in Zimbabwe to be discussed in the next chapter.

Questions like, could her deviance exist due to her dejected and denigrated state of life, refusing to be silenced by categories of honor and shame? Similar to Zimbabwean widows, could her character be regarded as deviance and protest from the margins? Since the Judge responded to her outrageous, can we not say deviant pays? These and other related questions will be looked at in this study.

An attempt to locate the importunate widow in her precise social location would show that she is sitting in the peripheral margins of life, forcing her not to be bound by any cultural family and community norms, thus acting on her own. As already established, honour and shame model present the study with the ideal expected actions of the widow in such a situation given in the text under study within a given context, in a family house hold social setting, hence, this widow has totally acted outside such boundaries. Such actions exhibited can only be interpreted along

deviance as figured out. she had also lost her husband and perhaps with no son to fight for her case, her deviance may probably be the result of her dejected and denigrated state of life refusing to be silenced by categories of honour and shame. It maybe, therefore, apparently clear that her deviance comes from her protesting from the margins therefore there is need to investigate the widow as a deviant or protestant character.

The description of the widow in the text of Luke 18:1-8 has some traits with the social deviancy shown in chapter two particularly in an honour/shame culture where women are not expected to be hyper active. It is the levels of the behavior of the widow in the text vis a vis the expectations of behavior of women in the Mediterranean world which attracted the deviance theory. This will be done by trying to succinctly investigate the actions of the widow if they are any signs and symptoms which herald deviance indicators.

The parable in Luke 18:1-8 does not have detail historical facts as a mere parable like geographical locations of both the Judge and the widow (residential places), the time the widow visited the Judge, the ethical courtesies of the widow, the actual place where the conversation may have taken place and the nature of the case. Consequently, the supporting chapters thus two, three and four provide the contextual material from which her deviancy shall be imagined. Therefore, to disinter the deviant character in the widow, an imaginative reading using reader-response theory inspired by deviant theory is done using the supporting chapters to precisely plug in the missing material so as to come up not only with what may have been the essence of the parable but also appreciate this widow as a protesting deviant figure. In every level of these phases, deviant characteristics will be traced and singled out. It should also be reiterated that while Luke 18:1-8 is traditionally depicted as a parable, this research will imagine it as an exemplary narrative (Hultgren 2000:3) which was uttered by Jesus to convey a certain message.

6.2 Form and Redaction of the Parable

Before tracing the widow, the structure of the story needs attention. Because of the manner Luke redacted the story, for long the story of the persistent widow in Luke 18:1-8 has been interpreted as a story on prayer, where the interpretation places the whole story on the concept of a cruel Judge, usually regarded as the picture of God, who was able to grant this poor widow her petition because of constant intercession (Scott, 1989; Moxnes, 1988; Marshall 1978 and Hultigren, 2000). The prayer motif interpretation would therefore say if a cruel earthly Judge was able to respond to

this widow how much more would then God grant his disciples. The traditional interpretation means the response by the Judge is necessitated by the actions of the widow. The Greek term *ἔριχομαι* which means “keep on coming” is highly noted (Hultigren 2000:185) This explanation will then conclude that the actions of the widow of nagging the Judge would finally produce the result. Such perspective concludes that God will not act like the Judge who firstly had to be pestered before he gave in to the widow, instead, he will respond soon. The focus and thrust of this traditional interpretation is on the actions of the Judge who plays God (Hultigren 2000:97) Instead, in this study, attention is on the widow, focusing on how her character both opens our understanding concerning the condition of widows in urban Antioch and the manner in which her condition provides comparative material on widows in Zimbabwe.

I am not interested on how Luke redacted the story to fit his larger literary theme concerning prayer, but rather, focus is on how the story assists us to paint the context and world of Luke with special focus to the condition of the widow and her vulnerability in Luke’s community. From this perspective, a gap exists for deviance theory. Looking at her (widow) from deviance provides a fresh look at her vis-à-vis social construction, hence the text of Luke 18:1-8 will be studied using reader-response theory in an effort to interpret deviance found in the widow.

As insinuated above, the challenge, the study faces with the parable of Luke 18:1-8 as told by Jesus’ of Luke is that it has a lot of cavernous gaps making it difficult to exegete as it is. The story fails to account for important details of the story leaving many academic practitioners wondering as to the precise jinx of the story. As a sociological parable, there are many unattended questions which create gaps; What was the nature of the case of this widow which needed vindication from the Judge? Where did this Judge live? Where did the widow in the story live? What was the geographical distance between the widow’s place and the Judge’s place of residence? What time did the widow visit the Judge? What was the outcome of the verdict? It is from this background that the material from all previous supporting document will be interpreted using reader-response method so as to show the deviant nature in the widow. The reader response theory empowers the reader as an active agent whose input is critical in the interpretation of the text (Soulén R.N. and Soulén R.K. 2001:56). The reader is issued with a license to maneuver with the text as long the text is in the confinement of correct interpretation. It is from this theory that deviance theory will be understood.

It is important to engage heuristic method of interpretation to attempt a gap-filling exercise to the story in question which has got a lot of missing-links. The major focus as previously noted is to account for the actions of the widow in the text whose behavior contradicted the community norms.

6.2 Social Scientific Interpretation

6.2.1 Deviance Outside the Domestic Space (Public Space)

Using material from the previous chapters, I attempt an imaginative reading of the character of the widow as deviate by characterizing her as subject outside the domestic space. Chapter three highlights that Antioch was an ancient Greco-Roman city on the eastern side of the Orontes River which was founded near the end of the 4th century. The city boasted on the spice trade, silk and royal roads which necessitated economic military benefits. It became the main center of Hellenistic Judaism because of its role in the emergence of both Hellenistic Judaism and early Christianity (Hadrill, 1982:2)

The city was the third largest city in the Roman Empire after Rome and Alexandria. It had about five hundred thousand inhabitants. It flourished and became a wealthy sophisticated meeting point of Greek and oriental cultures. It was an urban city with advanced standards and shared multiplicity of cultures (Hadrill, 1982:3) It was the commercial hub of the whole Roman Empire, the citadel of Greco-Roman culture (Hadrill, 1982:5) Antioch was the major sea port of trade and also land route connecting Asia minor and points to the west with Syria, Palestine and Egypt to the inland high way, and the strategic position hence it became a busy commercial center in the Greco-Roman world of the New Testament (Hadrill, 1982:5)

In an attempt to locate the place of residence of the widow, where she may have been frequenting from; two potential sites were probed. The first view is propounded by Shelton (1989:59-63), Nash (1944:11) and Zetterhalm (2005:3) who intimate that the poor lived in market places of Antioch (Agora). These places were actually referred to as market place or ‘Agora’ where ordinary poor peasants lived in crowded houses called *Insulae*. This place in Antioch was occupied by the poor who were crowded in these market places. Nash (1944:13) describes the insulae as long narrow blocks tenanted by ten or even hundreds of thousands of the population. In describing the life experienced by the poor in Antioch Shelton (1974:97) quotes the writings of Pliny:

here, in Rome, many people die from lack of sleep, noise deprives them from sleep, and they develop indigestion and burning ulcers which in turn produce illness. In this city, sleep comes only to the wealthy. This is the source of the disease: carts creaking through narrow and winding streets and the curses of drivers caught in traffic jams will rob even a deaf man of sleep...

This summarizes it all that the place was a recipe for disaster. While this scene entices this study because they are many poor Jews who lived in these market places but the problem we have is whether the widow had capacity to stand against vicissitudes of this life including payments of rates. In most cases it was men who would spend long hours working very hard in these market places (agora).

The other location was raised by Hadrill (1982:1) who opines that while this entire marvelous and beautiful infrastructure distinguished the city of Antioch, however, beyond this lays the poor peasant community which also shares the name Antiochenes. He points out that the name Antioch as much as it denotes the wonderful rich city; it also encompasses the surrounding country side and its settlements, extending as far as fifty miles from the city where most poor peasants lived (Hadrill 1982:1)

The above view is supported by Moxnes (1988:94) who notes Luke's use of the terms Πολις (city) and κωμη (village) interchangeable. Since the term Πολις refers to a town with some self-government and κωμη means a village, Luke may have referred to both places thus the urban of Antioch and the villages around Antioch where the widow may have come from. The fact that the woman had to get to a Judge for her matter to be settled would suggest that the incident (parable) is presumed to have happened in a city but the widow had to travel a considerable distance from the surrounding village to the city of Antioch to meet the Judge.

The location of the widow at Πολις (urban) will not affect the identity of the other character the Judge because according to Hultgren (2000:252) it was common that a Judge operated in a city while a Rabi (διδασκαλος) would work in the rural or village areas, however a Rabi would only deal with religious issues leaving out economic and political matters specifically Jewish in nature.. Coggins & Houlden (1996:581) in the reader-response theory aver that the reader is appointed as the heir of the author to fill-in the gaps "the reader must then revise, reformulate or discard the assumptions given by the author". In determination to apply reader-response theory basing on the

above information, the agora seems more credible because in an urban setting widows found it difficult to manage a city-life. The other reason may be that the widow had an economic case which the Rabi in the village was not able to administer since Rabi was limited to religious issues (Coggins & Houlden 1996:581)

It seems the distance whether from the neighboring village or the market place will not change anything. However, for the purposes of this study, the location of the widow will be the market place (Agora). It is from such a background that it can be ascertained that the widow may have been visiting the Judge from market place around Antioch.

The brief geography of Antioch in terms of the settlements of the elite and the ordinary people has shown two proposed areas where the widow may have been residing, in market place 'agora' at the periphery of the city and the villages around Antioch and it has been agreed that the widow resided in market places. However, while the widow lived in such horrific places, the elite lived on mountainous places or by the sea or lake where they sought fresh air, good sleep and quietness. This is contrary to the market place and a settlement life where many people are reported to have died because of poor sanitation (Shelton, 1988:59). The presupposition therefore is that the elite who obviously include magistrates/Judges/rulers reside separate places from the market places, fearing transmitted diseases (Shelton, 1988:60). It is from such a standpoint that this widow finds herself having to travel a considerable distance to have her case vindicated by the Judge.

There are a couple of dynamics we may comprehend concerning the widow who is moving from her domestic space to seek exculpation from the Judge who from the above supporting material is not close by (Shelton, 1988:59). The study according to the above findings assumes that the widow's physical location is the settlements which were around Antioch as suggested. The study will track the actions of the widow from the settlement and attempt to match every action with the potential possible deviance influence.

In chapter two, five variables of deviance were discussed; anomie theory, control theory, labeling theory, structural theory and minority theory. These theories of deviance will first be exerted to reader-response theory when the widow was still in the public space so as to allow her to spontaneously unleash the deviant characteristics in her.

6.2.1.1 Anomie deviance theory

The first stage of deviance emanates from the fact that the widow maneuvered into the public domain in a society where women were not supposed to leave their house as echoed in chapter three by Jeremias (1970:128) who affirms that women were strictly kept in seclusion, never approaching the door to avoid the sight of men. According to Jeremias (1970:128), it was regarded respectful and dignified for a woman to live in isolation. Jeremiahs would actually go on to point out that a respected woman was the one who would always stay indoors; if male visitors come, she confines herself in the kitchen. In chapter three, Jeremiahs (1986), Malina (1985), and Kraema (1998) concurred that in an honour /shame world, it was preferable for a woman in general not to go out at all and just live in doors limited by the middle doors. These are the expectations of women including the widow in question.

The text of Luke 18:1-8 suggest that the widow in question left her house of residence to seek verdict from a Judge. The empirical question will be ‘how could a widow leave her house and venture into public domain contravening societal norms in an honor/shame world?’ As mentioned in Chapter two, anomie theory is a result of deviation from the norms, rules and social anticipation of the community. According to Merton (Thio 1988:11) “deviancy is an action or behavior that violates social norms, while social norms are rules and expectations which guide members of a society thus deviancy is absence of conformity to these norms.” To be more specific, the anomie theory says that when individuals are faced with gap between their desires (goals) and means to attain them, they resort to illegal means. This nuance perfectly matches the actions of the widow when she left her expected place of confinement which is her house. Merton’s theory raises the fact that deviancy is the result of the differences between socially accepted goals and availability of means to achieve these goals (Thio, 1988:17). When the widow discovered that she was not going to achieve her goals by conforming to the cultural means which barred her from reaching the judge, she just broke loose the chains.

In every society there are cultural norms which are expect on the members of that given community. People across the whole world are judged according to the way they uphold laws of the land. It is therefore a common cause that the widow in the text was expected to stay in- doors but she decided otherwise.

Anomie type of deviance is said to be aggravated by the confusion that arises when social norms conflict with personal desires (Thio 1988:9). It has been established that the widow was not supposed to be seen in public space as this was against the cultural etiquette of the time. It is however the desire to have her case settled that forced her to ignore the cultural laws in the Mediterranean world. It is these controversial folkways which at this point label the widow in the story deviant.

According to the norms in an honor/shame culture, the widow was supposed to firstly find a trusted male relative who will accompany her to the Judge. This is the same individual who was going to represent her in the court. The second observation is that the widow moved alone in the public space. According to Shelton (1988:63) the 'Agora' was situated at the periphery of the city of Antioch where it could be estimated to be around 15km to 20km judging by the estimate size of the city. This will mean that the widow in Luke 18:1-8 travelled such a distance in public alone. Thio (1988:12) implied that the gravity of crime committed may equate to the level of deviant one has become. This may point to how deviant this widow in the story has become, judging from the distant she walked alone.

The male relative to accompany the widow was supposed to be trustworthy as well and to have the ability to protect her from speaking to males. The male relative or a son acted as an advocate for her such that Luke may have shown in her story that a man visited a Judge in a certain place on behalf of a widow because in a patriarchal society one speaks of male figures. This cultural rule is acknowledged by Kraemer (1998:28) who concluded that a respectable woman was not allowed to leave the house unless a trust- worth male escorts her. The honor and shame model revealed how difficult it was for a woman to move in to a public space alone. The unavailability of the male relative nor her son point out that she was a loner. Her problem may have been aggravated by lack of family members. According to anomie theory, deviance is a result of unobtainability of means to attain the desired goal hence use of illegitimate ways to achieve the same result. This presupposes that when the widow realized that there was no family member to accompany her, she broke the norms of the society.

Landis (1992:427) argues that one of the characteristics of deviance is withdrawal from the society resulting in individual actions. He gives examples of suicide cases that the preliminary step is removal of oneself from the community. This is witnessed when the widow visited the Judge alone

as an emblem of protesting. It may be difficult to justify her solitude attitude because she would have found even a distant male relative but it seems it is a deliberate ploy to move alone, she has become a deviant. It may also be inferred that this widow was living on her own, she had withdrawn from the society and other family members. The withdrawal action may become a testimony of Landis deviant phenomenon.

On public life, Jeremias (1986:358) had shown that Eastern women took no part in their community association. He went on to affirm that women were not allowed to speak in public while men would not speak to women in public in the absence of a male relative. A woman who conversed with anyone in the street is likened to the woman who worked at her spinning in the street, and should be divorced without the payment prescribed in the marriage settlement (Jeremias 1986:359). It can be assumed that the widow in question conversed with people on the way, probably enquiring of directions and exchanging pleasantries. The actions of the widow broke the mores and the folks she came across with. The folkways are clear that the reason why they were not allowed to be seen in public is that they ended up tempted to communicate publicly. The above behavior and attitude of the widow can only be interpreted as an individual who wanted to achieve her goal but did not have the means to, hence she had to attain the desired goal illegally (Jeremias 1986:360).

The anomie theory shows that it is the desire of everybody to achieve prescribed goals just like the widow wanted to attain the settlement of her problem by the judge. Albert Cohen had stated that “differential illegitimate” arise because of failure to employ available cultural means (Thio 1988:18). This argument is evidenced from the actions of the widow who when she could not find a representative, breaks the expected norms in order to achieve the goal. The actions of the widow in the public space has manufactured the anomie type of deviants. However, it will be learnt that it is through these actions which are outside the culture which will earn her victory. It has been clear that some of these cultural tendencies oppress women as shown above and the widow became her own liberator.

6.2.1.2. Control theory

The other type of deviance depicted while the widow is in public space is called control theory. Scott (1990:230) had supplied earlier in chapter three, what he terms the first stage of any deviant attitude which emanate from the control theory. The control theory is premised on the basis that

all human beings have potential to become deviants but they are curtailed by both external controls and internal controls. It is only those who move from the hidden mask to the public face who become deviants (Gove 1980:58). Scott outlines that after a long period of pretense the deviancy level will move the next gear where a public refusal or persistence may be witnessed. The observations of Scott (1990:232) are highly noted at this point because the widow gathered unprecedented courage to move from her private domain to the public space which is one of the traits of a deviant according to Scott (1990:233). The internal controls which are conscience, integrity, morality and desire to be a good person to the community together with external controls like family, community, neighbors and the authority bestowed to the judge failed to stop the widow from fulfilling her dreams.

Scott (1990:235) had affirmed that one becomes a deviant if both internal and external controls fail to contain the person. This may be true of this widow in the text that in the process she probably lost her pride and dignity but at the same time she lost her respect from the society in order to accomplish her goal. Both external and internal controls would have confined her to follow proper procedures in a given society but upon realizing that by doing so she may not achieve the goal, she deliberately deviated from those expected cultural norms.

Secondly, there is the distinction of deviation which stem from the assumption that the widow may have not hidden her face under the double veils as per Jewish female attire. The reason why women were forced to cover their faces with double veil was to avoid any recognition from males but we are aware that the widow actually wanted to speak to the male (Judge) hence no need to hide face. The presumption that the widow does not have the double veil on, also arises from the datum that when a woman put on her headdress there will be a male relative to lead the way but, in our parable, she is a recluse.

Kraemer (1992:27) in chapter three had observed that when the widow left her house, her face hidden by an arrangement of two veils so that her feature would not be recognized. Any woman, who went out without this headdress, committed such an offence against good taste that her husband had the right and duty to divorce her. They were supposed to hide their face under two head veils and could get a divorce if that was not followed. The widow was even worse because her rights belonged to her husband and as soon as he dies the rights were taken away from her so she was vulnerable and was supposed to be scared to commit any offence.

In relationship to the above cultural protocols in Palestine, Landis (1992:429) concept on deviance properly aligns with the behavior of the widow when she decides to move without her headdress on. Landis had pointed out that deviance is when an individual decides to wear or not wear unacceptable or weird attire. Assuming the widow did not comply by not putting on headdress she qualifies as a deviant symbol.

The first phase in our attempt to reconsolidate the story of the persistent widow through heuristic hermeneutics which is imaginative reading has established deviant characteristics exhibited by the widow in four conducts; venturing into the public space, a possibility of conversing in public, failure to double veil the face in order not to be recognized and frequenting the Judge on her own. These four undisputed characteristics of breaking the norms in a shame/honor society invited assumption of the widow to be labelled a deviant.

A pictorial consolidation of first phase may be summarized in the following imaginative reading of the text (reader-response); that the widow left her place of dwelling which was portrayed as a village situated around Antioch. It is not clear as the precise time she may have been carrying out her expeditions to the Judge. The study is however, confident that she may have come across many people on the way that includes males. As already depicted, the behavior and actions of the widow on the public sphere were not in congruent with the society's expectations.

In summary, the first phase has uprooted deviant characteristics in the widow outside the domestic space. This was demonstrated through four levels, when the widow left the cultural confinement of her jurisdiction which is her place of resident. The above action confirms Merton's theory that deviance is action or behavior that violates social norms (Landis 1992:427). Secondly, the woman was supposed to be accompanied by a male relative to the Judge but the widow in question went alone. According to Landis (1992:427) one of the characteristics of deviance is withdrawal ambitions by the deviant from the society resulting in individual actions, this is manifested by the weird actions of the widow who abandon everyone and carry her expedition alone. The third level of deviancy is portrayed when the study implies that she did not put on her head dresser as confirmed by Landis that a deviant decides to wear or not to wear unacceptable or weird attire. The last act of behavior from this section emanate from the implied pointer that the widow on her way to the Judge may have met male counter parts, who obviously were shocked by her actions of traveling alone. Scott (1990:230) had argued that deviance involves breaking of cultural protocols

resulting in interaction with those whom one is not supposed to, hence evidence of deviant behavior. This section has highlighted protesting features in her action in various stages before she reached the domestic space of the Judge.

One of the tenets of the Reader- response theory is that the intentions of the author are unavailable hence the response of the reader is varied since the reader has a leeway on the interpretation of the final meaning. On public space the widow in the text has shown deviation propensities resulting in calling her deviant. Two theories of deviancy thus anomie and control theories showed that the actions of the widow against the cultural expectations label her a deviant.

The next segment is an attempt to investigate if there are any deviant tendencies from the widow in the text while in the domestic confines of the Judge.

6.2.2 Deviance in the domestic space of the Judge.

The second level is to investigate whether there are any protesting nuances when the widow arrived at the judge's place or residence. In Luke 18:1-8 we meet the widow in the domestic space of the Judge as she pays her routine visits. There are many unanswered questions which persuade the study to make use of the reader-response method. Although some of these questions have been posed before but it is when the widow is at the door steps of the judge that they are appropriate. What was the rendezvous of the meeting place between the widow and the Judge? What time did the widow visit the Judge? How was the widow received considering the fact that these Judges had servants and slaves? Where did both the Judge and the widow sit as they interacted? How long did the widow spend at the Judge's place? These and other questions will be attempted using the material in chapters two and three as we sociologically re-read the story in Luke 18:1-8.

Having given an image of a rough picture of the locality of the widow, using material from chapter four, it is proper to present a sociological image of the probable scene of residence of the Judge. Firstly, Shelton (1998:108) relates how the magistrates used to operate under the Roman government. She begins by narrating that the magistrates (praetors or consuls) who were sometimes known as Judges or rulers had their offices at their residence since they lived in spacious homes called villas. As already noted, these villas ($\delta\omicron\mu\upsilon\varsigma$) were situated in distant areas away from the ordinary people as they attempted to escape noise from market places and health hazards environment (Shelton, 1988:110)

The houses (domus) were spacious with many bedrooms conditioned for summer and winter. The elite built the storey- houses around court yard known as atrium. The atriums had rooms opening up off of them and had no roofs. The house had many rooms including kitchen, bath, dining, bedrooms, a long-curved porch or a verandah with a low wall or pillars and a swimming pool right at the centre. It was built along the front of the house to keep the rooms cool in summer. The bath rooms had running water connected from pipes which brought water to the rich people houses (Shelton, 1988:110).

The description of the elite house will help the reader to appreciate the discrepancy found between the Judge and the widow not only in terms of the structure of the house but the variance in status. The depiction of the Judge's place of residence from the supporting chapter illustrates that there were gate-keepers at these houses. The slaves occupied the rooms closer to the entrance to provide security to the palace (Shelton 1988:111). Luke does not present the readers with information of the reception of the widow by the Judge, but chapter four detailed how women were viewed outside their native space. During dinner or any activity which guests were invited; women were never part of the team. Humphreys (1993:33) declares that women were never invited as guests to dinners but would come if they so wish as gate crushers and just sit at the corner while men recycled by the table, waiting for left-overs to feast on them. Hadrill (1982:13) investigated the structure of the elite houses and of interest the physically setting of the house (δομῶς). Consequently, the widow may have met the slaves who were right at the entrance. Hadrill (1982:14) suggests that among the slaves some were responsible of providing security and in some situation; they would carry shifts supervised by the foreman who was either a servant or a slave. It was propped in Chapter Four that visitations were only through appointments where one should send servants or slaves inviting the guests who were mandated to confirm prior to the date of events (Hadrill 1982:14). In short, it entails that no one can just pop at the judge's place without a notification. The magistrates also received notices of individual who will visit them and made arrangements of periods they were able to see them. In this story, the widow just crops up, and skirmish between the slaves and the widow may probably have taken place (Hadrill 1982:16).

These cultural proprieties meant that the widow did not receive a warm welcome from slaves every time she will visit the Judge. This therefore, may mean in a sociological re-interpretation of the parable of Luke 18:1-8, a physical push and shove may have happened between the slaves or servants and the widow as she persistently fought her way to see the Judge. It is apparently clear

that she was an unwelcomed guest who forced her way despite the fact that the Judge ignored her several times. Armed with the above potential drama which may have happened at the domestic space of the Judge; what nature and type of deviance may this widow in the text committed?

6.2.2.1 The minority theory

Using reader-response theory to Luke 18:1-8 it is clear that the widow in the story visited the Judge alone and not only faced the powerful and dominant Judge but also many ruthless servants and slaves. It is from such a re-reading that the document connects itself with the other type of a deviant known as the minority theory (Clinard, 1974:29). This form of deviance which was mentioned in Chapter three is a theory well known as minority influence. This was said to be a form of social influence that takes place when a member of a minority group influences the majority or when the inferior dominates the superior in such a way that they end up accepting the minority's or inferiority's beliefs or behavior (Clinard, 1974:30). This happens when a small group or an individual act as an agent of social change by questioning established societal perceptions or social norms. The theory according to sociologists is the reverse of the traditional upheld view that majority should influence the minority (Clinard, 1974:32).

The first manifestation of deviance coming out from the above deviance attribute is connected to the widow invasion of the Judge's domestic abode. The Jewish and Hellenistic laws required that any appointment should be confirmed by the host (Judge) who would prepare for meals and make a research of whatever the guest may have come for. According to the fact that the widow kept coming, it is ostensibly clear that the Judge had refused attending to her circumstance therefore she was not welcome. In support of the minority influence, Landis (1992:155) writes about the contradictory projection by a deviant where there is a push to act contrary to the status quo. Landis (1992:156) explains that a deviant always finds strength and courage to those things which he/she is denied. In this stage the widow is unwelcome but Luke tells us that she persistently visited the Judge.

When the widow got into the domestic space of the Judge and asked to see the Judge she was refused, seemingly she rankled them by threatening them that she will return (Landis 1992:156). She kept her promise and came back, obviously this time she attracted quite a considerable number of slaves and servants but she battled on. The impression is that she was alone against a horde of slaves and servants who may have failed to contain the widow (Landis 1992:156). Minority

influence theory argues that when a minority has managed to take on and confront the majority or dominant, it is shocking to the victims. As already observed the widow in the story is a loner, weaker, powerless and vulnerable but her own only tool is her actions which eventually yield results when she is allowed to talk to the judge.

The minority influence seems to be regularly used by workers, civilians protesting against the government, students against university authorities and all other weaker groups objecting against dominant individuals. The superiors or those in authority always give in not because they do not have tools and instruments to fight back but because they do not want to attract sympathy or shame from on-lookers.

Landis (1992:129) enumerates three distinct traits in this type of characteristic of deviancy which originate from minority influence; the first one as mentioned in chapter two, he calls it the behavioral style where the deviant manifest consistent confidence in his/her weirdness actions. It actually takes place when a deviant passionately and consistently contradicts with the cultural norms of the society. An analysis of the widow in the story of Luke 18:1-8 is a clear authentication of this attribute. The widow has come from a distant place and as shown in the description of houses of the elites, it was not easy to find yourself in the house. The widow who is inferior is also outnumbered by the slaves but probably because of the deviance in her, she takes them on (Landis 1992:157). The text of Luke 18:3 shows that the widow consistently and persistently visited the judge through the use of the Greek verb *'εξογγεμετο* (perfect tense of keep coming) (Hultgren 2000:252).

The second element of deviance is resistance which is witnessed in the activities of the widow. This is coming from the fact that getting access to the Judge was never a walk in the park because the Judge as an elite had his bedrooms on the second level of the storey building. When the Judge had visitors, he would use the atrium space (Shelton, 1988:110). An attempt to re-read this portion of the text using the facts the study has gathered from the supporting documents necessitates a conclusion that the widow battled with the servants and slaves in order to get the attention of the Judge Landis (1992:130). Landis (1992:132) submits that one of the personas in the characteristic of deviance is the consistent force towards the goal despite lack of correct procedures, and this is what is paralleled in the actions of the widow as she ventures into the domestic space of the Judge.

Suppose the widow had not resisted, the slaves would have dismissed her without the knowledge of the Judge, but it is her adamant stamina which over powers the slaves. This action can only be interpreted along deviant defiance.

The other element as we continue to interrogate the actions of the widow in the villa is her class of status in the society vis-à-vis one of the powerful people in the Roman hierarch, the Judge. Landis (1992:130) charges that the other tenant of deviance is social class and behavior where the deviant crosses over to a class which does not suit his/her status. The widow in the domestic space of the Judge is an unfit figure in the palace but she does not mind.

Judging with where the widow lived at the settlements where they were crowded in the houses called *Insulae* (Shelton, 1988:110), it can be inferred that her appearances did not match with the palace she has entered. Although Luke's Jesus does not tell us about the number of trips she may have endured to the Judge, we construed from the terms used that it was a couple of frequencies, meaning even the gate-keepers failed to contain her. At her first appearance the servants may have mistaken her for a destitute but as she persisted, they had no choice except to inform the Judge.

It is apparently clear that the statuses of the widow and the judge were two worlds apart but the widow would not be intimidated with her general appearance as compared to the judge. The courage by the widow in spite of her depleted and pathetic state to force herself is a clear testimony that she had lost all the cultural etiquette.

Relatively, one of the important observations stemming from the minority influence characteristic of deviance is flexibility and compromise. This is a situation whereby the deviant is able to be flexible and compromise his or her programs for the sake of acquiring the so needed result (Landis, 1992:182). It is indeed quite clear that the widow did not achieve her vindication on her first visit but she had only to persist and exhibit features of deviance (flexibility and compromise) as stated by Landis (1992:183). Since Luke did not bother to supply us with the details of the story, it is indubitable that the slaves or servants did not give her a nice treatment. However, even when sometimes she was treated like a rogue or rascal she would come again tomorrow. This highlights the level of deviance the widow had become.

The mere actions and behavior of the widow may have involuntarily forced the judge to pay courteous attention to the widow. The judge may not have believed his eyes when he set them on

the widow who has found her way alone. Malina (1981:74) argues that in an honour/shame culture a challenge of an inferior part should never be accepted. The minority influence benefited the widow by default as the judge may have wanted to quickly get rid of the widow.

Deviant characteristics have been traced and exhumed in the widow at the domestic space of the Judge. According to the honor/shame model, the widow was forbidden to enter the place of the Judge but she forced herself. The wide variation in status of the two characters would not permit her unexpected visit to the Judge. When the minority influence characteristic of deviance was wielded on the conduct and the actions of the widow at the residence of Judge, it was found that she manifests the attitude of a deviant.

Reader-response theory has helped the story in Luke 18:1-8 to be in context, particularly opening avenues for the deviant theory. In this case, it has unearthed salient factors on the behavior of the widow against the cultural norms in honor/shame context. It helped to provide responses to questions regarding the outrageous behavior of the widow against the authority. It can therefore be ascertained that the study has successfully applied minority influence to the actions of the widow in the domestic space of the judge and the deviant traits were found. The minority influence type of deviance exhumed that the widow in spite of her shameful status outclassed the slaves and servants and forced herself in the Judge's domestic space. Such actions can only be interpreted along the attributes of a deviant. When she got access to the house of the judge, her next step was to talk with the Judge. It is in the same context that the study will move on to stab and sieve out deviance in the widow in her interaction with the Judge.

6.2.3 Deviance in talking

The phase on the deviance in interaction between the Judge and the widow will allow this study to tabulate the actions of the widow before the Judge and disentomb the deviant behavior which may have taken place. These will be investigated under three levels which are: the actions of the widow of keeping coming to the Judge, the nature of the case and the response of the Judge. It remains a priority to find whether these levels of interaction of the widow and the Judge demonstrate any evidence of protesting in anyway or not. The study continues to examine the given text in an honor/shame culture while making use of the reader-response method where some missing information was heuristically supplied.

As already observed, there is a crucial missing link which needs to be provided before we move on, and this pertains to the discussion of the Judge and the widow. Firstly, it is imperative to establish the setting of the domus to find out where this discussion may have taken place. With the help of chapter four, this type of a house was probably a double-storey building which was built around a court yard known as an atrium. As presented in chapter five, the house had many bedrooms, a bath room, dining rooms, and many other rooms for the slaves and servant at the first floor situated closer to the gates (Hadrill 1982:15).

The courts were usually carried in the rooms off the atrium where the Judge would have to descend from the upper floor where he used to spend time in, to attend to the widow. The trial was usually by appointment granted by the Judge but in this case, Luke's Jesus points it out that the widow has been coming to the Judge but in vain. It may mean that the widow came without appointment. In an ideal state all visitors will first be hosted by the servants or slaves where those important guests had their feet washed by the servants at the entrance door. It is mostly probable that the widow's first battle field was with the servants and slaves who also acted as gate-keepers to the master. After the battle with these slaves the widow may have been handed over to the Judge (Hadrill, 182:18).

As detected, Luke does not tell the readers where they were seated when the Judge decided to act on her matter, but reconciling with the material in chapter four and the skeleton frame work we have in the story according to Luke while at the same time employing reader-response theory, it appears all the other days the widow approached the Judge but was never given the platform to converse with the Judge. She would have probable continued to wage her wars with the servants for a couple of days and slaves will then report to the Judge the whole fiasco. Culpepper (1995:339) reveals that the Judges were used to be paid bribes in order to expedite cases as the norm with bad rulers but the widow did not afford. It is probably this day in question that the Judge gave in and asked her to come to the atrium. The trial platform will allow her to sit facing the Judge and narrate her story which according to Landis (1992:184) incriminated her deviance in peculiar behavior.

In this phase, particularly in honor/shame society, the mere conversation between the widow and the Judge invites two points of deviation thus the widow was not supposed to be alone with a male figure and that she was not allowed to converse with the Judge alone. There are two types of deviants which emanate from such behavior; the structural and labeling deviants.

6.2.3.1. Structural theory

Cohen (1996:34) explains that structural theory began in America where the society encouraged all classes of people to achieve status while at the same time making it difficult for lower class-people to achieve their ambitions. It means the lower class should compete with both the middle and upper classes resulting in the lower getting frustrated because of the anticipated failure to achieve their determinations. These obstructions will prompt the lower class to fight against the established structures in order to reach to their desires thus deviancy.

The widow persistently came to visit the Judge asking for the vindication of her case. Luke 18:3 presented the narration on the precise actions of the widow in approaching the Judge through the exposition of the Greek words. As noted before, among the three Greek terms which means ‘come’ which are πορευομαι and παραγινομαι; it is the Greek word ‘ερχομαι which was used which does not only mean to come as the other terms imply but means to come over and over again (Hultgren 2000:89). The other Greek word employed by other different texts is ‘εριξετο which is an imperfect tense of ‘ερχομαι which means she was coming over and over again (Hultgren 2000:89). The text in Luke 18:3 clearly shows that the widow persistently visited the Judge. A purely re-reading of the text exercise will show that she may have visited the Judge more than three times. The honor/shame culture in Mediterranean world clearly shows that the widow was not supposed to visit the Judge even once but the emphasis of her frequencies buttresses her stubbornness (Hultgren 2000:90)

The actions of the widow of persistently visiting the villa can be interpreted as a lower- class personality failing to access the attention of the judge hence infringing the cultural norms in order to attain her motivation. According to structural theory, when the structures become obstacles for the lower-class to reach their desires, the lower class fight these structures exhibiting deviant qualities in the process (Hadrill 1982:10). This is paralleled to the widow who her legitimate route fail her to have her matter settled hence it is through her deviation that the judge had to give in.

The structural theory can also be paralleled to the feudalism period where the Serfs reached a point where they could not take it anymore. In the history world, the peasants provided cheap labor to the Manors who enjoyed themselves until when this lower class challenged the status quo. Like feudalism which granted few individual liberties, the poor who include the widows suffer in the

expense of the elite who include the judges in the Mediterranean world during Jesus time. The widow who occupies the lower structure charges towards the judge by breaking the cultural chains.

A re-reading of Luke 18:1-10 in a sociological perspective within his audience will show that Luke wanted to unveil how the widow acted outside her cultural confines. The image of a weak vulnerable villain widow setting out to see the strong affluent elite Judge by herself was an unthinkable activity in an honor/shame society. Thio (1988:15) quotes Merton's anomie theory that one of the visible characteristics which come out when an individual decides to evade the legal processes is that even the public and the target is appalled. The deviant will do something so weird that even the onlookers will be embarrassed then they label him/her deviant (Hadrill (1982:13) The actions of the widow were probable easily translated to that of a prostitute during Palestine in those days (Hadrill 1982:15)

There are set ideal norms which are expected in the behavior of women in Palestinian culture. For a woman to walk such a distance, the widow may have endured to reach to where the Judge was. It is important to remember that women were not used to walk long trips. For a woman, more so, a widow to walk that distant to see a male figure who is a Judge can only be explained along deviant attitude. The actions of this widow can be more importantly understood by a pictorial image; that when she was ushered in to see the Judge, she was confronted by another difficult situation; of where to sit. Ideally, the men will sit on the chairs reclining at the table where the host will occupy the front chair facing them, if among the guests there was a woman, she will squat at the corner with her head facing the floor as a sign of uttermost respect (Hadrill 1982:18). It is obvious that all these ethical protocols were ignored by the widow as she sought to be heard. The cultural structures which were supposed to be adhered to like never sitting with a male figure alone, never invite yourself in one's house and talk to a male figure were broken, thereby manufacturing deviant characteristics on the way (Hadrill 1982:18-20)

Cohen (1996:32) had defined deviation emanating from social structure as caused by those occupying the bottom deck. It was learnt that a structural theory is a functional whole presiding over a system of transformations and governed by self-regulating mechanism (Cohen 1996:32). It means that in order to overcome it one should device ways to break the structural system which protects the society. In structural theory, a society works as a human body where each part of the

body works in harmony with the other parts of the body (Cohen 1996:35). The theory means any disruption of a single part of the body will mean disruption of all parts of the body. The widow in the text seem to have comprehended very well that the structural system (social culture) will not permit her to visit the judge. The Jewish cultural norms as already observed were made in way that it was always difficult for women to have their matters settled by the Judge. In response to this the widow in the text fight against the walls of the system and at the end was rewarded.

The other point to consider is from the nature of the case the widow desired vindication, which probably was on property and estates. Luke again does not supply the nature of the case which this widow had brought to the Judge. The text is not clear as to the nature of the case, but scholars like Marshall (1978:278), Scott (1990:154) and Hultgren (2000:261) concur that the case which she needed vindication upon concerned properties and estates because such financial issues were mitigated by Judges. It therefore presumes that she was dealing with estates and properties but on the other hand Kramer (2015:5) delineates the rules which bounded both women and widows which restricted them to conduct legal or economic transactions without a male guardian. As already observed, the Athenian law states that women were not allowed to own property or engage in any business transaction because they did not have the capacity. Cartwright (2014:7) writes that women were forbidden to manage their properties because they were regarded as weak therefore if they had properties by any chance a son, father or male relative was appointed to administer the Estate. It is clear presuming from the stated cultural norms of the society which forbade women involvement in any property management that the widow is committing a grave societal offence, she is protesting. The nature of a case she had brought before the Judge portrays the widow as a deviant.

Cohen (1996:35) shows that the above actions of a widow are direct manifestations of the structural characteristic of deviance which occurs when a gap is created between cultural goals and the means to achieve those set goals, in other words if the means cannot meet the cultural norms. According to this nature of deviance, societies are composed of both culture and social structure. Culture establishes goals for people in society while social structure provides or fails to provide the means for those in the lower deck of the pyramid (Goode 1994:71). In a well-integrated society, people use accepted and appropriate means to achieve the goals that society establishes, in such ideal situations, the goals and means of the society are in balance. It is when the goals and means are

not in balance with each other that deviance is likely to occur (Goode 1994:71). This imbalance between cultural goals and cultural means can actually encourage deviance; in other terms, when the goal is not justified by the means- deviance is likely to occur. The widow knew that she was not supposed to bring her case to the Judge according to the laws of the land, but on the other hand she wanted property debacle to be settled (cultural goal). The widow had no option except to ignore the cultural norms (cultural means) and ask the Judge to vindicate her thus she became a deviant (Goode 1994:73).

The only challenge with understanding deviance is when readers associate it with violence or defilement. In chapter two Durkheim pointed out that deviance is not always bad because it provides the community with checks and balances (Clinard 1974:30). It is when the widow in Luke 18:1-8 realized that the cultural means were blocking her that she disregarded these means but attained the goal. There is a high probability that when other widows realized that the persistent widow has achieved her goal, they followed suit like what Durkheim would write “deviation also provide a platform to evaluate societal norms and courage to scrap out those incriminating the society (Clinard 1974:30).

Cohen (1996:41) proffers that structural theory works to uncover the structures that underlie all things that humans do, think, perceive, and feel. This was earlier confirmed by Durkheim that behind all societal laws there is a motive (Clinard 1974:31). A critical analysis of the above affirmations will prove that patriarchal societies will always come up with norms that make life hard for women. It can be considered that the Jewish societal laws promoted men over women hence the only way for women to raise their standard of life was to temper with these folklores. The parable of the persistent widow may have been told to appetize the listeners to investigate and evaluate some of these cultural laws so as to sieve those which were oppressive. It was a parable of liberation of women from negative patriarchal tendencies.

6.2.3.2. The labeling theory

In chapter two, labeling theory was defined as deviance which emanate not as a quality of the act the person commits but rather a consequence of the application by the community to an offender (Thio 1988:9). This means that a deviant is one whom that label has successfully been applied. The response of the Judge given in Luke 18:3 plays a critical role in divulging and exposing the above notion. Although we are in dark as far as how the trial procedure took place, Luke gives us

a clue through the response of the Judge. The actions and attitude of the widow fell heavily on the Judge who had no other preference except unconsciously to say “this woman will give me a black eye”. Although the Judge refused to hear her case for a period of time, he eventually relents and mediates justice for her. But the Judge does not do so out of heart, in other words, he does not comply out of his willingness nor because he begins to fear God and obey the law or because he has gained a new respect for human beings. For he says, “Even though I don’t fear God nor respect a human being, yet because she gives me trouble, I shall defend this widow so that as she continues to come, she will not in the end give me a black eye” (Luke 18:4-5).

According to Hultgren (2000:91) the word ‘wear out’ originate from the Greek term $\upsilon\pi\omicron\pi\iota\alpha\zeta\epsilon$ translated to mean batter down or cause trouble while in the context of honor and shame it means to give a black eye. Scott (1989:180) argues that the above sentiment implies the level and height of the attitude of the protesting widow. The Judge realized that the scale of remonstrating of the widow was gradually shifting to physically violent. It is the dramatic performance of the widow that changes the mind of the Judge. It means her persistent battering down the Judge paid dividends by forcing the Judge to give in Scott (1989:181). The dominant (Judge) eventually gives in to the demands of the subordinate (widow) because of her shameless acts which are promulgated by her deviant character found in her. As confirmed by Albert Cohen that labeling theory shows that it is other people who ascertain and label deviance as displayed by the Judge in giving in to the widow’s demands.

In reader response method, J.B. Green (1995:306) notes that one of the tenets of the theory is the ability by the reader to do what is called gap-filling. This relates to areas where the author may have left yawning gaps which may need attention in order for the text to make sense. Although the story in the text does not tell the readers of any awkward drama performed by the widow before the Judge, the response of the Judge may imply that the widow caused actions which forced him to give in.

In pursue of the reader-response method which is being used to interpret the deviance theory, there is need to further interrogate the labeling deviance theory. Firstly, as already established in chapter two by Goode (1994:80) that the authority of labeling one is mandated by powerful individual like the politicians, judges, police, medical doctors, courts and other influential people. The reaction of

the Judge represented by his words “I shall defend this widow so that as she continues to come, she will not in the end give me a black eye” mean that he had concluded that he is dealing with a lunatic (deviant). The realization by the judge that the woman may physically harm her as purported by Hultgren (2000:91) is enough testimony that the judge had labeled her a deviant hence she needed to get rid of her as much as he could.

In interpreting the characteristics of labeling deviant Malina and Neyrey (1988:35) concur with the observations of Goode when they indicated that the deviant is perceived to be out of place to such an extent that labelers take extra caution as they fear for their lives. This is exactly what the judge confirms in the story when he says ‘although I fear no man nor God, but because she gives me trouble, I shall defend this woman.’ The judge, perhaps together with the servants and slaves had labeled her a deviant and wanted to protect their lives.

Malina and Neyrey (1985:36) in chapter two had ruled out that deviant behavior in this portfolio (labeling deviant) is ordinarily defined as thought, feeling, or action that members of a group judge to be violation of their values and rules. It confirms and affirms that the judge’s idea to vindicate her is a testimony that the woman was different from the expectation conduct of women to the judge because she had assumed a different status of being a deviant. The response of the judge is triggered by the level of deviation of the widow.

The last characteristic observed in the labeling theory is the investigation and approval of the community. The community is said to carry out a biographical scrutiny or character reconstruction which will allow to find evidence to approve or disapprove the actions of the labeled individual Malina and Neyrey (1985:37). It is the acceptance of the servants to the demands of the widow in her persistence to see the judge coupled by the judges’ giving- in to the request of the widow that shows that the community had appropriated the widow the title deviant.

In summation, the labeling theory exposes that the widow in Luke 10:1-8 was approved as a deviant. This was affirmed through the response of both the judge and the servants as shown above.

6.2.3.3. Control theory

While the control theory was detected when the widow was in the public space, it is also perceived when the widow was talking to the Judge. It looks like the internal and external controls which are supposed to regulate the behavior and actions of individuals broke loose once again.

The bizarre behavior of this widow before the Judge can only be fully explained by Cohen's control characteristic of deviance (Thio, 1988:18) which was coined by Reckless brings the concepts of both inner and outer controls where sometimes the will and desire to act in deviant ways is restrained by both internal and external controls. Internal controls like conscience, values, integrity, morality and the desire to be a good person coupled by outer controls like police, family, friends and religious authorities have already been given as tools to prevent an individual from doing a deviant action even if one desires to. It is argued that these restraints form a person's self-control to some extent but in the absence of these controls an individual may revert back to his/her original intent which is deviant (Thio, 1988:19). It is again from this behavior that children who lack proper parental care may easily become deviants. The idea that she was a loner may mean she did not have relatives to provide the outer controls, but neighbors and the community were seemingly supposed to refrain her from moving alone in public. These close associates play a critical role in providing controls to the widow over and above her conscience, integrity, moral and dignity (shame) (Thio, 1988:20). When these could not control her, she resulted in being branded deviant by directly demanding her case to be vindicated by the Judge.

Traub and Little (1985:94) and Malina and Neyrey (1988:137) in buttressing the above factor related the development of deviant comportment, that in its infant stage it is docile and dormant. In other words, there is a period the deviant does not show any signs, but the second stage it whispers where people start to gossip about it and the final level the deviance burst to the public. This is the level the characteristic of deviance had reached in the widow where the Judge feared for a potential physical violence from her. The fear of the judge is a clear testimony that he had no choice except to give in.

The characteristics of deviance were clearly displayed on the third phase when the widow was talking to the Judge. It was exposed that in honor/shame culture, women were not allowed to interact with male figures but the study has tabulated the implied confrontation with the servants/slaves and the Judge for a couple of days. The nature of the case which was prefaced as

finance, estates and properties would not require women to administer. Cohen's structural characteristic of deviance proved that the widow was labeled deviant because the cultural means (male relatives, son or arbitrator) to have her case settled refused her opportunity hence she had to by-pass the legitimate route. The study through the meticulously exegetical work of Scott 1989, Hultigren 2000 and Culpepper 1995 demonstrate that the phrase 'she will give me a black eye' shows the exuberating rate of the level of protesting by the widow that it was turning violent. Again, this was fully confirmed by Cohen's characteristic of a deviant that when a person can no longer be confined by both external and internal controls, he/she becomes a deviant (Thio, 1988:25)

Judging from the above argument it seems the widow acted outside the social norms of her time in the process becoming a deviant by nature. It also reveals that the widow confronts a Judge whom she is not supposed to mix with and ask for a settlement of a case which she is not supposed to participate in. The level of deviation is outrageous because while she is not supposed to speak to the judge, she does speak to him, while she is not supposed to move alone in street, she is alone, while she is not supposed to talk to the male figure she does and finally while she is not allowed to ask for an estate settlement, she does exactly that (Marshall 1978:278), (Cartright 2014:7), (Kraema 1992:27) and (Jeremias 1986:360).

In short, five theories of deviance were applied thus anomie theory, structural theory, labeling theory, minority theory and control theory, these theories were able to extract the deviation aspects of the widow while talking with the judge that enabled her to win the battle.

The study has managed to re-read the story of Luke 18:1-8 filling in the missing material which were not supplied by Luke using the reader-response method in order to extricate the characteristics of deviance from the widow. This was done through dividing the story into three phases which are deviance outside the domestic space, deviance in the domestic space and deviance through interaction in the honor/shame context. Each phase showed the deviant actions and behavior of the widow. In short, the study has presented the characteristics of deviance in this widow and sociologists were roped in to distinguish whether the actions by the widow manifest any resemblance of deviant behavior or not.

It has been traditionally accepted that any deviant action result to negative outcome for a long time, however, sociologists have proved that deviance can be positive as well. The next section will investigate whether deviance actions can be regarded positive to individuals and community.

6.3. Advantages of a deviant Character in Relation to Luke's Story

Having confirmed that Luke's story is a story of an aggrieved widow who employs deviance in order to force the Judge to hear her story, it is shrewd at this level to investigate how deviance can become a positive tool to be used by an inferior member(s) of society as a route to have their grievances attended to.

Clinard (1974:30) opines on the societal reaction of the people to deviance that it varies with societies and the direction that type of deviation will have taken. Deviance can be approved or disapproved depending on its benefit of consequences to the whole community. He ascertains that most members of the community encourage a certain amount of non-conformity provided it is in an approved direction which gives a certain quantum of freedom to the society. However, there are disapproved deviations from norms by society which carry negative connotations within the society like anger, disgust, hate, gossip, isolation and ostracism or even sometimes physical punishment or violence (Clinard 1974:31) It is noted that in some instances the community is attracted to a deviant who manifest attributes or behavior like brevity, honesty, justice, heroine, resist suppression, protect rights etc. Pilch (2002:6) tabulates negative and positive qualities of deviance.

There are consequences of deviance in any given community. According to Pilch (2002:7), deviance can threaten society by interfering with important systems of the society like it may abstract social systems of a particular activity like when members protest against any price increase forcing the supplies to compromise the quality of the product in order to retain same prices. The other demerit of deviance is its potential to destroy members' willingness to perform their prescribed roles (Pilch 2002:8) It may provide resentment and undermine members to commitment thus threatens society's well- being (Pilch 2002:9) It can also disrupt a society by damaging the trust among members in a given society; this disturbs the smooth operation of a society because the operation is always anchored on trust. These are some of the dysfunctions of deviance in a society but there are many benefits of deviance in a society as a community and as individual members (Pilch 2002:10).

According to Pilch (2002:13) deviance helps to define the society's moral boundaries. Durkheim in Pilch (2000:14) would write that a social system requires norms which distinguish unacceptable from acceptable action. This will help the society to revise its boundaries which are not static, a good example is that there was time in Zimbabwe where one will never utter a word along issues of same sex marriages but now, they are debated even in churches. The other merit of deviance is that it unites members of a society against a common anomaly in a given community (Pilch 2002:16). When a member of a society violates a societal norm, and if respected members of that society come together and evaluated the actions of that individual and they find that the norm is oppressive the whole society unite against the authority. This also happens when the elders in a society discovers that the deviant is wrong, they unite against the deviant.

Deviance also facilitates social change, Pilch (2002:16) argues that deviance exposes defects in social system because some of the norms of the society may be oppressive to others or may just not cater for the other organ of the society, a good example is in our case study story in Luke 18:1-8 where other women and widows may have learnt that even women/widows may directly approach the Judges to have their cases settled. The other most important function of deviance is that it provides checks and balances to the system. It put the authorities on toes to check whether some of these norms are still viable in the 21st century. There are norms which were made before the inception of human rights laws, so may be, deviance provide evaluation of these patriarchal cultural norms. Durkheim quoted by Pich (2002:18) points out that deviation is not necessarily bad or abnormal but they should be regarded as normal within context of a society because in some situations they awaken the society. The society will be expecting the change but no one will be at the position to bring out that change until a deviant act.

According to Pilch (2002:26), deviance in some communities, makes other people alert to their common interests. An amount of deviance in a group can increase the sense of awareness and alertness of a community among those who are conforming members and enhance the importance of assessing those things which may have been taken for granted. While criminal is bad but agents of social control such as criminal trials and psychiatric counseling help to define these limits, in other words, each time these groups in power move to censure a deviant such as a criminal trial, it sharpens the norms violated and reinstates the limit of rule of toleration (Pilch 2002:27)

The other detriment of deviance is that a certain amount of deviance can serve as safety valve for those who, if the rules were rigorously enforced might attack the rules themselves. The presence of deviance may serve as a signal that there are some defects in the social organization, in simple, the deviant can, by committing a deviant act expose the inadequacies and short falls of the norms of the society.

While traditionally deviance has been regarded as a negative phenomenon in a society, sociologists through their modern study have coopted positive elements opening a new dawn in the communities. It is hoped that these positive attributes of deviance will help this study to motivate women and widows in Zimbabwe who have the same cause like the widow in the story of Luke 18:1-8 to speak up against cultural oppression.

6.4 Conclusion

Chapter 5 has carried out a re-reading of Luke 18:1-8 using deviancy theory through reader-response theory. The re-reading of this story in the above method created a platform to re-interpret the text using deviance lens which was studied in honor/shame culture. Luke may have written this story to his audience to show them that Jesus wanted women to resist oppression that was common in these patriarchal societies as unraveled. The story was interpreted employing the deviance theory so as to mirror it to the Zimbabwean challenges of women who are dispossessed of their properties after the death of their husbands.

Furthermore, Durkheim anomie theory further explains her behavior. Anomie theory has been defined as absence of usual social or ethical standards in an individual or group, caused by the failure of society to control its members (Thio 1988:11). However, Robert Merton corrected that, for him, deviance is necessitated by failure of individuals to attain cultural goals through cultural means (legitimacy means) which result in one employing illegitimate means to achieve the goal (Thio 1988:9). The theory refers to the frustration that arises when legitimacy route bars one from achieving perceived goals. According to Thio (1988:9) Merton used the term to describe the differences between socially accepted goals and the availability of means to achieve those goals. This sometimes results in one forgoing legitimate itinerary in order to get the desired outcomes hereafter deviance. At this point, individuals employ deviant means to attain their goals. The study driven by reader-response theory has inspired the reading of the ancient text of Luke 18:1-8 and re-applied to the modern context. It is only when such lens of this story of the widow in Luke 18:1-

8 can be paralleled and speak to the women in Zimbabwe who continue to experience challenges of dispossession of their property after the death of their husbands, the next chapter will apply deviance theory to Women in Zimbabwe.

Chapter Seven

Application and implication of Luke's Deviant to Women in Zimbabwe

7.1. Introduction

In Chapter six, an imaginative reading of tracing the movement of the widow from her presumed place of stay to the domestic space of the Judge was done. The possible actions of the widow vis-a-vis the social norms of the society were vividly investigated. It was from that process that deviance attributes emerged; hence those deviant actions will be applied to the Zimbabwean women in order to force them to come out from their traditional shells. The deviant behaviour emanated from different platforms which the widow in the text occupied. Different types of deviance theories will be applied to the Zimbabwean widows' situations.

7.2 Anomie theory

Anomie deviance was defined as violation of social norms, and it was established that the widow in Luke 81:1-8 violated cultural norms in order to have her case settled by the judge. The anomie type of deviance is said to be heightened by the confusion that arises when social norms conflict with personal desires (Thio 1988:9). It was learnt that in an ideal society, the cultural goals (examples widows to have adequate resource for the sustenance of the family after the death of their husbands) should be met by legitimate means (all cultural members to support the widow who is the sole custodian of the family). It is however evident that there is a conflict in cultural standards, on what is considered a successful life in terms of goals attained vis-a vis the perceived ethical means to achieve those goals (Clinard, 1974:121).

In Nera's documentary, it was observed that Connie the best friend of Neria had to summon all her energy in order to convince Neria to go to court. The research also learnt that despite Priscilla Misihairambwi-Mushonga's intellect as a Lawyer and elite as a member of parliament, she withdrew her case and let the step-sons and her brothers in law take all the Estate. In both incidencies, culture is playing a significant role. Culturally Neria was supposed to be submissive to Patrick's wishes while Misihairambwi did not wish to dent his integrity.

Anomie deviance means that sometimes one has to break oppressive societal norms. In inheritance (kugara nhaka) practice, it was noted that the rite was no longer elaborate in cities where this study is based but the deceased's brothers and close family of the husband continue to dislodge the

surviving spouse and her family Bourdillon 1991:214). A careful application of anomie theory to the Zimbabwean women will persuade them to say out their honest feelings against these cultural exploitive laws against widows. The women through their different organizations like Msasa project and Lawyers Human Watch (LHW) will motivate for laws which give the surviving spouse all rights to properties. These laws should prohibit all relatives particularly the male relatives from interfering and evicting the surviving spouse.

A Guide to succession and inheritance laws (appendix 1) in Zimbabwe will show that while the country has got laws for succession and inheritance but these laws require one to have resource and courage to face the in-laws and motivation to fight repressive laws in nature. The laws also reveal that women will require to fight it out in order to preserve their properties. The cultural norms barricade the women from accessing these laws which protect them. It is the positive deviant's behavior which they may be encouraged to embrace in order to win their battles.

7.3 The inferiority deviance

This type of deviance is derived from the realization of inferior complex and need to come out from that. Good (1994:17) emphasized in Chapter 3 that one of the features of deviance is the willingness to escape from an inferior social class she/he belongs to a higher one. This is evidenced through the actions of the widow in the text against the background that she was supposed to live in a secluded space after the death of her husband. It was learnt that if the widows required assistance from the public forum, they would involve male relatives. This is anchored by Durkheim's deviance of the necessity of deviance in a society. "Durkheim's deviance is essential in a society because it facilitates social change" (Good, 1994:18). This theory of deviance claims that if people never deviate from a society's norms and values the society will never change, and change is always a good attribute. An organic process of social change is started by society responding positively to deviant behaviour among other changes, this can lead to alteration in the law, a good example is the view on homosexuality in the 20 first century. It remains a fact that the way people used to regard homosexual in the past is different now (Good, 1994:18).

After the death of a husband, it was established that the widow becomes a loner. Bourdillon (1991:217) notes that even when she is allowed to be accompanied by her brother's elder sister (tete) for a time during mourning period but, at the inheritance ceremony she will be alone. The culture expects her to sit at the mat while the Nephew (muzukuru) or sister of her late husband

(tete) execute the Estate Bourdillon (1991:217). In the text of Luke 18:1-8, the first pack of deviance manifested from the actions of the widow when she was outside the domestic space right in the public sphere. Merton had earlier shown that deviance is an action or behaviour that violates social norms of the society. As the widow may have violated the cultural barriers in order to have her case looked at, so are the Zimbabwean widows in some parts of the country with particular reference to *ZeZuru* (Gelfand 1964:131). The *ZeZuru* tribe should first embrace Merton's theory to break all the negative cultural boundaries in order to retain their property after the death of their husbands. The type of deviance is called unmasking the hidden mask.

In order to effectively comprehend the above-mentioned nature of deviance, we need to understand Scot (1990:230) who concurs with Merton that the important stage of deviance is a shift from the hidden mask to the public face. Scot holds that for a long time the oppressed people will pretend that they are comfortable with the unbearable situation but in actual facts they would be putting on a secret private mask. This principle is normally reflected by employees who may endure for a long time before they engage a 'tools down rule' and thus; unveiling the mask. This has been demonstrated in Luke 18:1-8 where the widow gathers unrivalled courage to move from her private domain to the public space. The Zimbabwean women may be encouraged to divulge their hidden mask and critically analyse the domineering cultural and patriarchal norms and sieve them off to the dust bin. This perhaps could be done with the assistance of Human Rights Lawyers (HRL) and Human Rights Organisation (HRO). The first strategy may be to move from the confines of their domestic space and plan vigorous campaigns against such repressive cultural laws which are being arm-twisted to suit male ambitions. In support of such deviance, Landis (1992:429) avers that in some situation deviance emanates when an individual decides to wear or not to wear unacceptable or weird attire.

The study has observed that in some parts of the country, the Zimbabwean widows during the mourning days would be forced to shave their hair, put on certain black regalia, and indulge in unprotected sex for cleansing rituals. In an attempt to apply the deviance theory of unmasking the pretence mask, the women may begin by discarding these traditions through refusing to adhere to the practices. It may therefore be ascertained that the women in Zimbabwe require firstly to believe in themselves and come out from their traditional cocoons which have bound them for a long time.

This will enable them to gradually and swiftly move from an inferiority complex to an equal foot with their counter parts-male figures in whatever they do.

This action may become the first step where women disband all oppressive traditions and cultures and start to regard themselves as equal partners with their husband. This move will mean women will motivate their husbands to have 'Wills', legal marriage certificates, own property on their names, and all other necessary support documents which give them the right to own properties.

This may therefore, summarise the first deviant motivation called the inferiority complex which encourages women to come out from the cultural shell despite the fact that they appear inferior as compared to males. However, the theory will not suffice on its own, it will harness another type of deviance called minority deviance theory.

7.4 Minority deviance theory

This type of deviance was witnessed when the widow in the text of Luke 18:1-8 was in the domestic space of the Judge; before the Judge. An imaginative reading had portrayed a picture of a palace of the Judge called the Villa with many servants and slaves which in normal situations could not host the calibre of this poor widow (Shelton 1998: 51). The minority influence type of deviance occurs when the minority fights out the majority or the inferior battles out with the superior (Adler 2003:16).

This was said to be a form of social influence that takes place when a member of a minority group influences the majority in such a way that they end up accepting the minority's beliefs or behavior. This happens when a small group or an individual act as an agent of social change by questioning established societal perceptions or social norms. The theory according to sociologists, is the reverse of the traditional upheld view that majority should influence the minority (Adler 2003:16).

As already noted, the widow in the story crossed lines of her social boundaries by frequently and persistently approaching the Judge on her own. Adler (2003:16) mentions that people are labeled deviants because of their attitudes, behaviors and conditions, thus they can be branded deviant for alternative sets of attitudes or belief systems. For him, deviance may result from outward actions which are intentional or inadvertent. It is in this frame of scope that the behavior, attitude and actions of the women in Zimbabwe may be interrogated. Minority influence theory has shown that when a minority has managed to take on and confront the majority or dominant it is called

deviance. As already observed the widow in the story is a loner, weaker, powerless and vulnerable but her own only tool is her actions which eventually defeat the powers.

The model stories which have been extracted from different publications reveal that culture is stronger than the courts and any other forms of legal settlements which the country may employ. Neria movie, Tshuma (2012) and Dube (2014) expose a phenomenon of cultural behavior which seems supreme to the laws of the land. Sheila Chimoyo was accused of witch craft after the death of her husband and she was chased away as the relatives of the husband looted the property. The same drama happened to Fortunate Mhuri who committed suicide (Mukonoweshuro 2012). Both incidences, the widows are accused of causing the death of their husbands and they are chased away while in both situations' property is disposed by husbands' relatives. The women therefore, may need to embrace such tenacity of courage. Widows may need to think not only about themselves but the future of the children who will need the resources in the near future therefore it remains their responsibility to protect these properties. After the death of their husbands, women should acknowledge the fact that they are the solely and legitimate custodian of the properties, hence, they should provide the security.

As already shown in Chapter two, Mukonoweshuro (1992) writes about how Misihairambwi quitted the legal route and gave-up everything to her in-laws and step children. As reflected by Gelfand (1962:67) and Bourdillon (1987:87) that while the inheritance culture (nhaka) seem to be fair on widows but the fact that it is controlled by men they remain oppressed. In minority theory the women should re-interpret the composition of the inheritance ceremony where they also have equal representatives and they should participate rather than to rely on the executor's benevolence. It is this cultural syndrome which needs to be addressed; therefore, women should through their different organization re-interpret traditions with a view to carefully sieve away those that are patriarchal and oppressive in nature.

In a similar situation, Dube's (2014) and Tshuma's (2012) articles are a reminiscence of both Neria and Mukonoweshuro concepts. All widows in these stories were stripped of their properties and were evicted as well because of different reasons. The most important aspect in these two separate incidents is that culture is employed as a tool to fulfill self-interests.

It is from that same disposition that the widow in the text utilizes the type of deviance called minority influence where as a poor inferior individual force herself into the space of the powerful Judge and comes out victorious. The above type of deviance is centered on the attribute of a lower and less dominant member of a class challenging the higher class and, in most cases, it unsettles the authorities. In other words, it calls for the Zimbabwean women to challenge these repressive cultural chains by motivating each other not to give in by allowing their male counter parts to challenge them.

The women will require a sense of self-belief that they are equal partners with their husbands hence they contributed their shared responsibilities and rights of these properties. This will therefore enable them to be bold enough to claim what is rightfully theirs. This level of deviance necessitates a recovery of their rights which they may have ceded to the in-laws particularly through culture.

Having considered the two theories, thus, the inferiority complex deviance theory where Zimbabwean women were urged to come out from their traditional shells of being regarded as second citizens and the minority influence theory which empowered them to start to believe in themselves as the rightful owners of their properties. These deviant theories help Zimbabwean women to begin by challenging some traditional practices which oppress them from protecting their properties.

After having looked into these three theories, anomie, inferiority and minority influence, it is prudent to consider another type of deviance which is called Control theory.

7.5 Control theory

The control theory is a belief that human beings are controlled by internal and external controls (Thio 1988:19). The theory holds that internal controls involve conscience, integrity, guilty, character, pride, morality and honor while the external controls include police, community, politicians, courts, friends, parents and family members. Thio (1988:20) argues that all people have a potential to become deviant, it is however, these controls which prevent everyone from becoming deviant. In the text of Luke 18:1-8, the widow beckoned all her effort to break all these controls in order to have her case vindicated.

In a bid to protect her image and not to shame her friends, colleagues in parliament and family Priscilla Misihairambwi Mushonga chose to let her step-sons and relatives of her husband to take

all the properties including the house she resided with her husband. The women may be encouraged to embrace control theory where they challenge the relatives of their husband that they worked for the property therefore they are ready to take the matter to the court. According to Thio (1988:23) control theory means one should be prepared to lose integrity and honor sometimes in order to attain a goal. In some cases, one may embarrass friends and relatives through unexpected actions or behavior which may not be in tandem with societal culture. In control theory what matters is the achievement of the goal. It is from this angle that sometimes women in Zimbabwe should be prepared to be deserted by the relatives of their husband in order to preserve their properties.

7.6 Structural theory

In chapter six, Cohen (1996:34) traced the origins and development of structural theory. He mentioned that the theory began in America where the society created a desire for everyone to become rich but the structure did not allow the lower class to fulfil their desires. The structural theory type of deviance is when the lower class fail to employ cultural means to reach their goals resulting in them getting their goals through illegitimate ways. The widow in the text got to the judge using illicit routes. Women in Zimbabwe may consider some tyrannical society laws and adamantly refuse them. Gelfand (1973:204) echoes that after the death of her husband, during inheritance ceremony if the widow does not choose an inheritor, the family will accept but the marriage will be dissolved and she will be asked to leave or risk to be let on her own. It is apparently clear that this inheritance law is structured in a way that the widow is not given options. It is along such practices that women in Zimbabwe should learn to stand on their own if they are abandoned by their husband's relatives.

7.7 Labelling theory

This is a teaching that the authority of labeling is mandated by powerful individuals like politicians, judges, police, medical doctors, courts, family elders, and other community authorities (Gelfand 1994:80). This simple means that women have allowed men to occupy positions of influence so that they make laws which benefit them. When men have orchestrated these laws, they then label women who do not adhere to them renegades or prostitutes. Labeling theory should help women to do what is right without actually following men's desires.

The above deviance theories may become sources of instruments for women in Zimbabwe to equip themselves and they fight against dispossession of properties by their husbands' relatives when

their husbands die. It is clear that Murpree (1969), Bourdillon (1991) and Gelfand (1973) unanimously concur that some elements of inheritance cultural practices deny the widows to have unconditional access to the property left by their husbands. On the other side, inheritance laws which are expected to give widows solace to the protection of their properties proved otherwise.

In Chapter two, inheritance laws with the help of five appendices were presented. Apart from Appendix 3 (Civil marriage 5.11), the other Appendices do not assist the women when they face challenges from the relatives of their husbands, hence the widows should advocate for its scraping off. It was observed that other marriages like the customary law marriage Act and the unregistered marriage Act do not in any way protect the women from loss of their properties upon death of their husbands.

Furthermore, two aspects may be considered; firstly, to contemplate enhancing a protection banner to other types of marriage thus the registered customary marriage and the unregistered customary union so that they are regarded lawful. This has been used as a scape-goat by many patriarchal figures to dislodge women from their rights of property. Such a campaign will enable the widows to always challenge any court armed with documents which protect them. It has become a challenge for men to marry through the civil marriage which is the only lawful marriage according to the laws of Zimbabwe, hence there is need to legalize the other Acts of Marriages.

The second critical facet would be to deliberately launch campaigns against such acts of dispossession of properties after the death of their husbands. The study has exposed through sampled publications that across the nations, such acts of subjugation of women are rampant in Zimbabwe therefore a well-orchestrated response championed by women should be inaugurated. As the theory of anomie holds that if goals fail to be achieved through legitimate means, deviance becomes the solely solution, hence, these women may even carry out peaceful and informative demonstrations to the authorities if the engagements fail. The aim of such awareness will be that a law should be adopted that if anyone dislodge these widows from their properties or evict them should be jailed.

In registered marriages, there were many challenges which they encountered in order to have their estates settled. Gelfand (1962: 65) proffers that widows who decided to mount legal fights to keep their property face many challenges. Gelfand describes an array of procedural and practical hurdles

which were always encountered with these widows. The first one was that the widows travelled long distances to reach government agencies and courts where sometimes reluctant to attend them resulting in returning home several times empty handed. In most situations they gave-up before the process started (Gelfand 1962:67)

The other hindrance outlined by Gelfand (1964:123) is the issue of correspondences which are always directed to the deceased's family members who are naturally contacted to confirm the authenticity of the widow. The challenge which emanate from this procedure of sending the correspondences to family members is that they may be reluctant to share with them resulting in the loss of these important communications. The other problem was the court fees which are prohibitive for the widows to continue with the processes. The widows had difficulties in sourcing the fees for court settlements. The last pitfall was the cultural barriers where the widow is culturally denied to access courts because such an act will attract a curse to her and the children (Gelfand 1964:131).

7.8 Conclusion

This thesis has challenged women in Zimbabwe to employ deviance theory to fight against dispossession of their properties from their husbands' relatives. The deviance theory which was interpreted to the parable of Luke 18:1-8 was mirrored to the Zimbabwean women to enable them to take a cue. The phenomenon of dispossession of widows has also been highlighted in Africa and Zimbabwe by Bourdillon (1991), Gelfand (1973) and Mbiti (1992). It is the deviance theories that suggested in this chapter how women can use them as tools in the Zimbabwean context.

This study has fairly blended the sociological theory of deviance to the New Testament text of the persistent widow in an attempt to offer possible solutions to the problems faced by many Zimbabwean women of being dispossessed of land and property after the death of their husbands. The final segment will then present the findings, recommendations as conclusion of the document.

7.9. Findings

First, it has been established that women in Africa, particularly in Zimbabwe face potential dispossession of properties after the death of their husbands. FAO and IFAD articles reveal that most countries like Ghana, Nigeria, Cameroon, Kenya, Zambia, Malawi and Zimbabwe have laws which give access to land and property to male figures more than females although there is a significant attempt to balance the gender. Such a tradition will result to a situation of repossession

of the same land and property by husbands' male relatives upon the death of the husbands since in the first place these properties were never theirs. Second, Articles and reports had shown that there is a tradition that when husbands die and wives are either childless or have only daughters are likely to lose all rights of land and property to their husbands' relatives. It is from such a claim that this document commends the authorities to implement the girl-child charter which promotes equality of children. Third, land and property grab in Zimbabwe is a reality and has been proved by individual figures who were dispossessed of their properties and land. Women in Zimbabwe are being evicted all the time leaving everything which they have worked for. Deviance theory will need to change women's frame of mind and mindset that they begin to fight for their rights to land and property. Fourth, J.S. Mbiti, M.F.C. Bourdillon and Michael Gelfand bring out what may be the reason for this hunger of dispossession of property which is the fact that land, housing ownership and property are passed through male heirs. It is through the abuse of such a cultural system that the women face eviction of their homes, therefore such cultural dichotomy call for fresh interrogation through (HRL) and (HRO) lens. Fifth, the major attributes and contributors to this property and land dispossession are some of these aspects of culture which are patriarchal in nature. The male oppressors have built a myth in the succession and inheritance cultural system and women need to subvert this myth by courageously confronting some parts of Succession and Inheritance laws like the customary law marriage Act and the Unregistered customary marriage Act which allow any woman who has lived with the husband to get a share of the Estate although she may have been a concubine. These cultural tendencies should give equal opportunities to women and men. Sixth, it has been identified that there are only two marriage laws which properly protect the properties of women when their husbands die, thus the writing of 'wills' and the civil marriage chapter 5:11. These two instruments recognize the surviving spouse as solely entitled to inherit from the deceased estate while the other two which are the customary marriages Act Chapter 5:07 and the unregistered customary union do not protect them. It is from such a background that the women are encouraged to actively participate in drafting of these succession and inheritance laws so that they adequately protect them. Seventh, it has been clear that there are some cultural aspects which promote the males over females equipping the relatives of the husband with armory to repossess everything which they did not work for; they need to be rescinded and revoked.

It can be concluded that culture and the Zimbabwean Succession & Inheritance laws have failed the women after the death of their husbands because they continue to face these same challenges, may be, there is need to turn to the Bible for solutions. Deviance theory in Luke 18:1-8 can be a cue to the Zimbabwean women who are dispossessed of their land and property after the death of their husbands.

7.10. Recommendations

Having made the above findings, the study makes the following recommendations; first, the government should review and re-design the customary marriages Act Chapter 5:07 and the un registered customary union in order for the two Instruments to protect women from being dispossessed of their properties after the death of their husbands. At the moment the above-mentioned Instruments can be contested and manipulated by lawyers in favour of these greedy husbands' relatives. These instruments should unrestrictedly give rights of property exclusively to the surviving spouse without any reservation. These two apparatuses should be gleaned to cultural loop holes so that they are able to shun negative culture from being abused. The second recommendation in line with the above is to assess the input of the wife in the acquisition of properties so that after the death of the husband before any sharing of property the surviving spouse is given her share. This is important because in some cases wives are being paid more than their husbands. Finally, culture has been found as the main culprit which opens flood gates to women's dispossession of properties. It is from such a conclusion that women are encouraged and motivated as groups, organizations and individuals to encircle deviant behavior as that which has been mirrored by the persistent widow in Luke 18:1-8. The deviant theories leant in this document may provoke women to create awareness programs, demonstrate with placards, engage government and ultimately resist any dispossession action of their properties by the relatives of the husbands.

The use of deviance theory studied in shame/honour culture to the widow in Luke 18:1-8 has demonstrated that it can be applied to the Zimbabwean context. The misery and suffering of women after the death of their husband (widows) in Palestine during Jesus' time has reincarnated in Zimbabwe as proved by examples of women who lost everything after the death of their husbands. As a villain: the widow faces a powerful Judge in the text (Luke 18:1-8) armed with courage and confidence, so are the Zimbabwean women who should put up a new gear of the deviant behavior and challenge the negative existing cultural barriers in order to get what belongs

to them. Three deviant theories are critical in this study in motivating these women to attain the goal. The inferiority deviance theory equipped the women to develop brevity thus moving away from fear to confidence. This will only be accomplished by an appetite and hunger to escape inferiority social complex to an independent free space where they will fight from their corner. It is an inclination of courage to engage into a mood to refuse oppression. The second gear (minority deviance theory) will see the women fight for their rights to property against the dominant and powerful patriarchal structures. They should get solace from the fact that in the text, a loner, weaker, powerless and vulnerable widow armed with only her actions defeat the powerful feared Judge. The final theory of deviance which was employed is the anomie theory which after the Zimbabwean women have realized that the legitimacy cultural means to have their challenges settled is in vain, resort to focus on attaining the goal. It is clear that culture has failed these Zimbabwean women hence time to challenge these cultural means. In a nutshell, the sociological theory of deviance has been blended with the story in the New Testament in Luke 18:1-8 (Persistent widow) to motivate Zimbabwean women to resist land and property dispossession after the death of their husbands.

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APPENDICES

Appendix 1. A Guide to succession and inheritance laws in Zimbabwe

A GUIDE TO SUCCESSION AND INHERITANCE LAWS IN ZIMBABWE

CLAIRWOOD CHAMBERS

INTRODUCTION

1. Succession and inheritance laws in Zimbabwe govern what happens to a deceased person's estate and how it is distributed depending on whether there is a will or not. The deceased's type of marriage also plays an important part when the estate is to be distributed, especially where there is no will.
2. The first port of call with regards to inheritance laws is governed by the **Constitution of Zimbabwe**. The Constitution provides for equality and non-discrimination¹ of all persons in Zimbabwe. This is because according to custom and tradition in Zimbabwe, when a man dies, his oldest son inherits all his deceased father's property and becomes the head of the deceased's family. Therefore, the Constitution has protected every individual as follows:

“Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom,

¹ Section 56 of the Constitution of Zimbabwe.

culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock.

A person is treated in a discriminatory manner for the purpose of subsection (3) if—

- (a) they are subjected directly or indirectly to a condition, restriction or disability to which other people are not subjected; or*
- (b) other people are accorded directly or indirectly a privilege or advantage which they are not accorded.”²*

3. Other guiding statutes read with the Constitution include the **Administration of Estates Act³**, **Deceased Estates Succession Act⁴**, **Deceased Person’s Family Maintenance Act⁵**, **Wills Act⁶**, **Customary Marriages Act⁷** and the **Marriages Act⁸**.

INHERITANCE

4. There are two types of inheritance in Zimbabwe. The first is referred to as **testate** succession which is governed by the presence of a valid registered will and the second is **intestate** succession where no will exists.

5. Testate succession

- 5.1 Zimbabwean testate succession is mainly governed by the **Wills Act [Chapter 6:06]**. On the face of it, the existence of a will makes the distribution of the deceased

² Section 56(3)-(4) of the Constitution of Zimbabwe.

³ [Chapter 6:01].

⁴ [Chapter 6:02].

⁵ [Chapter 6:03].

⁶ [Chapter 6:06].

⁷ [Chapter 5:07].

⁸ [Chapter 5:11].

person's estate easier. According to the **Wills Act [Chapter 6:06] Section 4(1)**, any person who is sixteen years or older⁹ may make a will.

5.2 For a will to be valid according to the **Wills Act**¹⁰ it must have the following key requirements:

5.2.1 It must be written;

5.2.2 The testator or another person in his presence and according to his instruction must sign each page of the will as close as possible to the end of the writing on the page concerned;

5.2.3 The testator must acknowledge each signature in the presence of two or more competent witnesses present at the same time;

5.2.4 Each competent witness either signs each page, or acknowledges his or her signature on each page of the will in the presence of the testator and the other witness.

5.3 All witnesses who sign the will must be competent witnesses as stated in **Section 7** of the **Wills Act**¹¹. Once the will is signed and ready it can then be deposited by the maker of the will or his or her lawful agent to the Master of the High Court or the Assistant Master to be kept on record. The depositor should ensure that he or she hands in the original as well as a duplicate or true copy of the will. The Master or Assistant Master will record the name, description and date of deposit of the maker of the will in their register. This is according to **Section 7** of the **Administration**

⁹ (1) Subject to this Act, every person who is of or over the age of sixteen years may make a will unless at the time of making the will he is mentally incapable of appreciating the nature and effect of his act.

¹⁰ [Chapter 6:06] Section 8(1).

¹¹ *Supra*.

of Estates Act¹². Upon the death of the maker of the will, the Master or Assistant Master shall register the will in the Register of Wills¹³.

5.4 To ensure that there is no undue influence as to who may benefit under a will, **Section 6(2)(a)-(k)** of the **Wills Act**¹⁴ lists all those who are not entitled to benefit under a will as the following:

- (a) Any witness who signs the will or an amendment in the will;
- (b) Any person who signs the will or an amendment in the will in the testator's presence and instruction;
- (c) Any person who, writes the will on behalf of the testator;
- (d) Any judicial officer or designated official who has certified the will or its amendment;
- (e) Any person who was a guardian or a curator or trustee or administrator of the testator, where the testator was a minor or under a legal disability when the will was made;
- (f) Any spouse, child or person who claims a benefit through a person who is listed as being unable to benefit from the will;
- (g) Any person who, threatens the testator in any way to make a will or prevents the will from being amended or destroys the will or murders the testator,
- (h) Any person who, by any misrepresentation to the testator has caused a benefit to be accrued to that person in the will.

¹² *Supra*.

¹³ Section 11 of the Administration of Estates Act [Chapter 6:01].

¹⁴ *Supra*.

6. Intestate succession

General

- 6.1 Intestate means that the deceased died without leaving a will instructing how his estate is to be distributed. A lot of factors such as the type of marriage that the deceased had entered into and extended family come into effect.
- 6.2 On a traditional note it was the norm, especially where a man died, that only his oldest son would inherit his estate. This brought about arguments of unfairness and discrimination. With the Constitution as the backbone law of Zimbabwe, such discrimination has been marked as unfair and unconstitutional in **Section 56** of the **Constitution of Zimbabwe**. This primitive way of inheritance therefore no longer exists.
- 6.3 When a person dies intestate, his estate is registered with the Master of the High Court or the Assistant Master. An edict meeting is called by the Master or Assistant Master to appoint an executor for the deceased's estate. Those present at the meeting include the surviving spouse and five other relatives of the deceased. If no agreement can be reached as to who will be the executor of the deceased's estate, the Master or Assistant Master will then appoint an independent executor for the deceased's estate.
- 6.4 The executor's duties include the following:
- a) Listing the property of the deceased in an inventory;
 - b) Publishing the estate in the Government Gazette and newspaper circulating in the district where the deceased resided at the time of his death to inform debtors and creditors so as to enable the executor to pay creditors and collect debts for the estate;

- c) Preparing an account, which shows what the deceased had and what he owed to creditors; and distributes the estate property to the beneficiaries.

7. Inheritance According To Different Types Of Marriages

7.1 In Zimbabwe there are three types of marriages:

- (i) The **civil marriage** which is monogamous,
- (ii) The **registered customary marriage** which is potentially polygamous, and
- (iii) The **unregistered customary union**.

7.2 It should also be noted that marriages in Zimbabwe are generally out of community of property unless parties enter into a prenuptial agreement providing otherwise.

7.3 Unregistered Customary Union

This type of union is not ordinarily lawfully recognised as a marriage in Zimbabwe. However where inheritance of a deceased spouse's estate is concerned, the union is recognised as a marriage in order to ensure that there is no discrimination or disadvantage to the surviving spouse in relation to the distribution of the deceased's estate. A spouse under this union is therefore entitled to inherit.

7.4 Registered Customary Marriage

7.4.1 This type of marriage is a marriage that is entered into according to Zimbabwean customs and registered in terms of the **Customary Marriages Act [Chapter 5:07]**. This type of marriage is potentially polygamous in nature as shown by the **Customary Marriages Act**¹⁵.

7.4.2 In the event that a husband dies living behind more than one wife under this type of marriage, each wife shall be entitled to inherit the house and the

¹⁵ Schedule (Section8) of [Chapter 5:07].

household goods within the house she resides in at the time of her husband's death if her husband owned the house. Any other movable and immovable property will be shared equally among all the children of the deceased including children out of wedlock and the surviving spouse is entitled to a child's share.

7.5 **Civil Marriage**

7.5.1 This marriage is governed by the **Marriages Act [Chapter5:11]** and is a strictly monogamous type of marriage that can only be dissolved in the High Court.

7.5.2 Upon the death of a spouse the surviving spouse is the only recognised spouse who is entitled to inherit from the deceased's estate. The surviving spouse will be entitled to ownership of the house and the household goods of the house they live in. Any other properties movable or immovable will be shared in equal portions between all the children of the deceased including children out of wedlock.

8. **Deceased's Other Dependents**

8.1 A dependent of the deceased can make an application with the Master for an award from the net estate of the deceased¹⁶. The dependent will have to prove in his or her application that they depended on the deceased in order for them to be able to claim

¹⁶ Section 3(1) of the Deceased Person's Family Maintenance Act [Chapter 6:06].

from the deceased's estate. The Master will then investigate and make a decision with regard to the dependant's claim.

CONCLUSION

9. The succession and inheritance laws of Zimbabwe are governed first by the Constitution of Zimbabwe to ensure fairness and non-discrimination between the deceased's family members. All the other statutes relating to inheritance are read together with the Constitution for total transparency in the distribution of the deceased's estate.

Appendix 2. Deceased Estates Succession Act [Chapter 6:02]

The entitlement of the surviving spouse in terms of section three to the household goods and effects of his or her deceased spouse shall not apply in relation to any property which devolved upon the deceased spouse by inheritance from the estate of an ancestor and which has peculiar sentimental value to any other person or persons who, but for section three, would have been entitled upon intestacy of the deceased spouse to some interest in such property.

5 Agreement on alternative division or direction to sell property devolving in undivided shares

(1) Where as a result of a distribution in intestacy any property devolves upon any heirs in undivided shares—

(a) the heirs may agree upon an alternative division of the property, and such agreement shall be binding on the executor;

(b) any one or more or all of them may direct in writing that he wishes or they wish, as the case may be, the property to be sold and the proceeds divided amongst the heirs, and such direction shall be binding on the executor and all the heirs.

(2) Where any heir referred to in subsection (1) is a minor or a person under curatorship, the Master may, after consultation with the guardian, tutor or curator of the heir concerned—

(a) consent on behalf of that heir to any agreement referred to in paragraph (a) of subsection (1);

(b) give a direction in writing on behalf of that heir in terms of paragraph (b) of subsection (1).

6 Specified amount

The Minister of Justice, Legal and Parliamentary Affairs shall, by notice in a statutory instrument, specify an amount for the purposes of section three and—

(a) in so doing, may specify different amounts for different paragraphs;

(b) may at any time, by notice in a statutory instrument, amend or replace any such notice.

Appendix 3. Civil marriage Act 5.11

MEMORANDUM

This Marriages Bill, 2017, repeals and replaces the current Customary Marriages Act [*Chapter 5:07*] and the Marriage Act [*Chapter 5:11*]. There will be one Act of Parliament governing marriages in Zimbabwe and the new Act will also update the law in line with the Constitution. The following are the main Constitutional precepts which the Marriages Bill takes into account:-

- gender equality (section 3 (1)(g) of the Constitution);
- recognition of the rights of women, youths and children (section 3 (2)(i)(iii) of the Constitution);
- the recognition of the rights of cultural groups (section 3 (2)(i)(i));
- the preservation of cultural values and practices which enhance the dignity, well-being and equality of people (section 16 (1));
- section 26 of the Constitution with respect to the requirement of free and full consent to marriage by the intending spouses; the ban on the pledging of children in marriage; the equality of rights and obligations of spouses during marriage and at dissolution; provision for the protection of any children of a marriage upon the dissolution of marriage whether by divorce or on death;
- the paramountcy of the best interests of the child (section 19 (1) and 81 (2) of the Constitution), a child being a person under the age of 18 years (section 81 (1) of the Constitution);
- the right of any person who has attained the age of eighteen to found a family, not to be compelled to enter into marriage against their will and the prohibition of same sex marriages (section 78 of the Constitution);
- protection of children from sexual exploitation (section 81 (1)(e));
- the supremacy of the Constitution which, in section 2 (1), invalidates any law, practice, custom or conduct which is inconsistent with the Constitution.

In brief therefore, the Bill re-enacts a marriages law that complies with these various provisions of the Constitution. There will be one Act of Parliament to deal with the creation of marriages.

In more detail, the Bill provides as follows:

Part I of the Bill deals with preliminary matters.

Clause 1 sets out the short title of the Bill and provides for the coming into operation of the Bill on a date to be notified by the President in the *Gazette*.

Clause 2 defines terms used in the Bill and new and significant among them are “betrothal”, “civil marriage”, “civil partnership” which is more fully explained in clause 40 of the Bill, and “marriage”. The term “marriage” which encapsulates both “civil marriages” and “customary law marriages” refers to marriages formally solemnized or registered in terms of this Bill. This is to distinguish them from any other union which is not so solemnized or registered. The definition of “marriage officer” has been widened to include Chiefs, in their areas of jurisdiction, with respect to customary law marriages. The rest of the terms are fairly straight-forward.

Part II of the Bill deals with general provisions governing marriage. 2

Clause 3 provides that the minimum age of marriage is 18 years. In order to ensure the protection of minors, the minimum age requirement has been extended to unregistered customary law marriages and to civil partnerships. This guards against attempts to side-step the law by avoiding formal marriages and still have children being forced into relationships which are, to all intents and purposes, marriages.

Clause 3 also explicitly outlaws the marrying, pledging or betrothal of children by any person and doing so is an offence which is aggravated in circumstances where the contravention is by a parent or a person in the role of a parent.

Clause 4 requires that the free and full consent of parties to a proposed marriage be given before the marriage is solemnized.

Clause 5 states that a civil marriage is contracted in terms of the general law of Zimbabwe and is monogamous. No other marriage can be contracted by a person during the subsistence of a monogamous marriage. A customary law marriage is potentially polygamous. A person cannot be married under both the general law and customary law at the same time. Parties to a customary law marriage can convert their marriage to a civil law marriage if there are no other existing spouses in the marriage. All marriages under the Act have equal status.

Clause 6 provides that spouses have equal rights and obligations during marriage and at its dissolution. This especially addresses wives who were previously regarded as having no legal capacity and were treated as perpetual minors. Equality at dissolution of marriage must be understood within the context of the proprietary regime governing the marriage concerned.

Clause 7 makes provision for the prohibited degrees of relationship between parties proposing to get married. The section cross-refers to section 75 (2) of the Criminal Law Code where the following persons are prohibited from marrying:

- (a) a parent and his or her natural child, whether born in or out of wedlock, or adopted child, whether the child is under the age of **18 years** or not;
- (b) a step-parent and his or her step-child, whether the step-child's parent and step-parent are married under the Marriage Act [*Chapter 5:11*] or the Customary Marriages Act [*Chapter 5:07*], or are parties to an unregistered customary law marriage, and whether or not the child was over the age of 18 years at the time of the marriage;
- (c) a brother and sister, whether of whole or half blood;
- (d) an uncle and his niece;

- (e) a grand-uncle and his grand-niece;
- (f) an aunt and her nephew;
- (g) a grand-aunt and her grand-nephew;
- (h) a grandparent and his or her grandchild;
- (i) subject to subsection (3), any person and his or her first or second cousin;
- (j) any person and an ascendant or descendant of his or her spouse or former spouse, whether the person and his or her spouse or former spouse are or were married under the present Marriage Act [*Chapter 5:11*] or Customary Marriages Act [*Chapter 5:07*], or are or were parties to an unregistered customary law marriage;
- (k) any person and his or her ascendant or descendant in any degree; or 3

(l) any person and a descendant of a brother or sister, whether of whole or half-blood.

First and second cousins who are not members of a community governed by customary law whose cultural or religious customs or traditions of the community to which they belong do not prohibit marriage between first or second cousins are exempt from the prohibition.

Similarly, first and second cousins who are members of a community governed by customary law, whose cultural or religious customs or traditions of the particular community to which they belong do not prohibit marriage between first and second cousins are exempt from the prohibition.

The Criminal Law Code details the considerations to be taken into account for the exemption with respect to first and second cousins to apply.

It is a criminal offence to contravene these prohibitions.

Part III of the Bill provides for marriage officers.

Under **clause 8**, all magistrates are marriage officers in the districts in which they hold office.

Under **clause 9**, Chiefs, as well as magistrates, are marriage officers in customary law marriages in the areas in which they hold office.

Clause 10 provides for the designation of ministers of religion as marriage officers authorised to solemnize marriages in accordance with the rites of any religion, faith or organisation. Ministers of religion are not authorised to solemnize customary law marriages.

Under **clause 11**, if a person has acted as a marriage officer in the *bona fide* belief that he or she is a marriage officer when in fact he was not, the Minister may direct in writing that the person is deemed to have been a marriage officer during the period he or she so acted. The marriages so solemnized shall be valid if there was no lawful impediment to the marriage and if the marriage was solemnized in accordance with the law. The person will however be liable to prosecution for acting as a marriage officer.

Clause 12 allows a person who is designated as a marriage officer to remain a marriage officer notwithstanding the change in name of the religious denomination or organisation or amalgamation of denominations or organisations. The Minister must be immediately informed of any change or amalgamation.

Clause 13 provides for the revocation of designations for misconduct or any other good reason following consultations with the authorities of the denomination or organisation concerned. A marriage officer will cease to be a marriage officer on severing connection with a denomination or organisation in respect of which he was designated.

Clause 14 forbids the solemnization of marriage by any person other than a marriage officer. A marriage will not be invalid due to the fact that the person who solemnized it had no authority to do so if the parties believed the person had authority to do so and the parties showed an intention to be married.

Part IV of the Bill provides for the procedures to be followed in the solemnization of marriages.

Clause 15 governs the solemnization of customary law marriages. Customary law marriages include the taking as wife the widow of a deceased relative. The marriage officer, being a magistrate or a Chief, is required to put questions to the parties or the witnesses present with regard to the identity and conjugal status of the parties or the existence of any impediments. It is an offence to refuse to answer any question by the marriage officer. Impersonation of parties to a marriage is also an offence. If the marriage officer is satisfied that there is no impediment to the marriage and that the parties have freely and fully consented, he shall solemnize the marriage.

Appendix 4: Customary Marriages Act

CUSTOMARY MARRIAGES ACT (Ordinance No. 5 of 1917 as amended through Act No. 6 of 1997) (Chap. 5:07)

1. Short title

This Act may be cited as the Customary Marriages Act.

2. Interpretation

In this Act-

'customary marriage officer' means-

(a) a magistrate; or

(b) an official or chief appointed to be a customary officer in terms of section eighteen;

'customary marriage' means a marriage between Africans;

'Marriage Act' means the Marriage Act and includes, where appropriate, the Marriage Act;

'marriage consideration' means the consideration given or to be given by any person in respect of the marriage of an African woman, whether such marriage is contracted according to customary law or solemnized in terms of the Marriage Act or this Act;

'marriage register' means the marriage register referred to in section eight;

'Minister' means the Minister of Justice, Legal and Parliamentary Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;

'solemnization', in relation to marriage, means solemnization in terms of this Act.

3. Marriages not to be valid unless solemnized

(1) Subject to this section, no marriage contracted according to customary law, including the case where a man takes to wife the widow or widows of a deceased relative, shall be regarded as a valid marriage unless-

(a) such marriage is solemnized in terms of this Act; or

(b) such marriage was registered under the Native Marriages Act before the 1st January, 1951; or

(c) such marriage was contracted before the 1st February, 1918; or

(d) being a marriage contracted outside Zimbabwe, such marriage is recognized as a valid marriage in the country in which it was contracted.

(2) A marriage contracted according to customary law on or after the 1st February, 1918, and before the 1st January, 1951, which was not registered under the Native Marriages Act [Chapter 79 of 1939] shall, subject to subsection (2) of section seven, be regarded as a valid marriage.

(3) If the male party to a marriage referred to in subsection (2) fails to have such marriage solemnized in terms of this Act, he shall be guilty of an offence and liable to a fine not exceeding twenty dollars or, in default of payment, to imprisonment for a period not exceeding three months.

(4) A prosecution for a contravention of subsection (3) shall not be a bar to further prosecution or prosecutions thereunder if the accused does not thereafter have his marriage solemnized in terms of this Act.

(5) A marriage contracted according to customary law which is not a valid marriage in terms of this section shall, for the purposes of customary law and custom relating to the status, guardianship, custody and rights of succession of the children of such marriage, be regarded as a valid marriage.

4. Who must be present at solemnization of marriage

(1) A marriage to be solemnized in terms of this Act shall be solemnized by a customary marriage officer of the district in which the woman or her guardian resides.

(2) In addition to the customary marriage officer and the parties to the marriage, there shall be present at the solemnization of every marriage in terms of this Act the following other persons-

(a) the guardian of the woman or a deputy appointed by such guardian:

Provided that, if the solemnization of the marriage has been authorized by a magistrate in terms of section five or if the customary marriage officer is satisfied that the guardian of the woman has consented to the solemnization of the marriage and has agreed to the form and amount of the marriage consideration, the presence of the guardian of the woman or his deputy shall not be necessary; and

(b) a witness, who shall be the chief, headman or village-head of the guardian of the woman or such other person as the customary marriage officer may approve.

(3) The husband shall pay a fee of one dollar to the person who, in terms of paragraph (b) of subsection (2), is the witness at the solemnization of his marriage.

5. Authorization of marriage by magistrate

(1) If the guardian of a woman who wishes her marriage to be solemnized withholds or refuses to give his assent to the marriage, the parties to the proposed marriage may appeal to a magistrate for the province in which the woman resides, and such magistrate may-

(a) authorize the solemnization of the marriage if, after due inquiry, he is satisfied that such consent is unreasonably or improperly withheld or refused; and

(b) after consultation with the guardian of the woman, fix the marriage consideration.

(2) If no guardian of a woman who wishes her marriage to be solemnized can be found, a magistrate for the province in which the woman resides may, after due inquiry, authorize the solemnization of her marriage.

6. Customary marriage officer may put relevant questions

(1) A customary marriage officer may put to either of the parties to a proposed marriage, to the guardian of the woman or his deputy, and to the person who, in terms of paragraph (b) of subsection (2) of section four, is to be the witness at the proposed marriage any question relevant to the identity or conjugal status of the parties to the proposed marriage and to the determination of the marriage consideration and to the existence of impediments to the marriage.

(2) Any person who refuses to answer, or wilfully gives a false answer to, any question put to him in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding fifty dollars or, in default of payment, to imprisonment for a period not exceeding six months.

(3) If any person impersonates either of the parties to a marriage or the guardian of the woman or his deputy, he shall be guilty of an offence and liable to a fine not exceeding fifty dollars or, in default of payment, to imprisonment for a period not exceeding six months.

7. Solemnization of marriage

(1) If the customary marriage officer is satisfied-

(a) save where a magistrate has fixed the marriage consideration in terms of section five, that the guardian of the woman and the intended husband have agreed on the marriage consideration and the form thereof; and

(b) that the intended husband and wife freely and voluntarily consent to the marriage; and

(c) that the guardian of the woman consents to the marriage or that a magistrate has authorized the solemnization of the marriage in terms of section five; and

(d) that no lawful impediment exists to the proposed marriage;

he shall solemnize the marriage by declaring the parties to be man and wife and such marriage shall be a valid marriage contracted according to customary law.

(2) If a customary marriage officer declines to solemnize a marriage referred to in subsection (2) of section three because he is not satisfied in terms of subsection (1), he shall declare such marriage void.

8. Marriage register

(1) Immediately after the solemnization of a marriage, an entry thereof shall be made in ink in a marriage register to be kept for that purpose by the customary marriage officer in the form or to the effect of the specimen set forth in the Schedule, and every such entry shall be signed by the customary marriage officer.

(2) Before the parties depart, there shall then and there be made on a separate piece of paper a duplicate original register of the entry referred to in subsection (1) in which the same matter shall be entered and signed by the customary marriage officer in manner or to the effect of the specimen set forth in the Schedule, and the customary marriage officer shall deliver such duplicate original register to the woman.

(3) Every extract from a marriage register which purports to be certified as a true copy therefrom by the customary marriage officer who for the time being has the custody of the marriage register and every duplicate original register shall respectively be good evidence of the facts therein recorded in and before all courts and in criminal and civil proceedings therein and shall be admissible upon its mere production by any person.

9. Search of marriage register

Any person may at all reasonable times during office hours search the marriage register in the presence of the person for the time being having the custody thereof and may, upon payment of a fee of one dollar, have a true copy of any entry therein certified under the hand of the customary marriage officer for the time being having the custody of such marriage register:

Provided that no fee shall be payable by either party to a marriage for a true copy of an entry relating to his marriage.

10. Offences in relation to marriage register

(1) If any person unlawfully-

(a) erases or obliterates any entry in a marriage register or duplicate original register; or

(b) destroys a marriage register;

he shall be guilty of an offence and liable to a fine not exceeding two hundred dollars or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) If any person-

(a) unlawfully and wilfully forges or alters or falsely makes an entry in a marriage register or duplicate original register or any certified copy from a marriage register; or

(b) knowingly and wilfully delivers, offers, alters or puts off any such forged, false or altered copy;

he shall be guilty of an offence and liable to a fine not exceeding two hundred dollars or to imprisonment for a period not exceeding twelve months or to both such fine or such imprisonment.

11. Pledging of girls and women in marriage prohibited

(1) Any agreement in which a person, whether for consideration or otherwise, pledges or promises a girl or woman in marriage to a man shall be of no effect.

(2) Any person who enters into an agreement referred to in subsection (1) shall be guilty of an offence and liable to a fine not exceeding one thousand dollars or, in default of payment, to imprisonment for a period not exceeding one year.

12. Certificates as to consent and marriage consideration in marriages under Marriage Act

(1) Whenever Africans desire their marriage to be solemnized in terms of the Marriage Act, such Africans shall appear before a magistrate for the purpose of obtaining a certificate stating that there is no bar to such marriage by reason of lack of consent of the parents or guardian of the woman.

(2) No magistrate shall issue a certificate referred to in subsection (1) until he has satisfied himself by means of such inquiry as he may think fit that there is no bar to the marriage in terms of subsection (1).

(3) A marriage between Africans which is solemnized in terms of the Marriage Act shall be invalid unless there was produced to the minister of religion or other marriage officer the certificate required in terms of subsection (1).

(4) On application by the parties to a marriage between Africans which is or is to be solemnized in terms of the Marriage Act, a magistrate for the province in which the husband or intended husband resides shall furnish to the parties a certificate stating-

(a) the marriage consideration paid and its value; and

(b) the marriage consideration remaining to be paid and its value; and

(c) the terms of payment agreed upon;

and such certificate shall be evidence of the facts therein recorded in and before all courts and in criminal and civil proceedings therein and shall be admissible upon its production by any person.

13. [Repealed]

14. Evidence for prosecution by husband or wife of accused

Notwithstanding anything to the contrary contained in the Criminal Procedure and Evidence Act, no marriage contracted according to customary law, either inside or outside Zimbabwe, which was not registered in terms of the Native Marriages Act or solemnized in terms of this Act or the Marriage Act shall render either party thereto incompetent to give evidence against the other party.

15. Penalty for compelling African woman to marry against her consent

Any person who by force, intimidation or other improper means compels or attempts to compel any African female to enter into a marriage against her will shall be guilty of an offence and liable

to a fine not exceeding one hundred dollars or, in default of payment, to imprisonment for a period not exceeding twelve months.

16. Dissolution of marriage

No marriage solemnized in terms of this Act or the Marriage Act or registered under the Native Marriages Act or contracted under customary law before the 1st April, 1918, shall be dissolved except by order of a court of competent jurisdiction in terms of the Matrimonial Causes Act.

17. Validation of certain marriages

Any marriage solemnized in terms of the Marriage Act before the 1st April, 1930, between Africans is hereby declared to be a legal and valid marriage.

18. Appointment of customary marriage officers

The Minister may appoint any person employed by the State or a local authority or any chief to be a customary marriage officer for the purposes of this Act.

19. Existing marriage registers

Every extract from a marriage register which was kept under the Native Marriages Act which purports to be certified as a true copy thereof by a customary marriage officer who for the time being has the custody of such marriage register shall be prima facie evidence of the facts therein recorded in and before all courts and in criminal and civil proceedings therein and shall be admissible upon its mere production by any person.

Appendix 5. Unregistered Customary marriage

First and foremost marriage is the foundation of a family and as a people we prioritize family. An individual who is not married is not accorded “respect” that is accorded to the married ones. This type of marriage brings the two families of the couple closely together and till today, it is still considered legal in our own customs as African people. For this marriage to take place the couple has to be given the go-ahead by their parents and relatives and they have to abide by the traditional customs that are prescribed before they are accepted as husband and wife.

The unregistered customary marriage requires that the couple be blessed and approved by their parents and relatives for them to be legally married in terms of our customs. This means that the man needs to propose to the woman, he then initiates the process of formalising the relationship. This is done according to the concerned tribe, but generally the man is introduced to the aunt or grandmother of the woman and then she is also introduced to the same people on the side of the man. Then he will take the relationship further by sending a go-between (umkhongi) to his in-laws to be to negotiate lobola. The lobola process comprises payments of isivulamlo, ukangaziwe, impahla zikamama lobaba, and the core lobola itself, in the Ndebele context. In the Shona context I am told it’s a little bit different.

Once this has been done or has been partly done the man is usually allowed to take his wife. However, nowadays some parents insist on a wedding before the man can take his wife. This type of marriage is the foundation of all acceptable marriages in Africa, basically civil marriages or registered marriages are largely optional rather a priority. A marriage is not a marriage even though registered when lobola is not paid/ negotiated.

If the two are married the property they own belongs to them individually meaning that the owner is the one it is registered under. If the cattle or the house is registered in the name of the husband, it means that he is the owner of that and the wife is not. If the couple is separating the relatives and the parents of the couple are informed as they were informed from the beginning when the couple was married.

The unregistered customary marriage is advantageous in that the relatives and the parents of the couple are aware of the union unlike that one of cohabitation. However this type of marriage to a greater extent has more disadvantages than the advantages. This is because there is no documentary proof to prove that the two are/were married. Even if the unregistered customary marriage is accepted in Zimbabwe it is no guarantee that the couple is protected from each other. For one to be successful and gain support from the law they have to partake in the marriage of the general law that is the registered customary marriage or the Civil Marriages Act Chapter 5:11 because they have the documentary proof in the form of marriage certificates prove their marriage.

Zimbabwean law is based on evidence, if you allege you have to prove for your case to be considered. In this type of marriage, the wife or husband cannot do anything that needs both in the absence of the other spouse. The decisions pertaining to the couple cannot be done single-handedly. The remaining spouse cannot register their inheritance in the event of death in the magistrate court without the relatives of the deceased. This causes many people especially women to fall victim to property grabbing and abuse.

The unregistered customary marriage disadvantages children in the sense that one spouse, for example the mother cannot obtain a birth certificate for the child in the absence of the father. One cannot claim that the child belongs to the man unless he agrees and is there to sign paternity forms. The other problem is that the remaining spouse cannot register the death of their deceased spouse in the absence of the spouse's family. This means that if the relatives are not available, the children cannot have access to their parent's death certificate which is a core requirement for them to be registered for birth certificates that is if the parent died before obtaining the birth certificate for the child. Some relatives deliberately refuse to participate in the birth and registration as a way of fixing the widow or as a way property grabbing. Some relatives simply state that their relative was single yet he was married.

The death certificate, not the burial order is the only proof that the child is an orphan or that the wife or husband is a widow or widower. The death certificate helps the child to receive help from various institutions that caters for the orphans. The unregistered customary

marriage infringes on the right of the remaining spouse to register the property of the deceased without the presence of the relatives. In most situations the relatives usually refuse to participate because their eyes are glued on the inheritance or they are planning to grab the property. If the relatives refuse to help, the children of the deceased will lose their inheritance which would have assisted in the continuation of their education.

If the death certificate of the parent is not available the child is not identified as an orphan which then infringes on their right to guardianship.

Choosing to get married in terms of unregistered customary marriage only is just as good as throwing your family wishes down the drain, but if you choose to get married in terms of it, then start budgeting for the witnesses' expenses so that your and children will not have problems tomorrow. I mean money for one person who will accompany your wife to register your own death, money for people who will accompany her to register your estate. And please ensure that your spouse is always in good books with your family, if not and if you cannot afford the above costs, please register your marriage today.