

University of Zambia

School of Law

Oblig Essay

2004

**Church and State Intermingled—
Zambia's Constitutional, Political and
Socio-religious Debacle:**

A Quest for the Separation of State and Religion

by

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December 2004

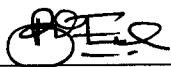
A Dissertation submitted to the School of Law of the University of
Zambia in partial fulfilment of the award of the degree of
Bachelor of Laws (LLB)

University of Zambia

I recommend that the directed research paper under my supervision by Muki M B. Phiri entitled—

**Church and State Intermingled — Zambia's
Constitutional, Political and Socio-religious Debacle:
*A Quest for the Separation of State and Religion***

be accepted for examination in partial fulfilment of the requirements for the award of the Bachelor of Laws degree of the University of Zambia. I have checked it carefully and I am satisfied that it fulfils the requirements relating to the format as laid down in the regulations governing directed research essays.



Mr. E. Mulembe
(Supervisor)

24/12/04

Date

Dedication

To my beloved wife, Matilda
Who stood by me and uttered
Most loving, tender, encouraging words
Through the sleepless nights I laboured

To Tionga my beloved son
Who ceaselessly reminded me
To “go to school and study hard”
Believing I’m a lawyer-to-be

To Tasha my pretty daughter
Who said she’d let me study
When I said I couldn’t play with her
She’d simply say, “Okay, daddy!”

To Jesus Christ my Saviour
Who taught me in the Scripture
The nations should be led by men
Quite separate from the *Ecclesia*.

Acknowledgements

I wish to express my heartfelt gratitude to my supervisor, Mr. E. Mulembe for the professional manner in which he guided me. He showed keen interest in my work giving me most valuable ideas, comments and suggestions—all of which have helped improve this paper. He never gave me the impression that my original proposal was not good enough but gave me room to express myself fully and freely.

I wish also to thank my wife, Matilda, who though a busy student in the School of Natural Sciences, supported me throughout the countless hours I spent on this paper. She never for once complained about the amount of time I was spending behind the computer or daily reading and re-reading huge, and sometimes unattractive, volumes. She taught my son and daughter to accept my busy schedule and made sure I received my daily provisions. Without her I would have achieved little.

This essay would be incomplete if I did not acknowledge Mrs. Alice Hope Phiri, my most ambitious and hard-working mother. The Last Day will tell how much her life has challenged me over the years, especially since my father's death in 1991, and ever since she knew the Lord. If I might only learn her dynamism, determination, perseverance; her selflessness, her large heart, her benevolence; if I may just but gain a portion of her great faith and her ability to do tremendous things with such grace—I will become the greatest lawyer in the land.

Declaration

I, Muki M. B. Phiri, do hereby declare that this dissertation presents my own work and that it has not been previously submitted for a degree at any level at this or any other university.

Signed: 

Date: 22/12/2024

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1.0 CHAPTER ONE

1.1 INTRODUCTION

The Zambian Constitution¹ quite unequivocally recognises and guarantees the right of every citizen to enjoy the freedom of conscience — that is to say, *inter alia*, the freedom of thought and religion.² Accordingly, no man or woman may persecute, indeed, no power or authority may prosecute any citizen for holding on to a particular creed or confession. No clairvoyant may be penalised for travelling the highways and byways of this nation in an attempt to convert a single naïveté, nor may any sceptic or apparent infidel be hindered from apostatising or clinging on to any nerve-rending heresy or godless doctrine. No matter how unintelligible or disenchanting, pious or sanctified the religion or belief in worship, teaching, practice or observance — for so long as such religious inclination or practice poses no threat “to defence, public safety, public order, public morality or public health”³ — be it primitive fetishism or new age mysticism, it remains an undeniable fact that “every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual” — whatever his race, place of origin, political opinions, colour, creed, sex or marital status.⁴

Such provision is vitally important because there certainly exists in Zambia what one may rightly call the minority religious genre; considering for instance that more than 80 per cent of Zambia’s 10 million residents are professing Christians — and, according to THE WORLD CHRISTIAN ENCYCLOPÆDIA⁵ predictions, about 87.5 percent of the country shall be Christian⁶ by the year 2025 and 90 percent by 2050. Without a sound constitutional framework, within which the citizen’s right to freedom of conscience are recognised and guaranteed, Zambia would likely degenerate into an unaccommodating parochial state intolerant to any unconventional religious ethos. As the case presently is, Zambia towers above many African

¹ Chapter 1 of the Laws of Zambia.

² Article 19(1).

³ *Ibid.*, Art. 19(5)(2).

⁴ *Ibid.*, Art. 11.

⁵ As cited by *Christianity Today*, February 4, 2004.

⁶ This figure must certainly include a large number of *nominal* Christians.

nations in its tolerance to all other religions or religious groupings — no matter how odd or ‘un-Zambian’ their practice might be. Furthermore, this right to the enjoyment of one’s freedom of conscience extends to all and sundry — and that includes the national presidency. It was the then President of the United States of America, Mr. George Bush (Snr.) who in his address to tens of thousands of attendees at a Billy Graham crusade stated with passion —

“It is my firm belief that no-one can be president without a belief in God; without understanding the power of prayer; without faith.... Abraham Lincoln was right when he talked about the need to spend time on his knees.... We [the Bush family] have more happiness than we deserve and much of that happiness comes from our faith that has been enriched and strengthened [over the years]....”⁷

His son, George W. Bush, has continued the tradition. All Cabinet meetings begin with prayer; the September 11, 2001 (“nine-eleven”) tragedy was graced with state-sponsored national prayer. Bush has due to his religious convictions fought the ‘pro-human cloning’ movement and is presently fighting any attempts to legalise homosexual marriages.

Back home, Second President, F.J.T. Chiluba’s very first inaugural ceremony included his *unwritten* prayer:

“We humble ourselves and admit our guilt... We repent from all our wicked ways of idolatry, witchcraft, the occult, immorality, injustice and corruption, and all other sins that have violated your righteous laws. We turn away from all these and renounce it all in Jesus’ Name.”⁸

It was at this meeting that he submitted “myself as President to the Lordship of Jesus Christ.” The State House Website⁹ underpins Dr. Chiluba’s devotion to prayer while he was yet president. “Every Sunday he goes to church,” it reads in part. “Every Cabinet meeting starts with a word of prayer. He takes every opportunity to attend religious crusades and other religious functions.” So, too, following the tragic death of the entire Zambian national football

⁷ “A Billy Graham Music Homecoming – Vol. I”. Gaither Television Productions, Spring House, Inc. 2001.

⁸ As quoted by Beltz, Mindy in “Africa’s Politically Incorrect Phoenix”. *World on the Web*. Vol.11, No. 36, February 15, 1997. [Cited on http://www.worldmag.com/world/issue/02-15-97/international_1.asp.

⁹ <http://www.statehouse.gov.zm/christian.htm> [accessed 21/04/04]. It is striking that the State House website has not been updated — at least up to the date of citation — by the Mwanawasa administration.

team off Gabon's infamous coast in 1994 the state-sponsored funeral service at the Independence Stadium, was adorned with national prayers and is much remembered for the legendary heart-rending prayer of then-President Chiluba, based on the 91st Psalm of the Holy Bible. This is commendable, and indeed right. It is an undisputed fact that faith in a righteous, just and holy God is an important element in the leadership tone of any statesman. If the leader of the nation feels a sense of reverence towards a superior being with whom he has to do, one before whom he will one day stand to give account of his dealings on earth, or one he must account to while he yet holds office, if the president is strongly convinced that he holds office in order to watch over the affairs of his God's people, the God he loves and reveres; how will he at the same time lead the country against his own conscience? Could this explain why incumbent President Levy P. Mwanawasa (SC) is recently quoted as having stated that "a country without faith and hope is as good as dead"?¹⁰

There is no question about it. A man's religious inclination — or at least his moral demeanour — has an effect upon his leadership. If corruption has always been to him a necessary means of survival, he will not avoid being corrupt when he gets into high office, religious though he be. If the rule of law sounds Sino-Greco to him, or if he considers it an unhealthy, unnecessary, retrogressive imposition of the Western world, he will *not* be ruled by law — neither as an ordinary, faint-hearted citizen, nor when as president he is given the power and privilege to rule his nation. But a distinction ought to be drawn; firstly, between the rights of national leaders to freely exercise religion or non-religion on the one hand, and the perceived "rights" of *States* to follow a common form of religious loyalty, creed or confession.

The question is: Should a State clothe itself with the garments of a specific, officially recognised religion? Should a country be declared Christian, Islamic, Buddhist, atheistic? Should a religious president drag his nation along with him into his religion or religious persuasion? Shall a non-religious, atheistic president so secularise his administration as to

¹⁰ *Times of Zambia*, March 7, 2004.

drive all religious pundits from his government? Is there any place for sacralism,¹¹ or neo-sacralism,¹² in any modern democracy?

¹¹ This term is defined in the following paragraphs.

¹² Neo-sacralism is defined in Chapter 2, part 2.1.4 below.

2.0 CHAPTER TWO

2.1 SACRALISM AND THE HISTORICITY OF CHURCH STATE RELATIONS

2.1.1 SACRALISM, AND THE PRE-CHRISTIAN ERA

It would not be too extravagant an assertion to state that literally all societies in the pre-Christian era were sacralist. Pre-colonial Zambia, New Zealand and Zimbabwe, for instance, from the time the earliest inhabitants first stepped foot on their soils, were all essentially sacralist. And this is true of every other society that first-rate archaeologists have been able to excavate.

“Sacralism” is a term Leonard Verduin has conveniently coined to define a common form of religious loyalty within a society or nation.¹³ This is a useful term and will be used widely in this essay because of the relevance it has to the present confusion surrounding Church-State relations in Zambia. The word “sacral”, states Verduin, means to be “bound together by a common religious loyalty.”¹⁴ Accordingly, by Sacral Society is meant society held together by a religion to which all the members of that particular society are committed.

Before the advent of Christianity, societies around the world were to all intents and purposes sacral. A typical example would be the society of ancient Babylon. All Babylonians were expected to bow to one and the same Object.¹⁵ Ancient Egypt may in this regard be described as sacral because according to the National Geographic Society, when in about 3000 BC the Upper and Lower Egyptian kingdoms “combined into a single nation under an all-powerful god-king¹⁶ ... [w]orship of the god-king and obedience to him held the long land together.”¹⁷ Thus, the unifying factor of ancient Egypt was the common religion they as a kingdom had

¹³ Verduin, Leonard. THE REFORMERS AND THEIR STEP-CHILDREN [Grand Rapids: William B. Eerdmans Publishing Company, 1964], p.22.

¹⁴ *Ibid.*

¹⁵ Cf. HOLY BIBLE, Daniel 3.

¹⁶ That is, Pharaoh.

¹⁷ NATIONAL GEOGRAPHIC. EVERYDAY LIFE IN BIBLE TIMES. [Washington D.C.: National Geographic Book Service, 1967], p. 108.

adopted. This religion was the adhesive that bound the Egyptians together in their long history under the 31 dynasties until the conquest by Alexander the Great in 332 BC. Likewise, Old Testament society was sacral, or as Verduin elsewhere puts it, 'pre-Christian'. This is because every member of the Old Testament was considered to be in the same religious category as was every other member of it.¹⁸ Anyone who held on to another religion was considered out of step with the rest of society. A social misfit he was.

2.1.2 SACRALISM, STATE RELIGION AND THE FREEDOM OF WORSHIP — POST-FIRST CENTURY EPOCH

It is trite that kingdoms and societies even in the period leading to the first century were unquestionably sacral. And this includes the vast super-power of the time, the Roman Empire, which stretched from present-day England to the Middle East, covering Europe and North Africa. However, one of the grand innovations of this great economic, political and military power was the *pax romana* (Roman peace). The Romans under Augustus Cæsar perceived that in order to ensure "healthy development of commerce and general well-being" there was need for "permanent peace".¹⁹ *Pax romana* was thus the policy, if policy it may be termed, adopted to embrace the civilised world that had in fact been subdued by the empire.

Some of the chief benefits of the *pax romana* policy were demonstrated by the extent to which the arts, culture, and the study of law were in every sense of the word greatly developed.²⁰ More importantly, the Romans brought about the semblance of freedom of worship, and, perhaps, the freedom of conscience. *Pax romana* further provided the right for people to freely worship whatever gods they wished. Polytheism was encouraged and was therefore naturally tolerant. Because Roman policy was at the time "protective, or at any rate, indifferent, rather

¹⁸ Verduin, L. *THE REFORMERS AND THEIR STEP-CHILDREN*, p.22.

¹⁹ Machen, John Gresham. *THE NEW TESTAMENT: AN INTRODUCTION TO ITS LITERATURE AND HISTORY*. [Carlisle: The Banner of Truth Trust, 1990], p.20

²⁰ *Ibid.*

than hostile ... the various subjects were not molested in their own worship.”²¹ This phenomenal move by Augustus does not, however, absolve the Romans from being placed in the same bracket as all other sacral or pre-Christian societies, for the reason that even with all its tolerance to other religions and cultures, Rome had introduced State Religion. State religion is defined in the WIKIPEDIA as “a religious body or creed officially endorsed by the state.”²² To this extent, any person who disrespected or attacked the recognised religion of the State would be guilty of committing an offence. Regard for the state religion was a major theme of one’s civic duty.²³ In fact, although it may be argued that there still existed in the first, and perhaps early second centuries, a sense of religious freedom, it is worth noting that during this early period “a Christian’s religion would rarely bring him into antagonism with the government, unless some public function, such as that of magistrate or soldier, required him to join in heathen ceremonies.” The descriptive analysis of Harry R. Boer,²⁴ in his A SHORT HISTORY OF THE EARLY CHURCH, is enough, it seems, to bear this out:

“State Religion had strong political aspects. Its chief element was the making of sacrifice to the emperor. Originally, sacrifice had been made either to the gods of the state or to dead emperors. Later, *living* emperors were worshiped with sacrifice. The emperor became regarded as a god who gave order and prosperity to the state; in him the empire was incarnated as it were. State religion was therefore regarded as uniting into one loyal community the great diversity of peoples and tribes in the empire. Any religion that recognised the god-emperor and did not interfere with good order in the empire was regarded as legitimate religion.”²⁵

The citizens of Rome and her colonies were therefore obligated to subordinate themselves to the State religion. The Roman State and Roman society in both the first and second centuries, therefore, quite naturally reacted to Christian rejection of emperor worship with social and political defamation, and gradually, with untold persecution. “Christians were considered

²¹ *Ibid.*, at p.24

²² “State Religion”. THE WIKIPEDIA. Cited on http://www.worldwidewebfind.com/encyclopedia/en/wikipedia/s/st/state_religion.html [accessed 13/08/2004]

²³ ENCYCLOPÆDIA OF RELIGION AND ETHICS, Vol. IV. James Hastings (ed.). [London: SMHK & Co. (19...)], p.297

²⁴ Principal of the Theological College of Northern Nigeria from 1957-1971, and founder of the Reformed Journal

²⁵ Boer, Harry R. A SHORT HISTORY OF THE EARLY CHURCH. [Grand Rapids: William B. Eerdmans Publishing Company (2001)], p.13

'godless' (*atheos*), because their religion could not be fitted into the politically sanctioned pagan religious system and was therefore illegal."²⁶

It is worth keeping in mind the fact that Roman religion was closely connected with patriotism. Disloyalty to the imperial gods was accordingly regarded as disloyalty to the empire itself.²⁷ Christians could not and would not, however, worship any other God but Yahweh.²⁸ The sacralist, or pre-Christian, society of both Jews and Romans, could not comprehend the oddness of the Christian ethos. "Their refusal to unite with the worship of other peoples caused them to be regarded as enemies of the human race," reveals Machen.²⁹

2.1.3 SACRALISM, STATE RELIGION AND THE FREEDOM OF WORSHIP — THE PRE-TWENTY-FIRST CENTURY EPOCH

Pre-Christian society does not cover only the period before the birth of Jesus Christ, but as Verduin argues even more contemporary societies. For instance, the Navajo, a people dwelling in the United States' Southwest, are sacral — and hence pre-Christian — for "all members of that society are expected to take part in the ritual."³⁰ Verduin does not state what this ritual is. It appears however, that the force of his argument lies in the fact that the Navajo practice a ritual that *all* in the society must practice. Countless examples exist around the globe. In Africa, for instance it may safely be argued that a large section of Senegal's female-circumcising societies are sacral for they practice the ritual as a "symbol of purification, a cultural rite."³¹ In fact, according to UNICEF estimates (1998) around 700,000 women, a quarter of the female population, have suffered some form of genital mutilation, normally carried out between early

²⁶ "Christianity" *ENCYCLOPÆDIA BRITANNICA* Vol. 3, 1983, p. 469.

²⁷ Machen. *THE NEW TESTAMENT: AN INTRODUCTION*, p. 24.

²⁸ This is in fact one of the major causes of the persecution that broke out against the followers of Christ in the first and second centuries.

²⁹ *Op. Cit.* at p. 25.

³⁰ Verduin, L. *THE REFORMERS AND THEIR STEP-CHILDREN*, p.23.

³¹ "World: Africa. Senegal Bans Female Circumcision." *BBC News*, Wednesday, December 23, 1998 [cited on <http://news.bbc.co.uk/1/hi/world/africa/241230.stm>, accessed 13/08/2004]

childhood and the age of sixteen.³² This quite plainly shows the extent to which the devotedly followed rite has permeated into the very life of the West African state.

Sacralism does not escape the philosophy even of certain notable scholars of fairly recent times. Given that any suggestion that society may be held together by a religion to which all the members of that particular society are committed does in effect point to the pre-Christian thinking here discussed. For instance, George W. F. Hegel (1770-1831), the distinguished 19th century thinker, whose outstanding career climaxed in his holding the chair of philosophy at the University of Berlin, was, it is here contended, a sacralist. He religiously taught the supremacy of the State while at the same time demeaning the individual. He stated in one of his most fundamental statements on this subject:

“... the Universal is to be found in the State ... the State is the Divine Idea as it exists on earth. We must therefore worship the State as the manifestation of the Divine on earth ... that state is the march of God through the world.”³³

Hegel brings out another dimension to this rather intriguing subject. He describes the State as an object of worship, the “Divine Idea”. He describes it further as the Universal (that is, the absolute), the very apex of humanity or human development. To him the State was the common religion all members of any given society were to commit themselves to. Hegel taught a form of atheism or secularism. If God is God, he must be divine, he must be universal, and he must be worshipped. This god, according to Hegel, is the State, “the march of God through the world.”³⁴ This is seen in countries that have adopted atheism as the official “state religion”. This seemingly contradictory term simply means that some countries view atheism as more than just an assertion that there exists no god or some passive non-belief in the supernatural, but a deliberate, positive, officially endorsed, state-sponsored code of belief. The Albanian

³² *BBC News*, Wednesday, December 23, 1998.

³³ Cited in Karl Popper. *THE OPEN SOCIETY AND ITS ENEMIES*. 4th Ed. [Princeton: Princeton University Press, 19_ _], 2:31.

³⁴ Ironically, it is this Hegelian fuel that kept the fires of tyranny of many twentieth century regimes quite well ablaze.

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³² *BBC News*, Wednesday, December 23, 1998 [2000].

³³ Cited in Karl Popper. *THE OPEN SOCIETY AND ITS ENEMIES*. 4th Ed. [Princeton: Princeton University Press, 19_ _], 2:31.

³⁴ Ironically, it is this Hegelian fuel that kept the fires of tyranny of many twentieth century regimes quite well ablaze.

government in 1967, for instance, made atheism the “state religion”. This designation remained in effect until 1991.³⁵

Then again, atheism has every so often been the official stance of many a Communist and many a Marxist country (such as the former Eastern Bloc — but also such as the People’s Republic of China today). The atheist son of a Jewish Rabbi, Karl Marx, to whom many communist states owe their political ideologies, taught that religion was the ‘opiate of the masses’. By this, he meant that religion existed in order to blind citizens to the true state of affairs in a society, and thus make them more acquiescent to social control and exploitation. Such states may have often found it quite expedient to put a damper on all religions so as to weaken any possible centres of opposition to their absolute control over their countries. In the Soviet Union and in the People’s Republic of China, some churches that yielded to strict state control were merely “tolerated.”³⁶ By implication, any church that refused to submit to strict state control and which sought to exercise freedom of worship was not and could not be tolerated.³⁷ The import of the term *tolerated* lies in the fact that it connotes an element of odiousness on the part of Government. The churches were not necessarily desired but merely put up with. In other words, they were not granted permission to enjoy their freedom of worship as of right but as mere benevolence of the State.

It follows, therefore, that any society, be it ancient, primordial or contemporary, modish, that practices sacralism is quintessentially pre-Christian. Any society that insists on its members dwelling together by a common religious loyalty, or a religion to which all the members of that society are committed is in fact pre-Christian in its constitution. However, it must equally

³⁵ “Atheism”. THE WIKIPEDIA. Cited on http://www.worldwidewebfind.com/encyclopedia/en/wikipedia/s/st/state_religion.html [accessed 13/08/2004]

³⁶ *Ibid.*

³⁷ In fact, between November 8 and December 31 of 1917 the Russian Bolshevik party under the leadership of Lenin and Trotsky passed 193 decrees, turning all doctrines and theories of extreme socialism into legislative decrees. This included inter alia, the disestablishment of the Church, and the commencement of the preparation for a world-revolution on the same extreme socialist lines. For details, see Ketelbey, C.D.M., A HISTORY OF MODERN TIMES — From 1789, 4th Edition. [London: George G. Harry & Co. Ltd (1964)], pp.457ff.

mean that any State that insists on its citizens following a particular creed or ism that robs them of the right to the freedom of worship is by default pre-Christian, a type of sacral society.

2.1.4 NEO-SACRALISM AND THE FREEDOM OF WORSHIP — THE TWENTIETH CENTURY PHENOMENON

Verduin accuses the United States of practicing “sectarianism” — a new form of sacralism — “*the sacralism of secularism*”. This writer prefers to call it neo-sacralism because of its indubitable deviation from standard sacralist characterisation. While on the one hand it appears modest, and of course the likely predilection of any modern democracy, secularist sacralism in fact imposes *non-religion* on the citizenry. It denies citizens the right to hold on to, let alone teach religious beliefs. The 1983 United States case of RAY WEBSTER illustrates the lengths to which neo-sacralism is capable of stretching.³⁸ In this case Mr. Webster, a fifty-eight year old social studies teacher, had taught in a Chicago school for thirteen years. He had “an excellent employment record in the district.” However, in 1987 a student alleged that Mr. Webster violated the principles of separation of church and state in his social studies classroom by discussing both sides of creation and evolution. The student plaintiff involved the American Civil Liberties Union (ACLU) and the Americans United for the Separation of Church and State.³⁹ As a result, the district and the superintendent wrote to Webster advising him to immediately stop teaching both sides of this controversial area. According to the plaintiff’s brief,⁴⁰ the said letter “... failed to identify specific incidence in Webster’s classroom instruction which would even remotely indicate that he had violated the constitution or laws.” Webster had not presented a one-sided view of the evolution-creation controversy. He neither scoffed at nor censored either viewpoint. He simply presented the facts as they are given by theorists of both evolution and creationism. There was no allegation that he had taken sides.

³⁸ For a sound critique detailing the salient issues flowing from this case, see Dr. Jerry Bergman’s “Atheism: Official Religion of the USA — The Ray Webster Case”, for details contact origins@ev1.net.

³⁹ Cain, Cindy Wojdyla, “Teacher Defends Creation Science; Freedom of Speech is Issue: Webster.” March 27, 1988, Joliet Herald News.

⁴⁰ On Pp. 3-4.

He rather argued for the middle position, “objectively evaluating both sides, a view known as the agnostic stance.”⁴¹ However, Mr. Webster lost the case at the Appeals Court level. It was held, *inter alia*, that Webster was to “restrict his instruction” to topics which would not result in discussion of religious matter.

The denial of one’s right to the freedom of worship or religion or the freedom of conscience can generally be distinguished from neo-sacralism discussed in this paper. It may not for instance be entirely correct to classify the case of REX V DE JAGER⁴² as an instance of neo-sacralism. In this case De Jager was found guilty of being in possession of politico-religious material. In an appeal High Court Judge, Francis, held that such material “invariably excited controversy and its propaganda amongst primitive people quite feasibly leads to misconception....” The Court’s concern was the “subversive influence” the publication would have “on the natives”. It appears that the denial of De Jager of his freedom of religion and thought was — rightly or wrongly — due to its perception of the literature in question as being harmful or inimical to British political domination. De Jager was however not forbidden from exercising his religion. He was free to spread his religious beliefs around, or seek to win more converts, but not allowed to possess, let alone distribute the material the administration considered harmful to their interest. In WEBSTER, however, the defendant was forbidden from giving any other view of the origins of the world and universe, save for that which was prescribed in the curriculum — the evolutionist view. To this extent, not even the middle-line agnostic views were to be permitted, lest they provoke religious discussion.

The concept of neo-sacralism should therefore be understood to mean that *active* denial of one’s right to exercise his freedom of religion and yet an equally vigorous attempt to oblige such one to publicly teach a secular, state-sponsored, non-religious creed regardless of whether he believes in it or not. School children in the United States, for instance, are not allowed to pray or be seen to pray in public schools, while pro-religious statements in public gatherings

⁴¹ Dr. Jerry Bergman's "*Atheism: Official Religion of the USA – The Ray Webster Case*" [electronic copy].

⁴² [1931-1937] NRLR 13.

are clearly proscribed. An honour guardsman from a New Jersey veteran's cemetery was fired early 2003 for saying, "God bless you" to the family of the deceased. He normally used these words when the family had a chapel service or if a clergy person was at the graveside.⁴³ The guardsman lost his job because he exercised his freedom of expression and religious freedom publicly. In the same period high school students in Massachusetts were suspended for passing out candy canes and religious messages to their fellow students before Christmas.⁴⁴ In each instance the victims were accused of having allegedly breached what they termed the American Constitution's separation of Church and State as expressed in the First Amendment.⁴⁵ The extent to which courts in the United States have gone to promote neo-sacralism is astronomical. Dr. Bergham states that "unfortunately, the history of the courts is that, since 1926, they have, *without exception*, ruled against creationists. The only exception in all American history is the SCOPES trial, which has been touted as the case that the evolutionists lost in courts, but experienced an enormous win in the press and colleges."⁴⁶

Sacralism has always been associated with religion, a common state or societal religion, or religious system or observance. Verduin argues that the First Amendment which today has become the basis for denying citizens the right to practice religion was originally intended to preclude the rise of sacralism in the nation.⁴⁷ It appears that although the First Amendment officially repudiates sacralism, a subtle, and perhaps more deathly neo-sacralism has emerged out of it.

Neo-sacralism is also noticeable in European nations today. In Britain, for example, a worker was in 2003 dismissed for refusing to accept Sunday shifts because they interfered with his church attendance. He opted to go to a tribunal to argue that his employers' refusal to make concessions to accommodate his Christian beliefs were a breach of his human rights — in

⁴³ "Christ or Caesar?" *Revival Times*. Vol. 5, Wednesday 21 April 2004.

⁴⁴ *Ibid.*

⁴⁵ The First Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

⁴⁶ *Supra*, note 41.

⁴⁷ Verduin, L. *The REFORMERS AND THEIR STEP-CHILDREN*, p. 280.

particular, the right to freedom of conscience, thought and religion. Also, the legislation recently passed imposing a ban on the use of headscarves in French schools is clear evidence of the increase of neo-sacralism in France. The ban which took effect on September 1, 2004 is, according to authorities, aimed at proscribing hyper-religious activities, the introduction of ornaments and other symbolisms in *public* schools. Although the French government has advised school authorities not to force Muslim girls to remove the scarves, or treat them harshly, but, rather “reason with them”⁴⁸ the move still robs these girls of the right to exercise their freedom of religious expression. The ban is in and of itself a form of sacralism. Once a State begins to rob its citizens of the freedom of worship; or if it begins to prescribe what garments are or are not acceptable in a “secular state”, the repulsive head of sacralism immediately begins to emerge. Of course, if the religious act or practice poses a threat to defence, public safety, public order, public morality or public health⁴⁹ the State may justly deny the parties concerned the right to enjoy such religious obligation. The underlying current in the present headscarf debate in France appears to lie in the government’s reluctance to permit any religious observance that has the semblance of endorsing or at least the potential to promoting extreme Islamism or other potential pro-terrorist activities in the land.

Sacralism and her twin sister (neo-sacralism) have continued to grow around the world today. In most instances, while the more developed and modernised Western states have radically shifted away from old-style sacralism, they have unwittingly found themselves plunging into its metamorphosed version — neo-sacralism.

⁴⁸ “*BBC Main News*”, 2nd September 2004 (05:00 hours GMT).

⁴⁹ *C.f. Zambian Constitution*, Art. 19(5)(2).

3.0 CHAPTER THREE

3.0 STATE-CHURCH RELATIONS, VIS-À-VIS THE ADVENT AND IMPACT OF CHRISTIANITY

3.1.1 THE “RENDER TO CÆSAR — RENDER TO GOD” PRINCIPLE: SEED FOR CONCEPT OF SEPARATION OF CHURCH AND STATE

Having traversed sacralism’s rugged terrain it is worth scanning through the pages of church history a little while longer. This is so because in order to show the substantiated, positive relationship between Church and State in their apparent and actual union over the centuries, it will be necessary to cite examples from past and indeed present prototypes. This will help the reader come to terms with the general ramifications of institutionalised religion — *vis-à-vis* the constitutional, political, religious and social implications.

The question at the heart of the present-day separation of state and religion debate in many parts of the globe is and has been essentially: “*Is it lawful to pay taxes to Cæsar, or not?*”⁵⁰ The Jews in Jesus’ day were ‘pre-Christian’, and therefore sacralists. They were greatly troubled by the question how they could possibly be expected to loyally subject themselves to the political community by paying taxes (thus honouring heathen god-kings, such as Cæsar) without at the same time being disloyal to the religious community, the church? They were sacralists to the core and thence knew no answer to this solemn question.

Verduin brings out the first century Jew’s dilemma quite well:

“It vexed them every time they tangled with it. And for that reason they confronted the Master with it, so that He too might be embarrassed by it and be hopelessly pinned in a corner. How great must have been their surprise at the ease with which Jesus, acting on the new insight He had come to convey, sailed through the dilemma with “Render to

⁵⁰ HOLY BIBLE, Matthew 22:15–22.

Cæsar the things that are Cæsar's and to God the things that are God's." In His way of thinking there wasn't even any problem."⁵¹

This unique New Testament innovation was peculiar to the Christian religion alone. Nowhere else in the known world — and one would dare include the *unknown* world — was the concept of State as a *secular* institution ever contemplated (that is, in its etymological sense, if “secular” is to be understood as meaning that which pertains to this age or era⁵²). God-kings, the infallibility of the supreme leader, and the mysticism that went with the whole concept of the “State” was a common feature wherever organised communities were found.

Thus, even in the time of Jesus Christ, it was inconceivable that persons of very different religious leanings would freely meet in the open market and still get along without tearing at each other's throat. The teaching of Christ implicitly painted a picture of human society as composed of divisions and factions. Christ in the New Testament clearly taught that not all would accept His teachings nor would they all receive the message of the cross. It had been rather difficult at the time to comprehend Jesus' attitude towards persons who were either of a different religious or political proclivity, or merely pagan or irreligious. He still got on with all men and, according to the HOLY BIBLE, loved them. In fact, Jesus extended the meaning of love to include enemies and persecutors,⁵³ which persecutors may of course, include the State. Jesus' Apostle, Saint Paul, in his epistles encouraged, perhaps commanded, his Roman readers to be subject to their secular rulers,

“Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The Authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves. For rulers hold no terror for those who do right, but for those who do wrong.... For he is God's servant to do you good. But if you do wrong, be afraid, for he does not bear the sword

⁵¹ Verduin, L. THE REFORMERS AND THEIR STEP-CHILDREN, p. 23.

⁵² It must be observed that the general conception of the time was that political authority was somewhat divine, and not of this world; not secular. To many societies even during the time of Jesus Christ the ruler or the king was in actual fact, or at least in theory, a god. To suggest, as Jesus did, that the State could be viewed as a secular institution without the danger of falling into error was indeed a novelty.

⁵³ Matthew 5:44; Luke 6:27.

for nothing. He is God's servant, an agent of wrath to bring punishment to the wrongdoer. Therefore it is necessary to submit to the authorities, not only because of possible punishment but also because of conscience."⁵⁴

Paul in the same passage exhorts the Romans to pay taxes. For the authorities, he says, are the servants of God who give their full time to governing. "Give to everyone what you owe him," he urges, "If you owe taxes, pay taxes; if revenue, then revenue; if respect, then respect; if honour, then honour."⁵⁵ This was, to say the least, revolutionary; a clear case of *a-sacralism*.⁵⁶ How astonishing it must have been to his readers and to the whole Roman world that the great Christian leader (and writer of the largest portion of the New Testament) would give such instruction. It was indeed a new teaching, considering the fact that Paul wrote these words at the peak of Emperor Nero's terrible reign.⁵⁷ Nero was a monster of wickedness "remembered for His unstable character and his cruelty."⁵⁸ At the time Paul wrote this epistle, Nero was busy destroying the lives of helpless men and women of the ever-growing Christian "sect", yet St. Paul called on them to give honour to the governing authorities as they were "God's ministers".

The ordinary Jew would not associate with those of a different religious, let alone political persuasion — even where it involved people from within their own ranks. This is well illustrated by the rift that existed between the two opposing parties of the Jewish ruling council — the Pharisees and the Sadducees.⁵⁹ This Council (the Sanhedrin) was not only the executive wing of the Jewish government but it acted as a Court as well. The latter were the wealthy aristocrats and the high priests were chosen from their ranks, thus occupying the positions of worldly authority. They were supporters of the Roman government, and rather accommodating

⁵⁴ HOLY BIBLE. Romans 13:1-5.

⁵⁵ Romans 13:6-7

⁵⁶ Defined in part 3.1.1 below.

⁵⁷ Nero was the Roman emperor from 54-68 A.D.

⁵⁸ "Nero" *ENCYCLOPÆDIA BRITANNICA*, Vol. VII, 1983, p. 263.

⁵⁹ Notice that the only occasion that seems to have drawn the two rival camps in mutual harmony was when they had sought to execute the Lord Jesus Christ. For a detailed exposition on the extent to which these two starkly opposed parties grouped together to break both Roman and Jewish law in order to ensure the Christ's execution see my article, "*The Passion of Christ: The Greatest Scandal in Legal History Recast*". *LEGALITY JOURNAL*. [Lusaka: Venus Stationery Ltd. (2004)], p. 71.

to the Greek culture. "They accepted the Mosaic Law,⁶⁰ but favoured the laxer interpretation of it, rejecting the tradition of the Scribes."⁶¹ The Pharisees were on the other hand strict interpreters of the Mosaic Law and were bitterly hostile to foreign influences, and were close allies of the Scribes (the professional interpreters of the Bible, the lawyers). The two parties remained seriously opposed to each other and would have little to do with each other. The tense relations spread to the common man, in that although the Sadducees occupied the positions of highest authority in the Sanhedrin, the Pharisees, had more *real* power, for the latter had the people on their side. The Sadducees were viewed instead as rulers "out of touch with the springs of their peoples' lives."⁶² Any persons linked to the Roman authority or non-Judaist religious convictions were considered "sinful" outcasts. The tax-collectors, for instance, were considered traitors because of their willingness to collect taxes for Cæsar, the Roman deity and oppressor of the Jews. The Jews would spit to the ground in disgust when they saw a Jewish Tax-collector cross their pathway. The half-Jewish Samaritans were disliked especially for their unwillingness to follow Jewish religious rites to the letter. The Jews would therefore have no dealings with them whatsoever, nor would they willingly share homes, wells or even hold discussions of any sort with them.⁶³

The actively non-sacralist disposition of Jesus Christ was therefore so atypical that he earned Himself the nickname "Friend of Sinners". He was accused of welcoming people of different political, social and religious leanings; and eating with them.⁶⁴ He dined with the religious elite who as far as His teaching was concerned were spiritually lost;⁶⁵ a bloodthirsty throng that

⁶⁰ It is worth noting that the Hebrew Code as opposed to the "*torah*" which signifies "instruction" or "direction" is never used in reference to secular law. According to Diamond, A.S. in THE EVOLUTION OF LAW AND ORDER. [London: Watts & Co. (1951)], p. 226, the secular law, which is indeed the concern of this paper, or "*mishpat*" (plural "*mishpatim*") has the literal meaning of "Judgment" and is derived from the statement, "Now these are laws (*mishpatin*) that thou (Moses) shalt set before them (Israel)." See for example Exodus 21:2 to 23:9. In this paper the main focus is on the Laws of the land.

⁶¹ Diamond, THE EVOLUTION OF LAW AND ORDER, p. 226.

⁶² *Ibid.*

⁶³ See HOLY BIBLE, John 4:9

⁶⁴ HOLY BIBLE, Luke 15:1-2. In old Jewish tradition a meal was only eaten with persons of like-mind. It was a sign of profound and healthy relations. Jesus dined and ate with all men and women, thus breaking down every wall of hostility that existed between persons of different social strata.

⁶⁵ Luke 14:24

desperately looked “for as sly way to kill Him.”⁶⁶ Yet He was willing to dine with them, reason with them, and share His thoughts with them. It was rather outlandish, therefore, that He sought to meet the needs of both the Jews and the Roman officers that came along His way — the needs of both the subjects of Yahweh, the God of the Jews, and the subjects of Cæsar, the god of the Romans.

Thus, Jesus response to the paradoxical premise upon which the question “*Is it lawful to pay taxes to Cæsar, or not?*” lay has without doubt led to much good in society today. The concept of separation of Church and State began here, and today continues to hinge upon these words. It is evident from past and present history that the moment a nation loses sight of this fundamental Christocentric doctrine it inadvertently falls into either sacralism or neo-sacralism. The fact that Jesus refused to forbid His fellow Jews from paying taxes to Cæsar was indeed revolutionary, the beginnings of the notion of non-sacralism, the birth of the concept of *a-sacralism*.

3.1.2 THE BIRTH OF A-SACRALISM — CHURCH AND STATE SEPARATED

A-sacralism is simply the absence of sacralism. It is the conscious rejection of the notion that the roles of the State and the Church may be fused, if not confused. It is the argument that societies should not be bound together by a common religious loyalty or by any religion to which all the members of that particular society are to be committed.⁶⁷ It is the position that citizens must be able to distinguish their civic duties from their religious duties. Verduin states as follows:

“In the New Testament vision, that which we today call the State and that which we now call the Church are agencies that cater to differentiable loyalties. The State demands a loyalty that all men can give, irrespective of their religious orientation; the Church demands a loyalty which only he can give who believes in Christ. The Sate has a sword with which it constrains men, coerces them if need be; the Church has a sword

⁶⁶ Luke 22:2

⁶⁷ C.f. Verduin's definition of sacralism, page 5, note 14.

also, but it is the sword of the Word of God, a sword that goes no farther than moral suasion.”⁶⁸

Renowned Bible scholar and lecturer at Zambia’s Reformed Baptist College, Conrad Mbewe, in his book RENDER TO CÆSAR WHAT IS CÆSAR’S, asserts that the Church and State “are two separate institutions ordained by God with distinct terms of reference.”⁶⁹ The State, he avers, “is the organisation of human beings beyond the family set-up into bigger social structures with representative heads....”⁷⁰ It is a means of external security. Similarly, O. Hood Phillips defines the State as “an independent political society occupying a defined territory, the members of which are united together for the purpose of resisting external force and the preservation of internal order.”⁷¹ Phillips holds on to the theory that every independent State must profess to exercise both these functions, if it should qualify to be called as such. The State must impose law in order to provide security against the excesses that follow unrestricted freedom. “Hence the significance of Cicero’s paradox: *omnes legume servi sumus ut liberi esse possimus* (we must all be slaves of the law if we are to be free). In this sense freedom is based on the ‘recognition of necessity’.”⁷²

The State is further described as a “political organisation of society, or the body politic, or, more narrowly, the institutions of government.”⁷³ The State is the entity which has a population, a government, a territory and the monopoly of force. The term came to prominence in the 16th century, largely as a result of its employment by Machiavelli in THE PRINCE. Machiavelli believed in absolute authoritarian government as a means to preserve the State. He considered force and skill to be the essence of a successful government.⁷⁴ This use of force by the Prince (ruler) was limited to the period at the foundation of the State. That is to say, when

⁶⁸ Verduin. THE REFORMERS AND THEIR STEP-CHILDREN, p.22.

⁶⁹ RENDER TO CÆSAR WHAT IS CÆSAR’S — THE RELATIONSHIP BETWEEN CHURCH AND STATE [Lusaka: Kabwata Baptist Church Publishing Ministry, (1999)], p.3. (Originally a paper presented at the Evangelical Fellowship of Zambia (EFZ) Political Seminar, Friday 7th June, 1991, defining the purpose of the Church and outlining her responsibility to the State).

⁷⁰ *Ibid.*

⁷¹ Phillips, O. Hood, CONSTITUTIONAL AND ADMINISTRATIVE LAW, 5th Ed. [London: Sweet and Maxwell (1973)], p.5.

⁷² Curzon, L.B. JURISPRUDENCE. [Estorer: Macdonald & Evans Ltd. (1979)], p. 30.

⁷³ “State”. ENCYCLOPÆDIA BRITANNICA, Vol. IX. 15th Edition [Chicago (1981)].

⁷⁴ “State” THE CONCISE COLUMBIA ENCYCLOPÆDIA. [Columbia University Press (1994)] (Electronic copy)

the foundation of the State has been instituted by an 'unfree' people the ruler must have absolute power to establish the laws necessary to achieve security. He went on to add, however, that once these laws are established the public spirit eventually demands a full share in the government and the final establishment of a Republic. In this case power will lie in the people; for if they are oppressed they will (in all likelihood) overthrow the ruler. Modern political thought, however, considers the State as having come into existence as the natural consequence of the need of men for order and protection. It is generally agreed by various authorities that the State exists to regulate the affairs of men or, as Lippmann puts it: "In a free society the State does not administer the affairs of men. It administers justice among men who conduct their own affairs."⁷⁵

Mbewe insists, therefore, that the State is a necessary, and beneficial, as well as God-ordained institution. He describes it as a "gift of God's *common grace*" to mankind. By it God negatively restrains evil on the one hand, while on the other positively propagates the second greatest commandment — 'You shall love you neighbour as yourself.' (A principle adopted by Lord Atkin in the celebrated case of DONOGHUE V STEVENSON⁷⁶ and from which the "neighbour principle" was given birth). Murder, adultery, theft, lying and other such ills, states Mbewe, are restrained, while human life, the marriage bond, the family, private/personal property, and truth are safeguarded. All this happens, not so much because men are somewhat conscious that God has commanded it, but because they see it as crucial for their mutual existence.⁷⁷ The modern State has today become a "highly complex organisation."⁷⁸ It protects property rights, the individual liberty and the dignity of its citizens. It provides new devices such as the prevention of the abuse of power as the institution of the ombudsman or the

⁷⁵ Lippman, Walter. THE GOOD SOCIETY. Chapter 12, (1937). Cited in THE CONCISE COLUMBIA ENCYCLOPÆDIA. (1994) — Electronic copy.

⁷⁶ [1932] AC 562.

⁷⁷ Mbewe (*Supra* note 69, at p. 20).

⁷⁸ "Christianity, Origins of." MARXISM, COMMUNISM AND WESTERN SOCIETY: A COMPARATIVE ENCYCLOPÆDIA, Vol.1. C.D. Kering (ed). [New York: Herder & Herder (1972)], p. 99.

Human Rights Commission. It is constantly concerned with the standard living, liquidation of poverty and internal security.⁷⁹

The Church on the other hand begins *stricto sensu* with the call of Abraham in Genesis 12:1–3. It began with a conscious call of God, and not by human invention or ingenuity. Although true believers did already exist many decades before Abraham was born, the God of the Bible chose to establish the Old Covenant Church through him and his descendants. The pre-Christian church was however embodied in the visible, distinct and separate Jewish State. It remained in this form until the death and resurrection of Christ when it took on an international and later worldwide tone.

Mbewe states that the Church was instituted as “a vehicle for his *special grace* ... for the purpose of spreading God’s special revelation of Himself to the whole world.” Clow’s elaborate definition of the church is enlightening. The Church he says is —

“... a society founded by Christ, composed of men whom He has called out of the world and gathered round Him to be a witness to Him. It is the sanctuary of His worship, and the instrument of His Spirit. It is the organ through which the great truths of God and of the meaning of the words and life and passion of Christ are declared.”⁸⁰

Clow eloquently drives the point home when he avers that the unquestioned obligation of the Church is to proclaim the truth — that is, the *Cross of Jesus Christ*. He then boldly declares that “if the Church neglects this line of duty and instead chooses to make her courts places of discussion over economic or industrial problems, or if she turn her officers in a distress committee, her candlestick shall be removed.”⁸¹ The Church did not establish itself as a formidable NGO or civil liberties confederacy. Clow rightly warns that a departure from his calling “by interfering in the economic strife and labour capital” will lead a Gospel minister to “no longer deserve or receive the respect of conscientious men.”

⁷⁹ *Ibid.*

⁸⁰ Clow, W.M. *CHRIST IN THE SOCIAL ORDER*. [London: Hodder & Stoughton (1913)], p. 258.

⁸¹ *Ibid.*

It is not surprising therefore that Heritage Party President, Brig. Gen. Godfrey Miyanda in an open letter to President Mwanawasa recently accused him of having caused former Vice President Nevers Mumba to commit “abominable things” and defend things he did not believe in. He is reported as having stated further, that Dr. Mumba’s voice had become of “questionable credibility.”⁸² This, he in essence stated, had led to Dr. Mumba’s loss of the admiration of the common man; or as Clow would have it, to have ceased to deserve or receive the respect of conscientious men. Dr. Mumba’s apparent confusion began as far back as 1997 when his Victory Ministry seems to have gotten entangled in this web of confusion. The Ministry’s website⁸³ proves this assertion correct. In his letter to his ministry supporters, dated September 4, 1997, Dr. and Mrs. Mumba reveal that:

“The National Christian Coalition was formed as a movement to mobilise a moral leadership. With no other stronger voices at the time to challenge the evils of government, a decision was made at our first national council to transform the movement into a political party with a view of forming government.... This decision is irreversible, as one event led to another. I was elected Presidential candidate at our National Assembly ... to participate in the elections.”

This move quite naturally led to his losing financial support from his usual financiers, and in serious personal debts of close to US\$100,000. Today Dr. Mumba has virtually deserted his pulpit ministry for the lucrative dainties of the scrumptious political dish. Had he realised that the Church’s first line of duty is not to make laws or lobby public questions or monitor parliamentary and presidential elections, or as Clow puts it, “play policemen in the streets — but [rather] to make men of faith,”⁸⁴ he would have avoided the difficulties he found himself in. However, after spirited, desperate attempts to impress his paymaster, Mumba has been left disgraced and terribly bruised. His attempt to keep one foot in Cæsar’s affairs and the other in the service of God has yielded little. On September 4, 2004 President Mwanawasa who expressly stated he had “regretted” appointing Mumba as his deputy suddenly dismissed him. It appears Mumba had attempted to toe the line of multi-millionaire and owner of the Christian

⁸² “Mumba’s Voice is Questionable, Miyanda Tells Levy”, *The Post*, September 2, 2004/

⁸³ <http://www.zambiashallbesaved.org/Profile-friends.html>. [Accessed 19/08/2004]

⁸⁴ *Ibid.*

Broadcasting Network, Pat Robertson, who gave up his ordination as a Baptist minister in 1988 when, according to his former television co-host Danuta Soderman Pfeiffer, “he was ensnared by the idea that God called him to run for President of the United States.”⁸⁵ The 1988 run for the Oval Office, which began with Robertson announcing his endorsement “by Highest Authority”, was not some quixotic adventure. The race, it is said, generated a mailing list of three million grim Americans of the heartland, whose rage against the establishment was given voice by Robertson forming, out of defeat, the Christian Coalition.⁸⁶ Robertson’s Christian Coalition was born out of defeat, having failed to gain entry into the White House. Nevers Mumba’s National Christian Coalition vision, on the other hand, died the moment he ascended to the second-highest position in the land. Mumba sold his birthright for a pot of red soup. He rapidly dissolved his party, and, in order to keep his job, changed his political and perhaps his religious tone. Patriotic Front leader Michael Sata’s constant warnings against Mumba’s cadre-like disposition, which he said would leave him disgraced, have today been vindicated. It has been proved, since the establishment of the New Testament Church, that the amalgamation of the two utterly important institutions will always lead to the death of one or both institutions or the ineffectiveness of either, and quite often the ignominy of all the actors at play.

While both the Church and State deal with the same people or community, operate in related spheres, and are both instruments designed to bring good to the nations in which they exist, the two institutions have a different mandate. The State’s “horizontal” role is and must immediately be distinguished from the Church’s “vertical” role. The State’s success is, on the one hand, measured by the extent to which it has been able to provide for its citizens — socially, politically, economically, constitutionally, *et cetera*. The Church’s measuring rod on the other hand, is not how much political power or influence⁸⁷ it has accumulated in the nation

⁸⁵ *Observer*, London May 23, 1999. Cited on http://www.sullivan-county.com/news/pat_quotes/palst.htm [accessed 23/08/2004].

⁸⁶ *Ibid*.

⁸⁷ *C.f.* article by Kayumba, Liseli: “Churches call for concerted fight against corruption.” *The Post* 3rd July 2001, p. 5). The opening paragraph reads in part: “Churches must be involved at all stages of the electoral process to fight possible incidents of corruption.” A clear misplacement of roles!

but, rather, by its success in carrying out the *Great Commission*⁸⁸ — that is, the salvation of the sinner and the sanctification of the saint. The development of good and upright citizens as described in Paul’s Epistle to the Romans, referred to on pages 17 and 18 above.

Abraham Lincoln argued that the role of the statesman is not to meddle in the affairs of the churches or foment trouble in religious organisations.⁸⁹ He stated in his speech to the voters of the seventh congressional district,

“I do not think I could myself, be brought to support a man for office, whom I knew to be an open enemy of, and scoffer at, religion. Leaving the higher matter of eternal consequences, between him and his Maker, I do not think any man has the right thus to insult the feelings, and injure the morals, of the community in which he may live. If, then, I was guilty of such conduct I should blame no man who should condemn me for it...”⁹⁰

A successful State is accordingly not one that has declared itself God-fearing, but one that has provided the required internal and external security and stability that would permit its citizens to enjoy a peaceful and prosperous life. It matters not whether the leadership is religious or atheistic. The question they must answer to determine their success is whether they have achieved their horizontal calling. How effective is its micro- and macro- economic policy? How well has it kept its borders secure from mercenaries or terrorists, how effective are its foreign politics, its level of democracy, *et cetera*. The President must be seen to “be concerned with what the diplomats are doing to the nation’s military strategy, and vice versa, and what defence spending and foreign commitments will cost in taxes and inflation.... The president must [have] an interest in balancing the competing forces and interests in major areas of public policy...”⁹¹ and not get entangled in religious affairs, save for his own private, and personal spiritual good.

⁸⁸ As given by Jesus Christ in the HOLY BIBLE, Matthew 28:18-20

⁸⁹ That is, where the religious grouping is not in breach of any law of the land.

⁹⁰ Angle and Miers. THE LIVING LINCOLN, p. 89.

⁹¹ Porter, Rodger B., PRESIDENTIAL DECISION MAKING — THE ECONOMIC POLICY BOARD [Sydney: Cambridge University Press, (1988)], p. 22.

Shifting the spotlight towards the Minister of the Gospel, Richard Baxter (1615-1691) who while still vicar of Kidderminster had this to say,

“... the unquestionable duty of the generality of ministers ... [is *inter alia* to ensure] ... that people [are] taught the principles of religion It is no less certain, that so great a work as this should take up a considerable part of our time.... The ministerial work must be carried on purely for God and the salvation of souls, not for any private ends of our own.... The saying of Bernard is commonly known: ‘Some desire to know merely for the sake of knowing, and that is shameful curiosity. Some desire to know that they may sell their knowledge, and that too is shameful. Some desire to know for reputation’s sake, and that is shameful vanity. But there are some who desire to know that they may edify others, and that is praiseworthy...’⁹²

It is doubtful Baxter would have used the same tone when describing veteran politicians. It may not necessarily be vain for such a one to ‘desire to know’, that he may sell his knowledge to the electorate and win back an extra vote; nor is it unreasonable for a politician to ‘desire to know’ for reputation’s sake. For in many instances the politician’s reputation will determine his political career. As Porter puts it, a “good” decision-making formula does not necessarily secure “good” or wise decisions. “It can, however, provide the means for the President to make his decisions intelligently and not ignorantly.”⁹³ In short, his lack of knowledge will cost him dearly as he will have earned himself the reputation of an ignoramus.

In a nutshell, the “render to Cæsar — render to God” principle discussed in part 3.1.1 above is the basis upon which a-sacralism rests; it is the very foundation of the doctrine of separation of Church and State. Here the lines are drawn. Here the great chasm breaks open between the call of the Minister of the Gospel and that of the Minister of State. Any attempt to fill up the necessary gulf and fuse the roles of Church and State has proved, at least in history’s unalterable pages, to be fatal to both institutions and to society at large.

⁹² Baxter Felix, THE REFORMED PASTOR. [Carlisle: The Banner of Truth Trust, 1994], p. 42,

⁹³ *Op. Cit.* at p. 1.

4.0 CHAPTER FOUR

4.1 THE IMPACT OF “CHRISTIAN A-SACRALISM” ON WESTERN-TYPE DEMOCRACY — GENERAL

Serious study has already been done, while first-rate expository treatises and learned apologetics have been written on the subject of Church history, and it is therefore not intended, here, to make any substantial inquiry into the subject.

It is worth noting nevertheless, that the quest for divine guidance among leaders quite unequivocally traces its origin to as far back as memory can possibly scan. Literally every tribe, chiefdom, indeed every realm in the pre-Christian era relied on some divine power or cherubic wisdom for its survival both in tranquil times and in times of turmoil. King after king, chief after chief picked the brains of their spiritual guides — the diviners, the telepathists, the mediums, the seers, and many others of the like — even in the most impossible and unlikely situations. While kings relied on the supernatural for power, influence and wisdom, the subjects regarded him as a deity or at least quasi-divine. They treated the “national” prophets and seers, gurus and sangomas with reverence and awe. Their words carried the day and whatever they uttered was religiously obeyed.

It is an indisputable fact therefore that Christianity has brought about a radical change in the manner of thinking of societies where it has had a tremendous impact. The Christian legacy in Europe and in the United States of America, for instance, has played a pivotal role in shaping these countries to the height of their present prosperity. The Christian ‘code’ — its norms and values — taught good and responsible behaviour among citizens. The message was so potent that the early church, living under a more oppressive government than many dictatorships of modern times,

“...willingly submitted to Rome and never once attempted to form a political party or change Roman laws. They refused to allow any political crusade to take priority over

the Gospel. They had a heavenly mission and eternal goals as opposed to temporal ones. They weren't merely interested in making a *better* society; they wanted to completely *transform* it with the message of the Gospel."⁹⁴

Human Rights Laws, as they are known today, cannot be intelligently discussed without reference to Christianity or the influence of it. In a sense, western-type individualism or individual liberties may be attributed to Christ's teaching of loving one's neighbour as one's self and doing unto others as one would have them do unto them. Henry Fish claims that Christian individualism is of a more sublime nature than the type known in modern times. He recounts how the (late) distinguished statesman, Daniel Webster, was once asked what the most important thought was that ever occupied his mind. He is said to have replied, with deep seriousness, "The most important thought that ever occupied my mind, was the thought of *my individual responsibility to God*."⁹⁵

This thinking was admittedly based on the fundamental Christian principle that developed significantly during the Reformation; that every man is singly and for himself held accountable to God. As a distinct being, he is called to account both now and on the judgement day for his deeds while still in the body. According to Fish a man's acts are reckoned as his own though he were influenced never so much in the performance by others. Thus each individual has been assigned by the sovereign will of God a specific task for which he will be called to account, and there is thus "no provision made for idlers.... There is no provision by which a man may depute another to serve God *for* him, and thus be released from personal duties."⁹⁶ Abraham Lincoln brought this fact to the fore in his shortest speech (and according to Angle and Miers his best speech) on December 6, 1864, in which he was reacting to a claim made by the wife of a prisoner of war released at his discretion —

"... You say your husband is a religious man; tell him when you meet him, that I say I am not much a judge of religion, but that, in my opinion, the religion that sets men to rebel and fight against their government, because, they think, that government does not

⁹⁴ See "Church-State Relations" <http://dmoz.org/Society/Issues/Church-StateRelations/Anti-Separation/>

⁹⁵ Fish, Henry C. *PRIMITIVE PIETY REVIVED*. [Harrisonburg: Gano Books. 1987], p. 194. (Italics Fish's).

⁹⁶ *Ibid*, at p. 196.

sufficiently help *some* men to eat their bread on the sweat of *other* men's faces, is not the sort of religion upon which people can get to heaven!"⁹⁷

Good religion ought to make bad people good. Good religion *must* make good politicians *better*.

The definition of *individualism* in the Christian sense was quite distinct; and because men were said to be accountable and, indeed, responsible for their individual acts, and hence accountable to both God and man, to both celestial as well as to temporal government, Western Europe benefited greatly from sound doctrine as regards civil duties and responsibilities, human rights law, constitutional and political reform, *et cetera*.

Christ's disciples had been taught not to disobey civil government (unless, of course, they were being compelled to disobey God's Word).⁹⁸ Rather they were to subject themselves to Government⁹⁹ and even pray for the vilest of rulers and authorities — even amidst tremendous persecution — so that they (the believers) might live a tranquil life.¹⁰⁰ This 'Code' was passed on from generation to generation. The influence of Christianity upon the known world was therefore astronomical, and it appears that it was the teaching of *Christ* that influenced Christianity more than any human 'ism' or political inventiveness. As Darryl M. Erkel notes,

"...when has any society been reshaped for spiritual and moral good through the 'political process'? Genuine moral reform will simply never come through the 'political process', but only through lives transformed by the Sovereign hand of God working through the greatest message in human history: The Gospel of Jesus Christ."¹⁰¹

Charles W. Colson, a political insider and former presidential aide to Richard Nixon, has this to say:

⁹⁷ Angle, Paul M. and Earl Schenck Miers. THE LIVING LINCOLN. [New York: Barnes and Noble Books, 1992], p. 634.

⁹⁸ See HOLY BIBLE, Acts 5:29.

⁹⁹ Romans 13:1-7; Titus 3:1-2; 1 Peter 2:13-17.

¹⁰⁰ 1 Timothy 2:1-2.

¹⁰¹ *Ibid*.

“Today’s misspent enthusiasm for political solutions to the moral problems of our culture arises from a distorted view of both politics and Christianity — too low a view of the power of a sovereign God and too high a view of the ability of man. The idea that human systems, reformed by Christian influence, pave the road to the Kingdom — or at least, to revival — has the same utopian ring that one finds in Marxist literature. It also ignores the consistent lesson of history that shows that laws are most often reformed as a result of powerful spiritual movements (not vice versa). I know of no case where a spiritual movement was achieved by passing laws.”¹⁰²

Colson’s point is that history has consistently shown, at least in the Western world, that spiritual movements have been the main catalyst for good laws in the region. Christianity is undoubtedly responsible, to a notable extent, for the continuous attempt to introduce “humanity” into the law, to champion the cause of the weak, and, at least in part, to cause legislation penalising divorce, and other human ills that once went unpunished.¹⁰³ However, Erkel rightly notes that the Christian influence did not mean that all persons living in the USA, and, indeed, Europe at the time were all regenerate Christians. He strongly argues that while America has, indeed, been influenced by Christian values, it has “never truly been a ‘Christian Nation,’ unless, of course, we wish to water-down the theological meaning of the term ‘Christian’ and reduce it to one which merely denotes common morality and virtue.” The only ‘Christian Nation’ that the New Testament speaks of are those who have been spiritually regenerated by the Holy Spirit¹⁰⁴ and who dwell in every country and region of the world.¹⁰⁵

It appears here that Erkel seeks to take for granted, or at least seems to make an assumption, that his readers are alive to the fact that Christian values are what have shaped Western Europe, and indeed, the United States. Erkel’s statements come as a result of the heated debate currently going on in the United States over the whole question of the separation of Church and State. Two camps have evolved either criticising any attempts to wed the two, or on the other hand, to sever their intermingled relationship altogether. Erkel belongs to the former camp.

¹⁰² "The Power Illusion." POWER RELIGION, Michael S. Horton (ed.) [Chicago: Moody Press, (1992)], p. 32.

¹⁰³ Jolowicz, H.F. HISTORICAL INTRODUCTION TO THE STUDY OF ROMAN LAW. [Cambridge: University Press (1939)], p. 521.

¹⁰⁴ Matthew 21:43; 1 Peter 2:9.

¹⁰⁵ Revelation 5:9; 7:9.

Christian a-sacralism has played a pivotal role in bringing about development in the world today. The insistence that Church and State be separated, that the two institutions be given room to subsist along each other without interference from either cannot be over emphasised. The negative impact on the other hand of Constantine's reforms, and his attempt to fade out the dividing line between the two brought about one of the most darkest moments in the history of the Church and State.

4.2 THE IMPACT OF "CONSTANTINIAN SACRALISM" ON WESTERN-TYPE DEMOCRACY: THE RISE OF PAPAL POWER

For a helpful treatise on this subject the reader is referred to S.M. Houghton's *SKETCHES FROM CHURCH HISTORY*.¹⁰⁶ Houghton shows in his well-researched book that the year 311 saw the end of the persecution of the Christian church. Constantine who had become the sole emperor had lost all confidence in the national gods, and was consequently driven to call on the Christian God. Houghton notes, however, that it is very doubtful whether Constantine was ever truly converted. While on the one hand his predecessors had persecuted the Christians for political reasons, Constantine favoured the followers of Christ on similar grounds, showing a willingness to continue a policy of toleration which had, in fact, been introduced about a year before he won his major victory in the battle of Milivian bridge in the name of the cross of Christ. However, Kathleen Bliss¹⁰⁷ states that Constantine stated in his own words that his concern was "to unify the mind of all peoples concerning the divine" and to heal the divisions and wounds in the empire.

Christianity therefore emerged from the period of persecution and entered upon years of peace and even favour from the State. Rich privileges, huge estates, churches built by the State became commonplace, while preachers received liberal salaries from government (that is, they were placed on government payroll!) In time the favouring conditions the Church enjoyed led

¹⁰⁶ [Carlisle: Banner of Truth Trust (1995)] p. 20-34

¹⁰⁷ In *WE THE PEOPLE*. [London: SCM Press Ltd. (1963)], p. 37.

to their gaining considerable political power. They oversaw the conduct of public officials, participated in the affairs of local government, and had important functions both in the city and provincial governments. They even took part in the administration of justice.¹⁰⁸

Although the two institutions began as very strong allies each deriving material benefits from the other's support, there nevertheless was an underlying discord. As reveals Calisse, amid the multiplicity of race, language, customs and laws the Church formed a very powerful bond of union. "The emperor sought to use it for political ends, the [Church leaders] to use the Empire for religious ends.... The Church naturally sought an ally and found it ready in the Roman population." While the emperor who had been the religious head of pagan Rome maintained his 'headship' even of the Christianised Empire, papal power in Rome began to emerge. Papal power began its crescendo when for a number of reasons Constantine had opted to move the capital of the Empire from Rome to Byzantium on the Bosphorus, a narrow strait separating Europe from Asia, which he renamed Constantinople. From this time onwards no emperor resided in Italy. The traditional seat of power therefore remained vacant and the bishops of Rome accordingly conspired together to amass power to themselves. They began to claim that Peter the Apostle had laboured for some 25 years as Bishop of Rome.¹⁰⁹ Later the patriarch of Rome prevailed over Constantinople claiming authority, as the "successor" of Peter, over the whole Church. The name patriarch was changed to *Papa* (or Pope) in early sixth century. In the early years the Roman emperors for purely political reasons had sought to maintain unity in the empire and hence harmony between the Church and State. Any person therefore who was branded by the church a heretic and who was consequently excommunicated was dealt with quite severely and this included loss of almost all civil rights, for "those who were ecclesiastically dead were also civilly dead."¹¹⁰

¹⁰⁸ Calisse, Carlo. HISTORY OF ITALIAN LAW. [South Hackensack, NJ: Rothman Reprints (1969)], Pp. 33, 34

¹⁰⁹ See SKETCHES FROM CHURCH HISTORY, at p. 31, where Houghton insists that there is no historical or biblical evidence to support this claim, although it is probable that he died there.

¹¹⁰ Calisse. HISTORY OF ITALIAN LAW, p. 515.

The Pope at first represented the spiritual power as head of the Church, and the emperor representing temporal power took the position of the head of the Empire. As the decades rolled on the pope's unlimited aspiration for more and more power led him to claim more authority even in temporal matters. Houghton states that this "sinful strife" threw Europe into political chaos and dragged the Church into mire of darkest crimes.¹¹¹ A power struggle at the helm of the Roman Church led to millions of scandalous crimes, some popes being deposed, others imprisoned, still others assassinated. The intermingling of Church and State affairs was soon to pay its toll. The pope had gained such incredible power and influence over the whole of Western Europe to the extent that the line separating the two institutions began to become more and more blurred, in favour of papal power. Soon the pope could excommunicate kings, taking away their monarchical power and basic civil rights. Henry IV of France, for instance, was twice excommunicated from the Church by Pope Gregory VII because of insubordination. He died in 1106 dethroned and deeply humiliated. In England, Pope Innocent III excommunicated King John of England in 1205 for the latter's disobedience over the appointment of a new Archbishop of Canterbury. As a consequence Innocent III placed the entire realm of England under an interdict, and told France's king that he was free to take the English crown to himself,¹¹² but before the king of France could cross the English Channel John submitted to the Pope on the Pope's terms. A pact was entered into wherein John would surrender his kingdom to the Pope who would then allow John to rule over it as vassal for rent of 1000 marks per annum.¹¹³ That is how outsized the Pope's power had grown.

The Council of Trent is the most authoritative of all Roman Catholic creedal statements. It declares, concerning the Pope: "All power on earth.... All temporal power is his; the dominion, jurisdiction, and government of the whole earth are his by divine right. All rulers of the earth are his subjects and must submit to him."¹¹⁴ With this overwhelming power it is not surprising that the number of lives that were destroyed by the Pope down through the centuries

¹¹¹ *Ibid.*, p. 51.

¹¹² Houghton. SKETCHES FROM CHURCH HISTORY, p. 58.

¹¹³ *Ibid.*, p. 59.

¹¹⁴ Cited in Boettner, Loraine. ROMAN CATHOLICISM. [Philipsburg, NJ: The Presbyterian and Reformed Publishing Co. (1962)], p. 407.

is unspeakable. In fact, the Catholic Encyclopædia, Vol. XIV, at page 768 reveals that the position of the Church on dissenters was simply that “heretics may be not only excommunicated, but also justly put to death.” The people and nations during the Middle Ages were so faint-hearted that usually little more than the mere threat of such action as excommunication or the interdict was required for the Roman Church to secure whatever property or obedience it desired.¹¹⁵ The departure from “Christian a-sacralism” led to untold misery. The consequent amalgamation of the Church and State, which to all intents and purposes fell in favour of the Roman Church, led to the gradual withdrawal of fundamental human rights, the amputation even of legal remedies to the unjust decisions of the powers that be and the strangling to death of any semblance of constitutionalism. Even as recently as 1903 Pope Leo XII stated categorically in *Libertas* that,

“It is not lawful to demand, to defend, or to grant unconditional freedom of thought, or speech, or writing, or religion, as if these were so many rights given by nature of man.”¹¹⁶

4.3 THE REFORMATION, ITS CAUSES AND FAILURES: “CHRISTIAN SACRALISM” RESURRECTED¹¹⁷

Up until the Sixteenth Century, the Holy Roman Empire had mustered its power to the extent that the Church and State had become synonymous and were totally intertwined. However, the Reformation began in the Sixteenth Century as a reform movement within the Roman Catholic Church. With the Reformation came the freedom of dissent, from which much of today’s concepts such as the freedom of speech, thought, conscience, religion spring. The Renaissance (or the *Rebirth of Learning*) had, soon before the Reformation began, introduced an appetite for the study of ancient texts and had greatly emphasised the individual. No longer were people of the Dark Ages willing to live under the yoke of ignorance, which weapon the clergy had used

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*, at p. 417.

¹¹⁷ For a valuable exposition on this subject the reader is once again referred to S.M. Houghton’s SKETCHES FROM CHURCH HISTORY, Pp. 113ff.

to ensure their dominion over the people. This marked the beginning of the anticlimax of papal domination.

A second cause of the Reformation was the invention of printing, and the rise of commerce and the middle class. These created an atmosphere where citizens were able to gain information and opinions from other far off places. Political conflicts between German princes and the Holy Roman Empire also acted as catalysts of the Reformation. Reformers such as Luther, Zwingli and Calvin sprung up, played their roles and turned the world away from papal sacralism. In England the university cities of Oxford and Cambridge felt the great impact of Lutheran doctrine.

Luther and Calvin were expelled from the Roman Church. Luther went on to form the Lutheran Church in Germany and Calvin the Reformed or Presbyterian Church in Geneva, Switzerland and France. John Knox introduced Presbyterianism in Scotland, but because of much infighting England opted to adopt a brand of Lutheranism known today as Anglicanism. This latter form has the British Crown as its Head. Unfortunately the sacralist predisposition continued to prevail. Each State adopted a particular Church denomination, which in time bolstered the laws and morality of that particular State. Only the Anabaptists (or what Verduin calls the "Stepchildren of the Reformers") stood for a separate Church and State. The 'stepchildren' believed that the Church of Christ is by definition an element in society, not society as such. However, their opponents — the Reformers and, indeed, the Catholics — were unwilling to go along with this. To them the Church was coextensive with society. The Reformers were unfortunately caught up in the obnoxious slough of the state religion error. The great Calvin, for instance, was in favour of burning heretics.¹¹⁸ But as someone has said: "*All power corrupts, and absolute power corrupts absolutely*". This fact is not better seen in the consequences flowing from the injudicious granting of overwhelming power to a mingled Church and State. The ENCYCLOPÆDIA BRITANNICA describes a grim picture of the consequences of the unconstructive situation.

¹¹⁸ "Atheism" cited on <http://www.nationmaster.com/encyclopedia/atheism>. [Accessed 13/08/2004]

“In an attempt to execute judgement, the State declares itself a Christian State and the executor of the spiritual, political, and social commission of the Church; it understands itself to be the representative of the Kingdom of God. The struggle between the Church understanding itself as State, and the State, understanding itself as representative of the Church, not only dominated the Middle Ages but continued into the Reformation period. The wars of religion in the era of the Reformation and Counter-Reformation caused the tense theological and ethical idea of the Christian Church and metaphysics of the Christian State to be compromised....”¹¹⁹

4.4 THE IMPACT OF “PAPAL SACRALISM” ON GREAT BRITAIN — ZAMBIA’S COLONIAL MASTER

More closely related to Zambia’s experience is the history of English Church-State relations. This is simply because England was Zambia’s colonial master.

Papal power reached its zenith when in the year 1215 (the year in which England’s King John signed the *Magna Carta*) Pope Innocent III called a General Council at Rome. The Council was represented by all the Christian rulers. In his opening remarks the pope made a staggering statement claiming that the Lord had given Peter, not only the headship of the Church on earth but also that of the entire empire, indeed the whole wide world. And just as every knee must bow before Christ, so must all render obedience to Peter and his papal successors. Thus, from then on no prince would have the right to rule over his kingdom without the express permission of “Peter”, that is the papacy. Only he who would rule in absolute reverence and total submission to the pope would have the right to stay on the throne.¹²⁰ Ullman explains the reasoning behind this. Quoting Professor McIlwain he writes:

“Assuming that the government of the world is under divine control, was this government entrusted by God to a single authority empowered to guide and control the affairs of men in this life preparatory to the life to come. If so, the commonwealth of

¹¹⁹ “Christianity” *ENCYCLOPÆDIA BRITANNICA* Vol. 3, 1983, p. 469.

¹²⁰ *Ibid.*

Christians is in reality a Church and the head of the Church is the ultimate earthly seat of all authority over all....”¹²¹

Of course, Ullman, like professor McIlwain, contends that the two institutions must be separate. To him the idea that the Pope possesses both swords — the spiritual and the temporal — is outrageous because the government of the world is dualistic, not monistic. The government of the world, he states, is two-fold — *pontificalis* and *regalis* to the extent that there exists a “strict separation” of the ecclesiastical and the secular, for “the temporal Ruler, not less than the Pope, receives his mandate from God.”¹²² Christ is the Head of both the celestial and temporal Church. *He* rules over all. The pope taught otherwise; he was the Vicar of the Son of God, the Head of Christ’s temporal Church; the ruler over all men. The quarrel between the Church and State was thus further enflamed, and tension between the two powers continued to mount as the centuries progressed.

The departure from popish sacralism in England began some time in the medieval era. Christianity as exercised by the Romans had been exported to Great Britain by the 4th Century. However, during the Middle Ages conflicts between the Church and the State began to emerge and in 1529 Henry VIII began his famous quarrel with the Pope which culminated in the famous break with Rome.¹²³ Accordingly, in 1534 Henry VIII issued the Act of Supremacy which declared the king to be the head of the Church of England. He went on to suppress the monasteries and authorised the Great Bible. In 1559 under Elizabeth I an independent church was formed which held on to a neutral position — the middle ground between Roman Catholicism and Calvinism.¹²⁴

Thus was born the Church of England (or the Anglican Church). Today the church has remained a national church, protected and maintained by the State, indicating the United

¹²¹ Ullman, Walter. THE MEDIEVAL IDEA OF LAW (AS PRESENTED BY LUCAS DE PENNA). [London: Methuen & Co. Ltd. (1969)], p. xxix.

¹²² *Ibid.*

¹²³ For details see Houghton. SKETCHES FROM CHURCH HISTORY, p. 112 ff

¹²⁴ John Calvin (1509-64). Calvinism taught the sovereignty of God in election (predestination) and the authority of Scripture alone. But it also aimed *inter alia* at a Church-dominated society that monitored behaviour of citizens.

Kingdom's sacralist tendencies. The oath of allegiance sworn by Anglican clergy during ordination, for instance, reads as follows: "I swear allegiance to Her Majesty the Queen and all her heirs." The Bishops on the other hand declare: "I accept Your Majesty as the sole source of ecclesiastical, spiritual and temporal power." Furthermore, the Head of State (the Queen) is required to be a member of the Church of England, and is its titular head. The Crown is also forbidden from marrying a Roman Catholic. She has the right, exercised through the Prime Minister, to appoint the Archbishop of Canterbury, the head of the Church, and other senior Church officers. In fact, the process of choosing a new archbishop begins with the Crown Appointments Commission. The commission sends two names to the Prime Minister who then forwards only one to the Queen for appointment as chief bishop, but he reserves the right to refer them back to the commission. Unlike the Church of Rome, however, this popish connection between the Church and State has dissolved everywhere else, and no other Anglican Church now has any connection with British Crown.

According to COLLIER'S ENCYCLOPÆDIA the Church of England insisted, and still insists, that national churches should enjoy the right to order their own affairs, "and to settle rites and practices of worship according to their own best judgment."¹²⁵ It is with this principle that the British Empire colonised Zambia. This Southern African State was not to become a branch of an Anglican "Catholic" Church or a neo-colony of the English 'Church-State'. Rather, under the Bill of Rights, whose privileges had not only been at play in the pre-independence era but expressly enshrined in the 1964 Independence Constitution, the citizens of the new-born Zambia were to enjoy certain collective or individual rights, such as the freedom of religion, conscience, and expression, *et cetera*. Part III of the Zambian Independence Constitution therefore explicitly guaranteed the fundamental civil liberties thereof.

¹²⁵ "Anglicanism". COLLIER'S ENCYCLOPÆDIA, Vol. 6. [London: Crowell Collier & Macmillan, Inc (1967)], p. 207.

5.0 CHAPTER FIVE

5.1 HISTORICAL INSIGHT INTO CHURCH-STATE RELATIONSHIP IN ZAMBIA — PRE-COLONIAL EPOCH TO DATE

5.1.1 "ZAMBIAN SACRALISM"

It must be stressed once again that it is not the purpose of this paper to delve into a thorough examination of ancient mysticism or primitive religion but merely to trace the basis of the Church-State relations in the *Zambian* context to its origin. It need be noted however that Zambia's constitutional, political, social and religious debacle can be trailed way back to the colonial era and, hence, further down to the Reformation, on to the Constantinian epoch, right down to the first century (Christian era),¹²⁶ and to a reasonable extent to the Old Testament period.¹²⁷ This is simply because Zambia's political, constitutional, legal, religious and ethical framework has been tremendously influenced by her colonial master, Great Britain. For the unfolding tapestry of Zambia's great historical life — her political, legal, constitutional systems, indeed, her very religious proclivity — is blotched with the indelible marks of England's intriguing history.

Zambia is today dogged with an absorbing, perhaps tragic history. Much has been written on the respective spheres of this small democracy and solutions to varying problems have been adequately sought and suggested. It is however necessary to examine how the country's State-Church relationship has evolved over the last four decades, *vis-à-vis*, the religious beliefs of the First, Second and Third Republican Presidents, and how their personal beliefs have indeed been 'institutionalised', a cataclysm to the whole national fabric. The apparent failure to

¹²⁶ Although the latter (Reformation, Constantinian and New Testament) era have no direct bearing on the *Zambian* scenario, it is impossible to have a meaningful understanding of Zambia's present state without an examination of the European Church-State historical development (see Chapter 4 above).

¹²⁷ This is because the 1991 declaration of Zambia as a Christian nation by Second President F.J.T. Chiluba was not based on the New Testament teaching of Jesus Christ but perhaps on the Old Testament pattern, wherein the Israelites were viewed as a nation specially chosen by God to be His "elect people". Although there is no evidence that Zambia was chosen to enjoy a similar status as that of Old Testament Israel, it is still worthwhile bearing in mind the aforesaid.

distinguish between one's religious beliefs and national or presidential duties has indeed affected the general national development — including its constitutional, political, religious and social arrangement.

At independence the Zambian Constitution neither expressly nor implicitly stated that Zambia was a sacral society.¹²⁸ This fact may be compared to the tremendous extent to which England's unwritten Constitution demonstrates its sacralist position,¹²⁹ or how Benin through her former President Sogolou was declared a Voodoo state in 1996. This being the country's "national religion" meant that any succeeding president would be required to make some traditional reference to the Voodoo spirits. In 1997, when taking the oath of office, the succeeding President Mathieu Kerekou left out this oath, and this led to some serious public outcry. The constitutional court of Benin thereafter ordered Kerekou [*sic*] to retake the oath. Kerekou accordingly retook his presidential oath before the constitutional court president, and the nation's parliament. This was prompted by the court ruling that the oath being "sacramental and indivisible" was obligatory.¹³⁰ This is not the case in Zambia even in the face of the declaratory clause proclaiming Zambia's Christian nation status.¹³¹ There is an assumption that the qualifying phrase in the declaratory statement of the 1996 Zambian (amended) Constitution, that Zambia would remain "tolerant" to other religions, creates room for dissenting views. It is quite unlikely that with the present arrangement a person would not qualify to hold office if he did not hold on to the Christian creed. He would not be obliged to hold the Holy Bible when giving oath; the raising of the right hand or the clutching on to some other recognised 'holy writ' might suffice.

It is noteworthy that the unilateral declaration of Zambia as a Christian nation in 1991 was followed by streams of both pro- and anti- declaration pundits; the mainstream churches,

¹²⁸ This proposition is debatable in spite of Section 128 of Chapter 87 of the Laws of Zambia — the Penal Code — which criminalises Blasphemy. It appears that the law handed down to Zambia by her colonial master recognised blasphemy as such only when it had to do with the religion of the Head of the Church of England, the Queen.

¹²⁹ See Chapter 4.4 above.

¹³⁰ "Benin President Renews Oath to Include Ancestors." *Reuters World Service*, 6 April 1996.

¹³¹ It is worth noting that the declaration appears in the preamble; perhaps to distinguish it from Article 1 of the Constitution, which necessarily binds on all to the supreme law of the land.

represented by the church mother-bodies generally criticised the move — though it is conceded that the church groups have remained quite divided over the matter. Politicians on the other hand drew their daggers to either defend or tear to pieces the declaration. Presently the Constitutional Review Commission has received conflicting submissions on the same. It remains to be seen what the final outcome of the present debate will be: whether Zambia will emerge a sacralist state or take a more appropriate non-sacralist stance instead.

5.1.2 REPUBLICAN PRESIDENTS' CONTRIBUTION TOWARD "ZAMBIAN SACRALISM"

1(a) KAUNDA'S "HUMANISM" — ZAMBIA'S STATE CULT

Zambia attained her independence in 1964 and the United National Independence Party (UNIP) Government under the leadership of Kenneth D. Kaunda sought to radically overcome the legacy of colonial neglect. In order to realise the potential of its people UNIP adopted a guiding philosophy called "*Humanism*". This was inspired to a large extent by the general leaning towards socialism that was common in many parts of Africa.¹³² In 1972 the UNIP Government declared a one-party State and up to the mid 1980s "criticism and political opposition were suppressed, and ... the apparatus of the State was lost. This was captured in another common political slogan of that time: 'The Party and Its Government.'"¹³³

Zambian Humanism according to Kaunda is defined as "a political philosophy which endeavours to devise a social, political and economic order which is based on Man's truth rather than on Man's untruth."¹³⁴ Kaunda claimed further that success of the system would depend on a reappraisal of the forces regarded against the people, the neutralisation by the State

¹³² Government of the Republic of Zambia/United Nations. PROSPECTS FOR SUSTAINABLE HUMAN DEVELOPMENT IN ZAMBIA, p. 20.

¹³³ It seems rather ironic that second President F.J.T. Chiluba's "My [MMD] Government" had strikingly similar, perhaps more subtle, features (further discussed below) as that of "The Party and Its Government." Or was it a question of semantics? Olukoshi in THE POLITICS OF CONTEMPORARY AFRICA. [Uppsala: Nordiska Africainstitutet (1998)], p. 27-33) described Chiluba's Government as having "conducted itself like the erstwhile single ruling party which it replaced" and accuse him of having adopted "arm-twisting" and "more nakedly authoritarian mode of government".

¹³⁴ Kaunda, Kenneth D. HUMANISM IN ZAMBIA AND A GUIDE TO ITS IMPLEMENTATION, Part II. [Lusaka: Government Printer (1974)], Pp. 1 to 2.

acting on behalf of the masses. He argued that Humanism sought to create an egalitarian society — that is, a society in which there is equal opportunity for self-development for all. To him equal opportunity could not come about “without society organising itself on a humanist basis.”¹³⁵ Humanism in Zambia was said to be a “great charter for the Common Man”; and all manner of accolades were lavished upon this ‘Kaundan’ model.

Humanism is defined *stricto sensu* by Knox as “a modern name for a much older attitude which denies the spiritual, the supernatural, the heavenly, and believes that nothing exists except the material things we see around us.”¹³⁶ Humanism is defined further, as the philosophy opposed to Naturalism and Absolutism and which interprets human experience as the primary concern of all philosophising. It asserts the adequacy of human knowledge for this purpose.¹³⁷ *Zambian* “Humanism”, on the other hand, was an attempt to synthesise selected teachings of Hinduism, Humanism (socialism) and Christianity. It was “a mix of egalitarian socialism and religious rhetoric, [and had] been the Zambian state cult for two decades.”¹³⁸ According to Sudarsan Padmanabhan, in *Truth and Non-Violence — Means or Ends*,¹³⁹ Kaunda was a staunch Gandhian in letter and spirit. The First President himself reveals that he was greatly influenced by Hindu Guru Mahatma Gandhi, or at least by his teaching. He coveted Ghandi’s “state of perfection both in soul and body...”¹⁴⁰ As a Ghandian devotee he abstained from alcohol, tobacco and meat-eating. He stalwartly opposed violent protest during the Zambian independence struggle and was hailed as the father of Zambian Humanism. Save for the doctrine of the insuperability of non-violence he agreed with Gandhi in almost everything.

Kaunda was born of Christian parents; his father a devout Christian Missionary. The epitaph on the latter’s tombstone summarises his life: “*A Faithful Minister*”, it reads. No other words were required to adequately explicate the kind of man David Kaunda was. Like Israel’s second

¹³⁵ *Ibid.*, p. xii

¹³⁶ Knox, David Broughton. *NOT BY BREAD ALONE: GOD’S WORD IN PRESENT ISSUES*. [Carlisle, Penn: BOTT (1989)], p. 12.

¹³⁷ *ENCYCLOPÆDIA OF RELIGION AND ETHICS*. Vol. VI. [Edinburgh: T&T Clark (1964)], p. 830

¹³⁸ “*Heaven’s Strange Bedfellows: Meditation Guru and Zambian Strongman*”. *Philadelphia Inquirer*, October 24, 1991 (article by Rick Lyman).

¹³⁹ Thesis. Department of Philosophy, USF, Tampa, Florida.

¹⁴⁰ *Supra*, note 134, at p. ix

monarch, whose name he bore, he, it appears, was a man "after God's own heart." The influence of Hinduism upon Kaunda's thinking, however, drew him further from his father's faith to the more numinous eastern cults. This permeated even his political ideologue. He for instance defines the State as existing for Man —

"... but Man needs the State only until he moves from the present state of *imperfection* of his *body* and *soul*, or his *physical* and *spiritual* being, to one of perfection and therefore moves further to a clearer understanding of God."¹⁴¹

He appears to suggest almost, but not exactly, in Hegel's line of thinking that the State had some 'spiritual' significance. To Kaunda, however, the State was an object of sanctification, and a means for human development. To Kaunda, a man needed the State as the structure of authority to create a framework of order and justice for him. The extinction of the State was dependent on the *level of perfection* that man would attain. He himself had not reached even half the level of "perfection" that Gandhi had reached but he hoped through 'discipline' to attain it some day.¹⁴² It is argued here that this is not the same as the Marxist *bourgeoisie-proletariat* conflict that would lead to a classless society. In the case of Marxism, the State would "wither away" not because man became flawless but because the class divisions will have ceased and the "proletariat dictatorship" will have emerged.

The UNIP Government decided to impose on the people the Humanism philosophy as defined by Kaunda. Since UNIP was itself founded on the Philosophy of Humanism, The Party (UNIP) gave itself the task "on behalf of our people" to spell out "in very clear terms ... what we can do and what we cannot do in order to build Humanism."¹⁴³ The Party would spell out the rules that the citizens of Zambia would be required to follow as they "marched towards the goal of a humanist society."¹⁴⁴ Kaunda's government argued that the principles of Humanism were not imposed upon the people by Government (as indeed, all sacral societies have tended to do). Rather, it was contended that since the Party got its "authority from the people" it could

¹⁴¹ Kaunda. HUMANISM IN ZAMBIA AND A GUIDE TO ITS IMPLEMENTATION, Part II. (Italics Kaunda's).

¹⁴² *Ibid.*

¹⁴³ *Ibid.* p. xiv

¹⁴⁴ *Ibid.* p. xv

on their behalf introduce an ideology that it thought was best for economic prosperity, peace and human development. Kaunda was, according to his own personal Guru,¹⁴⁵ “determined to lead Zambia towards a new goal through the principles of Humanism where *everyone* [*sic*] in the country becomes a Humanist....”¹⁴⁶ Accordingly, Kaunda sought to lead his fellow countrymen “in the race of eternity leading to peace, prosperity and happiness where ignorance will vanish and its offshoots of hunger, poverty, disease and exploitation of man by man will become a thing of the past.”¹⁴⁷ He introduced the Philosophy of Humanism on all primary and secondary schools, while almost all tertiary-learning institutions had some component of Kaunda’s ideology in certain compulsory courses. Political Science, for instance, was until after the 1991 elections a compulsory course offered at Evelyn Hone College, the second-highest learning institution. In this way the countless number of students that have ever passed through Evelyn Hone’s lecture rooms have had to imbibe, under duress, the ‘Kaundan’ model. This of course, raised concern among the religious leaders. They wondered to what extent scientific Socialism would be introduced in the schools of Zambia and how it would affect religious education. Ranganathan’s answer to these queries is bold: “I have pointed out from the beginning that the aim of the Philosophy of Humanism is to aid Zambian’s to become perfect human beings.”¹⁴⁸ Their individual religions were thus defective and inadequate, because “... the political Philosophy of Humanism of President Kaunda is the only [*sic*] hope for Man to progress physically, mentally and spiritually.

1(b) RANGANATHAN — ZAMBIA’S RASPUTIN

Kaunda unflinchingly indicates in many of his writings that he was an “avowed spiritualist”. Although a *nominal* Christian he held on to a mixture of Hindu, Christian and socialist doctrines. Kaunda in his writing did not hesitate to give much credit to his Hindu guru. In the

¹⁴⁵ The Indian Dr. Ranganathan was Kaunda’s spiritual guide and faith healer. Details to follow.

¹⁴⁶ Ranganathan, M. A. THE POLITICAL PHILOSOPHY OF PRESIDENT KENNETH D. KAUNDA OF ZAMBIA. [Lusaka: Kenneth Kaunda Foundation (1988)], p. 7. (*Emphasis added*).

¹⁴⁷ *Ibid.* p. 10.

¹⁴⁸ *Ibid.* p. 40.

introductory section of HUMANISM IN ZAMBIA, Part II, for instance, Kaunda writes about “a friend who, like me, tries to follow the path of non-violence” who had had a deep working relationship with Ghandi. This “friend” is to all intents and purposes the Indian Dr. M. A. Ranganathan. In fact, it was within his early years as President that Kaunda acquired his personal ‘faith healer’ — one with whom he worshiped daily in a private temple, known by many as the *David Universal Temple*. Ranganathan was, until Kaunda was voted out of office in 1991, the latter’s spiritual guide. He was a Rasputin-like figure, who always had the President’s attention. He played a significant role in some of Kaunda’s greatest decisions. In fact, he was consulted on every important decision of the State.¹⁴⁹ Dr. M.A. Ranganathan described himself as a “philosopher, scientist and holistic health consultant” and claimed he had decided to dedicate his life to serving Kaunda when he first saw the president and noticed a great, golden halo around the leader’s head, and after Kaunda, he claims, healed him of his blindness.¹⁵⁰

Despite the eccentricity of Dr. Kaunda’s ideas, it must be stressed uncompromisingly that he, both as an individual and as Republican President, was entitled to enjoy the freedom of worship as of right. He was free to bow down to whatever deity he desired. He was free to consult his personal guru on varying matters. However, to subject the nation to Ranganathan’s wits; even on major national decisions and economic endeavours was simply outrageous — a clear case of primitive sacralism. Furthermore, the influence of the principles of Eastern mysticism or Hinduism on the main ideology of the Second Republic — ‘Zambian Humanism’; the designing of the national agenda on the drawing boards of the *David Universal Temple*; the signing of significant contracts on behalf of the nation with major Hindu cults, was a dangerous indication of the nation’s destructive journey on the highway to sacralism. Although in 1995 in the article “Inside David Universal Temple”¹⁵¹ this author attempted to show the extent of the influence of Dr. Ranganathan upon Dr. Kaunda, his cabinet and umpteen other senior

¹⁴⁹ *Philadelphia Inquirer*, October, 24, 1991

¹⁵⁰ See Phiri, Muki, “Inside David Universal Temple” *Times of Zambia*, May 20, 1995, p.5.

¹⁵¹ *Times of Zambia*, May 20, 1995, p. 5.

government officials in the whole administrative process of the land,¹⁵² the article did not consider in detail the link between what may loosely be coined '*Ranganathanism*' on the one hand and the executive function of government, presidential decrees, striking economic decisions, on the other, all of which have had a tremendous negative impact on Zambia.

The implications of First Republican President, Dr. Kenneth Kaunda's personal religion and the involvement of a Hindu guru as presidential spiritual adviser on presidential decrees and national ideology are indeed ghastly. Zambia's "Rasputin" *virtually* controlled the Republican Presidency and every important decisions of the State, just as had happened in Russia under the Czars. Ranganathan for example played a significant role in influencing Kaunda to pledge 44 million acres of land (one-fourth of Zambia's landmass) to the Maharishi Mahesh Yogi's *Age of Enlightenment Foundation* in 1991¹⁵³ Dr. Kaunda's beliefs in "eastern mysticism and earth-friendly farming methods", as taught by the Maharishi Mahesh Yogi — "guru to the Beatles and creator of Transcendental Meditation" — were thought to be the answer to Zambia's crushing poverty. Kaunda and Ranganathan believed it would actually disperse "a wondrous aura of calm and anti-negativity throughout this forlorn country",¹⁵⁴ hence the establishment of the multi-million dollar Maharishi Heaven on Earth Development Company (MAHEDCO). Kaunda sought to promote the Maharishi's project using all the powers he could muster. He had all the apparatus of the State at his disposal, and all the mass media¹⁵⁵ were radically employed to numb the consciences of the Zambian public by displaying the grand 'benefits' of the 'Heaven on Earth' programme that would develop "ideal communities by sowing unused land and creating new villages while teaching Zambians TM [Transcendental Meditation] techniques."¹⁵⁶ Months before the 1991 general elections MAHEDCO was granted two million hectares of land via a contract signed by then-Home Affairs Minister, Gen. Kinsley Chinkuli.

¹⁵² As revealed in Ranganathan's THE UNIFICATION OF BODY, MIND AND SOUL BY ENERGISING THE CONSCIOUSNESS FOR THE WELFARE OF HUMANITY [London: Greenway-Harrison Ltd. (1984)]. This book is fully endorsed by the First President, as evidenced by the fact that the foreword is written by Dr. Kaunda himself.

¹⁵³ See *TM-EX Newsletter*, Summer 1992 Edition. Cited on <http://www.freedomofmind.Com/resourcecenter/groups/tm/dissenter.htm> [Accessed 21/04/04].

¹⁵⁴ *Ibid.*

¹⁵⁵ Except the *National Mirror*, and later the then-new independent paper, the *Weekly Post* — which in fact uncovered the Heaven on Earth fraud.

¹⁵⁶ *Ibid.*

Maharishi did not waste time. He quickly established a training centre where hundreds of Zambians studied meditation techniques via videotape, farming, solar energy, holistic medicine, "conversion of gasoline engine cars to pollution-free electric technology," and other skills needed for the "new world".¹⁵⁷ The school was run and promoted by one Humphrey Mumba, a 34-year-old devotee who claimed TM cured his asthma. He saw TM as a scientifically proved life-improvement technique used successfully around the world.¹⁵⁸ President Kaunda saw absolutely nothing wrong with the programme, as it was merely "an experiment, an attempt to try something radical and new to solve Zambia's endemic problems. He said it was a development scheme, not a religious one, and that no one would be forced to join a cult or meditate."¹⁵⁹ Notably, the Zambian Government only terminated this deal after the 1996 elections, immediately after which Maharishi's representatives left the country.

It is not intended here to debate the question whether Kaunda's TM techniques would have saved Zambia's dying economy. Rather, the fact that sacralism in Zambia had been so easily perpetrated by the president of the land in the same way Constantine did in the Roman era raises serious concern. *The extent of Kaunda's sacralism is explained by Holmes in LETTER FROM LUSAKA.*

"The Party [UNIP] was 'supreme' and its leader credited with little less than divinity. 'One Zambia One Nation, One Nation One Leader. That Leader Kaunda', bawled the party militants at rallies, 'Kaunda is Forever', 'God Rules in Heaven, Kaunda on Earth'. Little wonder that the First Lady and her children came to believe that human laws did not apply to them.... Kaunda had become a Sacred King who believed he could perform miracles: through the medium of an American conman named Winson, he would turn grass into diesel oil; through the medium of the Maharishi Heaven on Earth Development Corporation turn Zambia into a paradise. Above all, Kaunda was accountable to no one, enclosed in a charmed circle of sycophants."¹⁶⁰

¹⁵⁷ It is noteworthy that Kaunda's leaning towards larger-than-life eastern mystical mendacity may have been responsible for his having been taken advantage of by various conmen.

¹⁵⁸ *TM-EX Newsletter*, Summer 1992 Edition.

¹⁵⁹ *Ibid.*

¹⁶⁰ Holmes, Tim. LETTER FROM LUSAKA. Cited on <http://www.un-ulm.de/~rturrell/antho4html/Holmes.html> [Accessed 10/03/04]

Eulogisers lavished Dr. Kaunda with fulsome praise. Learned men seemed altogether out of their minds and put blind faith in Kaunda as the miracle-worker for Zambia's woes.¹⁶¹ Again and again Ranganathan claimed to have seen visions of Lord Śiva, the Hindu god of destruction (the Averse One), who "appeared in the form of the saviour". Ranganathan claims Lord Śiva is the one who gave Kaunda the title "Father of the Nation", a title he has continued to hold to date. Other titles Kaunda held were "the Gandhi of Africa" and "the Lion of Zambia" — and adulteration of the title given to the Christian Messiah, Jesus Christ, in the Book of the Revelation — "*the Lion of Judah*". This popish eulogy rather than bring prosperity to the land merely worked to corrupt Kaunda further and lead Zambia into the darker path toward primordial sacralism.

In time his own ministers, ambassadors, and the like, began to adulate Kaunda and his guru, and treat them as more than mere mortals. Kaunda was described by his then-Prime Minister, Gen. Malimba Masheke, as "the [God-given] torch that shines to show all Zambians of all kinds, beliefs (political or otherwise), the direction to prosperity and safety."¹⁶² It was no longer Zambian Humanism or the One Party Participatory Democracy, or any other political ethos that counted. Kaunda had become the very embodiment of Zambia's prosperity. A God-chosen vessel endowed with unspeakable perspicacity, from whose ideals great "pearls of wisdom [could] be drawn."¹⁶³ Francis Kaunda, a major figure in Zambian politics and economics, defined the purpose of man as follows: "... men are on this earth for a purpose: we have to serve God through Man [referring to Kaunda and Ranganathan]."¹⁶⁴ Many of Kaunda's ministers and senior party officials promised to remain disciples of the duo "till death". It had become unfeasible to divorce Kaunda's mysticism from the official canon of the State. The whole national fabric was tainted with Kaunda's personal philosophy. The judiciary, the legislature, the Civil Service, teachers, lecturers, farmers and marketeers all purported to hold on tenaciously to Kaunda's '*hindu-christo*' socialist concepts. It was not

¹⁶¹ Phiri, Muki, "*Inside David Universal Temple*". *Times of Zambia*, May 20, 1995, p. 5

¹⁶² *Ibid.*

¹⁶³ Ranganathan, *THE POLITICAL PHILOSOPHY OF PRESIDENT KENNETH D. KAUNDA OF ZAMBIA*, p. 68.

¹⁶⁴ *Ibid.*

strange to hear one person censure another for not being “a humanist” — regardless of their political or religious proclivity. It was as if Kaundan Humanism was the very epitome of human life; the apex of human development; a greater and more sublime ideal than any other religious creed or confession. It was not whether one was a Christian or Hindu, Moslem or Atheist. The question was, “Do you profess and live out Zambian Humanism?” — in essence: “Do you belong to the Zambian ‘Cult’?”

Ranganathan claims that after the establishment in 1980 of the David Universal Temple, Kaunda’s private shrine, he began doing what he describes as “practical spiritual programmes” based on Kaunda’s ideals in his HUMANISM IN ZAMBIA, (Parts I and II). He claims to have begun the David Universal Temple programme after Kaunda (whom he repeatedly describes as *The Great Man*) “healed me [of blindness] ... at 6 P.M. on September 11 [1976]” at State House. And he concludes: “Well, I left him and could not forget his spiritual shining personality and his words of assurance ... after being healed I started this project to discover the truth which I had experienced.”¹⁶⁵ Thus was born Kaunda’s private shrine; thus began the nationalisation of Kaunda’s ideals. Herein lay the foundation for the institutionalisation of the First President’s religious beliefs, and the razing down of the Church-and-State Separationist wall that had been built by the 19th century Christian missionaries and missionary organisations that introduced biblical Christianity in the territory. David Livingstone was a Puritan who strongly believed that the Church must be separate from the State. He laboured in the Southern end of Africa without seeking to fuse the two. Meriel Buxton reveals that Livingstone “had a very broad perspective of Christianity, more what people would hold today than those in his own time.” She says that one of the reasons he chose the London Missionary Society was because it was not tied to a particular sector of Christianity. He rather was not satisfied with forcing a small group of Africans to follow every single detail of a denominational belief system but “believed in spreading the broader message of Christianity as far as he could.”¹⁶⁶

¹⁶⁵ Ranganathan, THE UNIFICATION OF BODY, MIND AND SOUL..., p. 12.

¹⁶⁶ <http://www.ctlibrary.com/8411> [Accessed 10/03/04]

David Livingstone died in prayer, on his knees, pleading to God for the natives; not standing on his toes to reach out for State-sponsored handouts.

The evolution of Kaunda's philosophy from a mere personal religious archetypal, to the basis for the establishment of a new mystic 'Ranganathanist' prototype, onto a more elaborate compulsory national ideology — 'Zambian Humanism' — cannot be better classified than "*Zambian Sacralism*".

2a) CHILUBA'S "CHRISTIAN NATION" — AFRICA'S CONSTANTINOPLE

The year 1991 has been dubbed by some as Zambia's 'second independence'. There are many reasons for this. Firstly, Kaunda's attempts to nationalise the economy had proved a total disaster. By the mid-1970s, less than a decade after independence, Zambia entered an extended period of decline. The country suffered a series of severe external shocks, such as the quadrupling of international oil prices in 1973, and the sharp downturn of the world prices of copper — Zambia's single major commodity — in 1974. These drastically increased the country's import bill while at the same time reduced earning from copper.¹⁶⁷ Furthermore, the collapse of the Soviet Bloc played its role in applying pressure on the nation to inaugurate multi-party elections and show respect for human rights and democratic precepts.¹⁶⁸ The collapse of employment and real incomes, and the descent into mass poverty as a result of the poor economic and undemocratic policies of the Kaunda Administration — especially in the latter part of the 1980s — led to an overall political and economic turning point. Once again the Constitution became a major subject of debate, and the famous 'Article Four' was amended to allow for multi-party democracy. Popular discontent over the economy contributed to the Movement for Multi-party Democracy (MMD)'s landslide victory in 1991. Until then, Zambia had continued on the Zambian Humanism pathway, a sacralist concept that proved ineffective or at least insufficient for Zambia's development. The people of Zambia voted for change —

¹⁶⁷ Government of Zambia/United Nations. PROSPECTS FOR SUSTAINABLE HUMAN DEVELOPMENT IN ZAMBIA, p. 20.

¹⁶⁸ Chiluba, F.J.T. DEMOCRACY: THE CHALLENGE OF CHANGE. [Lusaka: Multi Media (1995)], p. 56

and that included change in the political and economic direction the country had previously taken. Zambia was once again a democracy; just as the preambular declaration of the Zambian Constitution (1996) clearly states: "We the people of Zambia ... resolve that Zambia shall forever be a ... multiparty and democratic sovereign State."

One of the major campaign promises of the MMD opposition party in 1991 was that Humanism would be replaced by Western-type democracy, and that the country's links to the Maharishi would be utterly destroyed. In an official letter dated December 13, 1991 to TM-EX, a support group for former Transcendental Meditation adherents and strong critique of Maharishi Mahesh Yogi, then-newly elected President Chiluba wrote *inter alia*,

"I am grateful for your concern for our country over the previous government's plans to introduce the 'Heaven on Earth' religious sect into Zambia. We stated our position on the Maharishi very clearly before the elections and since our victory they have voluntarily departed and left the country."¹⁶⁹

Zambia at this point had a grand opportunity to emancipate herself from the Second Republic's sacralism. However, no sooner had the ink dried on the pages of the contract Chiluba had signed with the people of Zambia outside the Supreme Court, wherein he promised to uphold the Constitution, than he reintroduced sacralism in a quasi-Constantinian style. He on December 30, 1991, despite immense opposition from Christian and Muslim leaders declared Zambia a "Christian nation".

The State House website page titled: "*Dr. F.T.J. Chiluba — Why Zambia is a Christian Nation*" is instructive. In it the Government explains the fact that the declaration came in as a "total surprise" to many people. It reveals further, that Chiluba held on to a "strong religious fundamentalism", more correctly, *hyper-charismatism*. It states that the declaration was in response to "divine intervention", necessitated by the need for a smooth transition from the Second to the Third Republic. The remaining 12 paragraphs out of a total of 15, that is, 80 per

¹⁶⁹ State House, Government of the Republic of Zambia, December 13, 1991.

cent of the document, merely describe Chiluba's conversion story. The site hardly gives any logical explanation or the *raison d'être* of the declaration. The apparent failure to justify this rather extravagant move makes one suspect that the declaration had little to do with national consensus or a perceived need by an objective Cabinet, but Chiluba's own personal 'bulldozed' opinion. The site gives the impression that the underlying principle behind the declaration was in a nutshell: *Given that Chiluba has become a Christian convert, so must the whole nation be 'Christianised'*. This kind of flawed thinking exposes a rather Constantinian ideologue. Chiluba, like Constantine, presupposed that his alignment to a particular popular religion would grant him divine protection and untold success. Chiluba, like Constantine, believed he could gain politically by embracing the most widespread and most popular religion. Chiluba, like Constantine, lavished Christ-based organisations with greatly coveted privileges and used his powers through such media as the 'slush fund' to draw many religious leaders on to his side. And it worked; for it is apparent that the Christian 'constituency' played a significant role in securing him a second term of office.

The constitutional implications that followed the declaration of December 30, 1991 led to much debate and discussion. The Chiluba-led State-Church prototype received several criticisms, from all spheres of the Zambian economy, including all the church mother bodies (save for one Independent Churches Association of Zambia born out of due season and in an apparent attempt to further Chiluba's abortive 'Third Term' bid). The declaration has been described by Prof. Anyangwe as "undoubtedly the most controversial provision in the preamble ... antinomical to Articles 19 and 20 which guarantee freedom of conscience and expression," and a "canonical moralisation of public law."¹⁷⁰ Zambian Professor at the University of the Western Cape, Gatian F. Lungu, describes the declaration as "bizarre" a juxtaposition of two vehemently conflicting values — that is, (1) the declaration and, (2) the freedom of religion.¹⁷¹ Father Peter Henriot, S.J. of the Jesuit Centre for Theological Reflection (JCTR) in his article

¹⁷⁰ Anyangwe, C. *ZAMBIA LAW JOURNAL*, Vol. 29, 1997. [Lusaka: UNZA Press (1997)], p. 27-28

¹⁷¹ Lungu, Gatian F. "Some Bizarre Clauses in a Noble Document: Critical Observation on the Constitution of Zambia (Amendment) Act o. 18 Of 1996". *ZANGO JOURNAL OF CONTEMPORARY ISSUES*, Vol. 21 No. 11 [Lusaka: UNZA Press (1997)].

"Being a Christian in a Christian Nation" dismissed the whole concept for its being "very unclear both theologically and constitutionally."¹⁷² Quoting the Mwanakatwe Constitutional Review Commission which had recommended against the inclusion of the declaration in the amended (1996) Constitution, the JCTR argued that the declaration had the potential of dividing the nation and would not necessarily make religion prosper in the land.

When Chiluba unseated the 'humanist' dictator, Kenneth D. Kaunda, he took on a radical move to reverse Zambia's ailing economy and bring back sanity in the country's political, economic and social spheres, and to declare the nation "Christian". However, Chiluba's affinity to the *charismata*, especially the contemporary doctrinal assumptions that (national) prosperity may result from outward declaratory religious pledges, made him believe he necessarily had to crush Kaunda's religion. This quite obviously affected his presidency and, ultimately, the whole national framework. Henriot states that Chiluba's doctrinal leaning led him to presuppose that Zambia would be especially blessed by God because it had entered into a covenant with Him, and that it would signify an end to corruption and bribery. This assertion is doubtful, even though it may have been one of the underlying factors behind the move. The reservation arises from the fact that the Chiluba regime stands out, undoubtedly, as one of the most corrupt in the region. The current *Task-force on Corruption* set up by the Mwanawasa administration has yet to prove this contention true. Nevertheless, it appears Chiluba based his hopes in the declaration; and whether it was driven by political guile or religious naivety does not change the fact that Lusaka had become Africa's modern Constantinople.

In order to understand the backdrop to Chiluba's logic one must appreciate, firstly, that he was a devout adherent of the 'health-and-wealth' doctrine as espoused by such pundits as Trinity Broadcasting Network (TBN)'s Paul Crouch, Creflo Dollar and Benny Hinn. The popular "healing tele-evangelist", Benny Hinn, for instance, teaches that the mere exercise of faith by *confessing* specific desires is a sufficient formula to oblige God to grant the wish. 'Positive thinking' as a Christian doctrine appears to suggest that the person audibly exercising his

¹⁷² <http://www/jctr.org.zm/publications/Xian%20Nation%20Article.html> [Accessed 10/03/2004]

personal faith causes God to 'lose' His Sovereign will, to the extent that God cannot deny the subject his desire: "If you'll say it, I'll do it,' that's what God says.... So when you confess it, you are activating the supernatural force of God. Do you know that *confession activates heaven? Confession releases the spirit world.* I'm telling you...."¹⁷³ This is the doctrine Chiluba held on to. And it is upon this philosophical premise that Chiluba declared (that is, 'confessed') Zambia's Christian Nation status. Chiluba, like Constantine of old, and like Zambia's first president, may have genuinely institutionalised his religion, upon the sincere presumption that such an act would in and of itself act as the antidote for Zambia's ailing economy. Charismatic prophets, apostles, pastors and bishops thronged Chiluba's State House grounds no less than Ranganathan did Kaunda's. Popular tele-evangelists and 'miracle workers' were feted at Plot Number One. It may be recalled that during his 'Third-Term' bid Chiluba purportedly visited the shrine of one Prophet Joseph in Nigeria using State funds. He allegedly sponsored some pastors to croon the *Chiluba for Third Term* song. He personally contracted Benny Hinn for prayer saying he "had great forces of opposition against his bid." Hinn reportedly contracted TBN owner Crouch, who also enlisted US tele-evangelist John Hagee in the prayers for Chiluba's success over the citizens of Zambia.¹⁷⁴

The declaration of Zambia as a Christian nation was, secondly, a direct consequence of the Kaunda-Ranganathan religious fetishism that had entranced a large portion of the leadership of the Second Republic. This led to Chiluba's profligate declaration of 1991. Holmes brings to light the fact that after his triumph Chiluba allowed Kaunda to stay on in State House for three weeks "to get his things in order and recover from the shock." Holmes however adds that after Kaunda left, "Chiluba found ... a small house in the grounds [that] was stuffed full of the most *sinister and disgusting [sic] witches' charms.*"¹⁷⁵

¹⁷³ Fisher, G. Richard, Goodman, M. Kurt, (et al.). THE CONFUSING WORLD OF BENNY HINN. [Kearney, NE: Morris Publishing (2000)], p. 246. (*Italics* in the original).

¹⁷⁴ "TBN's Paul Crouch Jumps into Zambian Political Quagmire." Christianity Today Magazine, week of April 2, 2001

¹⁷⁵ Holmes, Tim. LETTER FROM LUSAKA. (see *Supra*, note 160).

It cannot be denied on the other hand that Chiluba, like Constantine, felt a declaration of this sort would act as a kind of socio-political and, indeed, spiritual 'shield'; a magic wand of some sort. He felt he needed to counter Maharishi Yogi and Ranganathan's 'wizardry', but, also, earn himself some points on the political sphere. Zambians had been angered by Kaunda's attempts to 'sell' Zambia to the occult, until the birth of the Third Republic brought about the sudden death of the somewhat nebulous scheme. In a televised sermon in June 2004 on Trinity Broadcasting Network (TBN), Chiluba revealed that he had declared Zambia "Christian" because Kaunda's UNIP had been involved in deep occultism. Chiluba's Christian Nation, however, did not work. It was an unhappy attempted union between Church and State.

Chiluba's sacralist tendencies were not entirely obtuse. He had sought, at least at the beginning, to put biblical faith at the forefront of public policy following the aftermath of close to thirty years of disastrous 'Humanism' under Kaunda. One need not overemphasise the fact that good biblical principles, such as honesty, faithfulness, respect for authorities, are all welcome and are undeniably necessary virtues for the survival of every State. The attempt to subject the nation and the presidency "under the lordship of Jesus Christ" would imply an end to corruption, sycophancy, and extravagant living — beginning at State House. It is apparent that in his first term of office Chiluba's constant chant on the "need to reform" led him to making drastic decisions, including the dismissal of erring Ministers.

The question however is whether the application of "biblical faith" at the forefront of public policy seems to ring the tones of Constantinian sacralism. Furthermore, it would have been important to establish what Chiluba's definition of "biblical faith" was. There are so many creeds and confessions and so many denominational differences that to institutionalise ones "biblical faith" would be rather ambitious. The Anglican Church in the US, for instance, would insist that ordaining gay Priests is part of the "biblical faith" while the Nigerian Anglican Church of soaring 1.5 million membership would decry that as being clearly unbiblical. A Catholic priest would argue that there is no harm in drinking alcohol as long as one did not get drunk with wine leading to debauchery. A Protestant pastor would in all probability argue that

that was entirely wrong. Was Chiluba's "biblical faith" based on the Sermon on the Mount (Matthew 5-7), or on the Parable of the Dishonest Steward of Luke 16:1-9?

Chiluba preached from virtually every podium placed before him that he had introduced a 'new culture'. He contended that since the donor community insisted aid would be tied down to good governance his would be an accountable government. Zambia's economic recovery would remain a pipedream if the nation did not end corruption and mismanagement of the economy. Chiluba, (perhaps to please the donor community that had supported his campaign) imported, wholesale, the donor-tailored economic reforms proposed by the World Bank and International Monetary Fund. This included fast-track economic reforms such as the mass privatisation programme that saw thousands of Zambians lose their livelihood. Despite all the odds, most Zambians still hoped for a better future. They believed their Christian President acted as such out of his Christian principles. They were "ready to sacrifice" for mother Zambia.

Olukoshi, however, criticises Chiluba for his pushing for these reforms so vigorously "without concurrent political and social programmes aimed at safeguarding the democratic transition of [Zambia] or stemming the precipitous decline in the social conditions of [the] populace."¹⁷⁶ He accused the Chiluba regime of promoting "rampant corruption among senior state officials, even as the majority of the people [were] subjected to fresh and renewed austerity." Indeed, Chiluba failed to address questions of social injustice, corruption and lack of financial accountability. There was a lack of serious institutional and legal reforms in the ten years of Chiluba's reign. Soon, profound disillusionment with Chiluba's MMD translated into pro-Kaunda/UNIP sentiments. Chiluba's Christian Nation pledge to "uphold biblical principles" in governance quickly waned. He was soon to adopt a more nakedly authoritarian stance in his leadership.

Controversial legislation and constitutional clauses that followed the Mwanakatwe Constitutional Review Commission report was highly controversial. While the constitutional

¹⁷⁶ Olukoshi, THE POLITICS OF CONTEMPORARY AFRICA. [Uppsala: Nordiska Africainstitutet. (1998)], p. 27

reform process had the potential to irreversibly strengthen the underlying pillars of democracy, popular participation and governance, Chiluba abused his office to enact bad law and reintroduce — not by mere vocalisation, but now in express terms — sacralism. With a majority seat in the *de facto* one-party legislature he found no difficulties in passing highly questionable and undemocratic legislation. He, against the recommendation of the Mwanakatwe Commission, went ahead and placed in the Constitution's preamble the declaration of Zambia as a Christian nation. As the months rolled on Chiluba became less and less tolerant to dissenting views, while the MMD Government ceased to be honest, prudent or accountable. These were not the biblical principles he had promised to subject himself, his government and the nation at large. The Christ-like demeanour he had once carried about a few years before had faded away. A particularly low point came on Christmas Day, 1997, when Chiluba got even with his predecessor and former captor Kaunda, imprisoning him on similarly flimsy charges of insurrection. While Chiluba and his fellow Christians around the nation sat in their homes remembering the birth of the celestial One who saved them from sin's bondage, Kaunda lay in temporal dungeons longing to be delivered from Chiluba's unyielding fetters.

The expelling of twenty-two MMD members from the party, who had rejected Chiluba's failed third term bid even after a court injunction (rightly or wrongly) ordered him not to, and the consequent irregular adoption of an MMD presidential candidate, showed Chiluba's total disregard for the rule of law. The appointment of a self-confessed drug trafficker in his Cabinet¹⁷⁷ and failure to discipline two Cabinet ministers found guilty of diverting K2 billion meant for the National Assembly, (even when they were found guilty of misconduct, and a tribunal recommended their removal)¹⁷⁸ were in direct violation of the conditions pegged to 'good governance' and the 'Christian Nation' pledge.

¹⁷⁷ See the case of *Storer Mbuzi v. Attorney-General* [1995] ZR

¹⁷⁸ *The Post*, November 9, 2001.

It is obvious therefore, that Chiluba's Christian Nation was a mere smokescreen, no more than a philosophical ersatz, an attempt to reintroduce the Second Republic's sacralist prototype — a different face to the same coin. Chiluba utterly failed to 'convert' the nation, let alone himself, to unsullied Christianity. Like the Roman Emperor, Constantine, he made a declaration that did not change the nation nor kill his own old habits. Nay, Zambia's gritty 'emperor' could neither slay nor maim the spirit of the old One-Party sacralist 'ogre' that the Kaunda legacy had left behind. He simply dressed Zambian sacralism with a new, impalpable coat.

3a) MWANAWASA'S "NEW DEAL" — ZAMBIA'S INDETERMINATE AGENDA

Mr. Levy Patrick Mwanawasa was elected President of Zambia in the highly controversial elections of November 2001. He stood against ten other candidates beating his closest rival, Mr. Anderson Mazoka of the United Party for National Development (UPND), by a very slim margin. Based on Chiluba's 1996 (Amended) Constitution which had adopted the First-Past-the-Post electoral system, the nation saw Mwanawasa win the presidency by a paltry 29 per cent vote. The slogan adopted by the Mwanawasa campaign team — "*Continuity with Change*" — sounded rather incongruous. Did they mean that the MMD was to continue its old practices under the new leadership, or rather that *Chiluba* would continue to rule the nation but in a different skin? The whole concept appeared to be at odds with common logic. Could a leopard truly bleach out its spots? Could a 'political ogre' genuinely obliterate its odious pong? These and many more questions continue to haunt the present leadership; and Zambia's Third President has yet to prove sceptics wrong. It still appears, however, that in most instances the questions Zambians continue to ask tell them much more than the answers Mwanawasa and his Government have ever been able to furnish.

Nevertheless, in an apparent attempt to fulfil his campaign promise, Mwanawasa promptly began to address the corruption question; and while dropping the paradoxical campaign slogan for "New Deal" he instigated the National Assembly to remove Chiluba's immunity, and

established the Task Force on Corruption to bring “plunderers” of national resources to book. Unfortunately, the disillusioned Zambians have once again had to live with the thought that although many millions of Zambian Kwacha have been spent, in at least bringing several suspected ‘plunderers’ to court, much of the exercise seems marred with the usual political blether. To the disappointment of many-a-Zambian only one conviction has resulted since the establishment of the Task Force, leaving them doubtful of President Mwanawasa’s aptitude to deal with the matter.

The Zambians have further been disenchanted by Mwanawasa’s inconsistencies and unpredictable temperament. His fits of rage, lack of humility and obvious irascibility have sent people reeling with doubt as to his ability to lead the nation. At his inauguration Mwanawasa promised to rule the nation “by law, not by men” and to fulfil “the will of the people”, yet his Government has repeatedly ruled by its whims and caprices.

Sam Kaseba in his article “Zambia’s 2003” in *The Post* issue of December 31, 2003 lists several inconsistencies in Mwanawasa’s decisions. He writes, at p. 11 —

“In January, Secretary to the Treasury David Diangamo was suspended with six others and jointly charged with six counts of abuse of office and theft of K60 billion by public servant. Diangamo was cleared of the charges¹⁷⁹ and promoted to Deputy Secretary to Cabinet. In February, President Mwanawasa created suspense and excitement when he promised ministerial positions to opposition parliamentarians.¹⁸⁰ At his ... press conference, he [made] a reshuffle in which he redherringly read out the entire government structure, lectured the judiciary, [and] created two cabinet positions and a handful of deputy ministerial portfolios.”

The recent attempt to deport columnist Roy Clarke for exercising what the Courts were later to define as his “freedom of speech” deserving no deportation, the New Deal Government’s persistent denial of opposition parties to equal access to state media, the persistent criticism of private media by Mwanawasa, have caused grave concern around the country. Recently,

¹⁷⁹ Kaseba is not correct. Diangamo was not “cleared of the charges”. Government merely entered a *nolle prosequi*, which simply means the government had suspended the case until further notice. The matter may be (and has since been) recommenced.

¹⁸⁰ Recently, however, he declared that he would not appoint opposition members to Cabinet.

Mwanawasa openly condemned Zambia National Broadcasting Corporation (ZNBC) for what he described as its “shoddy coverage” of *his* events. He condemned the Corporation for its habit “to poorly report on me and avoid repeating [the event] for fear of being criticised as [acting as] government mouthpiece.” He directed the national broadcaster to emulate CNN and BBC’s practice of repeatedly covering heads of state. He brazenly sang his own praises, insisting that his voice was “newsworthy” (regardless the frivolity of the statement made). For as long as he was in government his voice was “news,” President Mwanawasa claimed.¹⁸¹ Such regrettable statements are likely to put more pressure on state media to completely blank out the opposition.

Another worry has been caused by the President’s outlandish theories of the State. In a press conference held at State House on October 4, 2004¹⁸² where he announced the dismissal of then Vice President Nevers Mumba, he declared himself personally to be “*The Government*”. During the swearing-in ceremony of his in-coming deputy, Lupando Mwape, the president warned him not to disagree with him unless he intended to resign. It was “an offence”, he argued, not to abide by the oath of allegiance.¹⁸³ It appears from this that Mr. Mwanawasa holds that any disagreement with him is not only unacceptable but is an offence, a crime, a refutation of the oath of allegiance.

Thirdly, his dictatorial tendencies have shown up repeatedly. This may be evidenced by the manner he *dis*-appointed Dr. Nevers Mumba — just as suddenly as he had appointed him, and just as angrily and huskily as he had sacked former Vice President Enoch Kavindele. The unpredictability of Mr Mwanawasa’s leadership has left many Zambian’s perplexed and rather apprehensive about the future of the nation. Just like his predecessor, Mwanawasa has been accused by various sectors of the economy of failing to dismiss ailing ministers; and just like his forerunner Mwanawasa seems to cast a blind eye to his ministers’ corrupt and highly unethical deeds. Ironically, former Vice President Mumba is on record as having argued to the

¹⁸¹ *The Post*, October 7, 2004, p. 3

¹⁸² As shown in the 20.30 hours edited version on national television (ZNBC).

¹⁸³ *The Post*, October 6, 2004, p. 1

contrary. Exactly a month before his dismissal Mumba claimed the President was “not afraid to make tough decisions”¹⁸⁴ but that such decisions would depend much on the investigations carried out by the “relevant institutions”, such as the Task Force and the Anti-Corruption Commission. Almost prophetically Mumba warned that ailing ministers would be dealt with. Four weeks later *he* was.

The irregular appointment of Nevers Mumba as Vice President, when he was a losing candidate at the last Presidential elections,¹⁸⁵ and the reappointment to the position of MMD National Secretary of the same self-confessed drug-trafficker Chiluba had been condemned for having appointed into Cabinet during his first term of office, has begun to reveal Mwanawasa’s disregard for the rule of law. The Mwanawasa regime has been accused again and again of not being a listening government — especially as regards the Constitutional Review Commission (CRC) experiment that began in 2003, once again amid much controversy. For instance, it is alleged by certain quarters of civil society that the majority of Zambians they have had contact with seem to prefer the adoption of the Constitution via a Constituent Assembly.¹⁸⁶ Others urged Government to readopt the 1991 Constitution or at least speed up the present exercise. However, Government has yet again given a deaf ear to all the pleas thereof.

MWANAWASA’S “CRC” — AT THE SACRALIST — A-SACRALIST CROSSROADS

The CRC was borne out of Mwanawasa’s claim to uphold the rule of law, and effect a concrete and lasting Constitutional framework upon which Zambia’s present chaos would be finally dealt with. It is trite that a good constitution sets the parameters upon which national development and economic prosperity may be achieved.

The Post, September 4, 2004, p. 1

C.f Article 37, of the Zambian Constitution

Although it is conceded that no convincing study has yet been published to authenticate the assertion. Most Zambians appear not even to understand what the quarrel between the civil society and the government is all about.

Once again Zambia is granted an opportunity to unshackle herself from Kaunda or Chiluba's sacralist manacles. There has been much debate on the "Christian Nation" declaration and the reader will do well to examine the various arguments raised. It is intended here, however, to pick one of the more prominent submissions on the declaration question to the Mung'omba CRC.

Quite recently, Zambia Episcopal Conference (ZEC), the Catholic Church mother body, in their fiery submission to the Constitution Review Commission, argued that the declaration of Zambia as a Christian nation in the preamble of the constitution should be omitted. They argued that although Christianity was undoubtedly the majority religion in Zambia there were many dutiful Zambians who professed other faiths, or did not profess any faith at all. The submission rightly stated further that "no loopholes should be left in the Republican Constitution, which might, at some further date, lead to non-Christian Zambians being regarded as second-class citizens or even excluded from public office". They were correct. And history itself clearly tutors us as to the veracity of this claim. Sacralism always has a tendency of creating classes of people depending on the levels of commitment to State Religion. The Vatican itself has on a number of occasions quite publicly diffidently acknowledged that it erred when it persecuted, maimed and killed those that did not agree with their creed and confession. Once-upon-a-time the decrees of the Pope were law; infallible law. Once-upon-a-time the Pope, with a word, sent countless innocent men and women to burn at the stake, be fed to lions or be condemned as heretics chained in dark, stinking, clammy gallows till they died of starvation. There is no better organisation in the Zambian context to warn about the dreadful consequences of state religion than the Church of Rome.

The Catholic Bishops argued further, however, that the nation was not Christian by declaration but rather by deeds: "Zambia can be a Christian nation only if Zambian Christians follow Jesus in a life of love and respect for one another, a life of dedication, honesty and hard work." This of course, with all due respect, is a theologically bankrupt premise to base the argument against the declaration. A nation can never be said to be Christian even if millions of her inhabitants

devoted themselves to Christ. A Christian is a follower of Christ and a member of the elect Church of Jesus Christ for whom He shed His precious blood. A nation may be filled with Christians of good standing but can never *itself* become one. The statement made by the Bishops negates the very concept of separation of Church and State; for supposing the incredible happened and 9.9 million Zambians became ardent followers of Christ, zealous unto good works, men and women of integrity, hard work and honesty. Would that imply that Zambia had become of age and ready to be declared, or at least considered, 'Christian'? Would it justify a return to sacralism? Or supposing the population became converted to Islam, Buddhism, New Age mysticism, or voodooism, and supposing almost every Zambian was devoted to one of these; would it open the doorway for a change in Zambia's religious status? If Zambians became devoted Darwinists would that warrant a further change?

The point is, Christ separated Church and State when He gave to Cæsar what belonged to him and to God what was God's. The local churches are therefore created by Christ who is Head of each individually; while the State is created by man as a necessary institution for the lateral needs of man, as the natural consequence of the need of men for order and protection and in order to regulate the affairs of men.¹⁸⁷ If in a modern democracy the State "does not administer the affairs of men but rather administers justice among men who conduct their own affairs,"¹⁸⁸ how would it achieve justice where one religion officially towers over all others? Should Shari'a law become the established law of the land? Should the mystic belief system of the Bhagavad Gita become the basis for our laws? Or should Charismatic, rather than Catholic, Anglican or Baptist doctrines become the creed of the land? How are these problems to be resolved?

The term *Christian*, meaning 'Christ's warrior' or 'Christ's slave' or 'One like Christ' which began as a nickname in the first century Antioch Church, does not include the State. The grouping together of Christians is known as the *Ecclesia* or 'Assembly' or 'Church'. Thus, the

¹⁸⁷ See Chapter 3.1.2 above.

¹⁸⁸ Lippman. THE GOOD SOCIETY, Chapter 12

true biblical Christian Nation is the 'Church Universal', which includes the Church militant and the Church triumphant (that is, the Church on earth and the Church in heaven). The Church is composed of men whom Christ has called *out of the world* and gathered round him to be a witness to Him.

Accordingly, even if Zambia were 99 per cent Christian, it can never correctly be defined as a Christian nation — *the* "sanctuary of God's worship" or the "instrument of His Spirit."¹⁸⁹ If Christians who make-up the Church are "the organ through which the great truths of God and of the meaning of the words and life and passion of Christ are declared," it is erroneous to insinuate that Zambia can be a Christian nation merely because all Zambian Christians were following Jesus in a life of love and respect for one another, *et cetera*. A nation may be greatly *influenced* by religious men and women. Christian principles may permeate the dealings of all in the land, but never should a nation officially embrace a particular religion.

The ZEC rightly observed, nonetheless, that while the declaration as found in the preamble is not justiciable, the declaration "should be omitted altogether from the Constitution." They argued that legislating faith and religion into the Constitution could lead to fundamentalism, which could be used against Christianity by a leadership of other religious persuasion. ZEC endorsed the recommendations of the Mwanakatwe Constitutional Review Commission that stated that Christianity or any other religion could be safely secured without any form of declaration. The bishops submitted that such a declaration could lead to abuse of religion for purely political ends and even bring discredit to the name *Christian*. Experience had in fact shown, they submitted, that since 1992 Christianity had been brought into the political fray to the faith's detriment. They reiterated their 1992 statement that the Church and the State should remain separate and that the nation was not Christian by declaration but by deeds.¹⁹⁰

¹⁸⁹ Clow, *CHRIST IN THE SOCIAL ORDER*, p. 258.

¹⁹⁰ *Times of Zambia* October 4, 2004, p. 1

Little do they acknowledge, however, that Chiluba's state religion was no novelty in the Zambian scenario. For just as Chiluba's *Fundamentalism* is today made sport of, so too was Kaunda's socialist '*Hindu-Christianity*' dragged into the political slough — to detriment of his own faith.

3c) MWANAWASA'S "RELIGION SEARCH" — MENACE TO CONSTITUTIONAL DEVELOPMENT?

The oddest fact about Mwanawasa is his religious affiliation. Like four percent of Zambia's population, he was a Jehovah's Witness. The sect teaches that since the world is under the sway of Satan members are forbidden from running for public office, saluting the flag, joining the military, or voting in elections. It was not surprising, therefore that the Witnesses excommunicated Mr. Mwanawasa and his wife, herself a baptised member of the Jehovah's Witnesses, in December 1991 following his ascension to the position of President. Mwanawasa described the move by the sect as "really a pity, because I enjoyed studying the Bible." He added that he was in "no rush" to find another church.¹⁹¹ Mwanawasa, who was not a baptised Jehovah's Witness, said the decision by the church to excommunicate his wife symbolised that they were not wanted in that religious fraternity. He said they had wanted to stay on in the church but saw that it would not be possible, going by the move to have his wife excommunicated.

As regards the country's religious status, Mwanawasa promised at the time not to change the Constitution's preamble. "Zambia will remain a Christian nation, but that does not mean that other people should not pursue other religions,"¹⁹² Mwanawasa also said he believed in the participation of everybody in the country's politics, without undue interference. Although most citizens do not seem bothered about Mwanawasa's religion — nor do they even appear to know about it. Others have tended to argue that the problem with Zambian politics has been that leaders like Kaunda and Chiluba just were just not genuine Christians. Under the current

¹⁹¹ "Jehovah's Witnesses Excommunicate Maureen Mwanawasa" *Times of Zambia*, December 18, 2001

¹⁹² *Ibid.*

Constitution, however, Mwanawasa, just like Kaunda and Chiluba, is guaranteed the right to enjoy the freedom of conscience, of thought and religion — or, for that matter, to belong to no religion at all. No-one may therefore validly raise issue with him as President of Zambia. If Mr. Mwanawasa remains loyal to the Constitution, which incidentally is the supreme law of the land; and if he upholds the values that are reasonably justifiable in a democratic state; if he rules by law and not by men, and brings Zambia to greater economic heights; would his particular religion really matter?

The question, however, is that since Mwanawasa has expressly stated on different forums, and in view of the fact that he appears to want to avoid a more transparent Constituent Assembly for the adoption of the Constitution, will he endeavour to enact a non-sacralist Constitutional framework or endorse state religion? The actual position of the present Government under Mr. Mwanawasa as regards State-Church relations, in view of recent pro-Christian-nation-declaration statements by notable political figures remains nebulous. The present Kaunda-Mwanawasa alliance and the untold, and sometimes embarrassing, adulation and virtual veneration of the founding father by the present Government has sent a chill down the spine of many compatriots. Those with a mere inkling of the Kaunda-Ranganathan legacy, the Maharish Mehash Yogi mystic project, the David Universal Temple fetishism, and the UNIP cadre sycophancy can never be at ease. It is hoped the underlying current in this rather sudden and apparently embroidered, conspicuous union will not have averse implications on the State-Church relationship. Another sacralist constitution will never save Zambia.

6.0 CHAPTER SIX

6.1 RECOMMENDATIONS

6.1.1 "ZAMBIAN A-SACRALISM" — A REQUIRED ARTICLE IN THE ZAMBIAN CONSTITUTION

As already observed, sacralism is no new phenomenon. It has existed all the way down to the very first page of conceivable human history. Every society is potentially sacral, but sacralism is never to be perpetrated.

Noteworthy also, is the fact that a small number of developed states in the West today maintain sacralist constitutions or laws, while some are sacralist by convention. An alternative a-sacralist constitutional framework may prove vital. In the United States of America where a fierce debate has taken root in recent months on the relationship between Church and State in the land various questions are being raised notable — such as:

- ⊙ Discrimination in favour of or against religion;
- ⊙ Violation of the constitutional requirement that government be neutral toward religion;
- ⊙ Possible Government interference with and unhealthy influence over private religious choices and commitments;
- ⊙ The possible ramification of absolute religious exclusion which violates formal neutrality, and its discouragement of theological studies in public universities, a major violation of substantive neutrality.

It is hoped that the American formula of a society in which no religion is designated as the right religion, is adopted in view of the constitutional review exercise currently underway. This will certainly avoid falling victim to the Constantinian, 'Kaundan' or 'Chiluban' view of the role of religion in human society, and so that the Constitutional guarantees of the freedom

of conscience is realised. As Verduin shows, there exists a permanent tension in sound Christian faith between the strengthening of the Christian community and the work of the Christian movement in baptising and christianising society,¹⁹³ or, one may add, in Dr. Kaunda 'Ranganathanising' Zambia, or in Mr. Mwanawasa 'Kaundanising' the country.

There is need to redefine the role of Church and State as per Constitutional provision; as per the 'ideal.' There is need to include in the Constitution a provision to prevent any future mingling of Church and State. Although Zambia is 80 or more per cent 'Christian' this condition is vital if Zambia's constitutional arrangement is to help achieve religious liberty and 'voluntaryism' in order to make possible a sounder view and practice of high religion and healthier politics, for —

"To compel men by law to support and participate in religious exercises in which they have no faith is unworthy of Christians who put their trust in the Sword of the Spirit. Ultimately, of course, Truth is one. But the triumph of Truth, and the Lord of Truth, comes about through sound preaching, right practice ... and a sound practice of voluntary disciple, *not* through coerced outward display of public piety." — Franklin H. Littel.

There is need to determine the most prudent and more excellent constitutional arrangement — the need for the separation of Church and State as institutions — by recognising the specific and, indeed, different roles of the two vital institutions; and to establish the extent to which the Church and State ought to relate to attain positive national development. When Jesus answered the Pharisees' question He saw no tension between the Church and State. "Render to Cæsar the things that are Cæsar's and to God the things that are God's." Jesus neither confused the two nor brought them into conflict with each other.¹⁹⁴ In the United States the First Amendment of the Federal Constitution, which forbids Congress from making any law respecting, *inter alia*, the establishment of religion, or the prohibition of the free exercise of religion, has carved out the pluralistic situation that has fostered development in the nation

¹⁹³ See THE REFORMERS AND THEIR STEPCHILDREN, p. 5.

¹⁹⁴ Mbewe, RENDER TO CÆSAR WHAT IS CÆSAR'S..., p. 14.

throughout the many decades of her existence. It is conceded, however, that the United States has today slipped into "sectarianism".¹⁹⁵ In seeking to secure political correctness and to avoid the return of 'old sacralism' the neo-sacralist ideologue has emerged. Zambia can and must avoid this. Sectarianism must necessarily go hand in hand with Sacralism — just as wife is to husband and peacock is to peahen. The words "right" religion or national religion, Christian nation or official religion must therefore never be permitted in the Zambian Constitution, for that will be a downhill slip to old sacralism. The new Constitution must promote religious multiformity, and not religious vacuity or bigotry. It must ensure that Government shall forever exercise impartiality as regards religion.

This does not mean the *absolute* divorce of Church and State. The two must co-exist. And therefore the Constitution must not prevent mutual co-existence. Mbewe's description of this relationship is instructive.¹⁹⁶

It is hoped that this essay will be supportive in putting the obscured strands of the unfolding tapestry of the greater picture of the history of Church and State in Zambia into context. It is hoped that the issues raised in the paragraphs above will provide a clear view of the direction the country is likely to take, and the direction it *ought* to take in the near future — *vis-à-vis* the general view of the Church-State relationship in Zambia by both religious and political authorities. It is hoped that the information will provide a basis for the support for the separation of Church and State.

It must never be forgotten that sacralism has bathed the world in an ocean of bloody tears. A dark, murderous history of an intermingled Church and State.

¹⁹⁵ Discussed Chapter 2.1.4 above.

¹⁹⁶ See *Supra*, at pages 21–22.

7.0 CONCLUSION

The fading rays of Zambia's political setting sun illuminate every towering mountain of her present existence. Like a soon-to-be-extinct horizon her glorious mountaintops are coloured with the pallid saffron of the glowing hope of a probable new day. Dark has been her night; catastrophic her past. But will not the present darkness of *Sacralism* and her metamorphosed *Neo-sacralist* doppelganger flee in haste with the advent of a new Republican Constitution? Shall not the brighter *A-sacralist* star illumine Zambia's obfuscated future? Shall not the melodious chords of the Christ-defined cordial relations between a separate Church and State draw this nation out of the sinking sands of State-religion (or quasi-State religion)?

The church and State in Zambia shall remain intermingled only to her own detriment — a constitutional, political and socio-religious debacle. O that Zambia, our beautiful emerging democracy, might learn for her own sake to —

“Render to Cæsar what is Cæsar’s

and to God what is God’s.”

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