AN ETHICAL ASSESSMENT OF THE RELATIONSHIP BETWEEN THE MAINLINE CHURCHES AND THE STATE IN ZAMBIA

BY

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UNIVERSITY OF ZAMBIA
2013
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I, Moses Zwanyika, declare that this dissertation:

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ABSTRACT
In Zambia efforts have been made by both the state and the church to build a good working relationship, especially in the provision of education and health services. Despite these efforts, the debate is not yet settled on what this proper relationship should be between the church and the state particularly when it comes to issues of social justice and other national issues with controversial moral and political implications. This research’s main focus is to evaluate the church-state relations in Zambia from an ethical point of view. The specific objectives were: to investigate the general historical situation of uneasy relations between the church and the state; to discuss in general the different types of church-state relations and their implications; to give an ethical assessment of the current situation in Zambia on church-state relations; and to make some recommendations on appropriate church-state relations in Zambia.

The study consisted of a combination of empirical and philosophical research. In empirical research, data were collected from primary and secondary sources. Primary data in this research were collected using semi-structured interviews. Purposively chosen officials from various Church Leaders, Political Parties, Law Association of Zambia, and the Non-Governmental Organizations. Secondary data was collected from books, journals, newspapers and the internet. Different ethical principles were used to assess the data. They include Kant’s principles of actions that are morally permissible: his famous categorical imperative, the UN Declaration of Human Rights, the utility principle and John Rawls’ theory of justice and political liberalism. Kantian ethics of the categorical imperative has been used to argue for the dignity and worthiness of all human beings regardless of their religion. According to the 1948 UN Declaration of Human Rights Article 18 “Everyone has the right to freedom of thought, conscience and religion; this includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” This has been used to argue for the position that all religions have freedom of operation and the state has an obligation to give equal religious freedom to all faiths. The principle of utility has been applied as the best way to decide on the proper role of religions in public life by identifying the benefits that they will have in the case of excluding religion from the public life and costs of the same exclusion. John Rawls’ theory of Justice and his idea of overlapping consensus have been applied to determine the appropriateness of church-state relations in Zambia. In Zambia we have different religions and the primary concern of Rawls is justice and the stability of society. The well-ordered society is a fair system of cooperation where all members accept a political conception of justice.

It has been concluded that there is need to have that relationship of mutual respect between the church and the state. The church and state are not opposed to each other; both are in the service of human beings, so between them there must be dialogue, cooperation and solidarity. We must recognize the decisive role religion can play in the political and social context of our cultural and religious background. The church may intervene in the affairs of the state if such intervention promotes relevant principles of freedom, equality, human happiness, respect for persons, fairness and justice.
DEDICATION

To my late brothers Joseph and Paul
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<tr>
<td>CCZ</td>
<td>Council of Churches of Zambia</td>
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<td>CRC</td>
<td>Constitutional Review Commission</td>
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<tr>
<td>EFZ</td>
<td>Evangelical Fellowship of Zambia</td>
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<tr>
<td>ICOZ</td>
<td>Independent Churches of Zambia</td>
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<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
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<tr>
<td>JCTR</td>
<td>Jesuit Centre for Theological Reflection</td>
</tr>
<tr>
<td>MMD</td>
<td>Movement for Multiparty Democracy</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>UK</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>UNIP</td>
<td>United National Independence Party</td>
</tr>
<tr>
<td>ZEC</td>
<td>Zambia Episcopal Conference</td>
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CHAPTER ONE: INTRODUCTION

1.0 Background

1.1 An Overview of Church-State Relationship

The uneasy relations between the Church and the State dominated the middle ages and have continued into modern times. The recurring problems were power struggles over the proper boundaries of authority, the lay appointment or investiture of bishops and their powers, taxation of church property, the secular powers possessed by ecclesiastical personnel holding fiefs, depositions and excommunications (Curtis, 2008:160).

The argument over Church-State relations today concerns the relationship which exists, or which should exist between the two and about the proper role of each in the other’s sphere. The question is whether or not the State has an obligation to give a privileged position to one religion over others with all the consequences this entails for other religions. Bhargava (2011:11) argues that theocratic states and states with established religions will only perpetuate religious domination. They have historically recognized a particular church as the official religion, compelled individuals to congregate for only one church, punished them for failing to profess a particular set of religious beliefs, levied taxes in support of one particular church and made instruction of the favoured interpretation of the religion in educational institutions mandatory. Societies with such States are either wracked by inter-religious or inter-denominational wars or by persecuted minority religious groups (ibid.: 11). The other issue involves the role of Christian churches vis-à-vis the State. This is expressed in a simple theory as follows: “the limits of the State’s sphere of action are set by the definition of ‘temporal’, that is, those activities of civilization that arise in the ‘earthly’ city… The Church in no way limits the State’s rights, Church and State complement one another, each working in its proper realm (Haynes, 2004: 68).
However Churches often find themselves on the horns of a dilemma: whether the Church has authority to address the conscience of the State by teaching their ethical heritage to the State and to speak out prophetically in defense of justice, human dignity, human rights and human welfare and face criticism by the state for doing so; or publicly keep quiet- but seek to change government policy by persuasion behind the scenes (Okullu, 1987:7). The church is also faced with the problem of whether simply to recognize the state authority, because authority comes from God and loyally follow the state claiming to be for the social and political stability while benefiting from the corrupt and oppressive regime (Haynes, 2004: 60).

1.2 Church-State Relations

Throughout history the relationship between the Church and the State has varied from open conflict to collusion. In ancient times religion was usually a subordinate branch of government. Later, however, religion began to emerge independent from the state.

The civilization of the western world rests on its Greco-Roman-Judeo-Christian inheritance. From the Romans came political and legal concepts, from the latter two, religious and ethical values. The prophets were the conscience of the people, thundering against injustice and advocating a rudimentary social welfare system for the less fortunate. Wealth, though not necessarily limited, was to be devoted to public welfare. Early Christianity was conservative, even reactionary in its political quietism, and in its acceptance of social and economic inequality, its ethical message was radical. All individuals were important, no matter what their economic status or national origin (Curtis, 2008:140).

Paul recognized the essential equality of all people in the sight of God. But he still defended or refused to attack the system of slavery, arguing that each was to remain in the
occupation to which he/she had been born (1 Corinthians 7:21-24). He tended to regard the state and political institutions as ordained by God, the state preserving order so that the Christian life might be realized. Legal obligations had to be met; indirectly, this was obedience to God, for the ruler was the servant of God (Curtis 2008:141).

In the Roman Empire, after Constantine recognized Christianity in 313, Christianity was declared the state religion. Spiritual and temporal power became mixed. The clergy were given ministerial immunity, the Church laws were recognized and sacred days were made into public holidays. The aims of the Church and the State somehow merged (Barry, 1985:139). The latent tension between political and spiritual leaders, however, was to prevent any complete control of either group and ultimately lead to both political and religious freedom. Augustine contributed to political theory by making the clear distinction between the worldly city (the city of man) and the heavenly city of the faithful (the city of God). The one consists of those who wish to live after the flesh, the other of those who wish to live after the spirit; and when they severally achieve what they wish, they live in peace, each after their kind (Curtis, 2008: 149). However, the church only required the protection of the state—although even that was doomed to failure, because sinful human nature always led to strife (Thompson, 2010:42).

Pope Gelasian I (492 to 496 A.D) established the doctrine called “Gelasian dualism” that would later develop into the theory of the “two swords.” According to this theory, the Church is in charge of all issues of a spiritual nature, while the Empire is in charge of its own temporal affairs. There is division between Church and Empire, each with its own “dignity” and acting in its own sphere of competence. The Pope was trying to protect the Church from Caesaropapism in its Byzantine version, as a tendency in medieval society to join political and religious power in

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1Caesaropapism is a political system in which the Head of state has authority over the church and all religious matters. It operated in the Roman and Byzantine Empires and in pre-revolutionary Russia.
the hands of the ruler. Thus the doctrine of Gelasian dualism comes as a reaction against the abusive interference of the secular authority in Church affairs (Gomes, 2009: 202). Thus, the Gelasian theory of the two swords summed up the teachings of the early Christian Fathers on church-state relations.

During mediaeval period, it was believed that God had ordered and established society, and provided for it to be guided by the church. Rather than political authority being established by and for the people, you have authority being handed down from above— from God, via the Church and its approved rulers, to the people (Thompson, 2010:42). The Church and State would become *sacerdotium* and *regnum*, the two governments in a single Christian society. The Pope was supreme head of the church and could not only control bishops, but also depose the Emperor. The ecclesiastical organization could control the secular not only in spiritual, but also in ethical matters. This ecclesiastical argument was a rationalization of a situation in which the church, basing its action on its knowledge of divine or natural law, was attempting to act in all spheres, political, social, economic and scholastic. The ultimate source of all authority was divine, so political participation depended on religious allegiance and orthodoxy. Those who upheld secular power used the same argument to reach a different conclusion. Since authority comes from God, secular rulers were responsible to God alone, unhindered by Church interference. Therefore, the Church has no authority to remove the ruler or limit his secular power (Curtis, 2008:159). The struggle for supremacy in secular affairs, accompanied by internal disputes in both realms of government, continued in the 13th and 14th centuries. In England, the conflict between the two realms led to the murder of the Archbishop of Canterbury, Becket, by knights of Henry II, in 1170 (ibid.:160). The bitter fight between Pope Boniface VII, (1294-1303) and Philip IV of France over church property and taxation as well as ultimate authority,
led in 1302 to the Papal bull “UnamSanctam”, arguing that “for every human creature it is absolutely necessary for salvation to be subject to the Roman Pontiff” (ibid.:175).

The Reformation which was led by Martin Luther in the 16th century was key to the development of the stance of the Church in relation to the State. The unity of the Church and its interference in the political affairs of the State was challenged. Most reformers, mostly notably the Anabaptists, drew a sharp distinction between the kingdoms of this world, which they considered to be evil, and the kingdom of God, to which Christians belong. The main argument is that, the world is corrupt, then the Church and the Christian teachings should be opposed to all forms of State. The underlining reason for refusal is that the secular government has its citizenship in this world, but the Christian’s citizenship is in heaven. A Christian’s involvement in politics is likely to draw him/her into coercion, deception, manipulations and a host of other sins. The Church instead of involving itself in politics should devote itself to its essential mission which is evangelization of non-Christians (Muwowo and Buitendag, 2010).

The Reformation marks the period in which the doctrine of the two swords was replaced by the doctrine of the sovereign state. With the Peace of Augsburg in 1555 and the Peace of Westphalia in 1648, there came a formula cuiuseiusreligio- ‘to each prince his own religion’. This entailed that religious doctrine and organization should accord with the religion of the secular ruler and there should be no intervention by one sovereign state in the religious affairs of another (Miller, 1987:70). In his influential “A Letter Concerning Toleration”, first available in English in 1688, Locke argued that the “business of true religion” was the worship of God and was best concerned with securing immortality in the hereafter. The Church is confined to purely religious matters such as matters of a nation-state’s laws and people’s common public life was

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2 Peace of Westphalia sanctioned the division of Europe into states according to the religious principles of their rulers.
within the unquestioned jurisdiction of the state. Thus when it comes to church-state divide the modern reading of Locke has him seeking to cabin and privatize, and thus pacify the political consequences of religious faith (Esbeck, 2004:1385). Thus, the history of liberalism has to a large extent coincided with the history of freedom of conscience and religious freedom. Principles of liberal democracy, of human rights and of the rule of law led to the abandonment of the medieval aspiration for religious and political uniformity of Christendom. Thus modern models of church-state relations were established in the west in the last two centuries. They have been strongly influenced by two main ideas: the freedom of religion and the separation of powers (Kalkandgieva, 2011:14).

1.3 Church-State Relations in Zambia

The State in Zambia has challenged the competence and mandate of the Church to comment on political issues. The State sees the role of the Church only as spiritual and praying for political leaders. Komakoma says that “those who hold this view fail to understand both the meaning of politics and the role of the Church in society” (Komakoma, 2003:3). The Church argues that it is sufficiently independent of all political and economic systems but it has to uphold principles and attitudes rather than systems. It sees itself as having a prophetic mandate in speaking on behalf of and for the people it serves because justice is the aim and intrinsic criterion of all politics (Henriot, 2001). Henriot (National Mirror, May 26-June 1, 2001) says that “to be true to its mission, the Church in Zambia must indeed get actively involved, not merely offering prayers”. Against those who call upon the Church to be neutral, Henriot argues that “the Christian community cannot be neutral in the face of human suffering, of dishonesty, of injustice or of oppression of the poor. This is certainly true in Zambia today” (Times of Zambia, October 26, 1995). The Church says that if the State does not uphold human rights, human dignity, human
freedom, it has a mandate to pressure it to change its policies or even participate in efforts to reform the political structures themselves. The Church isolated from the State makes religion a purely private affair without any social dimension and it becomes irrelevant and meaningless (Agostoni, 2001:45). Pope John Paul II stated to the Kenya bishops in 1994 that “your protest against violence…defense of human rights, reproof of those who seek personal advantage by exploiting their neighbors, calls to civil authorities to renew their honest dedication to ensuring the common good…are signs of your fidelity to the demands of your apostolic ministry.” (Ruwa, 2001:10)

The debate in Zambia over Church-State relations is by no means settled, so we need to be clear on the proper model of Church-State relations in Zambia which will provide proper guidelines on this uneasy relation.

1.4 Study Area

The study was conducted in Lusaka, the Capital City of Zambia. Zambia is a landlocked country located in the southern part of the African Continent. It shares borders with D.R Congo and Tanzania to the North, Angola and Namibia to the West. Malawi and Mozambique are on the eastern side of Zambia and Zimbabwe and Botswana on the southern borders of Zambia (cf. Figure 1). The population of the country according to the census of 2010 is 13,046,508 persons. Lusaka is in the central part of Zambia and it happens to be the largest city of the country. It is the political headquarters of the country and all Non-Governmental organizations have their presence in Lusaka. The mainline Churches have their administration offices in Lusaka. The National Assembly is in Lusaka and government is being administered in Lusaka. Therefore Lusaka proved to be a favourable area to carry out this study.
1.5 Limitation and delimitations of the study

The limitations of the study included the time factor and the fact that some respondents did not cooperate fully in providing the needed information due to other commitments. It was difficult to get information from institutions and the researcher had to keep on making appointments with the secretaries especially at Evangelical Fellowship of Zambia Offices in order to meet the Director. Therefore, the researcher had to visit many places more than twice just to interview some Officials. It was difficult to get views from Independent Churches of Zambia leaders and hence we had only to depend on secondary data.

The study delimits itself to an ethical assessment of the relation between the mainline Churches and the State in Zambia. It is a philosophical work which will focus mainly on
investigating and describing the current situation of Church-State relations in Zambia and making an ethical assessment arguing for the establishment of the proper role of each in Zambia’s political and cultural determination.

1.6 Statement of the problem

Despite the efforts made by both the State and the Church to build a good working relationship, the debate is not yet settled on what this proper relationship should be between the Church and the State in Zambia. The problem over church-state relations in Zambia concerns the relationship which exist, or which should exist between the two and about the proper role of each in the other’s sphere.

1.7 Objectives

The study intended to achieve the following objectives:
(a) To discuss in general the different types of Church-State relations and their implications.
(b) To investigate the historical relations between the Church and State in Zambia.
(c) To give an ethical assessment of the current situation in Zambia on Church-State relations.
   (d) To make some recommendations on appropriate Church-State relations in Zambia.

1.8 Research Questions

(a) In general what are the different types of Church-State relations and their implications?
(b) What is the historical situation of the relations between the Church and State in Zambia?
(c) From an ethical perspective, what is the current situation in Zambia on Church-State relations?
(d) What recommendations can be made on appropriate Church-State relations in Zambia?
1.9 Significance of Study

Lack of proper relationship between the Church and State is a serious problem in Zambia. Religion has been exploited by many political leaders in Zambia. In spite of some Churches that were opposed to the Zambian Christian Nation declaration enshrined in the preamble of the Zambian Constitution in 1996 and emphasized the need for separation between the Church and State, Chiluba went ahead and this caused a rift in Church-State relations.

The participation of the Church in politics has also brought a lot of serious problems in Church-State relations. The Church is arguing for a new political order that recognizes the true role of politics as being at the service of the people and enhances democracy and good governance. This has led to direct confrontation with the State.

The research can help to re-emphasize the necessity of the proper and defined church-state relationship in Zambia and prevent church-state conflicts. We can then have a single understanding as a country of what this relationship should be and hence, help to establish the proper role of the church vis-à-vis the state in Zambia.

1.10 Operational Definitions

Ethical assessment: Ethical assessment in the way we shall use it in this study refers to the presentation and evaluation, in as objective a manner as possible, using criteria governed by ethical standards (that is, ethical theories and rationally justifiable ethical principles) of various ethical arguments on the relationship which exists today between the church and the state and what has been the role of each in the sphere of the other with a view to bringing out the limitations and strengths of these arguments and making recommendations on what should be the appropriate relationship between the two.
**Church** refers to all who believe in Christ and who conceive themselves, or are conceived by others, as belonging in various ways to the Church that Christ founded.

**Mainline Churches** refers to the three national ecclesiastical structures: The Council of Churches of Zambia (CCZ), the Evangelical Fellowship of Zambia (EFZ), and the Catholic Church’s Zambia Episcopal Conference (ZEC). Whereas these three Mainline Churches have strong theological differences, they have tended to put their differences aside when it comes to church-state issues.

**State:** The term State as used here refers to the territorial unit, the *respublica*, which may be freely translated as a public concern. The essential properties of the state are population, territory, a government clothed with a monopoly of force for the preservation of peace and order, and having the plentitude of authority within the state independent of external control except that of international law. The purpose of the state is the promotion of the common good or “the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment”. The common good, then consists primarily of having the social system, institutions, and environments on which we all depend work in a manner that benefits all people. Examples of this include an accessible and affordable public healthcare system, as well as an educational system, an effective system of public safety and security, peace among nations of the world, a just legal and political system, an unpolluted natural environment, and a flourishing economic system (Andre and Velasquez., 1992).

### 1.11 Methodology

The study will be done using empirical and philosophical research. In the empirical part, the main tools of study will be documentary research and informal interviews. The documentary research will include text books, news articles and journal articles from the internet. Informal
interviews will be conducted with leaders of the Mainline Churches, Government Leaders and Leaders of Political Parties. Primary data will also be collected by conducting interviews with Non-Government Organizations, and Members of the Law Association of Zambia.

The philosophical part will consist of an ethical assessment of the current Church-State relation in Zambia. We shall use Immanuel Kant’s deontological theory, Human rights, Utilitarianism and John Rawls’ theory of justice, to determine the ethical basis for the proper relationship between the Church and the State. These theories values human rights and recognize the dignity of every human being. They will help us to determine appropriate Church-State relations in Zambia.

1.12 Organizational Structure

The study contains six chapters. The first chapter discusses the background of the study, starting from a broad view and narrowing it to the Zambian context. This is followed by the study area, limitations and delimitations of the study, statement of the problem, objectives of the study, research questions, significance of the study, operational definitions and the methodology used. The second chapter looks at literature review by reviewing what has been done and what has not been done by other researchers. We discuss in general the different kinds of Church-State relations and their implications. It also investigates the historical situation of Church-State relations in Zambia from the literature which is available. Chapter three presents the theoretical framework by discussing the theories which will be applied to research findings. Chapter four presents the findings of the study by presenting the results of the findings from interviews. The fifth chapter presents an ethical evaluation of the findings using the ethical theories presented in chapter three. Chapter six gives recommendations on appropriate church-state relations in Zambia.
CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter presents a critical review of literature describing the existing models of church-state relations around the world before reviewing literature on church-state relations in Africa in general and Zambia in particular. The chapter then reviews the literature on ethical arguments about what should be the appropriate church-state relations.

2.2 Overview of Church-State Relations around the World

Different models have been used at different times in different parts of the world in thinking about the church-state relations. By model here is meant an analytical device. That is, the distinctive way of thinking about church-state relations at distinctive times in Thomas Kuhn’s term, it is a paradigm. Different models have been used in different countries to try and resolve the issue of Church-State relations.

2.2.1 Unionist Church-State Relations Model

The first concept of Church-State relations can be seen during Christendom. This was after 313 A.D. After years of persecution of the Church, Emperor Constantine passed an edict that allowed Christians to worship freely and to establish their faith.

Again during the Carolingian age (751-987 A.D.), there was a union of religious and temporal power against the teachings of the dualist doctrine which proclaimed a separation between the Church and the Empire. During this reign both powers were united under one main authority that united humankind in this world in unum corpus mysticum (one mystical body) whose head is Christ. This theory proclaimed the constitution of one unique “body” in which there was no space for diversity. Under this unionist model of church and state relations,
society was characterized by only one faith, one church, and one temporal authority. It was a society in which a human being was simultaneously *civis* and *fidelis*. There was no room even for the idea of secularism, or for a distinction between vassal and faithful, as both fused into one. Church and State were identified with each other in a mutually indissoluble unity. This was an example of absolute theocracy (Gomes, 2009: 203). In this sense, the sacred texts were also legal texts, and those who did not belong to the main religion were considered second-class vassals. In modern times, Iran can be seen as the best example where the state’s law is its religious doctrine. This model does not give the opportunity for all to have freedom of religion. The only way that one could practice religion freely in Iran would be if he or she were following Islam (ibid., 204).

### 2.2.2 Established Church-State Relations Model

This model involves the State’s recognition of a particular Church from other Churches, and according it, to a greater or less degree, a privileged position (Morries, 2008:9). Under it, the State and the Church form a partnership in advancing the cause of religion and the state. The State grants recognition and financial support to the Church, which in turn grants the State legitimacy and tradition, recognition and a sense of national unity and purpose (Stan and Turcescu, 2011:173).

At one extreme, a regime with an established church that is granted a strictly enforced monopoly in religious affairs is closely related to one with theocratic rule. Another form is countries that tolerate a restricted set of divergent beliefs. An Islamic country that tolerates “people of the Book” (but not others) would be an example; a country with an established Christian Church that tolerates a number of major faiths, but disparages others, would be
another. These models that are categorized under established churches still give preferential treatment to those who follow a particular faith.

However, it is possible for a country to maintain an established church, yet guarantee equal treatment for all other religious beliefs at the same time. The United Kingdom would be a fitting example. The United Kingdom like Norway and Sweden has an established religion, while accepting freedom of worship for other religions. The Church of England is the established state religion of England. Representatives of the Church hold seats in the House of Lords as “Lord Spirituals”. Traditionally, they do not vote, though theoretically, there is the possibility of direct church involvement in the legislative decision-making of the entire United Kingdom. Parliament is opened with prayers: in the House of Lords, the process is led by one of the Lord Spirituals and in the Commons by the Speaker’s Chaplain.³

### 2.2.3 Separationist Church-State Relations Model

This model wants to realize a strict separation of the Church from the State. Separationists maintain that the State may not discriminate among religious groups or prefer religion in general over individuals professing no religious belief (Esbeck, 1986:394). They desire a secular state and by “secular” they mean a state that is decidedly non-religious, but not necessarily hostile to religion (Esbeck, 1986:379).

The Separationists’ arguments defend both complete freedom of conscience for the individual citizen and equality for all religious associations, and most importantly, perceive a grave threat to these principles rising from agreements that bring Churches and States into governmental affairs. The State may promote tolerance and protect rights of individuals in matters of religion or no religion, but it does not dictate doctrines and forms of religious

observance (Thomson, 2003:67). Elected Representatives and Government Officials are not supposed to break the law of separation by helping Churches in the hope of using religion to extend or reinforce their authority. These practices create obstacles for other confessions and encourage religious intolerance. The principle of equality of all people before the law regardless of religious persuasion is very fundamental and giving a place to one religion in any constitution above all others is an act seen as a violation of the very constitution. They insist that any state assistance must be available to all citizens regardless of faith and must never favour one church over another (Basil, 2009: 220).

The Australian government, like the United States Congress, cannot make a law that establishes a religion, or prohibits the free exercise of religion. But they define the Church-State relationship in two different ways- the US through a strict separation of Church and State and Australia through a de facto relationship between Church and State. A de facto relationship means that each sphere enjoys autonomy in its attempt to fulfill its distinct activities or responsibilities and the State recognizes each of them as distinct and can provide financial support to all religious organizations (Stan and Turcescu, 2011:174).

Under the United States Constitution, the treatment of religion by the government is broken into two clauses: the establishment clause and the free exercise clause. The first Amendment of the U.S Federal Constitution, ratified in 1792, declared “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof”. The intention here was not to prevent legal support of the widely accepted Christian character of the American Republic but to make it unconstitutional for one denomination to be given legal precedence over others. The Supreme Court has always ruled that the establishment of religion by the state is unlawful (Morris, 2008:9).
The most famous example of the rigid Church-State separation model is France’s concept of *laicité*. Church-State relations in France are centered on the separation law of 1905. On December 9, 1905, the French Government passed a law on the separation of the Church and the State. The law is seen as the backbone of the French Principle of *Laicité*. Article 1 and 2 states that: “The republic safeguards freedom of conscience. The republic neither recognizes, nor pays salaries, nor subsides any religious denomination”. The phrase “does not recognize” means that the State does not point out any particular religious organization for special relations. The State respects every religion. The phrase “does not pay salaries” means that officials or employees in religious organizations do not get any payments from the state. The phrase “does not pay subsides” means that the State does not contribute financially to, for example, building of churches, renting premises for services and similar (Ercolesi and Hagg, 2008:113). We can say that the 1905 law prohibits the State from officially recognizing, funding or endorsing religious groups. The French Bishops in their majority approved the law. But the new conservative Pope Pius X decided to condemn it hastily, forcing the French Catholic Church to fight the Law (Weil, 2009:2704).

Recently, a new conception of Church-State relations appeared in France which is being proposed by President Nicolas Sarkozy. The two high points in the launch of this new theory were his speech at St. John Lateran, in Rome, 2007, and his speech in Riyadh, Saudi Arabia, at the beginning of 2008. During his visit to Rome in December 2007, President Nicolas Sarkozy made a speech at the Basilica of St. John Lateran, in which he used the expression *laicité positive*, meaning “an open secularism, an invitation to dialog, tolerance and respect”. Under this new

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4 The French principle of religious neutrality of public institutions, necessary to assure equal religious freedom and equal dignity to all citizens: believers and non-believers, believers in religion of their ancestors and believers in other religions or in no faith.

5 On February 11, 1905, Pope Pius X delivered the VehementerNos Encyclical denouncing the 1905 French Law of separation.
conception of *laicité*, the State is not anti-religious. In his speech in Riyadh, Sarkozy asserted that religious feelings are not dangerous. He said that civil society owes religions for the principles of universal morality, human dignity, the universal values of freedom, responsibility, honesty and rightness (Gomes, 2010:213). The National Catholic Reporter (September 10, 2008) reports that Sarkozy claims that France cannot cut off relations with its Christian origins. Religion should have a more active role in the public space. At the same time, Sarkozy denies plans to change the basic 1905 separation law. The President thinks religion can provide hope, a sense of human existence and the most effective binding force to build a cohesive society in the post-modern era, and that religion can best provide the necessary framework for the formation of every individual’s moral personality. Gomes (2010:215) argues that *laicité positive* ought to be understood as a principle of respect for all religious beliefs and not an opposition towards religious feelings as such and as the recognition of the decisive role that religion can play in the political and post-secular societies.

Opponents have complained that the implementation of ‘*positivelaicité*’ is already giving Churches a privileged position that they have not had since 1905 (Erolessi and Hagg, 2008:119). The law of 1905 was built around three principles: freedom of conscience, separation of state and church and the equal respect of all faiths and beliefs. This law was built against the influence and domination of the Catholic Church in public affairs (Weil, 2008:2704).

The reform of Church-State relations in France testifies to the urgency in modern societies of opening a public debate on the role of religion at the international and national levels in the new world’s political order.
2.2.4 Cooperationist Church-State Relations Model

Cooperationist regimes do not grant special status to dominant churches or religions, but still continue to cooperate closely with them through a variety of ways. A Cooperationist State may provide funding for various church-related activities, such as religious education, payment of clergy, and so forth. Sometimes, in such regimes, relations with Churches are managed through special agreements and concordats. The Church and State are not opposed to each other; both are in the service of human beings, so between them there must be dialogue, cooperation, and solidarity. The Church and State are divinely ordained and are intended to reinforce each other in a symbiotic relationship. Although this mutual dependence between church and state is inevitable, each has a distinct role and is not to invade the jurisdiction assigned to the other within the created order (Esbeck, 1986:398). It differs from an endorsed church regime by not specifically endorsing any one religion. So, it treats all different religions equally, but since different religions have different needs, cooperation raises more complex interdenominational problems of equal treatment (Basil, 2009: 231).

Cooperationists argue that the Church must be independent from the State, but not separated from it because separation is incompatible with mutual cooperation. So there should be dialogue and intelligent compromise between Church and State in all areas of life, including politics, with an eye towards preserving both modern technical advancements and the moral standards of religious faith. They reject views that would confine religious faith to strictly private areas of life. Secularization does not mean anti-religious or even the absence of religious activity in public life, as the separationists usually define the concept. Germany provides the prototypical example of this type of regime; this country even collects a so-called “church tax”. However, Germany is not alone in this category- Spain, Italy and Poland, as well as several Latin American
countries, follow this pattern. Although this model does treat all religions equally, it is too difficult to come to the same levels of equality and justice in a state (Basil, 2009:234).

2.2.5 Accommodationist Church-State Relations Model

The accommodationist Church-State model might be thought of as cooperationism without the provision of any direct financial subsides to religion or religious education. It insists on the separation of Church and State and still retain benevolent neutrality toward religion. An accommodationist regime would have no qualms about recognizing the importance of religion as part of national or local culture, accommodating religious symbols in governmental settings, allowing tax, dietary, holiday, Sabbath and other kinds of exemptions, and so forth.

2.2.6 An Endorsed Church-State Relations Model

An endorsed Church-State relations model is when a particular Church is not officially declared to be the Church of the nation but where the State acknowledges that one particular church or religion has a special place in the country. This model is mostly expressed in the eastern orthodox Church.

The issue of Church-State relations in the Christian orthodox world splits the academic community into two camps: one defines the relationship as _symphony_, the other as _caesaropapism_. _Symphony_ , however, is not simply a relationship between Church and State, but rather a unity between powers that the Byzantines defined as _sacerdotum_ and _imperium_. Their existence and the relationship between them was not subject to civil law, but to God’s will. The concept of _symphony_ does not deal with the state as a political entity but rather as God’s kingdom on earth and thus the Byzantines called it _Basileia_. In a similar way, it does not
approach the church as a human creation but as Christ’s body, i.e., a sacred community of believers. Therefore *Symphony* presupposes mutual penetration between the sacred and the civil, thus facilitating the cooperation between church and state in the orthodox land (Kalkandjieva, 2011:3).

Kalkandjieva (2011:5) argues that the thesis of *Caesaropapism* as the model determining church-state relations in the Christian East is highly questionable. Eastern Orthodoxy did not allow sacramental or doctrinal matters to be controlled by secular hands. Medieval Orthodox rulers were able to control their Churches by exerting pressure over their hierarchy or interfering in their administrative and economic affairs, but the Orthodox Church zealously kept its monopoly over the religious sphere. Orthodox societies remain ignorant about the true aims of the separation of church and state as it has happened in the west. Their people continue to perceive this principle as a means of destroying religion and imposing the monopoly of atheism on society. As a result, the collapse of communism and the process of eurolintegration raised many questions concerning the proper orthodox model of church-state relations (ibid.: 8).

Georgia is an example of an endorsed church model. Article 9 of the Constitution of Georgia states: “The state shall declare complete freedom of belief and religion, as well as shall recognize the special role of the Apostle Autocephalous Orthodox Church of Georgia in the history of Georgia…” The present constitutional provision recognizing the special historical role of the Christian Orthodox Church has served in Georgia as normative ground to assess the Georgian Orthodox Church as the endorsed church.

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6 The model of *caesaropapism* presupposes that a state ruler is also the head of the main church in his lands.
2.2.7 The Hostility and overt Persecution Church-State Relations Model

This model involves the radical and hostile separation of the church and the state. It holds that the state should not interfere in religious affairs and vice-versa. This is a hostile model which seeks to confine religion purely to the home or church and limits religious education, religious rites of passage and public displays of faith. The hostile model of militant secularism arose with the French Revolution. It is a negative conception of separation between church and state in which the church is persecuted or denied its basic rights. The church is restricted to the private sphere, and seen merely as a civil association (Gomes, 2009:210).

2.3 Church-State Relations in Africa

In Africa, religion is a very integral part of culture, so it is not easy to simply place things in compartments comprised of a religious part and a secular part. In Africa, you cannot separate religion from politics. Religion influences the whole person and therefore, an African holism, which inseparably unites the “secular” and the “religious”, always prevails (Ranger, 2008:5). The sacred and the secular can be said to constitute one organic reality and this is important in coming up with an appropriate church-state relationship in Africa. Ellis and TerHaar (2007:387) say that “in order to understand the relation between religion and politics in Africa… it is more fruitful to take Africa’s own views of reality as a starting point”. Many constitutions of African countries pay tribute to Christian religions. Some examples include the following: Ghana proclaims its constitution “In the name of Almighty God.” Liberia testifies to its “gratitude to God” and recognizes “His Divine Guidance for our survival as a Nation.” There is a clear tendency in Africa to proclaim a state to be “Christian” but even there, one finds the tendency to do away with the established status of the church (Van Der Vyver and Johan 2001:647). Zambia
is the only African country which has reversed the trend of eliminating a special state commitment to Christianity by declaring the Republic a “Christian Nation”. But it is expected that in spite of this development in Zambia, more and more countries will follow the example of those who have avoided constitutional confessions of faith. Some people have regarded the reference to “God” or “Christianity” in the preamble of the constitution as a sign of religious favouritism that leaves others out in the cold (ibid.: 650).

2.4 Church-State Relations in Zambia

Zambia is seen to have a generally religious policy of religion in Africa. It is a clearest example of a state which has deliberately opted for a generally religious policy of religion (Hallencreutz, 1988:6). It is officially a Christian nation according to 1996 constitution. However, it embraces other religions. In spite of this, there is so much confusion concerning the relationship which exists or which should exist between the Church and the State. There is no blueprint pattern of Church-State relations anywhere which could be transplanted and fitted into the present situation in Zambia. Church-State relations have always been an urgent problem, although people tend to ignore it until a crisis happens.

2.4.1 Pre-Colonial Period (1890-1924)

Church-State relations in Zambia can be traced back to the pre-colonial period since 1890. The arrival of Christianity in Zambia dates back to the discovery of David Livingstone of the headwaters of the Zambezi in 1851. David Livingstone in his letter to Professor Sedgwich of Cambridge University described the motives of his mission as more than what meets the eye. The motives were not merely exploratory, but also to find ways and means of benefiting both the African and the missionary’s own countrymen (Fletcher, 1950). He inspired European
missionaries to undertake the difficult journey to central Africa to establish Christian mission centres. As noted by John Baur (1994:205), in 1878 the London Mission Society opened their first mission in Northern Rhodesia, which is now Zambia. The mainline Churches founded all the earlier mission stations. The colonial government did not want to participate directly in the administration of the territory; it instead opted to use private organisations that were granted protection. The organisations were given powers to acquire land on behalf of their masters. The acquired territories were rich in minerals such as copper and cobalt. The introduction of Christianity in Zambia ran concurrently with the discovery of the said minerals.

The alliances of missionaries and colonial administration consolidated the colonial rule. Oliver Anthony (1967:76-77) argues that most of the missionaries who came to Africa were not only interested in spreading the gospel but were also part and parcel of the colonial government. They were involved both directly and indirectly in politics, commerce and land disputes. Francois Coillard of Paris Evangelical Society was very instrumental in persuading Chief Lewanika of Northern Rhodesia to sign a treaty with the British South Africa Company, which controlled Northern Rhodesia in the 1890s.

2.4.2 Colonial Period (1924-1964)

As colonial rule expanded, so did the church and its activities. In this period, the Churches got into establishing schools, hospitals and other institutions, which identified them as an entity.

Cecil Rhodes, one of the entrepreneurial giants of the British colonial era, invited churches to Zambia which were given large tracts of land for missionary objectives. The church and the state worked closely in providing education and health care to local populations (Carmody, 2002). By 1924, mission centres had been established in virtually all of what was then
Northern Rhodesia. Mwanakatwe notes that at the time of receiving independence from Britain in 1964, two-thirds of Zambian Secondary Schools were ran by the Catholic Church, not to mention a higher proportion of Primary Schools (Lungu, 1986:394). Nationalists generally agreed that the churches had contributed much to the education, health care and welfare of their people (Carmody, 2002).

The mission centres had a profound impact on Zambia’s pre-independence politics. Isaac Phiri, quoting historians John Taylor and Dorothea Lehmann, affirms that missionaries serving repressed native populations soon felt an obligation to speak on behalf of the unvoiced African people. Four issues brought the colonial authorities and the church into direct conflicts: (1) Taxation of the Africans, (2) Land distribution, (3) Amalgamation with southern Rhodesia, and (4) Labour unrest in the copper mines. The church led by Bishop Alston May of the Anglican Church’s Northern Rhodesia Diocese vigorously represented African interests on all these issues. In 1922, the General Missionary Conference passed a resolution declaring the tax excessive and unjust and pressured the authorities for a tax cut. Bishop May also wrote a letter to the colonial administration calling for a fair and adequate representation of native interests when land delimitation issues were being considered (Phiri, 1999:327).

The Missionary Conference also clashed with the colonial state over the latter’s reaction to labour unrest in the country’s mines. A Missionary Conference held in the Copperbelt city of Ndola, two weeks after riots, became the forum for church-state conflict. The address of Sir Hubert Stanley (governor of the colony) revealed the tension between the church and the state. “I am myself the Government of Northern Rhodesia,” began Sir Hubert. He went on to accuse the church leaders of discrediting his government and warned them of the gravity of any further
attacks on the state. However, the conference’s response was that “in our conference we claim the right to criticize (ibid.:328)

The Nationalist leader Kenneth Kaunda commended the catholic church’s initiative in publishing a newspaper like the Leader, which featured articles that enabled Kaunda and other nationalists to articulate their perspectives (Carmody: 2002). The pastoral statement of the Bishops’ Conference in 1958 was a political landmark, strongly criticizing the political system in its failure to respect the rights of individuals regardless of race or colour. The bishops clearly stated the role of the church in paragraph 4 as follows: “our mandate is that the church was ordered by Jesus Christ, her founder, to ‘Go….preach the Gospel to the whole of creation’ (Mark 16:15). Given this mandate the church has the right and duty to teach and guide Christians not alone in purely religious matters but also in social, economic and political affairs in so far as they are connected with the moral order”.

Kaunda’s basic argument against colonialism was that it was immoral because it denied Africans their God-given dignity. Kaunda and other nationalists used Christianity as an ideological base to confront political injustice (Phiri, 1999:331).

2.4.3 First Republic (1964-1972)

Zambia was granted independence in 1964. The first ten years of Zambia’s independence were marked by relative harmony between the church and state. The Catholic Church maintained an apparently satisfactory working relationship with the new government, despite differences on the matter of handover of primary schools, abortion legislation and repeated attempts to introduce scientific socialism (Carmody, 2002). In 1972, Kaunda’s UNIP government, determined to ‘weed out political opportunists,’ declared Zambia a one-party state. Some Christian Leaders
were personally closely associated with the ruling regime, sometimes to the extent of holding political appointments. Jeff Haynes (2004: 70) gives an example of the Catholic Archbishop Elias Mutale’s membership of the commission for instituting a one-party state in the 1970s in Zambia as a clear manifestation of a close relationship between state and church.

2.4.4 Second Republic (1972-1991)

The enactment of the Termination of Pregnancy Act of 1972 furnishes an excellent example of an instance in which the church played a critical role. The Zambian Government introduced several measures which would eventually lead to lowered fertility such as liberal abortion laws, family planning services and artificial birth control methods in public hospitals and clinics (Lungu, 1986: 396). The Catholic Church in particular in the Pastoral Letter, Declaration on Abortion of 12th November 1972, took exception to these measures as incentives to moral laxity. The Pastoral Letter from the Bishops stated that “we are saddened by the erosion of moral principles which is evident in society today and we deplore the acceptance of the principle that material welfare, convenience or unwillingness to do one’s duty make it lawful to do away with human life.” The other major clash was ideological and Paul Gifford (1996:210) rightly notes that in 1978 when the Zambia government tried to introduce scientific socialism (that is, Marxist-Leninism) into the education system, all the churches mobilized at the prospect of this, and combined to fight the move so successfully that the idea was dropped. The Zambia Episcopal Conference, the Christian Council of Zambia and the Evangelical Fellowship of Zambia issued a joint statement which exposed and opposed the state’s plan. The churches warned that the adoption of scientific socialism would threaten the freedom enshrined in our constitution and Zambians should expect pressure on religious and personal freedom. The
churches called upon their members to take political life seriously and not to allow an oppressive system to be introduced (Marxism, Humanism and Christianity: A Letter from the Leaders of the Christian Churches in Zambia To All Their Members about Scientific Socialism, 1979).

The mainline churches’ co-operation came alive again in the late 1980s when sharply deteriorating economic conditions led to widespread dissatisfaction with UNIP government of President Kenneth Kaunda. Towards the end of the 1980s and the beginning of the 1990s, the church became more involved in the politics of the nation. The church was involved in speaking out on evils. The church attributed the food riots of April 1987 and June 1990 and other national crises to the economic difficulties faced by many people who were increasingly facing hardships. The churches united to play a considerable role, first in resolving problems that threatened to derail the embryonic democratization process, and then in forming the Zambia Elections Monitoring Co-ordinating Committee (ZEMCC) to oversee the election (Gifford, 1996:210).

In July 1990, the Catholic Bishops issued a major Pastoral Statement (*Economics, Politics and Justice*) in which they felt compelled to speak out on behalf of the poor, in particular, for the cause of justice. The statement lamented the absence of political and economic justice in the country seen through the growing gap between rich and poor and questioned the self-proclaimed “supremacy” of the ruling party. The Bishops argued that it is the people, not the party, who ought to claim supremacy. This was perhaps the most direct criticism of the one-party state to be issued by an ecclesiastical body since 1964. The bishops’ Pastoral Statement and its call for justice was tantamount to support for the pro-democracy movement. Kaunda’s reaction to the criticisms of the Catholic Church was to accuse the bishops of propagating hatred in the country and to issue threats against the church accusing it of preaching hatred (Phiri 1999:339). At an Ecumenical Conference, Kaunda said he was shocked to see the collapse of the Christian
spirit in Zambia, which had enjoyed such good church-state relations. He lamented that for the first time, messages of real hatred were being preached from the pulpits in Zambia. He expressed his shock that Christian Leaders could allow what was being published in *Icengelo* and the *National Mirror* (*Times of Zambia*, 31st October 1990).

Kaunda’s popularity declined rapidly due to economic recovery prescriptions dictated by the International Monetary Fund (IMF) and the World Bank which hurt the masses severely. The Movement for Multiparty Democracy (MMD) was born. Its initial goal was to campaign for the reintroduction of political pluralism. The churches remained outside the organized opposition movement not because they disagreed with the movement’s intention, but because they wanted to remain nonpartisan. The churches were also sensitive to the fact that some of their members were still sympathetic to Kaunda. Although the churches officially stayed out of politics, their publications (the ecumenical newspaper, *National Mirror* and the Catholic magazine, *Icengelo*) became critical outlets for the growing opposition. Despite the official non-partisan position of the churches, many church Leaders used their influence to help the MMD (Phiri, 1999:340). The churches did not endorse any of the candidates, but pro-democracy “political sermons” became frequent in many churches. The churches helped to raise political awareness by calling for national days of prayer for Zambia and by organizing political seminars. Movement for Multi-Party Democracy leader, Frederick Chiluba, responded to the churches’ support by beginning his campaign rallies with prayers and bible readings. Although the churches avoided direct statements, it was clear that most preferred Chiluba. While Chiluba gained the support of the churches, Kaunda simultaneously lost his (ibid.:341).

During the process leading to the elections, the Republican Constitution was amended on 17th December 1990. President Kaunda assented to the amended Constitution by deleting Article
4 which forbade the formation of other political parties apart from UNIP. In July 1991, before the country’s decisive elections, the church Leaders persuaded Kaunda and Chiluba to meet in a “neutral place”- the Anglican Church Cathedral to resolve constitutional disagreements between MMD and UNIP. This paved the way for the October 1991 elections which ended Kaunda’s reign and ushered in Chiluba. The mainline churches issued a Letter to all Christian (Before the 31st October Election on 23rd September 1991) in which they stated that “our role as Church Leaders is to foster peace, reconciliation and justice in our country and to show particular concern for the poor”. The Churches stated that all authority comes from God our Creator, and the will of the people is the basis of the authority of government which is expressed through periodic free and fair elections. The Churches, therefore, played a significant role as agents of reconciliation in Zambia’s fragile transition to multi-party politics (Komakoma, 2003:260; Phiri 1999:342).

2.4.5 Third Republic (1991-2011)

The church-state relations under Chiluba were complicated by several factors. The social impact of Chiluba’s economic policies triggered conflicts between the church and the state. Soon after he came to power, Chiluba took severe structural adjustment measures that left many Zambians without jobs. The Churches, particularly the Catholic Church, issued a Pastoral Letter in February, 1992 entitled, The Future is Ours, which expressed concern over the impact of these measures and challenged the government to develop a safety net for the poorest of the poor. The Catholic Bishops also issued another Pastoral Letter (On the Current Suffering of the People of Zambia: “Hear the Cry of the Poor” in July 1993), in which the church spoke out strongly to challenge the government to pay more attention to the immense suffering of the people. The
Letter notes that the church “cannot be silent in the face of this suffering of our people. The word of God challenges us: ‘If you refuse to hear the cry of the poor, your own cry for help will not be heard’” (Proverbs 21:13). Chilubla lashed out at journalists for giving mass coverage to the Bishops’ statement (Phiri, 1999:346).

The declaration of Zambia as a Christian Nation made by the second President, Frederick Chilubla, on 29th December 1991, shortly after his election to the Presidency also brought the state into conflict with the church. The mainline churches in a press statement of 16th January 1992 on the Declaration of Zambia as a Christian Nation, stated that “In view of the fact that Christianity is the main religion in Zambia, and of the assurance that the rights of those practicing other religions will be respected, we endorse the President’s declaration of Zambia as a Christian Nation and we accept his challenge to rededicate ourselves to the Glory of Almighty God”. However, the statement (On the Declaration of Zambia as a Christian Nation, 16th January 1992) regretted the lack of consultation with the churches and lack of preparation of the nation. According to the statement, “the church and state should continue to remain separate”. The Pastoral Letter by the Catholic Bishops of Zambia (The Future is Ours, February, 1992), stated that “a Nation is not Christian by declaration but by deeds”. In June 1996, an amendment to the Constitution of Zambia Act of 1991 effected the Zambian Christian Nation declaration, (Constitution of Zambia Amendment, Act 18 of 1996). This brought a lot of uneasiness in the country such that the Mung’omba Constitutional Review Commission (CRC) recommended the removal of this declaration in the draft constitution, which was released in June 2006. Whereas such a recommendation has drawn condemnation from some religious circles, it has drawn support from others. Some Pastors from Pentecostals argued that there is nothing wrong with declaring the country Christian since the majority of Zambians are Christians. The then Vice
President Brigadier General Godfrey Miyanda also argued on Zambia National Broadcasting Corporation (ZNBC) television on 5th August 1995 that “Zambia has become the ‘chosen nation’ the ‘new Israel’. The Leaders are anointed, hence nobody has a right to question them or disagree with them. Hence the view of the opposition is seen as representing evil since they go against God’s chosen Leader.”


Two issues brought the church into direct conflict with Chiluba at the beginning of 2001. These were calls for a strong government focus on poverty and the building pressure for change of the constitution to allow President Chiluba to run for a third term. The Church argued that the central problem facing Zambia was not resources but priorities and that resources should go toward poverty reduction. The three church bodies (Evangelical Fellowship of Zambia (EFZ), Christian Council of Zambia (CCZ) and the Zambia Episcopal Conference (ZEC)) on 25th January jointly issued a press release entitled: The Third Term Bid by President Chiluba in which they stated “The Church Leadership is totally opposed to calls for the incumbent President to go for a third term, a move that is not only unconstitutional but also undemocratic”. Through the Oasis Forum representing civil society and together with political opposition parties the mainline Churches’ opposition to Chiluba’s third term bid helped force Chiluba to abandon his third term bid.
On 25th January 2002, the Catholic bishops met with the newly elected President, Levy Mwanawasa, urging him to heal a deeply divided country. Zambia’s 10 opposition parties and international observers had accused Mwanawasa’s party of rigging the elections held on December 27th 2001. Stressing the need for constitutional reform, the Bishops also stated that there was a “perceived acceptance of corruption as the norm, not only in government but in the psyche of our people”. They also said that Mwanawasa “will need great wisdom and resilience” to bring the county out of its current state, noting Zambia’s “deep-rooted social and economic problems” (Carmody, 2002).

During the three-year rule of Rupiah Banda, church-state tension increased because of lack of understanding of the proper role of both the Church and the State, and this led to the downfall of Rupiah Banda and the MMD during the September 20th 2011 elections. Ronnie Shikapwasha (Times of Zambia, November 2, 2010) said the government was willing to listen to the church’s concerns, but rejected its interference in political affairs. He accused the Catholic Church of planning genocide in Zambia through a ministerial presentation to Parliament. He said that the church’s role was to promote unity in the country and not allow itself to be drawn into partisan political squabbles. The Zambian Anglican Council responded that there was a distinction between advocating for political causes that promote the common good and supporting political parties. The fight against corruption was an all-party concern which if left unchecked would retard the country’s social, economic and political growth.

After assuming political office, newly-elected Zambian President Michael Sata attended Mass at St. Ignatius Catholic Church in Lusaka on September 25th 2011, and declared his government was going to be governed by the biblical ten commandments. The President, who is Catholic, also said the government was going to forge closer ties with the Church. President
Sata also told visiting Anglican Church Archbishop of Canterbury, Rowan Williams, that his “government shall be ruled on Biblical terms. This government shall be ruled by the ten commandments” (*The Post* newspaper, 14th October 2011). Reverend Suzanne Matale hailed Sata over this and said that “Running this country on biblical principles is the best thing that we have heard and it will add value to the governance of this country” (ibid.). This new concept of Sata ought to be a principle of respect for all religious beliefs and recognition of the decisive roles of the church and the state. However, there is a danger of privileging Christianity over other religions and of perpetuating religious domination. Besides, how Sata’s new concept of governance by biblical principles will work, still remains to be seen.

### 2.5 Ethical Debate on appropriate Church-State Relations

There is no agreement on the link between church and state. Participants on the debate of appropriate relationship between the church and the state can be divided into two camps: restrictive and permissive. The restrictive theorists contend that religious arguments seriously threaten to undermine liberal democracy and therefore should be disfavoured while permissive theorists see no meaningful threat and thus no basis for restriction.

#### 2.5.1 The Restrictive Theorists’ Response to the problem of Church and State

Restrictive theorists like Robert Audi and Richard Rorty contend that religious beliefs cannot provide adequate justification for coercive governmental actions in conditions of democratic pluralism. They argue that members of a democratic political community should not offer religious arguments in public debate, because such arguments by definition urge improper grounds for government action (Magarian, 2011:130). A liberal democracy must value human
autonomy, and that value precludes coercing members of the political community based on grounds they cannot accept. This is seen as unfair to nonbelievers because such coercion denies nonbelievers equal respect and regard or full, fair access to the process of political decision making (ibid.: 130). They also maintain that religious arguments undermine public political debate, and thus threaten liberal democracy by fostering social and political instability. Bringing the church into political arguments carries the distinctive capacity to inspire intolerance of opposing political viewpoints and thus fosters conflict between competing religious beliefs because it is difficult to agree on matters of faith that are not matters of proof.

Audi(1989:260) argues that “in a free and democratic society the state should neither establish a church nor impair religious liberty.” He states that “an unprecedented number of people are injecting religion into politics”(ibid.: 259). Audi understandsthat “the state should not interfere with the church and the church should not interfere with the state.” He believes that any “full blooded” liberal democracy will only be successful if it supports a strong conception of the separation of church and state. Religious liberty is a central element in any free society and one can only achieve religious liberty if church and state are free to function apart from each other. Such a conception has ramifications for the state as well as religion. As far as the state is concerned, separation of church and state will entail at least three principles: 1) the libertarian principle, 2) the equalitarian principle, and 3) the neutrality principle.

The libertarian principle holds that the state must not constrain the practice of any religion without compelling justification and guarantees at least three things: freedom of religious belief, freedom of worship and freedom to engage in the rites and rituals of one’s religion. The equalitarian principle holds that the state may not give preference to one religion over another. If the state shows partiality, the preferred religion will dominate in power and
eventually impair the equal treatment concept inherent in a liberal democracy. The neutrality principle holds that the state should neither favour nor disfavour religion as such. It should remain neutral between the religious and non-religious. Such a principle is necessary to curb the possibility of religion gaining power and unfairly dominating those who are non-religious. Audi defends the claim that secular motivations may be acceptable for all citizens, while religious convictions are always a cause for confrontation. Thus, anyone supporting a measure solely on religious grounds would be imposing his conception of the good on others (ibid.: 283).

Rorty’s opinion of the appropriate role of religion in the public sphere is based primarily on his writings entitled: Religion as Conversation-stopper (1999), and Religion in the Public Square: A Reconsideration (2003). It is in these writings that Rorty expresses his arguments for why religious discussions ought to be removed from the public sphere and why ecclesiastical organizations ought to be marginalized. Richard Rorty is among the most highly discussed, highly respected philosophers of contemporary times.

Richard Rorty describes his understanding of the appropriate role of religion in society in terms of the “Jeffersonian compromise” that the Enlightenment reached with the religion. He proceeds to describe this compromise as consisting of the privatization of religion, “keeping it out of what Carter calls ‘the public square’, making it seem in “bad taste” to bring religion into discussions of public policy” (Rorty, 1999:169). Indeed, as far as Rorty is concerned “the secularization of public life is the Enlightenment’s central achievement” (ibid.: 168) and as such, is of vital importance to Rorty’s liberalism.

According to Rorty, the main reason that religion should be privatized is that it is a conversation-stopper. His point is that once religion is introduced into the conversation about public policy, not only is it in “bad taste”, there is no place for the conversation to go among
those who do not hold similar religious beliefs. Instead discussions and arguments need to be based on shared premises between believers and non-believers. He states the problem as “I cannot think of myself as engaged in such a discussion if my opponent simply quotes the Bible, or a papal encyclical at me” (ibid.:147)

Rorty wants to maintain that in order that democracy be safe from religion, it is sufficient that religion be privatized. Because religion will inevitably lead to conflict when presented in the public sphere, it is in everyone’s best interest to eliminate such conflict by removing religion from the public sphere. Privatization in this sense entails that in the private/public divide of human life, religious discussion seems to fall into the private realm, appropriate only in discussions with those within the relevant religious community. In the public square of a pluralistic democracy, reference to a “‘source of moral knowledge’ will always be out of place” (ibid.:173). Rorty maintains that because we can anticipate this tension, it is best to avoid the conflict by removing such appeals from public discussion.

Rorty has difficulty offering a cohesive argument in regard to how society ought to treat ecclesiastical organizations or religious citizens who cite Leviticus 18:22 in order to influence public policy. In the end it seems that the strongest argument Rorty makes is that “what should be discouraged is mere appeal to authority” (Rorty, 2003:147). Hence Rorty takes issues with the fact that members of religious groups often take the authority of the Bible without understanding it or being able to defend their decisions. He writes, “the believer’s fellow citizens should not take her as offering a reason unless she can say a lot more than that a certain view, or that such an institution insists that a given scriptural passage be taken seriously, and at face value” (ibid.: 147).
2.5.2 The Permissive Theorists’ Response to the Problem of Church and State

The privatization and secularization argument has been challenged by those theorists who want to restore a public place to religion. Christians and non-Christians alike, in the realm of modern democracy, want to reconcile the historical tension between liberal-democratic concepts and religion.

Several authors such as Bader (2006), Stepan (2000), Weithman (1991), and Ekins (2005) have tried to abstract from nation preoccupation and historical paths and suggested that a “priority of democracy” and “twin toleration” are perfectly compatible with recognition of religion. These authors are strongly critical of the liberal ‘separationist’ vision and offer political theories which better respond to the complex relationship between the church and state. They stress that religion is a substantial part of social reality. Elimination of religion from the public sphere would, they argue, constitute an injustice which would lead to further damage rather than to any good. For Weithman, the institutional principle of political neutrality requires that one ‘leave… aside very important questions about what else a commitment to the ideals of freedom and democracy requires’ (Weithman, 1991:54). Bader (2003:4) affirms more radically: “the more or less radical exclusion of religious reasons and arguments from public debate and politics has extensively been criticized as morally arbitrary, unfair, incompatible with freedoms of communication, and practically counterproductive.”

Ekins (2005:81) argues that the intellectual framework that stipulates that religious believers ought to be excluded from politics is an absolutist doctrine that is inconsistent with a democratic interaction between church and state. Arbitrary exclusion of religious concerns and values from political discussions is undemocratic and religious groups perceive such exclusion as an affront to their dignity and as a denial of the political equality on which democracy is
premised (ibid.: 88). He also argues against radical religious groups which seek absolute political power to impose their agenda as incompatible with democracy. Church-state relations must avoid both forms of fundamentalism. This is best achieved by institutionalizing two concepts: the twin toleration and priority for democracy (ibid.: 89).

Stepan (2000:40) notes that when examining democracy outside the West, Western analysts frequently assume that the separation of church and state are core features not only of Western democracy, but of democracy itself. He argues that for such analysts, a religious system such as Eastern Orthodoxy where there is often an established church poses major problems for the consolidation of democracy. Hence, he suggests the principle of “twin toleration”. This includes the guarantee that within the boundaries of the constitution and human rights, democratic institutions must be free to generate polices. Hence there should be no constitutionally or otherwise guaranteed privileges for religious communities to prescribe or prevent certain polices by democratically elected governments. On the other hand, the democratic state must guarantee the free exercise of religion in the private realm and the opportunities for religious communities to promote their values in public (ibid.:39).

Bader (2003) argues for the “priority for democracy”. The concept refers to the state of affairs where all political actors, including believers, accept that the political decisions that result from the democratic process are to be respected and obeyed even if they are inconsistent with the actors’ own preferred outcome or view of how the polity should be ordered.

Weithman feels that religious organizations may be instrumental in facilitating people’s political participation and in developing their sense of citizenship; they may also generate debate regarding the conditions of participation and the goods that should be conferred by various levels of participation (Hackett, 2005:672). Weithman (2002:3) argues that “citizens may offer
exclusively religious arguments in public debate and that they may rely on religious reasons when they cast their votes”. Consequently, he says that “it is important to be sensitive to the contributions that religion can make to the public debate and to the fact that liberal democratic citizenship is an achievement that churches and religious organizations help to bring about” (ibid.: 12).

Fox and Sandler (2005:328) argue that religion can play a role in a liberal democracy. Thus the United States is probably the only Western democratic state with a constitution that provides for complete separation of church and state. Thus the US democracy’s strict adherence to separation of religion and state is the exception, not the rule. Another conclusion that can be drawn from this evidence is that a lack of separation of religion and state does not undermine a liberal democracy so long as religion is not an overly contentious issue.

2.6 Summary

This chapter has discussed different models of church-state relations and given specific examples of states that fall under these different categories. It has also investigated the historical situation of church-state relations in Zambia. While some theorists provide standards to assess the costs and benefits of state-church relationship in a particular situation of a particular country, at the same time, if we debate the issue philosophically, the discourse could be seen oscillating between strict separation and accommodation.

Those theorists who argue for strict separation emphasize the critical importance of informative inclusive political discourse in the functioning of a liberal democracy. They correctly warn that injecting some varieties of religious argument into public political debate threatens the integrity of the debate and the stability of liberal democracy. Rorty sums up these
concerns when he brands religious arguments as “a conversation-stopper” that limits the capacity to keep a democratic political community going.

Those theorists who argue for accommodation say that the model of strict separation is unfair because it requires believers to deny or disguise their deeply held convictions as the price of entering into public political debate. They contend that a religious argument in public political debates does not dictate policy outcome but simply makes one contribution among others in a debate on how political power is to be used.
CHAPTER THREE: THEORETICAL FRAMEWORK

3.0 Introduction

This chapter presents the framework of ethical theories guiding the collection of data. These will also be used in chapter four in analyzing the findings of the study from an ethical point of view. The theoretical framework of our study consists of rights theory, utilitarianism and John Rawls’ theory of justice.

3.1 Rights Theory

There are no clear and straightforward definitions of what rights are. Rather, there are different theories and different explanations of what rights in general are and what human rights in particular are. A very basic distinction is that between legal rights and moral rights. Legal rights exist in virtue of given laws. Human rights, however, do not belong to the category of legal rights but to the category of moral rights. Moral rights are rights that exist prior to, or independent of, any legal rights. They are rights through which legal rights and rules can be evaluated, for instance, as just or unjust (Beauchamp, 1982:187). There are two different kinds of rights and these are claim-rights and liberty-rights.

3.1.1 Claim-rights

Claim-rights are a justified claim on others. For example, if I have a right to life, then I have a justified claim not to be killed by others. Turned around, I can say that others have a duty (obligation) or responsibility not to kill me. A claim-right is a right against someone. The justification of a claim is dependent on some standard acknowledged and accepted not just by the claimant, but also by society in general. Claim-rights are accompanied by correlative or corresponding duties. The same cannot be said about liberty-rights.
3.2.1 Liberty-rights

Liberty-rights are somehow weaker than claim-rights. Liberties may mean that it is not wrong for the person to do or have that to which he/she is said to have a right to do or have. For example, one may have a right to practice his/her faith and it means that it is not wrong for him/her to practice his/her faith even when this infringes on the other people’s rights to practice their faith. Conversely, you have no right to stop him from practicing his/her faith. Liberty-rights are not accompanied by correlative duties the way claim-rights are (ibid.: 188).

3.2.2 Immanuel Kant

One of the most important and influential interpretations of rights theory is based on the work of the German thinker, Immanuel Kant (1724-1804). Kant gives us the fundamental principle of morality, the categorical imperative, that he identified and defended in his book the *Groundwork of the Metaphysic of Morals* (1785). Throughout the *Groundwork of the Metaphysic of Morals*, Kant judges conduct by that formula of the categorical imperative of the universal law: “Act only on that maxim through which you can at the same time will that it should become a universal law” (4:421). By categorical imperative certain actions are permitted or forbidden, that is, morally possible or impossible, while some of them or their opposites are morally necessary, that is, obligatory (Gregor, 1996:14).

3.2.3 Immanuel Kant’s Categorical Imperative: The Formula of the Universal Law

The first formulation of the categorical imperative is stated in the following way: “Act only according to that maxim by which you can at the same time will that it should become a
universal law” (Pollock, 2007:37). In other words, for any decision of conduct to be made, examine whether that conduct would be acceptable if it were a universal law.

Kant’s categorical imperative is categorical because it admits of no exceptions and is absolutely binding. It is imperative because it gives instruction about how one ought to act (Beauchamp, 1982:122). The Categorical Imperative says that we are to act according to a certain type of Maxim. By ‘Maxim’, Kant meant a personal principle or rule of action we impose on ourselves. A maxim is a subjective principle of action. It is a principle on which the subjects act. A Maxim, the Categorical Imperative says, must be such that we can “will that it should become a universal law.” The categorical imperative functions by testing what Kant calls the consistency of maxims: A maxim must be capable of being conceived and willed without contradiction (Beauchamp & Childress, 1994:57). Consider the example of this maxim: I will mistreat non-Christians when I am a Christian. According to Kant, we must test this maxim to see whether it is morally permissible to act in accordance with this maxim.

As a first step to test this, we must determine whether we can will (or want) that it becomes a universal law. A “universal law” is a rule followed by everybody. Maxims are followed by one person. They are personal principles. A universal law is a rule that is followed by all people. To test the above maxim, we must therefore transform it into a universal law, that is, a rule that is followed by all. The universal law can be formulated as follows: Everyone must mistreat non-Christians when they are Christians.

The second step is to see whether we “can will” that our maxim becomes such a “universal law.” To see whether we can will such a universalization, let us take a further example. Peter’s maxim is: “I will mistreat people of other religious beliefs when I am elected president.” This is a personal principle. To see whether acting in accordance with this rule is
morally permissible, we must (1) universalize it or make it a universal law; and (2) see whether we “can will” that it becomes a universal law. Let us first universalize it: Everyone must mistreat people of other religious beliefs when they are elected President.

Our next question is whether Peter “can will” that his maxim should become a universal law. According to Kant, he cannot for the following reason: if all people mistreat other people of different religious beliefs when they are elected President, they will mistreat Peter himself when someone with different religious beliefs from Peter is elected President. But since he is a rational human being, he does not want to be mistreated because this would go against his nature as a free agent capable of making his own decisions, setting his own goals, and guiding his conduct by reason. In other words, this would go against his nature as a free agent capable of expressing his religious beliefs (Rachels, 2007:131). Kant argued that to will that the above maxim becomes a universal law would imply, as Kant puts it, an “inconsistency in will”. Peter will (or wants) that he is not mistreated, but if he wills (or wants) that his maxim becomes a universal law, then he wills (or wants) something that leads inevitably to something that he does not will, namely, being mistreated. For this reason, Kant argued, it is not morally permissible (that is, it is morally forbidden) to act in accordance with the above maxim, that is to mistreat people of other religious beliefs. Kant says that all particular imperatives of obligation (all “ought” statements that morally obligate) are justified by this one principle (Beauchamp & Childress, 1994:57).

3.2.2 The Categorical Imperative: The Formula of the End-in-Him/Herself

Immanuel Kant’s second formulation of the Categorical Imperative as an end-in-him/herself can be translated in this way: “Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never merely as a means but always at the same time as
an end” (Pollock, 2007:38). It illustrates Kant’s notion that every rational creature has a worth in him/herself. This worth is not conferred by being born into a society with a certain political structure, nor by belonging to a certain biological species or religious group. The worth is inherent in the fact that we are persons. Persons possess what Kant calls “autonomous, self-legislating will”. That is, they are able to consider the consequences of their actions, make rules for themselves, and direct their actions by those self-imposed rules. Being persons thus confers upon everyone an intrinsic worth and dignity.

A person is, according to Kant, a rational self-determining being. Treating someone merely as a means is, therefore, tantamount to denying this person these characteristics; on the other hand, treating a person as an end in himself or herself is tantamount to allowing him or her to express these abilities, that is, allowing him or her to be acting as a person. We treat persons only as means if we do not care for what they are, namely rational, self-determining humans. Put differently, this version of the categorical imperative requires respecting every person, oneself and any other, as a rational self-determining human being. To mistreat others is to treat them merely as a means or to use them to advance your own interest by, say, attempting to impose your religious beliefs on others with different religious beliefs using state power.

3.3 Human Rights

Human rights are rights possessed by all human beings simply because they are human. Merely being human is sufficient to make one a possessor of these rights; therefore, they are properly called human rights. They are what some describe as “general” rather than “special” rights since they are regarded as universal to all humanity. To that extent, the doctrine of human rights is an egalitarian doctrine. It ascribes a number of rights to human beings indifferently and these rights are held equally by all human beings. The doctrine of human rights is at odds with cultures and
ideologies which give fundamentally different moral statuses to people belonging to different races or sexes or religions or classes or castes. Human rights have also come to acquire a legal or semi-legal status, since they are now embodied in a number of international declarations, conventions and covenants. Nevertheless the idea of human rights remains fundamentally a non-legal one, that is, human rights are rights which humans are said to possess whether or not they are recognized in positive codes of law. Thus, according to the full-blooded version of the doctrine, declarations and conventions of human rights do not “create” and “give” rights to human beings; they simply recognize and announce the rights that human beings have (ibid.: 206).

For instance, Article 18 of the Universal Declaration of Human Rights and Article 19(1) of the Constitution of Zambia states that everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change one’s religion or belief, and freedom, either alone or in community with others and in public or private, to manifest one’s religion or belief in teaching, practice, worship and observance.

3.4 Utilitarianism

Utilitarianism is not a single ethical theory but belongs to a broad group of ethical theories called consequentialist theories. These theories hold that the rightness or wrongness of an action in any situation depends solely on the value of its consequences. The utility principle states that an action is morally right if there is no other possible act that has, overall seen, better consequences (Beauchamp et Childress, 1994:47; Beauchamp, 1982:80). This can be better illustrated with a diagram as follows:
From our diagram, action X has better overall consequences than action Y but there is Z which has even better overall consequences than X. Therefore, the utility principle states that we choose action Z because there is no other possible act that has, overall seen, better consequences.

Utilitarianism is a special type of consequentialism. We now consider the main components of utilitarianism:

### 3.4.1 Welfarism

The rightness or wrongness of actions depends only on their contribution to the well-being of those affected by them. Well-being should here be understood as the intrinsic good in the consequences. It should also be understood that a person’s well-being is that which is good for them, or, that which is in the interest of the person (Beauchamp, 1982:73) or conducive to their general welfare.

### 3.4.2 Universal Consequentialism

The well-being of all affected needs to be taken into consideration. The moral rightness depends on the consequences for all people or sentient beings (as opposed to only the individual agent, present people, or any other limited group). Consequentialism is not restricted to a particular group of people or individuals but it takes into consideration everyone who will be affected by
the consequences of an action. As a universalistic theory, it tries to promote the well-being of all affected (Pollock, 2007:42).

### 3.4.3 Equal Consideration

In determining moral rightness, benefits to one person matter just as much as similar benefits to any other person. All people count and count equally. No one counts for more than one. Utilitarianism implies impartiality. If you have to maximize the good consequences, you cannot be partial in the sense that you take into consideration the happiness of your friends, kinship, ethnic and religious fellows but ignore others. Impartiality requires treating equal cases equally, regardless of the individuals involved. Jeremy Bentham (1748-1832) formulated it concisely when he wrote: “Everyone counts for one, nobody for more than one”. Utilitarianism discourages bias either towards oneself or towards another person.

### 3.4.4 Maximizing Consequentialism

An action is morally right if it has better consequences than any other alternative course of action. The basic idea is that if one accepts that, for instance, well-being is valuable, and if one has the choice between two options, one of which is certain to result in more well-being, then it is right to choose this act rather than the other. In short, maximization requires that we do not choose an alternative that is worse than another that can be chosen.

### 3.5 John Rawls’ Theory of Justice

Justice as fairness, the conception presented by John Rawls in *A Theory of Justice* is an example of a political conception of justice. A theory of justice should aim at deriving principles for the distribution of benefits and burdens that each citizen may reasonably accept irrespective of his
or her own conception of the good life. The conception of justice as fairness can be seen as starting with the fundamental intuitive idea of political society as a fair system of social cooperation between citizens regarded as free and equal persons, and as born into the society in which they are assured to lead a complete life (Freeman, 1999:428). Rawls proposes that there be a set of principles and rules in society that people can abide by when determining what is fair. These principles are the principles of social justice. To explain how these principles can be arrived at, I must say more on Rawls’ theory of justice in what follows.

3.5.1 Original Position

The original position is a purely hypothetical situation (that we enter into through imagination only; it is not a historical reality) in which free, equal and rational people have to decide on principles and policies behind the so-called Veil of Ignorance. People in the original position call a kind of constitutional convention to construct, among other things, a moral code to regulate their interactions once they have left the original position (the state of nature) and entered society.

3.5.2 The Veil of Ignorance

Rawls says that as human beings we normally tend to be biased towards ourselves and our friends. This implies that the decisions we make will usually be partial and unfair. Rawls says that fair decisions are made when we are ignorant of particular facts. When we do not know who we are and what our position in society is, decisions that we make would be fair. This is what Rawls calls the Veil of Ignorance.
The Veil of Ignorance is designed to ensure that agreements and choices occur from a position of impartiality, which many philosophers believe to be constitutive of morality. It is easier to be impartial if one is ignorant of one’s personal situation that tends to bias judgment and decision. An impartial moral judgment is one rendered in accordance with distributional principles, which would be chosen in the original position. So, the idea behind the device of the veil of ignorance is to ensure that decisions are made impartially in serving the interests of anyone and everyone, not just my own.

3.5.3 The Maximin Principle

To understand the choice involving principles of justice, it is necessary to understand when a decision is rational. Since the individuals in the original position have no information about their personal situation and position in society, they must decide under conditions of uncertainty. According to Rawls, for decisions “under uncertainty”, the rational principle is the so-called Maximin principle. This principle says that (under uncertainty) it is rational to choose that option which maximizes the minimum (hence “maxi-min”), that is, the option which makes the worst outcome (= the minimum) as good as possible (=maximizes it). For example, I may be tempted to propose that Zambia remains a Christian Nation, largely because I am a Christian. However, if I don’t know whether I will be Christian or Muslim, I am unlikely to support such principles. Instead, I will probably support a secular state that does not take sides in matters of religion but guarantees freedom of worship for everyone. According to Rawls, if we were in the original position deciding behind the veil of ignorance on the principles that would govern society, we would go first for a maximin of equal basic liberties, and then secondly we would agree to
departures from equality in the distribution of the material means for the realization of people’s goals in life as would improve life for everyone including the least advantaged.

3.5.4 The Notion of an Overlapping Consensus

In his book “Political Liberalism”, John Rawls (1996) signaled a new way of thinking about liberalism that is captured by the idea of an “overlapping consensus.” An overlapping consensus refers to reasoned agreement on principles of justice by citizens who hold a plurality of mutually exclusive comprehensive doctrines about the meaning, value and purpose of human life or about the conception of the good life. Rather than requiring citizens to accept any particular comprehensive doctrine of liberalism, a theory of justice should aim at deriving principles that each citizen may reasonably accept from his or her own comprehensive doctrine. Rawls’ idea of political liberalism stands for a normative account of a fair and stable ground of political association among individuals who espouse diverse religious, moral and philosophical worldviews. This idea is valuable because of its focus on moral division in a society and its peaceful resolution of these divisions.

John Rawls’ idea of an overlapping consensus enables us to understand how a constitutional regime characterized by the fact of pluralism might, despite its deep divisions, achieve stability and social unity by the public recognition of a reasonable political conception of justice. A political conception of justice sets out to explain what we owe to one another as members of a just or legitimate state. The public or political values will be robust across all permissible conceptions of the good life. Rather than appealing to claims that may contradict others (as comprehensive doctrines do), political conceptions try to find conceptions that are just and that do not contradict the claims of other’s conception of the good life (Freeman, 1999:422).
The idea of an overlapping consensus is the basic hope for Rawls in making a stable liberal society. What overlapping means is that justice as fairness is fully justified only if it can be the object of reasoned agreement among diverse religions and moral views. What goes beyond these limits should not be used for justification of political decisions and an overlapping consensus is the only guarantee on which a stable liberal society can rest (Rawls, 1996:133).

3.4.5 The Notion of Public Reason

Rawls’ notion of public reason is such that collectively, equal citizens in a society “exercise final political and coercive power over one another in enacting laws and in amending their constitutions” (Rawls, 1996:214). Yet, rather than public reason being applied to nearly every aspect of society, it is limited to basic questions of justice and other constitutional essentials (liberty, equality and property). Interestingly, Rawls does not exclude religious or personal reflection in public reason about political questions. He believes that “each individual should yield to the ideal of citizens governing themselves in ways that each thinks the others might reasonably be expected to accept” (ibid.:218). Political liberalism aims to uncover a political moral conception of justice that a variety of reasonable doctrines, religious and nonreligious, liberal and non-liberal, may freely endorse. Thus, political liberalism presents an account of political morality that should be agreeable to most citizens of faith. Religious views along with nonreligious comprehensive views could be deemed reasonable and thus accommodated into a broad public consensus, provided that they acknowledge the principles of the political conception of justice and appreciate its political ideals of person and society.

In his book “The Idea of Public Reason Revisited” (1999), John Rawls continues with his political conception of justice as an essential conception of free public reason. Public reason is
“when reasonable citizens engage in public deliberation on constitutional essentials. Since citizens have sharp disagreements on comprehensive doctrines, any law or policy that necessarily depends on such a doctrine could not be reasonably accepted by those who reject the doctrine” (Callaway, 2010). For example, if the rationale for a law declaring a nation Christian was simply that it pleases the Christian God, non-Christians could not reasonably accept it. The acceptance of this limit is not motivated by skepticism or indifference to the claims of comprehensive doctrines; rather, it springs from the fact of pluralism, for this fact means that in a pluralist society free public reason can be effectively established in no other way (Freeman, 1999:430).

Approaching political conceptions through controversial comprehensive doctrines will never work in a democratic society that is ruled by public reason: a democracy necessarily requires that, as one equal citizen among others, each of us accept the obligation of legitimate law (Rawls, 1996:150). It is impossible to legitimately enforce a policy on reasons that others cannot be reasonably expected to accept. Rawls defines this best when he states that “our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essential of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational” (ibid.: 217). Thus a conception of political legitimacy aims for a public basis of justification and appeals to free public reason, and hence to all citizens viewed as reasonable and rational (Freeman, 1999:488). Principles and polices must be supported by political values of public reason, according to Rawls, and what this implies is that all citizens have a moral duty to explain these reasons to one another.
3.6 Summary

This chapter has discussed the ethical theories which will guide us in the collection of data in chapter four and will be applied in chapter five in the ethical assessment of our study. The theories discussed are rights theory, utilitarianism and John Rawls’ theory of justice. On rights theory, we looked at rights as justified claims on others and the two types are liberty-rights and claim-rights. Immanuel Kant gives us one of the most important and influential interpretations of rights theory. When we want to know whether one of our actions is morally permissible, we have to test it using the categorical imperative. The test has three steps: (i) we formulate the maxim of our intended (or already done) action; (ii) we must universalize this maxim; and (iii) we must see whether we can will (or want) that our maxim becomes a “universal law” (that is, whether this leads to a kind of contradiction). If we can will (or want) the universalization of our maxim, the action is morally permissible; if we cannot want this, it is morally wrong or forbidden. Human rights have been explained as moral rights possessed by all human beings by virtue of being human. Utilitarianism belongs to consequentialist theories which hold that the rightness or wrongness of an act depends solely on its consequences. The utility principle summarizes the utilitarian view as follows: an action is morally right if there is no other possible act that has, overall seen, better consequences. According to Rawls, an act is morally right if and only if it is in accordance with a rule which rational people would agree to if they were in the original position deciding behind the veil of ignorance.
CHAPTER FOUR: FINDINGS, DISCUSSION AND ANALYSIS

4.1 Introduction

This chapter presents the findings, discussion and analysis of church-state relations in Zambia. Interviews were carried out with leaders of the three church mother bodies, political parties, government leaders, non-governmental organizations and members of the Law Association of Zambia (see appendices). Other data came from hardcopy documents and the internet.

4.2 Current church-state relations in Zambia

The Constitution of Zambia article 19 provides for freedom of religion and the state generally respects this right in practice. A 1996 amendment to the Constitution in its preamble declared Christianity to be the official religion of the country while upholding the rights of every person to enjoy that person’s freedom of conscience or religion.

4.2.1 Distribution of Religion in Zambia

According to the data collected from the Central Statistical Office, the population of Zambia as captured by the 2010 census of Population and Housing was recorded at 13,092,666 persons of which over 90% are Christians. According to the data of 2010 Census, the predominant religion in Zambia is Christianity. About three quarters (75.3 percent) of the total Zambian population were Protestant while 20.2 percent were Catholics (see table 1). The rest of the population comprises Muslims, Others and None (see table 2). There is freedom of religious practice in the country with a general pattern of association exhibited in all nine provinces, except for varying proportions. Zambia as a country has generally a religious outlook and the religious dimension of life in society are recognized. The Percentage distribution of population by religious affiliation of Christianity has increased from 86.9 percent in the 2000 census to 95.5 percent in the 2010 census.
Table 1: Christians

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Total Population</td>
<td>13,092,666</td>
</tr>
<tr>
<td>Percentage of Protestants</td>
<td>75.3</td>
</tr>
<tr>
<td>Percentage of Catholics</td>
<td>20.2</td>
</tr>
<tr>
<td>Total Percentage of Christians</td>
<td>95.5</td>
</tr>
</tbody>
</table>

Source: 2010 Census of Population and Housing

Table 2: Percentage distribution of Population by Religious Affiliation, Zambia, 2010

![Bar chart showing the percentage distribution of the population by religious affiliation.]

Source: 2010 Census of Population and Housing

4.2.2 Status of Religious Freedom

Since the constitution provides for freedom of religion, the state generally respects this right in practice according to our findings. The state at all levels seeks to protect this right in full and did not tolerate its abuse either by governmental or private actors. Article 19 of the constitution provides for freedom of thought and religion to all citizens, freedom to change religion or belief in worship, teaching, practice and observance. Other statutes like the Penal Code Section 128-131 creates offences relating to religion and provides effective remedies for the violation of
religious freedom. Section 128 states that “A person who destroys, damages or defiles any place of worship with the intention of insulting the religion of any class of persons shall be guilty of a misdemeanor.” Section 129 states that “A person who voluntarily causes disturbance to any religious assembly shall be guilty of a misdemeanor.” Section 130 states that “Any person who intentionally wounds the feelings of any person by insulting their religion or commits any trespass in any place set for funeral rites shall be guilty of a misdemeanor.” Section 131 states that “Any person who intentionally wounds the religious feelings of any person by uttering words, sounds or inappropriate gestures within the sight of that person shall be guilty of a misdemeanor and is liable to imprisonment for 1 year.” These provisions are enforced in a rigorous and nondiscriminatory fashion.

Church leaders continue to freely issue their pastoral letters and statements and vocally criticize the state, organize activities and mobilize public opinion.

There are governmental controls that require the registration of religious groups but there are no reports that government refused to register any religious group - though there has been deregistration of the Universal Church and expulsion of pastors after accusations of Satanism. This Church was re-registered after regulations were clarified and strengthened (Henriot, 2005). To be eligible for registration, groups must have a unique name, possess a constitution consistent with the country’s laws, and display compatibility with the peace, welfare, and the good order of the country.

4.2.3 Independent Churches of Zambia (ICOZ)

Westerlund (2002:205) argues that African Independent churches, lack enormous resources of the mainline churches, and of those directly related to American parent bodies that are
particularly (though not exclusively) prone to preaching a politically acceptable gospel. The Independent Churches of Zambia (ICOZ) always support the state so that they can have a warm relationship with the government. This is clearly seen in the 2011 elections when the ICOZ President, Rev. David Masupa, endorsed a political candidate by saying that “President Rupiah Banda and MMD should be given another term…” *(Lusaka Times*, 3*rd* January 2011). The *Times of Zambia* of 19*th* December 2011 reported that David Masupa supported Rupiah Banda because of Mr. Sata’s traits that were allegedly dangerous to the country. After the election of Sata, as President of Zambia, the same Rev. David Masupa was now expressing confidence in the leadership of Michael Sata. Independent Churches claim that leaders are anointed by God and they have always to obey the chosen leaders, hence nobody has a right to question them or disagree with them. In our interview with both the Evangelical Fellowship of Zambia (EFZ) Executive Director, Pukuta Mwanza (5*th* March 2012), and the Council of Churches in Zambia (CCZ) General Secretary, Suzanne Matale (2*nd* March 2012), it was said by the duo that the ICOZ was formed by President Chiluba to weaken and counter the mainline churches. The state needed the voice of the church to gain legitimacy for what they were doing when the three mother bodies were criticizing it. They also said that the state had been using these independent churches for support. It is obvious from the above that these independent churches resolutely refuse to challenge government authorities on their record, or to engage in any social analysis of political structures. But we can go further, because it diverts attention from their deficiencies and government uses them for the support it offers them in their attempt to stay in power.

### 4.2.4 Mainline churches

During our interviews, it was revealed that the current church-state relations in Zambia are generally good. Rev. Suzanne Matale described the church-state relation as that of a “love and
hate affair. The state congratulates the church when the church involves itself in charity work but the state fights the church when it questions why people are poor”. She further said that there was separation between church and state in Zambia. The state cannot make appointments of the clergy to serve in churches and the church cannot appoint people to serve in government. The state had no power to interfere in the sphere of the church and it was not obliged to obey the church. Rev. PukutaMwanza described church-state relations as collaborative on specific issues where the state feels free, and polarized on issues where the state is uncomfortable.

The President of the Zambia Episcopal Conference, Bishop George Lungu, lamented that the relationship between the Catholic Church and the State had never been as bad as during Rupiah Banda’s Government. In A Letter to all Catholics in Zambia on constant attacks directed at Catholics in the public media read in all Catholic Churches on 5th June 2011, the bishops said “it might help to remember that this public slandering of the Catholic Leadership, its Catholic faithful and the doctrine is nothing new—although this time around, the attacks are more vicious and aggressive”. The Bishops further said “the ZEC has directed the Catholic Secretariat management to monitor the situation and, if the attacks continue, to consider engaging lawyers and begin legal proceedings against those who are making a habit of defaming and vilifying our Church, including if necessary, the media houses that enable them to do so”. The Bishops concluded that all these attacks were sponsored by the Government.

In their recent pastoral statement of 29th January 2012, the Catholic Bishops acknowledged the cordial relationship with the new government and welcomed the easing of tensions between the Catholic Church and the government. The Bishops stated that “our prophetic voice on national issues is motivated by our divine obligation and wish to see the government of the day perform better and succeed. What we say in the public sphere has nothing
to do with any perceived dislike or preference of any particular government of the day.” They said further that “as ZEC, we acknowledge that for the first time in the history of this nation, we have a Catholic President. The fact that there is a Catholic in State House will not, in any way, influence how we interact with the Zambian government. We will continue to be guided by the gospel and the social teaching of the church in all that we say and do.” Fr. Paul Samasumo, the Catholic Media Services Executive Director and ZEC Spokesperson, described the current church-state relations as one of partial engagement but one which sometimes turns out to be tense.

4.2.5 Christian Nation Declaration in the Preamble of the Constitution.

President Chiluba was partly supported by the church during the campaign of 1991 which saw him defeat the first Zambia President Kenneth Kaunda in the election. This study has established that President Chiluba felt obliged to pay back the church for its support through the Christian Nation declaration by appointing some pastors to serve in his government. But more than that was the fact that President Chiluba was a ‘born-again’ Christian who felt that the peaceful transition from the second Republic to the third Republic was due to divine intervention. Therefore, to show appreciation of the Christians to God, Zambia was to be declared a Christian Nation. Chiluba established a new Ministry of Religious Affairs and publicly donated money to Christian Churches. This caused a major rift in church-state relations because those who supported the declaration saw themselves as allies of the political administration and of ‘true Christians’. Those against the declaration were perceived by ‘born-again’ Christians as leaders opposing the President who was the anointed one of God (Muwowo and Buitendag, 2010).
4.2.5.1 Legal Implications

During the interviews with some lawyers, it was revealed that the Preamble does not bind. Mwangala Zaloumis (29th January 2012) said that “the preamble is not justiciable but only expresses what the authors of the constitution intend to achieve”. Charity Mwansa, the lawyer and Permanent Secretary in the Ministry of Defence in an interview on 14th March 2012 said that “the declaration as contained in the preamble to the Constitution has no legal implication as it is not strictly part of the Constitution which is enforceable. It is however a guideline as to the standards the people of Zambia have set for themselves”. Therefore, although the dominant religion in Zambia is Christianity, the presence of the declaration in the preamble has no legal effect and by no means does it imply that Christianity is a state religion. If the declaration was in the main body of the constitution, it would have raised a lot of legal implications.

4.2.5.2 Political and Religious Implications

The state tolerates the practice of other religions such as Islam, Hinduism, Buddhism and the Bahai faith. Members of these religions are free to exercise their freedom of worship. In addition, a person cannot be compelled to take any oath which is contrary to his/her religion or belief. The preamble to our constitution states as follows: “We, the People of Zambia, by our representatives assembled in parliament...declare the Republic a Christian Nation while upholding the right of every person to enjoy...freedom of conscience or religion.” While the preamble to the Constitution acknowledges other faiths, Charity Mwansa said that “it puts Christianity at a higher level than other religions because its effect is that people who live in Zambia will be judged by Christian moral standards even though they may belong to other religions”. Therefore, it has the effect of privileging the Christian religion over other religions.
Some members of parliament, Chifita Matafwali from Bangweulu, Muyutu Chinga from Kalabo Central, Vitalis Moonga Mooya from Moomba Constituencies and Davies Mwila, Deputy Minister of Copperbelt Province during interviews supported the declaration of Zambia as a Christian nation saying it is a source of unity and its intent is to guide because human rights are inspired by the Bible (26th February 2012). The Independent Churches and the Evangelical Fellowship of Zambia strongly support the declaration of Zambia as a Christian Nation. They were also closely associated with the Chiluba government. Paul Gifford (1998:307) says that it was this sector of Christianity that was associated with the Chiluba government that sought benefits from their born-again President. Gifford argues that their agenda is “Zambia should be declared a Christian nation, that legislation be enacted against Islam, that churches be given government land, that they be chaplains to President Chiluba, that they have unlimited access to state house, that they be on national commissions, and that there be more evangelistic crusades, as was evidenced by the state sponsored Ernest Angley crusades during Chiluba’s rule (ibid.:342). Fr. Leonard Chiti, the Director at Jesuit Centre for Theological Reflection (JCTR) (30th January 2012), said that evangelicals and independent churches always follow the state and do not want to question the state. Kanyanta Katongo reports (Zambia Daily Mail, 5th June 2012) that one Evangelical Bishop, Peter Ndhlovu, before last year elections endorsed Rupiah Banda and told Zambians not to vote for Sata. This could be the reason why Evangelical Fellowship of Zambia was left out by President Sata on the technical committee to draft the new Constitution. When asked the benefits of the declaration of Zambia as a Christian nation, Pukuta Mwanza quoted Psalms 33:12 “Blessed is the nation whose God is the Lord”. Moses Malenga Chulu of the same EFZ said that the word of God is being preached throughout the country because of this declaration but could not give any theological grounds for this declaration. Many “born-again”
Christians and their umbrella body, the Evangelical Fellowship of Zambia (EFZ) have come to regard the Movement for Multi-party Democracy government of Mr. Chiluba, a born-again Christian himself, as theirs (Simuchimba, 2001:88). The overzealous Evangelicals or “born-again” teachers felt empowered by the declaration of Zambia as a Christian Nation to lobby for the replacement of current Religious Education syllabuses with Bible Knowledge, promotion of Christian beliefs and values in schools, and starting of Religious Education lessons with a Christian prayer or Bible reading (ibid.: 93). Simuchimba (2001: 95) sees this as a violation of constitutional religious freedom and conscience of non-Christians. He further argues that it is unacceptable in the Zambian public education system and in grant-aided schools because it would be promoting one religion at the expense of other religious or non-religious traditions. It would also be going against the Zambia constitution which gives other religions the legal right to exist and to be considered in all public affairs (ibid.: 94).

LikandoMutafali, MP for Senanga strongly argued against the declaration of Zambia as a Christian Nation for it infringes on the human rights of non-Christians. He said that religion tends to attract fanatics who will not accept limits on their authority when in political office and who will be tempted to resort to violence to impose their views on others. The state should be independent of religious influence. The fact that the majority of Zambians are Christians cannot be the basis for declaring Zambia as a Christian Nation because this can only lead to fundamentalism.

Chirot (2008) argues that politicians have manipulated religions to hold on to power and thus exacerbate conflicts. He notes that corrupt leaders, some of whom are genuinely Christian evangelicals, have tried to legitimize their rule by appealing to Christian principles. Chirot gives the case in Zambia when President Chiluba declared that his was a “Christian Nation” but then
turned into just another crooked leader. Cheyeka (2002:20) argues that the declaration of Zambia as a Christian Nation was a pious pronouncement which in the end served political interests. Cheyeka notes that there has not been documentation of Chiluba’s understanding of the declaration which made him use it for political ends so that in the end it never spoke relevantly to all Christians and people of goodwill who do not share the Christian commitment. He also argues that the “Christian Nation” declaration appeared to be a “Chilubalism” aimed at rallying Zambians behind the MMD. It also legitimated Chiluba’s authority and he sees it as a case where the Christian image is being used to underpin authority in the hands of a President who was operating in a prophetic leadership tradition (Cheyeka, 2002:51). The Archbishop of Lusaka, Telesphore Mpundu, in an interview with the television program, “Where God Weeps” (May 23, 2010), said that as far as the official Catholic Church in Zambia is concerned, the declaration of Zambia as a Christian nation was poorly done and ill advised. He argued that the constitutional rights of those who are not Christians are at a disadvantage. Thus he calls the declaration “a useless declaration. It doesn’t help anyone”. Henriot (1997) and Cheyeka (2002:20) dismissed the declaration as empty and without any theological support regarding what Zambia as a Christian Nation should be, which just brought useless controversy and would encourage conflicts and preferential treatments. Chiluba with his Christian nation was unsuccessful in changing structures of injustices. Suzanne Matale, the General Secretary of the Council of Churches in Zambia, said that there are no theological grounds for the declaration of Zambia as a Christian Nation. Asked further if there were any political reasons, she responded that she suspected so because the declaration has had no benefit to the nation and it did not come from the church but just from an individual without any support from the traditional churches like the Catholics who do not take anything just like that. She said further that the Christian
Nation phrase in the preamble is not explained in terms of what it means like other phrases in the preamble.

4.2.6 Governance using Christian Biblical Principles

During the interviews, it was revealed that President Michael Sata’s new recipe of governance using Christian Biblical principles is not yet clear as to what it means and how it will work. The laws of Zambia would have to be consistent with Christian doctrines, dogmas and practices, if the country is to abide by such a principle. Moses MalengaChulu of the Evangelical Fellowship of Zambia, said that governance on biblical principles is fair because Christians are in the majority in Zambia and biblical principles are not harmful but good. Sr. Kayula G. Lesa, an official from the Jesuit Centre for Theological Reflection (JCTR) when asked, whether it is fair to govern using Christian biblical principles responded by saying that Christian biblical principles are human values and there is no problem governing using them. Fr. Leonard Chiti the Director at the same JCTR echoed what Kayula said that biblical principles are good but added that it is not possible to govern using them. However, he added that they are good ideals we can look forward to. He further said that it is not clear which principles are these and how they will be used in the governance system.

Member of Parliament for Moomba VitalisMoongaMooya said that it is only fair to govern using Christian biblical principles if they are applicable to the constitution because the best bible for the state is the constitution. Charity Mwansasa said that the government is to govern in accordance with the constitution which is a set of rules founded by the citizens themselves. If government brings in considerations based on Christian biblical principles in its governance process, firstly, they may find themselves getting into conflict areas where the Christian biblical
principles do not coincide with the constitutional provisions. Secondly, citizens who do not belong to the Christian faith may not respect the laws.

4.3 Exclusion of Religion from Politics

During our interviews, some members of parliament argued for the exclusion of the church from politics. LikandoMutafali, MP for Senanga, argued that the separation of church and state is the core feature of democracy. He is an example of the secular fundamentalist who argue that religious reasons for action are irrational, and that a modern democratic state can exist without recourse to faith. He said that the state is to be secular, and religious groups should not participate in political society. Only by making religion non-political in this way can we insulate the state from the corrosive effects of religious division. The church should not offer any checks and balances to the state because this is purely the role of the opposition political parties. There should be strict separation of the state from religion and exclusion of religious believers and religious reasons from democratic deliberation. He added that we must give up forever the hope of changing the constitution so as to establish our religion’s hegemony, or of qualifying our obligations so as to ensure its influence and success. To retain such hopes and aims would be inconsistent with the idea of equal basic liberties for all free and equal citizens. Equal and basic liberties are inherent within constitutions, and if religious individuals did try to establish their religion in the constitutional framework, then it would impede the rights of all others who do not share the same doctrine.

4.4 Inclusion of Religious Arguments in Public Political Debates

In a liberal pluralistic democratic country like Zambia where mutual toleration of all views is necessary for the stability of the state and is considered civically virtuous in that it demonstrates
due respect for one’s fellow citizens, it is appropriate to appeal to reasons based on private religious views in supporting or opposing public policies. The basic conflict is between the need to be tolerant of all views on one hand, and the right to hold one’s own religious beliefs and to make decisions in accordance with these beliefs, on the other. Fr. Leonard Chiti argues that our faith cannot be pushed into the private sphere but should influence the political process. The church has legitimacy and moral authority and it is trusted more than the state. Asked further if religious reasons should be used in coming up with legislation, Chiti said that religion influences us and members of parliament can come up with bills based on their religious reasons and convictions. Kayula of the same JCTR added that religious reasons can lead to the promotion of human values and the common good. Fr. Paul Samasumo, Catholic Media Services Executive Director and ZEC Spokesperson said that it is possible that religious arguments can form a sound basis for political decision making by members of the political community. He further said religious institutions and convictions should influence the political process in so far as religious leaders do not use the influence to seek political positions. They should merely exercise their prophetic function.

4.5 Summary

The aim of this chapter was to describe the current church-state relations in Zambia. From the data collected and through interviews, it has been found that there is still no common and shared acceptable view of appropriate church-state relations in Zambia. This current situation needs to be resolved by trying to come up with a common understanding of what should be proper church-state relations in Zambia.

The next chapter will evaluate the current church-state relationship in Zambia from an ethical point of view using the ethical theories outlined in chapter three.
CHAPTER FIVE: ETHICAL ASSESSMENT

5.1 Introduction

This chapter makes an ethical assessment of existing church-state relations in Zambia. The assessment which will be based on research findings on existing church-state relations in Zambia will involve a presentation and evaluation, in as objective a manner as possible, using criteria governed by ethical standards (that is, ethical theories and rationally justifiable ethical principles) relevant to the discussion on church-state relations.

5.2 Principle of Respect for Persons

Throughout his *Groundwork for the Metaphysics of Morals*, Kant judges conduct by the formula of the categorical imperative that he presented first in the *Groundwork*, the formula of Universal Law: “act only according to that maxim by which you can at the same time will that it should become a universal law” (Beauchamp, 1982:121). Therefore, what is morally right (or wrong) for one person is morally right (or wrong) for any similar person in similar circumstances. This Kantian principle has often been compared favourably with the golden rule which expresses the Christian biblical principle “do unto others as you would like them do unto you” (Matthew 7:12). Thus if we are to act morally, we must follow the same moral rules in our dealing with others that we expect them to follow in their dealing with us. When we look at the golden rule that way, we recognize that none of us is a special case whether Christian or not (Olen, 2002: 10). If this is followed in our country, it would help to develop a strong and cordial church-state relationship where all citizens would be respected.

We should always treat other people with respect, and Kant takes respect for persons to be the fundamental moral principle. Christian biblical principles express the essence of Kantian ethics that human beings are not just objects for use but, due to their human reason, they are ends
in themselves. All human beings are created in the image and likeness of God and, hence, deserve dignity and respect. Kant states that you should “act in such a way that you always treat humanity, whether in your own person or in the person of any other, never merely as a means, but always at the same time as an end” (Beauchamp, 1982: 129). In Zambia, some churches are prone to preaching a politically acceptable gospel so that they can benefit from government resources. Some have even gone as far as endorsing political candidates. This involves treating people as a means only and not as ends. The churches and pastors according to Kant have also a duty to treat themselves as ends and act so as to preserve their dignity and worth as humans. Therefore it would not be right for the church members to destroy their ability to function as autonomous rational beings without first satisfying themselves that what they are doing is legitimate and necessary. Kant’s ethics can also be applied in the context on the relationship between politicians and citizens. By deceiving citizens, they are denied the dignity inherent in their status as rational beings. Lying is wrong in general, and in cases of misleading voters, it deprives them of their autonomy, and power to make decisions and form their own opinions. As a result, such deception dehumanizes people.

5.3 Rights Theory

In Zambia, there is much talk about rights. A right is a justified claim on others. For example, if I have a right to freedom of religion, then I have a justified claim to practice my religion freely. Turned around, I can say that others have a duty or responsibility to let me practice my faith freely.

We said that rights are in different categories: there are legal rights and moral rights. In these categories there are different kinds of rights also, there are claims and liberties. Moral rights are usually understood as rights that exist prior to, or independent of, any legal rights. It is
on these rights that legal rights and other rights have a basis. Human rights belong to the
category of moral rights. They do not need some institution or government to enact them, as
legal rights do. Human rights are possessed by all human beings simply because they are human
beings. They are regarded as universal to all humanity and held equally by all human beings.

The Universal Declaration of Human Rights Article 18 states that “Everyone has the right
to freedom of thought, conscience and religion; this includes freedom to change his religion or
belief, and freedom, either alone or in community with others and in public or private, to
manifest his religion or belief in teaching, practice, worship and observance.” This implies that
any move that tends to promote religious freedom can be seen as a human right. The state has an
obligation to give religious freedom to all faiths. By giving all religions the same right to
freedom of operation, a state acts justly and ethically, unlike a religiously defined state (or a
secularistic state) in a country with a diversity of faiths, which cannot do justice even-handedly
towards them all because it privileges one of them for no objectively good and just reason. This
argument of human rights can also be seen in the doctrine of Catholicism, which supports the
liberal political conception of religious freedom that is internal to Catholicism. The following
quotation best illustrates this doctrine:

This Vatican Council declared that the human person has a right to
religious freedom. This freedom means that all men are to be immune
from coercion on the part of individuals or of social groups and of any
human power, in such wise that in matters religious no one is forced to
act in a manner contrary to his own beliefs. Nor is anyone to be
restrained from acting in accordance with his own beliefs, whether
privately or publicly, whether alone or in association with others, within
due limits. The council further declares that the right to religious freedom
has its foundation in the very dignity of the human person, as this dignity
is known through revealed Word of God and by reason itself. This right
of the human person to religious freedom is to be recognized in the
constitutional law whereby society is governed and thus it is to become
civil right.\(^7\)

\(^7\)Pope Paul VI, Declaration on Religious Freedom: DignitatisHumanae (December 7, 1965)
Rights in the strictest sense are claims. A person’s right means that he or she has a valid claim against someone, and that this someone has therefore an obligation (duty) towards that person. The state, therefore, has an obligation to grant all religions full scope to operate, which includes teaching their ethical values, obtaining radio and television time, building great new places of worship and so forth. In Zambia, our research reveals that the state has tried to grant religious freedom to all citizens through article 19 of the constitution and other statutes like the penal code sections 128-131. There are no reports of societal abuses or discrimination based on religious belief or practice. In spite of this situation, there is need to avoid constitutional confessions of Christianity because it is seen as a sign of religious favouritism that leaves others out in the cold. Freedom of religion requires that the legislature refrains from favouring one religion over others because fairness and even-handedness in relation to diverse religions is a necessary component of freedom of religion. Thus public endorsement of one religion over another is, in itself, a threat to the free exercise of religion.

5.4 Proper Role of Religion in Public Life

The best way to decide on the proper role of religions in public life is to identify the benefits that they will have in the case of excluding religion from public life, and the costs of the same exclusion. According to the utility principle, an act is morally right if it has the best consequences (better consequences than all other alternatives). This is maximizing the good. The good implies wellbeing. We should act in such a way that we promote the wellbeing of all that are affected. Judging from this point of view, Utilitarianism would generally oppose the influence of an established church or baptizing the nation. This is because there are liberal consequentialist concerns about establishment, such as the possibility that it will result in or increase the likelihood of religious repression and curtailment of liberty. It really has the
potential to discriminate said Sr. KayulaLesa. While protections and advantages given to the Christian faith in Zambia are accompanied by promises to refrain from persecuting adherents of rival faiths, the declaration of Zambia as a Christian Nation in our constitution moves the state closer to interferences which are clearly unjust. It further creates perverse incentives for religious groups to seek more political power in order to get the upper hand over their rivals. From the perspective of many religious people themselves, moreover, there are worries that a political role for their religion may well corrupt their faith community and its mission.

5.5 Principle of Toleration and Accommodation

According to John Rawls, the model of church-state is just if it can be accepted by people who are impartial and rational. Rawls argues that fair decisions are made when we are deprived of personal information. In the case of a proper model of church-state relations, it would be fair if the people who formulate such a model are impartial and rational. The legislators should imagine themselves as being in the original position. That is, they would not know who they are or who their friends are. On this condition, the polices and decisions they make on church-state relations would not disadvantage anyone; instead they would be impartial and rational ones. For this reason these polices and decisions would be just. When a single faith enjoys exclusive constitutional and legal superiority in a country with many faith traditions, the door is open to pressure to conform in order to get ahead, and to avoid victimization and persecution on religious grounds. And it is restrictive and unfair towards other faiths. The state is supposed to remain neutral with regard to religion. In this sense, it is wrong for the state to intend to disadvantage one group of citizens, at least for its own sake and with respect to practices that are not otherwise unjust or politically undesirable.
In Zambia we have different religions and the primary concern of John Rawls is justice and the stability of society. His goal is to achieve a well-ordered society. The well-ordered society is a fair system of cooperation where all members accept a political conception of justice. His fundamental question is: “How is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines” (Rawls, 2006:4). Each and every interest group or institution all over the world is trying to acquire special rights, and religious institutions are among them. When a particular religious institution gains special treatment or privileges, it could be said that it is sometimes justified by its special, beneficial role in the history of a country and the role it played in its development. However, the question one needs to ask is why the majority in Zambia is not free to treat one religion it favours or belongs to better than others. Indeed the crucial question asked by Ronald Dworkin is, what do you do with a “nation in which a large majority believes in a god?” What model of church-state relations should exist in such a state? (Dworkin, 2006:67)

Understanding Rawls’s idea of overlapping consensus is important for determining the theoretical background and finding the best fitting normative theory of a democratic state like Zambia with over 80% of citizens being Christians. This ideal stipulates that the state shall be neutral in terms of deciding upon the legitimacy of certain principles and practices within the private realm. It refrains from appealing to comprehensive values and draws instead on principles which all citizens can endorse. If the vast majority of individuals in a society follow a specific religion and receive more special rights than minorities in the country, then there appears to be a level of inequality evident from the very beginning. Given so, it means that no state religion or privilege should be granted to a particular religion even if the majority in the
state wants it. The idea of equality cannot be reconciled with conferring privileges and preferential treatment. The protection of the rights of minorities matters and therefore, the state should not favour one particular religion that the majority of taxpayers and voters believe in. Thus, legislating about faith and religion in the constitution might lead to a spirit of fundamentalism that could result in the abuse of religion for purely political ends. Such abuse would amount to an unjustifiable way of proclaiming the gospel.

5.6 Summary

This chapter has evaluated the current situation of church-state relations in Zambia from an ethical point of view. There is a lack of understanding of the proper relationship between church and state in Zambia. An appropriate appreciation of church-state relations will help to bring about mutual engagement between the church and the state because both are there for the common good. There is need for both to work together on human right issues, the rule of law, accountability, transparency and delivery of basic services. The state can achieve a lot only through careful management of religious and cultural differences and through respect for religious minorities. For this to be achieved, there is need to have a framework in which rights are protected and resources are more or less fairly distributed. To have appropriate church-state relations, we need principles that can be accepted by all. These principles can be accepted as long as they do not contradict other reasonable public principles and are common to every reasonable human being. Thus this overlapping consensus among diverse religious groups can help to bring about an appropriate church-state relationship.

The next chapter concludes this dissertation and gives some recommendations and suggestions for further research.
CHAPTER SIX: SUMMARY, CONCLUSION AND RECOMMENDATIONS

This Chapter presents a summary and the conclusion of the research. Recommendations and suggestions for further research are also given.

6.1 SUMMARY

The constitution of Zambia article 19 and the penal code section 128-131 provides for freedom of thought and religion to all citizens, freedom to change religion or belief in worship, teaching, practice and observances. Therefore, the state has an obligation to take appropriate steps to ensure that this right to religious freedom is not violated and to treat all faiths equally. There is need to set forth terms of equal treatment for different religions. A country in which all citizens are not treated equally can hardly be considered a just one. The special treatment, often demanded by individuals or organizations based on religious beliefs, must be refused, as being a possible cause of new inequalities. When a religion allies itself too closely with the state and enjoys constitutional superiority, its prophetic voice weakens because pressure rises. Shrewd politicians are at times adept at manipulating believers who drop their critical guard towards them.

In Zambia, democratic religious pluralism and non-constitutional pluralism may help to achieve higher degrees of relational neutrality, fairness, human happiness and respect for persons. Democratic religious pluralism, particularly its most flexible variety, that is, associative democracy, provides the better institutional setting for fighting fundamentalism effectively for a country like Zambia with religious diversity.
6.2 CONCLUSION

In Zambia, there is need to work together in order to come up with an appropriate church-state relations. There is much that needs to be done to have that relationship of mutual respect between the church and the state. The church and state are not opposed to each other; both are in the service of human beings, so between them there must be dialogue, cooperation and solidarity. We ought to have a principle of respect for all religious beliefs and not an opposition towards religious feeling as such. We must recognize the decisive role religion can play in the political and social context of our own cultural and religious background. The role of the church should be that of constructive engagement and critical solidarity. This means that the church supports initiatives which promote justice, human happiness, peace and democracy whilst continuing to protest against unjust polices and protecting the interest of those vulnerable and minority groups. There is need to value freedom and equality and be sensitive to religion-related domination. States which privilege one or some religions are morally and ethically defective. We should have a strong appearance of neutrality towards any religion in order to ensure the state’s compliance with three fundamental principles set forward by Audi: libertarian, equalitarian and neutrality principles. The church for its part should not endorse any political party or candidates unwilling to maintain this neutrality.

The church cannot keep itself out of politics. It has to be informed, heard and consulted in contested issues which is a crucial component of democratic participation. The exclusion of religious reasons and arguments from public debate and politics should be extensively criticized as morally arbitrary, unfair, incompatible with freedoms of communication, and practically counterproductive (Bader, 2003:4). To achieve the appropriate church-state relations in Zambia, there is need for education on the proper understanding of the social mission of the church. The
church cannot claim neutrality and non-commitment when it comes to social issues: Firstly, theologically speaking, there is no basis for the church to stand aloof from public issues. Secondly, one of the fundamental principles of Zambian culture is the interconnectedness and holistic nature of life. Whilst being conscious of the role it has to play in the political sphere as a stakeholder, it must maintain its uniqueness and autonomy from the state.

6.3 RECOMMENDATIONS

Below are some of recommendations that are given in an attempt to bring about appropriate church-state relations in Zambia.

- The church should claim a legitimate role in regard to being informed, heard and consulted in contested issues. This role is a crucial component of democratic participation in order to build a fair and just country.

- The church has the right to make itself heard not only publicly but also politically because it has a mandate to protect the rights of all who are helpless. Democracy should listen to this voice, for the good of politics. Public political debates should take full advantages of religiously grounded arguments.

- It is the church’s duty to permeate public life with the Spirit of Christ who fought for the dignity of human life and to illustrate in its own life the kind of life which is God’s will for society as a whole.

- The state should take the principle of respect for persons as a fundamental moral principle by ensuring the freedom of churches to determine their own doctrines and creeds, to worship and teach both publicly and privately, to determine their own governance and forms of worship as long as this does not infringe on the constitutionally guaranteed rights of other citizens.
• Within the political sphere, holders of religious viewpoints should make the effort to translate their religious beliefs into a language which is secular, common and accessible to all. The ways of life and customs of believers and non-believers must be respected by the state insofar as they are compatible with the constitution.

• The State should respect the rights of all religious bodies to practice and express their faith and to participate in democratic politics, while religious bodies accept religious freedom for people of all faiths (and no faith) and renounce claims to special constitutional status or prerogatives. Equal and basic liberties are inherent within constitutions. If religious individuals try to establish their religion in the constitutional framework, then it will impede the rights of all others who do not share the same doctrine.

• The state should neither resist the contributions of religious arguments nor shield substantive religious beliefs from challenge and criticism. There should be mutual recognition between the church and the state. This implies that religious and secular citizens are willing to listen and to learn from each other in public debates. Religious traditions possess a potential for knowledge, access to the truth, creation of identity and meaning, which should not be avoided in democratic states.

• The church should be non-partisan. It should never endorse any political party or candidates or be used by politicians for their campaigns. The use of a religious platform by any individual or group of individuals to form a political party should be discouraged.

• The Church should discourage the use of a religious platform by any individual to seek a leadership position in any of the three branches of government, that is, the legislature, the judiciary and the executive.
• There is need for education for both politicians and church leaders to have a clear understanding of the social mission of the church.

• Preachers of the word of God need to be adequately trained in theology before they are given the privilege to minister to the congregation.

• The Church Leaders, Bishops, Priests and Pastors, should never seek or campaign for political positions since they lead congregations with people who belong to different political parties. They should have a strong appearance of neutrality towards all political parties.

If these recommendations are followed and implemented, it can help to come up with a framework which will stipulate appropriate church-state relations and help to reduce church-state conflicts.

For further research, I suggest that others can look at why Independent Churches of Zambia (ICOZ) always supports the government. Our research findings reveal that they cannot challenge government or engage in any social analysis of the political structures. They claim that leaders are anointed and chosen by God, hence, they have always to obey the chosen leaders. Because they are lacking resources, they may also be seeking government favours.
REFERENCES


Lusaka Times (3\textsuperscript{rd} January 2011). ICOZ Makes Case for RB Second Term. Available at www.mmdzam.org/index.php?=article (Accessed on 1\textsuperscript{st} March 2012)


Appendix A

In-Depth Semi-Structured Interview Schedule for Mainline Churches: Zambia Episcopal Conference (ZEC), Christian Council of Zambia (CCZ), Evangelical Fellowship of Zambia (EFZ)

A. Introduction
I introduce myself.................................................................

I ask participants to introduce themselves

Name of Participant.................................................................

Name of Organisation............................................................

Position held..............................................................................

I explain the purpose of the interview.

I express confidentiality of any revealed information.

I assure participants that this is not an exam. All answers to the questions are neither right nor wrong.

I thank the participants in advance for accepting to be interviewed.

B. Question Guide
1. What different kinds of existing church-state relations in the World are you aware of?
2. What kind of Church-State relations do we have in Zambia?
3. How has this relationship been in our Country?
4. Why has independent churches kept a low profile on political matters, claiming to be completely non-political, interested only in evangelization?
5. Do you think the state has been using independent churches for support in their attempt to stay in power?
6. Should the state treat all religions the same?
7. Should churches take sides on political issues?
8. Should churches be allowed to openly endorse any political candidate based on their religious views?
9. Should churches hold public forums or debates where all candidates have a chance to state their views and distribute their literature?
10. Can religious arguments form a sound basis for a political decision making by members of the political community?
11. To what extent should religious institutions and convictions influence the political process?
12. Are there any theological grounds for the declaration of Zambia as a “Christian Nation”? 
13. Are there any political reasons for this declaration? 
14. Has the declaration of Zambia as a “Christian Nation” been of any benefit to the nation? 
15. There are suspicions that you are always opposed to the ruling party. Is this true or false? 
16. If not true, what are your theological grounds for your consistent criticism of the ruling party? 
17. Should the church impose its moral standards upon the state? 
18. Do you think we have a common understanding as a country of what the proper church-state relation should be in Zambia? 
19. Why is this case? 
20. What recommendations can you make for appropriate church-state relations in Zambia? 

C. CLOSING 
1. Any final comments 
2. I thank them for participating in the interview 

SIGNATURE.............................................. 

DATE......................................................
Appendix B

**In-Depth Semi-Structured Interview Schedule for Government Leaders and Political Parties**

A. **Introduction**

I introduce myself..........................

I ask participants to introduce themselves

Name of Participant..............................................................

Name of Organisation.............................................................

Position held...........................................................................

I explain the purpose of the interview.

I express confidentiality of any revealed information.

I assure participants that this is not an exam. All answers to the questions are neither right nor wrong.

I thank the participants in advance for accepting to be interviewed.

B. **Question Guide**

1. What do you understand by church-state relations?
2. What different kinds of existing church-state relations in the World are you aware of?
3. Do you think the church-state relationship in Zambia is good?
4. What reason/s would you give for your answer?
5. Should the state be influenced by any religion in the way it runs its affairs on behalf of the people?
6. Is it fair to govern a democratic country on Christian biblical principles just because many citizens are Christians?
7. Should the state treat all religions the same?
8. Should the church be allowed to impose its moral standards upon the state?
9. Should the church participate in political affairs?
10. Can religious arguments form a proper basis for a political decision by a member of the political community?
11. How far should religious institutions and convictions influence the political process?
12. Is it good for the church to be issuing pastoral letters on political, social and economic issues in the country?
13. What reason/s would you give for your answer?
14. Should churches be allowed to openly endorse any political candidate based on their religion and moral views?
15. Was it a good thing to declare Zambia as a Christian nation?
16. What reason/s would you give for your answer?
17. Are there any political reasons for this declaration?
18. Do you think we have a common understanding as a country of what should be the proper relationship between the church and the state?
19. Why is this the case?
20. What recommendations can you make for appropriate church-state relations in Zambia?

C. CLOSING
1. Any final comments
2. I thank them for participating in the interview

SIGNATURE……………………………………

DATE………………………………………..
Appendix C

In-Depth Semi-Structured Interview Schedule for NGOs

A. Introduction
I introduce myself…………………………………………………………

I ask participants to introduce themselves

Name of Participant…………………………………………………………

Name of Organisation……………………………………………………

Position held……………………………………………………………………

I explain the purpose of the interview.

I express confidentiality of any revealed information.

I assure participants that this is not an exam. All answers to the questions are neither right nor wrong.

I thank the participants in advance for accepting to be interviewed.

B. Question Guide
1. What different kinds of existing church-state relations in the World are you aware of?
2. What are the implications of each of these different kinds of relations?
3. What do you think is the best model of church-state relations amongst these you have mentioned?
4. What has been the relationship between the church and the state in Zambia overtime?
5. Is there at the moment a clearly defined relationship between the church and the state in Zambia?
6. Is the current relationship between the church and the state clearly defined in terms of roles of each in the other’s sphere?
7. Do you think we have a common understanding as a country of what should be the proper relationship between the church and the state?
8. Why is this case?
9. What should be the appropriate role of the church in the sphere of the state?
10. What should be the role of the state in the sphere of the church?
11. What are the strengths and weaknesses of this relationship?
12. Has the declaration of Zambia as a “Christian Nation” been of any benefit to the nation?
13. Should legislators make legislative judgments based on religious premises held by many citizens?
14. Should religious reasons be used in coming up with legislation?
15. Can religious arguments form a sound basis for a political decision making by members of
the political community?
16. To what extent should religious institutions and convictions influence the political process?
17. What recommendations can you make for appropriate church-state relations in Zambia?

C. CLOSING
1. Any final comments
2. I thank them for participating in the interview

SIGNATURE…………………………………………

DATE………………………………………………
Appendix D

**In-Depth Semi-Structured Interview Schedule for Members of Law Association of Zambia (LAZ)**

**A. Introduction**
I introduce myself……………………………………………………

I ask participants to introduce themselves

Name of Participant…………………………………………………………

Name of Organisation……………………………………………………..

Position held…………………………………………………………………….

I explain the purpose of the interview.

I express confidentiality of any revealed information.

I assure participants that this is not an exam. All answers to the questions are neither right nor wrong.

I thank the participants in advance for accepting to be interviewed.

**B. Question Guide**
1. What different kinds of existing church-state relations in the World are you aware of?
2. What are the legal implications of the declaration of Zambia as a Christian nation?
3. Does the declaration limit full enjoyment of rights on grounds of religious affiliation?
4. What should be the proper role of the state in the sphere of the church?
5. Should the state use its power to dictate doctrine and promote a particular religion through legislation?
6. Is it fair to govern a democratic state on Christian biblical principles just because many citizens are Christian?
7. What are the reasons for your position?
8. Should the state decide what churches preach, teach or believe?
9. What should be the proper role of the church in the sphere of the state?
10. Should legislators make legislative judgments based on religious premises held by many citizens?
11. Should religious beliefs advanced by many citizens be used in coming up with legislations?
12. Can religious arguments form a proper basis for a political decision by a member of the political community?
13. How far should religious institutions and convictions influence the political process?
14. Do you think we have a common understanding as a country of what should be the proper relationship between the church and the state?
15. Why is this case?
16. What recommendations can you make for appropriate church-state relations in Zambia?

C. CLOSING
3. Any final comments
4. I thank them for participating in the interview

SIGNATURE........................................

DATE...............................................