

Article

Zimitsani Moto: Understanding the Malawi COVID-19 Response

James Tengtenga^{1,*}, Susan M. Tengtenga Duley^{2,*} and Cecil J. Tengtenga^{3,*} ¹ School of Theology, University of the South, Sewanee, TN 37383, USA² Unity Trust Bank, Birmingham B1 2JB, UK³ School of Public Health, Yale University, New Haven, CT 06510, USA

* Correspondence: jtengate@sewanee.edu (J.T.); tengasu@gmail.com (S.M.T.D.); cecil.tengtenga@yale.edu (C.J.T.)

Abstract: The coronavirus disease 2019 (COVID-19) pandemic has unsettled societies and economies of people and countries all over the world. Malawi is no exception. As such, the COVID-19 pandemic is more than just a health crisis. Countries have responded by instituting lockdowns and other restrictive measures among the populace. These have, in turn, elicited negative responses and legal challenges; most of which are rights-based. The main challenge has been that of the restriction of individual and religious freedoms. It is, thus, no surprise that reactions against government decrees restricting religious gatherings in the wake of the pandemic have been challenged in the courts. We will explore the Malawian traditional religious concept of healing and wholeness, give a chronological outline of government decrees and the responses to the pandemic, and conclude with an analysis using some reflections on Ferdinand Tönnies concepts of *Gemeinschaft* and *Gesellschaft* and recollection of traditional religion and critique of the new evangelicalism leading to an understanding of the Malawian response to the pandemic.



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1. Introduction

The coronavirus disease 2019 (COVID-19) pandemic has unsettled societies and economies of people and countries all over the world. As such, the COVID-19 pandemic is more than just a health crisis. Countries have responded by instituting lockdowns and other restrictive measures among the populace. These have, in turn, elicited a pluriverse of negative responses, most of which are rights-based. The main challenge has been that of the restriction on liberty, especially religious freedom. In Malawi, this has become pronounced given the current public discourse on the role of religion in an uncertain legal context that is increasingly vulnerable to neo-liberal economics and religious fundamentalism. The historical tension between political and civil rights and economic and social ones is a salient reality. In the Malawian context, the COVID response also conjures a question about economic freedom and how religion interfaces with that right, such as religious clerics' right to earn a livelihood unencumbered by restrictive legislation. Therefore, it is an epistemological misnomer to pit the two, religious freedom and economic freedom, against each other in attempting to explain the country's unique response to the current pandemic. The point we intend to emphasize here is the interconnectedness of the two, which in itself has been an emblematic argument rehearsed elsewhere by human rights scholars and activists from the Southern hemisphere (Mamdani 2009; Nkhata and Mwenifumbo 2020). Pragmatically, what we are arguing for is the very distinguishing feature of the African Charter on Human and Peoples' Rights (1981) (Banjul Charter) as an instrument of rights-based action across Africa. As the Banjul Charter unequivocally summarizes:

“Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone; Convinced that it is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights.” (*Preamble*, Banjul Charter 1981).

As implied above, rights do not exist in a vacuum. Indeed, the society for which the Banjul Charter speaks on behalf of here invokes the active “performance of duties,” which are a complex set of practices that ensure social cohesion. That cohesion functions as a “conception” of “universality” and as a “satisfaction” of all freedoms, achieved concurrently for human “development.” The sentiment is inclusively positivist. It is the presence of enjoyment conditions, not just the mere absence of them, leading to a just society. It is no wonder then that the updated version of the definition of health and wellbeing by the World Health Organization (WHO) now appropriates this expansion of rights, defining them as “... a state of complete physical, mental, social wellbeing and not merely the absence of disease or infirmity” (*Constitution*, WHO).

In the public health arena, religion is constitutive of a structural social determinant of health espoused by WHO’s definition above. This is consequential for Malawi, especially as faith-based hospital networks subsidize most of its healthcare delivery system. Historically, this partnership has been predictable and mediated by technocratic organizational structures, as in the ethical councils governing Catholic and Islamic clinical practice, ecumenical health associations (e.g., Christian Health Association of Malawi (CHAM)), and government contractual agreements with these formal institutions. Furthermore, religion’s role in healthcare bears continuities in the post-independent state inherited from the medical missionary enterprise’s pre-existing support. In the wake of another pandemic, HIV/AIDS, and the expansion of civil society lobbying for women’s and sexual rights, religion’s role in public health has become ever contentious. The morality of issues such as extramarital sex acts, abortion, and same-sex relationships became cultural assaults and produced unlikely partnerships. Significantly, religion’s unifying role became a nation’s activism to protect its constitutional right as “a God-fearing country.” The current pandemic is another constitutional dilemma for a country grappling with an elusive separation between the state and the church.

In a telephone survey assessing factors influencing compliance to COVID restrictions in Malawi, researchers found that Malawians are likely to observe public health officials’ health measures over religious clerics (Kao et al. 2021). These results, however, were limited and offered a very narrow definition of what counts as health in the traditional Malawian sense:

1. The researchers were attempting to adopt a belief system assessment that assumes religion and health can be separated, which is counter to public health’s cultural ethos in Malawian tradition.
2. The researchers’ focus on compliance failed to account for the fact there is a fine line between reverence, respect, and compliance; particularly when factoring in individuals’ worldviews.
3. The survey had methodological limitations (small respondent sample size, was not longitudinal) so it did not fully capture the diversity of beliefs among Malawians relative to the accessibility of the authority figures cited in the study.

Notwithstanding these limitations, the study’s findings are illustrative of that elusive separation between state and church.

Were there differences in compliance between public health officials at state over faith-based hospitals? It is well established that one’s social network characteristics (i.e., density and activities) and activity spaces (i.e., church, social clubs, markets, and bars) also influence decision-making about health (Alexandre et al. 2020; Mason and Mennis 2018; Browning and Soller 2014; Yousefi-Nooraie et al. 2012). The legal cases we will discuss below concern these social networks and highlight Cedric the plaintiffs’ social

activities intended to protect their rights against government intrusion. Therefore, it is significant to note that it took the authority of the institutions of religion and not medical professional associations to give voice to a national concern about COVID in daily life and an international one. [Kao et al. \(2021\)](#) miss the fact that traditional leaders are religious and political entities which might have been enough smoke to call attention to the fire that must have been brewing from the many institutions that feared the losses that would come from any response to the pandemic.

A mere nine days after the WHO declared COVID-19 a pandemic and before any recorded hospitalization in Malawi, the government rushed to declare a state of national disaster and other measures, culminating in a decree of a lockdown ([Ghebreyesus 2020](#); [Mutharika 2020](#); [Mhango 2020](#)). The government measures in response to COVID-19 were immediately challenged in the courts. Due to the volatile political context at the time, one was not sure whether both the government's response and the consequent activist-led response were playing politics or a serious and considered response to the pandemic. Religious leaders also added their voice to the discontent. The narrative below will trace the response to the pandemic in Malawi with all its twists and turns. We will also explore traditional/cultural Malawian ways of responding to health crises to analyze the current responses. What lies at the base of the conflicting responses to this pandemic? Does politics trump economics, and how does the interface of both with religion inform the response to this pandemic? Are Malawian responses a result of globalization and thus amnesiac of Malawian cultural-religious responses to public health crises? What if Malawians recalled and, as a result, used their cultural heritage to inform their response to COVID-19?

2. Traditional Religion, Health, and Wholeness

As Schuurman observes, "the importance of religion includes the fact that religion is the root from which different branches of life sprout, grow and are nurtured. Religion concerns the deepest root of human existence and integrates human life into a coherent role" ([Schuurman 2011](#), pp. 373–74). In most African societies, the social, cultural, and religious are intertwined such that it is difficult to draw the line between these three spheres.

The expressions of religion impact how societies deal with various issues that have a socio-cultural influence on their members. Therefore, religion and its structures have a role in dealing with the public health crisis, the social and cultural effects of the COVID-19 pandemic. During the pandemic, this has been apparent in the influence religion has had on the measures taken to prevent and control against it. This is not surprising for a country where most of the population identifies with one religion or another. According to the 2019 census, 77.3% of the population identifies as Christian, 13.8% as Muslim, 5.6% as other religious groupings, which include Hindus, Baha'is, Jews, Sikhs, and Rastafarians, and there is about 2.1% of the population that identifies as having no religious affiliation ([U.S. Department of State 2019](#)). The measures adopted by the country in managing the pandemic have impacted the expression of the right to religion. They have also informed the approach to dealing with it. Legislative measures have been adopted, taking into account the role of religion and its structures.

The government decrees in dealing with this pandemic take cognizance of religious leadership's role in the Malawian socio-cultural context. In Malawian society, it is not uncommon for religious leaders to be the first port of call when there is a health crisis, be it illness or even death. The Malawi government's response to COVID-19 acknowledges this. For instance, under Rule 6 of the Public Health ([Public Health 2020a](#)) (Coronavirus and COVID-19) (Prevention, Containment, and Management) Rules 2020 (COVID-19 Rules I), community leaders, including religious leaders, were obliged to report any suspected case or death related to COVID-19 in their community. In addition to this, the Presidential Task Force on COVID-19 has had consultations with religious leaders to discuss the limits on numbers attending public gatherings as decreed by the government ([Xinhua 2020](#)).

At the height of the HIV/AIDS pandemic (c1995), truckloads of people (if not whole villages) flocked to Liwonde (a town in southern Malawi) to drink a concoction (reminiscent

of *mchape*) to cure HIV/AIDS (Probst 1999). Health and wholeness are an integral part of African worldviews. Malawi, being part of African societies, exhibits all of these characteristics. Since African societies inhabit the natural, supernatural, and spiritual worlds at the same time, there is what can be termed an obsession with wholeness and thus health as both physical and spiritual. Although sickness is an individual's experience, it is also a societal (a community) matter. No illness befalls a person that cannot be explained by causation, by other humans and/or from the spiritual realm. Ill will and witchcraft are the usual suspects. When it is not these, illness suggests misbehavior and transgression of certain norms and taboos (De Gabriele 1998). In traditional Malawian society, it was, therefore, a common practice for the whole village to be summoned and corporate cleansing, and thus healing. The action is decreed by the chief and observed by all without exception. Ajima and Ubana (2018) observe, "Sickness in any individual in the African society is viewed as a sickness to the entire community because of the communal system that is operated in Africa, thereby necessitating the healing of that community." When pandemics hit a community, traditional healers are sought to not only explain the phenomena but also to mediate and effect healing. In the recent past (the 1930s and 1940s), Malawi and other parts of East, Central, and Southern Africa, *mchape* (literally translated "cleansing him" or "cleansing concoction") became famous for the cleansing of the community not only of illness but also of witches (Bonhomme 2013; Ranger 1968, 1972). Whole villages were asked to drink the *mchape* concoction (Schoffeleers 1999; De Gabriele 1998; Chakanza 1995; Doran 2007).

A more traditional practice, that is in line with a long practice from time immemorial, in the face of an "epidemic" was to call for *kuzimitsa moto* (translated "to extinguish the fire"). Extinguishing the fire is a euphemism for the cessation of sexual activity and strict observance of other taboos in all households and also the physical (and thus symbolic) dousing of local fires in the household hearths leaving only the central fireplace at the chief's meeting place from which each family would kindle their daily fire every morning. Fire is a potent symbol of life, healing, and death. For healing to occur, the whole community has to be "cold." This would be akin to biblical cleanliness/holiness. Sexual activity is a "hot" activity. It is heat from unauthorized sources that pollutes the community. As such, the symbolism of the fire's dousing is enacted by abstinence from sexual activity and other proscribed activities. This was a restriction of personal and communal freedoms for the sake of public health, a common good. No doubt these would result in some considerable inconvenience and no less economic hardship. This cold state was maintained by all, regardless of whether one was directly affected by the illness or not, until the chief called it off through a ritual integrative cleansing act performed with the right formulaic invocations, thus reconciling the community with the ancestors and the divine, completing the wholeness circle of life.

Given this vignette into one aspect of the Malawian concept of corporate responsibility for public health, one would imagine that it would come naturally for Malawians to heed the lockdown call in the wake of COVID-19. Are Malawians amnesiacs toward culture, is it that they have changed their world view, or are they now confused by the multi-worldview that Malawi now inhabits in the global village? Aside from the medical question, is there another issue influencing this confusion in this medical and freedoms pluriverse? It seems to us that economic wellbeing is the controlling argument, trumping even the religious freedom one. On the other hand, is it confusion or one element trumping another, given the interconnectedness of all of them in the African concept of wholeness and life? These questions stem from an anthropological take on the analysis of the situation. As Fairhead (2016) observes concerning the Ebola crisis among the Kissi: "Suppose there is something of an impasse here. In that case, it is one of anthropology's own making: a situation in which discussion of things "cultural" tends to slip into more totalizing ideas of "culture"—of there being a Kissi "culture," or indeed, its symmetrical opposite, a "humanitarian culture" or a "Western culture." Anthropologists have great difficulty in handling interpreting (multicultural, hybrid, transnational, creolized, globalized) worlds."

3. Government Response to COVID-19 and Reactions

To best understand the situation as it unfolded in Malawi, we will give, in chronological order, government actions and decrees, and outline some of the court cases. In each case, we will give the precipitating action followed by the concerns raised by it, the response, and the resolution. The first three cases were confirmed on 2 April 2020 in Lilongwe, the capital. As noted above, Malawi's COVID-19 response began before there were any confirmed cases in the country. On 7 March 2020, the then President established a Special Cabinet Committee on Coronavirus mandated to receive updates about COVID-19 and relay these to the public. This committee had the responsibility of issuing recommendations on proactive measures to prevent the occurrence and spread of the disease and facilitate the implementation of activities aimed at mitigating the impact of COVID-19 on the country's socio-economic development. This committee was reshuffled and renamed the Presidential Task Force on Coronavirus. In the meantime, Malawi experienced a transition of power when the nation's general elections were contested and rerun. The new government created a COVID-19 office in the Office of the President and Cabinet on 14 July 2020.

On 20 March 2020, the then President made a declaration of a state of national disaster (Mutharika 2020). This declaration appeared on 3 April 2020. This declaration was valid for three months and expired on 20 June 2020. The declaration was made under the Disaster Preparedness and Relief Act, Chapter 33:05 of the Laws of Malawi (DPRA). This Act gives the president the power to make such a declaration where there is a disaster to protect Malawi. Such a declaration is valid only for three months from the date it comes into effect (Section 32). A further declaration of COVID-19 as a formidable disease was made by the then Minister of Health under the Public Health Act, Chapter 34:01 of the laws of Malawi (PHA) on 1 April 2020. This declaration was made under Section 30 of the PHA, which empowers the minister to declare a formidable epidemic and endemic diseases. In exercise of these powers, the minister issued COVID-19 Rules I, which came into effect on 9 April 2020. On 14 April 2020, relying on the powers under this Act, the minister announced a planned nationwide lockdown to run from 18 April 2020 to 9 May 2020 (Mhango 2020). This lockdown entailed confinement to one's place of residence unless in exceptional circumstances where one was to perform, provide, or access essential services. These essential services could only be obtained within one's locality of residence.

Councils had powers to identify and license persons to provide these essential services. All non-essential services or businesses were suspended. This order also mandated the closure of all central markets. Local markets were restricted to operate between 5:00 a.m. and 6:00 p.m. The list of essential services did not include any religious activities. This decree elicited a reaction from much of the population because it affected a big section of the population involved in the small business informal sector. Given that most of the population are subsistence farmers, this decree impacted most of the population (85% of the population are subsistence farmers, and only 10% are gainfully employed). For example, economists project that by the end of March 2021, the pandemic will lead to job losses of up to 7% of the workforce, the majority of which will be in the agricultural sector. The total cost will round up to approximately US \$172.28 million (Thula et al. 2020). Aside from the numbers issue, most Malawians (especially the urban dwellers) live in cramped spaces such that it is virtually impossible to spend much time inside, and the immediate vicinity has no yard to speak of for people to sit outside. With this kind of situation, one can see how the restrictions would not make sense.

In the Malawi context, subsistence farming is an essential business, and so is the small business informal sector. The decree, therefore, also highlighted the rich and poor divide in the population. Therefore, the decree would make sense to the low-density area resident who is also in paid employment and not the villager and the slum dweller whose very existence is adversely affected. Thus, the very concept of essential services needed definition, and none spoke to all without prejudicing the other.

Moreover, religion is not included in the catalog (such as there was) of essential services. As has been indicated above, Malawi is a religious society. As Mbiti (1969) once

said about Africans, “notoriously” so. Malawian’s default response to crises would thus be recourse to religion (traditional and new), and in this day and age when American-style-tele-evangelicalism rules, church and other religious gatherings are the default place of refuge. As such, to say that religious gatherings are not essential services is to misconstrue the culture and mores of Malawian society and the place and role of religion in times of crisis.

On 17 April 2020, the case of [Prophet David F. Mbewe \(2020\)](#) (On his behalf and behalf of the Registered Trustees of the Living Word Evangelistic Church) v Malawi Council of Churches and Attorney General, HC/PR Civil Cause No. 112 of 2020 was commenced to challenge the lockdown measures imposed by the minister. The case meant to stop the mandated suspension and closure of religious gatherings of any church in Malawi. The argument deals with the matter of the impact of the restrictions in infringing on constitutional rights to religious liberty, economic activity, and development. It was stated that some churches in Malawi had already ordered their members to suspend and close their churches and that the Malawi Council of Churches intended to order the remaining churches to close (see also [Kao et al. 2021](#)).

The suspension of religious gatherings and closure of churches was disproportionate, taking into account the number of positive COVID-19 cases diagnosed in Malawi at the time. The applicants, therefore, argued that they had implemented measures to prevent the spread of COVID-19 by limiting the number of members attending the gatherings to 50 (including clergy and officials) and ensuring that they maintain a distance of 2 m between individuals in all directions, allowing 2 h cooling off period between services and provision of sanitary products. This argument referenced Rule 12 of the COVID-19 Rules I, governing public gatherings. Under this rule, the minister could set a maximum number of persons to attend a public gathering, including religious worship, weddings, funerals, and cultural events. In addition to this, those planning such gatherings could also make further ventilation, sanitary, and hygienic facilities available for these gatherings.

What this case illustrates is more than just a question of the right to the exercise of religion. It raises the matter of livelihood for the religious officials and the maintenance and continuance of religious spaces. On the matter of restricting attendance, one can argue that it can be mitigated by restricting numbers and not by abolition. However, attendance for most churches is not a small matter. One demonstrates their faith by faithfully attending worship. Thus, the idea of restricting that attendance is tantamount to infringement on the right to gather, participate and exercise one’s religious freedom. What would happen if the pandemic goes on for a long time? Will the congregation get so used to not attending a church that it becomes a habit? Less attendance and non-attendance also affects supplications and intercession, which are central to the invocation of the divine favor in the face of the pandemic. The maintenance of the churches, mosques, etc., is dependent on offerings and other forms of giving. Non-attendance also means less, if not no, offerings for the maintenance of those spaces. Therefore, it is not surprising that the applicants in the case under discussion highlighted the economic impact of religious gatherings’ suspension. On the matter of livelihood, in a cash society, actual attendance translates into a bigger offering. The offering not only maintains the gathering space but also sustains the ministers. Less attendance is equal to less offering! Less offering becomes less pay for the ministers resulting in a negative effect on their livelihood. Thus, the right to earning a living and consequently infringing on their right to life leading to a catch twenty-two.

This case was later consolidated with *The State on the application of Kathumba and Others v The President and Other* (Judicial Review Cause No. 22 of 2020) [2020] Malawi High Court 8 (28 April 2020). This application challenged the lockdown order as well. This application stopped the lockdown decree from coming into effect. The first argument raised in this case was that the decree of the lockdown without a declaration of a state of emergency violated fundamental rights under the Constitution of the Republic of Malawi. Another argument raised was that the lockdown order was a punishment to innocent Malawians as the government had not put in place adequate social security measures

for people to rely on during the lockdown. The majority of the population made their income in the informal economy, and their survival was on a hand-to-mouth basis. The order violated socio-economic rights and the right to livelihoods for most Malawians who depended on their freedom to engage in economic activity to support themselves. [Nkhata and Mwenifumbo \(2020\)](#) discuss the impact of the pandemic and the measures to contain and manage it on the right to economic activity in Malawi. The court granted an initial seven-day injunction against the lockdown order, which was later extended to a permanent injunction ([Nyale 2020](#)). These cases illustrate what [Kao et al. \(2021\)](#) in their study of compliance found; that “the costs associated with preventative actions affect compliance.”

It is worth noting that these were not the only legal challenges lodged against Malawi's COVID-19 response measures. The declaration of the state of national disaster, on 20 March 2020 also ordered the closure of all educational institutions from 23 March 2020. A group of students challenged this as unconstitutional and an infringement of their right to education (The State and The President of the Republic of Malawi and others Ex Parte Steven Mponda and others Judicial Review No. 13 of 2020, HC, ZA). The court ruled that the declaration was lawful and constitutional. This was because the court was of the view that the declaration had been issued under the DPRA, which vested such authority to the presidency and therefore did not breach any provision of the Malawian Constitution. The other point of contention raised by the applicants in this case was that the declaration of the state of national disaster derogated from the provisions of Section 44 of the Malawian Constitution. This section provides that there may be no restrictions or limits on the exercise of rights and freedoms under the Constitution unless these are lawful, reasonable, and recognized by international human rights standards and necessary in an open and democratic society. The court decided that the declaration satisfied these requirements and was therefore lawful. The court found the declaration to be reasonable because the pandemic was spreading everywhere globally and the college attended by the applications was in a location with high population density, such that the risk of spread of the disease would have catastrophic consequences. It also held that the declaration adhered to international human rights standards and that an open and democratic society needed to balance the right to life against education. In the challenges to the lockdown decree, there seems to have been confusion on whether the lockdown order was based on a declaration of a state of emergency governed by the Constitution or the declaration of a state of disaster under the DPRA. The minister made the lockdown order based on the latter and not the former. The DPRA and the PHA need to be updated, and there is a need for further clarification on whether a pandemic can merit a declaration of a state of emergency as envisaged by the Constitution. See ([Nkhata and Mwenifumbo 2020](#)).

Another legal challenge on Malawi's COVID-19 response hinged on the right of entry into the country, as there were also restrictions placed on the country's borders and airports to prevent the importation of the disease. For an in-depth discussion, see The State (on the application of Lin Xiaoxiao et al.) v The Director-General—Immigration and Citizenship Services and The Attorney General (Judicial Review Case Number 19 of 2020) [2020] MWHC 5 (3 April 2020) is another matter that the court heard concerning restriction on entry into Malawi due to the nation's COVID-19 Response.

It was reported by Capital FM Malawi, a radio station, that most cases of COVID-19 were “imported.” For example, the radio station reported that 98 cases of the 132 new cases that were reported in early January 2021 were imported (Capital FM Malawi, 5 January 2021). Most of this importation was through the land borders, either legal repatriation and/or illegal entry. Most of those who entered the country at that time were advised to self-isolate; however, this was requirement was hardly enforced. Relying on people's honor does not always work, especially when the risk is still not appreciated or understood. Airports are relatively secure as valid negative test certificates are required. It seems to us that this aspect of “importation” influences the public's non-compliance to the protective and preventative health measures. One would assume that Malawians would call upon their (and universal African) *Umunthu (Ubuntu)* (see [Bandawe 2010](#);

Chigona 2013; Musopole n.d.; Mvula 2017) philosophy and moral and ethical stance that requires everyone to be their neighbors' keeper. This is akin to *Gemeinschaft* instead of *Gesellschaft* in the old Ferdinand Tönnies model (Tönnies 2012; Kamenka 1965). *Ubuntu* says that our lives are inextricably linked: I am because we are—we are because I am. As such, the community is paramount and communal responsibility is a Malawian default moral stance. "Covering up" for your neighbor's sake should come as normal and more so if the chief has called for it: *Zimitsani moto!* The implications for not heeding the call are death to the community. Does the state need to call *mchape*-like smoking out of the selfish and the irresponsible?

The WHO acknowledges that, even though the pandemic is a health crisis, it has far-reaching social and economic, and human effects (Ghebreyesus 2020). This is clear when one considers the freedom to express and practice one's religion in the light of COVID-19. In Malawi, the pandemic and the measures to prevent, manage, and contain it have had significant socio-economic effects (UNDP 2020; Nkhata and Mwenifumbo 2020); for example, the right to religious expression and also cultural cohesion. The measures have led to limiting the frequency of regular meetings and members' ability to interact with each other, as highlighted above. Social and cultural activities like weddings and funerals have been impacted, which may have long-term effects on social cohesion (UNDP 2020).

In response to all these challenges, the government went back to the drawing board. On 7 August 2020, Public Health (Public Health 2020b) (Coronavirus and COVID-19) (Prevention, Containment, and Management) Rules 2020 (COVID-19 Rules II) came into force, repealing the COVID-19 Rules I. These new rules provided for additional activities that would be deemed essential services, but did not include any religious services, apart from funeral services. In addition to this, these rules provide more detailed guidelines on the management of patients, deaths and funerals, educational institutions, and workplaces.

In partnership with civil society, the government worked on the COVID Preparedness and Response plan, which was budgeted at \$28 million. In addition to this, other preventative measures that the government imposed as part of this plan included restrictions on the travel and transport sector, measures for screening and minimization of transmission of the infection in prisons, screening and quarantine measures for those returning from affected countries, and development of a national communication and coordination strategy. The right to freedom of religious expression was also restricted vicariously through the limitation imposed on public gatherings. Such gatherings were restricted to less than 100 people and affected weddings, funerals, churches, and congregations (United Nations Malawi 2020).

Spanner in the Wheel: Presidential Elections

While these challenges were on, the country was also in a politically volatile situation. Earlier in the year (in February), courts had annulled the presidential elections of 2019. They required the rerun to happen within 150 days of the ruling in the case of *Mutharika and Another v Chilima and Another* (2020) (Msca Constitutional Appeal No. 1 of 2020) MWSC 1 (8 May 2020). This led to suspicions of nefarious intentions on the part of the government. Some of the reactions against these restrictions were, thus, political. With the country on edge politically, the population agitated for civil disobedience. The political issues took precedence over the health concerns brought about by COVID-19. The restrictions were seen to deny the politicians and Malawians their political rights to organize and campaign. As the political history of Malawi has demonstrated over the ages, politics and religion are inextricably linked. As it was then, the situation was also complicated by the religious tinge in the political activity of the emergent political coalition. This religious tinge is interesting because, for the outside onlooker, the tenor was more in the image of the American Religious Right. The American Religious Right is a coalition of politically and socially conservative evangelical and fundamentalist individuals, congregations, and organizations which has, since the 1980s Moral Majority, become very politically active and highly organized with an effective lobby. It includes Roman Catholics and, when

convenient, Muslims. It is pro-life and stands against most progressive rights as they are anti-gospel and considers them anti-“traditional values” and seeks to influence social issues, politics, and law. One may consider this an insignificant side issue, but when one considers the American rightist-driven conspiracy theories about COVID-19 and the search for a vaccine, it becomes a significant matter. This is not to mention the American Bible Belt responses to COVID-19 restrictions in the USA. The southern United States region has the most conservative evangelical Protestants in the country, is socially and politically conservative, and boasts the most church attendance. During this pandemic, many people in this region have tended to call on their freedoms and rights to determine whether to obey the federal call for masking or not, and chose not to mask as a way to assert those rights. It is also among these that conspiracy theories about COVID-19 and the vaccine are rife. It is the main base for the Religious Rights movement. Some of the theories are about the origins of the pandemic, while others are apocalyptic theories about the biblical “mark of the beast” in the vaccine. For religious rightists, these are not insignificant matters. How much these played into the “civil disobedience” may need more space than this article can afford as there may need to be a significant discussion in their own right. Suffice it to say that in this case, we have another point of interface of the political and the religious, face-to-face with the legal and the constitutional. This movement has taken on hegemonic proportions through its free-to-air television broadcasts around the world, influencing not only a significant proportion of the United States of America but also the world.

However, one cannot only lay this on this new religious phenomenon. According to Malawi, not gathering would be counterintuitive. Even though traditional religion did not have regular gatherings, as in weekly gatherings, outside of the main seasonal gatherings, the people would congregate for “worship” during crises. COVID-19 is a crisis. Similarly, regular Christian sensibilities would encourage people to gather en masse to intercede and invoke God’s intervention. In this case, both the political situation and the pandemic called for such gatherings. To stop gathering was, thus, seen as infringing on religious freedom.

4. Zimitsani Moto?

The preceding sections are a vignette into the Malawian conundrum. In a democratic society, constitutionalism and the rule of law are the underpinnings of society. The challenge in governance comes when a country is faced with an unprecedented public health catastrophe, as has happened in the wake of COVID-19. It highlights the globalization of Malawian society; the conflict between public health expediency on the one hand, and human rights and freedoms on the other. It indeed exposes the cracks in the philosophical, sociological, and moral underpinnings of society. Since Malawi maintains its traditional and religious mores, it is part of and participates in the global village of modern politics and rights-based interactions as a signatory to all the Human Rights protocols. As stated at the beginning of this article, the situation raises the question of whether Malawians are amnesiacs insofar as their culture is concerned. Is it that they have changed their world view? Rather, are they now confused by the multi-worldview that Malawi now inhabits in the global village in their response to this pandemic? The medical question and the human rights and freedoms question seem to have come into conflict with the question of the people’s economic wellbeing. These are all interconnected concerns. There are many possible ways through which we could analyze the situation. For convenience, we will use Eugene Kamenka’s *Gemeinschaft* and *Gesellschaft* and James Christenson’s reflections on Ferdinand Tönnies’ influential *Gemeinschaft* and *Gesellschaft* in [Christenson \(1984\)](#).

Ferdinand Tönnies came up with his ideal types (*Gemeinschaft* and *Gesellschaft*) of how community/society holds together and functions. The types are based on the basic value that holds the community together and what determines its members’ behaviors and choices with regard to the common good. His point was not to demonstrate how mutually exclusive these types are but to identify how they inform the values of society. They can be operative at the same time among the same people. Even though some sociologists have tried to talk about them as defining rural against urban society, that was not his intention.

Kemanka observes that societies are generally a unit, but they hold together differently. He says that “in *Gemeinschaft*, they remain essentially united in spite of all separating factors” (Kamenka 1965, p. 3). Christenson, talking about his understanding of Tönnies’ *Gemeinschaft*, observes that “religion is part of morality made real and more necessary by tradition, socialization, sentiment, and duty. Religion tends to support the edifice of the commonwealth. It brings together *Gemeinschaft* relationships (ends and means) in pursuit of salvation and has strong prescribed tenets to help one’s fellow man” (Christenson 1984, pp. 161–62).

As said earlier, unity and the common good are at the heart of this way of being. Primordial societies like Malawi tend to hold together in this way. This makes it possible for the chief to call for the dousing of the fires and the people’s compliance. Thus, one would expect Malawian society to value and to desire health and wholeness for themselves and for their brothers and sisters. *Ubuntu*, a Malawian value, seems to have given in to a *Gesellschaftliche* response to this. It is important to acknowledge that Malawi is no longer the primordial, traditional society that it once was. Since religion is still important and as societies have evolved, it now plays a different role than in the past. Christianity, which is the dominant religion, has now taken on a more American individualistic evangelicalism direction. Furthermore, this tradition tends towards apocalypticism and millennialism,¹ which is fraught with conspiracy theories of the American Religious Right. Many have been concerned more about the hereafter by and by and when it comes to the here and now, only abiding the present while awaiting the return of Jesus Christ. Attendant conspiracy theories have led some to believe that COVID-19 is not real but a product of a leftist/liberal agenda to destabilize the world. They have many believing that the vaccine is part of that conspiracy and further that it contains the Biblical “mark of the beast” (Revelation 13:16–18), a precursor to the return of Christ—the anti-Christ. This is the Biblical 666 without which no business will be transacted as required by the Anti-Christ and that all who will have it will not enter heaven. This is an obsession with the end times that removes focus from present concerns.

Yet another element of this American evangelicalism is miracles and wonders. These are elements of the Pentecostal and Charismatic² movements within American evangelicalism which hype healings. This phenomenon is not limited to the overtly evangelical and Pentecostal churches and believers; it has become pervasive in Malawi’s denominations. It has become the “popular religion.” It gives believers a sense of invincibility as they are protected by the blood of Christ, especially during worship and religious gatherings. Furthermore, should they fall sick, Jesus is the healer. To us, this latter point is the interface between the primordial African and the modern African. Pentecostal fervor and emphasis on signs and wonders, thus healing, are like African traditional religions. As such, it exhibits some *Gemeinschaftliche* elements. There is a herd mentality similar to the communal spirit that leads to obedience of the chief’s call; only in this case, it is the pastor’s call. A further difference is that the common good is limited to those who believe and excludes those who do not believe, even though they may be family or the same tribe. At face value, this may sound like the Calvinist (akin to, but different from the dominant Reformed Tradition in Malawi) double predestination doctrine,³ but this is Separatist, Branham-its type. This is a Christian movement akin to Calvinism but different in that it says that the elect is true believers who hold the same understanding and belief in God, the saved ones, who have to live a separate life from everyone else who does not believe like them. They have to separate themselves from the rest as they await the imminent return of

¹ Apocalypticism is the Christian teaching of the end times, especially with the judgment: salvation for the saints and fire and brimstone for sinners. Millennialism is a teaching that talks about 1000 years (Millennium) before the final consummation. There are two types of this: Pre-millennialism teaches that Christ will return before the 1000 years, and Post-millennialism teaches that Christ will return after 1000 years.

² Pentecostal refers to the first Christian’s experience of the Holy Spirit experience on the Day of Pentecost (Acts 2) and the Christian Movement that began in 1906 in California and spread throughout the world in churches like the Assemblies of God, for instance. The Charismatic movement is an expression of the same across denominational lines, including the traditional liturgical churches like Roman Catholics and Anglicans.

³ This is the Calvinist doctrine that says that God has already chosen the elect who will enter heaven. However, no one knows yet who they are but God alone.

Jesus Christ, hence their name Separatists. The prominent leader of one such movement was Branham, who believed that the end was imminent and the saints have to separate themselves from non-believers (in fact, one expression of his teachings in Malawi is the Bible Believers' Church). Even though it is communitarian, it is only so for the elect and, thus, not a "common" good. We would conclude, then, that this Malawian response, even though it looks like it comes from a *Gemeinschaft* value base, it is a *Gesellschaft* type. To that, we turn.

As Tönnies defined it, *Gesellschaft* is that community that tends to be more contractual, fragmented, and self-serving: a society, a conglomeration of individuals that is not quite communal. Says Kamenka, "... whereas in the *Gesellschaft* they [people in community] are essentially separated despite all the uniting factors (Kamenka 1965, p. 3)." Christenson says more:

"*Gesellschaftliche* relationships are rationalistic in structure, instrumental in form, individualistic in motivation, and exploitative in consequences. Social interaction is a construct stimulated by modern industrial production and a money economy. "In *Gesellschaft*, every person strives for that which is to his own interest" (Tönnies 1957). Three phenomena stimulating *Gesellschaft* are (1) rationality, (2) negotiated order (e.g., contracts, regulations), and (3) individuality. For *Gesellschaft*, social order is grounded in the Hobbesian idea of mutual self-interest. Through negotiated social interaction and guided by rational will, individuals can be freed from natural bonds of family, kin, traditions, habit, and duty (Tönnies 1957). The ideological basis of *Gesellschaft* can be seen in values such as freedom, material success, conspicuous consumption, rationality, and individualism (Christenson 1984, p. 162).

The Malawians' response to COVID-19 is very much like the situation Christensen describes as *Gesellschaftliche*. The call for a lockdown was challenged by many and in courts, as we have seen above. The ostensible reason was that the government had not made enough provisions for those whose livelihoods were being affected. What this meant, in our view, is that material success and consumption for those aggrieved was at stake. As such, that this was the cost of heeding a public health call was less important to them. Granted, the government needed to have done a better job, but given the economy of Malawi, which is heavily dependent on donor funding to balance the budget, that would be a tall order. *Kuzimitsa moto* was never without an economic effect on the community.

This response and the litigations that ensued are also based on the social contract between the government and the governed. As we have shown, the aggrieved felt that the government was reneging on the citizens' social contract. This, thus, pitted the public good of health and the legal; a contractual relationship of the people on the one hand, and government and health officials on the other. Since the relationship was contractual, and thus legal and not *umunthu* values-based, it tended toward the self-interest of those who felt aggrieved. Their rights, their freedoms, and their pursuit of happiness were at stake, and those trump the common good. It thus created a legal conundrum for the legal profession. As Kamenka says, "The concept of public law, one might say, in Hegelian language, is the dissolution of law; it is the lawyer come to vacillate between political moralism and political science" (Kamenka 1965, p. 9). This was the dicey space that the community was landed at by the pandemic. As such, this conundrum is what arises in a *Gesellschaftliche* context.

When it came to the call for face masks, immigration restrictions, and quarantine, it was the individual's freedoms that were being challenged; the freedom to do what one likes whenever they like and to travel as they please. Quarantine took away the right to travel, mix, and gather with others. These were seen to be restrictive and infringements on people's rights. Yes, community matters, so the rights were claimed even as they went counter to *umunthu*. *Zimitsani moto*, for whatever reason, is thus counter to *Gesellschaft* values. Social responsibility, mutual interdependence, and public health became an encumbrance and not a common good. Malawi society thus exhibited *Gesellschaft*—"dog eats dog," "one man for himself and God for us all"; all looking out for number one!

Secondly, it follows Christenson's idea that Tönnies' ideal types are present simultaneously in the same people, thus creating a hybridity of values. Postcolonial (chronologically) Malawi is part of the globalized world, and its people are hybridized global citizens with multiple worldviews, lived both consciously and unconsciously at the same time. It makes for seemingly confused people who are either holy hybrid, who know no other way (even as they feel radar-less) or amnesiacs, either by choice or circumstance.

There remains the question of how to live in a money economy within a predominantly rural community whose life runs on urban, individualistic values. Poverty removes certain choices from individuals and communities and leads people to look after number one even though it disturbs their consciences. However, for us, the moral arc bends towards *kuzimitsa moto*. It is not just the moral arc but that the very philosophical, moral, ethical, religious, and social values are based on *umunthu*. In a pandemic, "dog eats dog" leads to death, and *kuzimitsa moto* leads to life and wholeness, in as much as De Gabriele can claim that *tsabola wakale sawawa* (old peppers don't bite), *mawu aakulu sagonera* (literally translated, "ancient wisdom does not sleep" but idiomatically, "ancient wisdom is ever relevant"). Witch-hunting has no place either, hence *mchape*-like solutions are unhelpful in this scientific age, and as is religion that is individualistic, self-centered with eyes raised to an exclusive heavenly kingdom. Such religion forgets the Johannine message, which says, "whoever claims to love God and hates his brother or sister is a liar. For whoever does not love their brother and sister whom they have seen, cannot love God, whom they have never seen." (1 John 4:20). It goes against the Pauline and Johannine beloved community concept: a community that looks after one another and has the common good as a central value.

Hence every response we make to COVID-19 is certainly not about us. However significant (and primary) that may be, it is really about the common good. Rights and freedoms cannot be suspended lightly, but there comes a time when they may be legally and rightfully (as constitutions permit) suspended for the common good. As has been noted above, the "Banjul Charter" and the WHO adoption of it is a testament to this. Rights and freedoms and health and wellbeing go together. The unbridled pursuit of satisfying and gratifying individual rights and freedoms is as good as anarchy and tyranny of the selfish. Litigations and challenges to sloppy law-making and wanton decrees are not, in and of themselves, bad, and neither are they an end in themselves. They should serve *umunthu* and public health in the face of this pandemic. Religious and traditional leaders have to recognize their interface as enforcers of compliance and the rallying sites for it. John Mbiti observed that African Christians inhabit two worlds: the traditional and the modern and Christian one. This hybridity has to be considered if compliance is to be achieved during this pandemic Blessings Chinsinga (2006, pp. 257–58) in his article "The Interface between Space at the Local level in Malawi," quoting Obario (2002) and Senyonjo (2002) observes.

"Stunningly the re-emergence of traditional leaders is increasingly being held as 'the panacea for the achievement of decentralized, pluralistic democratic cultures and the strengthening of civil society' (Obario 2002, p. 4)" ... "[chiefs are] at the heart of custom and culture ... guardians of traditional norms, values, practices ... "

Traditional leaders are not just archaic institutions devoid of relevance in modern societies, and they are key to the continuity of society. Power in his "Chieftaincy in Malawi: Reinvention, Re-emergence or Resilience? A Kasungu Case Study" (Power 2020), also discusses the role of chiefs among the grassroots in Malawi and accounts for their tenacity as an institution of authority through the ages, as due to its "reinvention, re-emergence, and resilience." As such, it may be time for the chiefs to make the call: Malawi, *zimitsani moto!*

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