# Religious Nationalism and The Legal Rejection of LGBT Rights in Zambia: Examining the Intersection of Religion, Law, And Social Exclusion

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**Abstract:**

In the 21st century, national identities are shaped by more than just belonging to a nation-state; factors such as ethnicity, culture, gender, and religion also play a significant role. Individuals can align themselves with imagined communities, where national identity exists only in the mind. However, when religion becomes a symbol of national identity, it often leads to the rejection of beliefs that contradict religious values. This paper explores the influence of religious nationalism on the social rejection of LGBT rights in Zambia. Through a review of various theories of nationalism and an analysis of the conflicts between state, ethnic, and religious nationalisms, the paper highlights how strong religious identities can foster hostility toward LGBT communities. Zambia, a Christian nation by constitutional declaration, exemplifies how religious nationalism enables the criminalization of homosexuality, described as an unnatural offense punishable by imprisonment. The conclusion demonstrates that religious nationalism not only conflicts with LGBT rights but also fuels social rejection, leading to stigma and legal consequences for LGBT individuals in Zambia.

## The Intersection of Nationalism, Religion, and Identity

The concept of nationality has traditionally served to unite people within a shared community of culture and traditions. However, the debate surrounding nationality is often conducted at the level of state sovereignty and self-determination, highlighting the tension between national identity and political autonomy. This struggle has led to fragmentation within nations, creating sub-national divisions based on ethnicity, language, religion, or gender. As Hroch (2020) and Mortimer and Fine (2011) suggest, nationalism emerges from a nation's social reality, where individuals align themselves with potential or imagined communities, united by shared cultural values.

In addition to realist theories that posit the existence of both real and imagined nations (Anderson 2006; Harris 2009), scholars have developed various conceptual frameworks to explain nationality. Liberal theorists emphasize the violation of individual rights as grounds for invoking the right to self-determination (Freeman 1999), while communitarian perspectives focus on the modern phenomenon of individuals choosing to identify with specific communities (Emerson 1960; Cottam and Cottam 2001). Moreover, Kaufmann (2017) argues that nations are complex entities, structured both vertically and horizontally, arising from relationships between individuals and institutions.

In light of these diverse perspectives, it is necessary to redefine the concept of nationality in today's globalized context. National identity can no longer be confined solely to the territorial boundaries of the nation-state but must encompass a broader array of relationships, including ethnic, cultural, and religious affiliations, as well as global influences (Harris 2009).

National identity can be constructed both within the state and outside of it, allowing groups to develop collective identities based on ethnicity, religion, gender, culture, or a combination of these factors. This diversity often leads to clashes between different forms of nationalism, which can sometimes be mutually exclusive. For instance, strong state nationalism can pose a direct threat to ethnic nationalism, as seen in the case of the Uyghurs in China. Culpepper (2012) argues that in the Chinese context, the term "nationality" (minzu) should be reserved exclusively for references to the Chinese nation (zhonghua minzu), while the term "ethnic group" (zuqun) would more accurately describe the various minority groups within China's borders. This highlights the tension between state-imposed nationalism and ethnic self-identification.

Similarly, Mitra (2012) suggests that the emergence of sub-national identities is often driven by a clash between the emotional appeal of sub-nationalism and the government's reaction to it. In such contexts, sub-national movements arise when individuals or groups reject the dominant national narrative, seeking instead to assert their own distinct identity. This dynamic is further supported by the work of Gonzalez-Torres and Fernandez-Rivas (2014), who characterizes nationalism as an "inverse-stigmatization

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phenomenon." In their view, sub-national identities emerge through a process that includes labeling, negative stereotyping, separation, loss of status, and discrimination. The resulting "us versus them" mentality can range from minor social divisions to the rise of radical nationalist movements, which often challenge the legitimacy of the dominant national identity (Gonzalez-Torres & Fernandez-Rivas, 2014).

Religion is a significant factor that often attracts hostility, particularly in contexts where religious nationalism plays a central role in shaping national identity. The stronger religious nationalism is in a given country, the more likely it is to reject other sub-identities, such as those related to gender or sexual orientation. However, some scholars argue that religion alone does not fully explain the resistance to LGBT norms. Ayoub (2014) posits that "LGBT rights mobilize an active resistance in some cases and not in others" (p. 337), suggesting that the relationship between religion and opposition to LGBT rights is context-dependent. For example, perceptions of national identity vary between countries like Slovenia, where resistance to LGBT rights is relatively mild, and Poland, where religion forms a core element of national identity, leading to more entrenched opposition (Ayoub, 2014).

Other scholars, such as Gonzalez-Torres and Fernandez-Rivas (2014), agree that while there is no global consensus on the interpretation of LGBT rights, sexual identity is increasingly viewed as part of a broader global identity, contributing to social cohesion. Nonetheless, in countries like Zambia, state nationalism and religious nationalism are closely intertwined, both reinforcing the rejection of any form of nationalism or identity that conflicts with the idea of Zambia as a Christian nation, as enshrined in its Constitution (van Klinken, 2014). In such contexts, religious nationalism not only shapes legal structures but also exacerbates social rejection of LGBT communities. This paper aims to analyze the specific conditions under which religious nationalism in Zambia influences the social rejection of LGBT rights, contributing to both legal and societal exclusion.

## Nationalism, religion and LGBT rights in Zambia

After gaining independence, Zambia initially positioned itself as a democracy with a relatively prosperous economy, supported by a thriving copper industry. By the early 1970s, Zambia had become the world's third-largest producer of copper, contributing significantly to its national wealth. However, the collapse of the copper industry in the late 1970s marked a turning point for the country, exacerbating pre-existing social and political tensions, particularly around tribalism, which increasingly fragmented Zambian society. In response, President Kenneth D. Kaunda implemented a series of authoritarian measures aimed at curbing tribalism and consolidating power. His political opponents were imprisoned without trial, and in 1973, the National Assembly approved Zambia's shift to a one-party state, effectively cementing Kaunda's control. This political shift not only deepened the country's economic crisis but also intensified its internal divisions.

It was not until 1991, following nearly two decades of single-party rule, that Zambia transitioned back to a multi-party democratic system. The election of a new president was well received, particularly among Pentecostals, who saw his commitment to declaring Zambia a Christian nation as heralding "the beginning of a new era—an era of combating the influence of the Devil in the life of the country, and of recommitting the nation to Christ" (Klinken 2014, 263). These promises quickly became reality with the official declaration of Zambia as a Christian nation through the Constitution, marking a significant shift in both domestic and foreign policies (Klinken 2014; Chitando 2016). The formalization of Zambia's Christian identity not only reshaped the country's political landscape but also contributed to the marginalization and social rejection of those deemed to oppose or deviate from Christian teachings. This included individuals or groups practicing lifestyles seen as contrary to Pentecostal values, particularly the LGBT community, who faced increased stigmatization and legal exclusion under the banner of religious nationalism.

To better understand the relationship between religion and homosexuality, it is essential to explore the conditions under which diverse national identities can coexist within a democratic framework. Harris (2009) argues that the presence of multiple nationalities within a state creates the potential for the development of divergent and, at times, contradictory ideologies of democracy and nationalism. This leads to an "inherent tension between nationalism and democracy," particularly evident in the doctrine of national self-determination (Harris 2009, 26). Nationalists, prioritizing territorial sovereignty, seek either to control the state or to create a new one aligned with their conception of the nation or religion (Harris 2009).

In line with the argument that national identity can evolve beyond territorial boundaries, globalization has facilitated the proliferation of democracies and the transference of nationalist ideologies across borders. This has allowed for the importation of sub-national identities from one context to another. Theorists such as Tambiah (2000) and Siekmeier (2015) contend that globalization can both strengthen and weaken nationalism, depending on the specific sociopolitical context. Globalization thus complicates the relationship between national identity, democracy, and religious nationalism, offering opportunities for both the integration and exclusion of minority identities, including sexual and gender identities.

In Southeast Asia, religious nationalism has been a catalyst for numerous conflicts and has even challenged the very concept of nationhood (Liow 2016). In contrast, the coexistence of multiple national identities in Czechoslovakia has been interpreted as a manifestation of democratic principles (Harris 2009, 2). These examples contribute to the debate on the perceived incompatibility between nationalism and democracy. As nationalist sentiment rises, the democratic nature of a nation can appear to diminish. However, despite their seeming opposition, Harris (2009) suggests that the near-simultaneous emergence of democracy and nationalism demonstrates their compatibility. According to Nodia (1992), nationalism is an integral component of democracy, and a functioning democratic system cannot exist without some form of nationalism. In both cases, legitimacy is derived from "the

people," who determine their collective identity through nationalism and define the parameters of political participation through democracy (Harris 2009, 36).

In Zambia, nationalism is predominantly shaped by religion, particularly Pentecostal Christianity, as enshrined in the Constitution, which declares Zambia a Christian nation. Religious nationalism in Zambia, as enshrined in its legal framework, mirrors patterns observed in other nations with strong religious identities, such as Nigeria or Uganda, where legal codes also criminalize homosexuality in alignment with dominant religious narratives. This reflects a broader trend across many African nations where the intersection of religion and law curtails human rights, particularly for LGBT communities (Jones 2015; Mwangi 2017).

Although the Constitution does not prohibit the practice of other religions, this declaration has fostered the rise of an exclusive form of nationalism—Pentecostal nationalism—which rejects alternative forms of national identity that contradict the beliefs and values of the Pentecostal faith (Klinken 2014). One of the most prominent targets of this exclusionary nationalism is homosexuality, which is viewed as "a threat to the purity of the nation" (Klinken 2014, 259).

Zambian law reflects this perspective. The Penal Code criminalizes "unnatural offenses," defining them as acts where a person "has carnal knowledge of any person against the order of nature" (Section 155 of the Penal Code Act of 1995, Chapter 87, amended by Act no. 26 of 1933). Zambia's criminalization of homosexuality directly conflicts with its obligations under international human rights frameworks, such as the International Covenant on Civil and Political Rights (ICCPR), which it ratified. By framing homosexuality as a criminal act, Zambia contravenes key principles of nondiscrimination and privacy outlined in Article 26 and 17 of the ICCPR. Section 156 of Zambia's Penal Code imposes penalties of seven to fourteen years in prison for attempting such offenses, while Section 157 criminalizes acts of "gross indecency" between males. Homophobia, therefore, is not only socially ingrained but also state-sanctioned, with the Christian nation doctrine often invoked to justify acts of anti-homonationalism (Klinken 2014; Chitando and Klinken 2016). In Zambia, homosexuality is framed within dominant religious discourses as a deviant behavior that threatens the moral fabric of the nation, warranting stringent social and legal responses aimed at its suppression, and those who are seen as practicing it, risk violent reprisals, including beatings and imprisonment (Chitando and Klinken 2016, 86). LGBT individuals in Zambia face a unique form of compounded marginalization, where their sexual identity intersects with other aspects of identity such as gender, economic class, and, for some, ethnic minority status. This intersectionality exacerbates their social exclusion, making them vulnerable not only to legal sanctions but also to violence and discrimination at the grassroots level. These compounded forms of discrimination reflect the complexities of navigating multiple marginalized identities in a society deeply influenced by religious nationalism.

The concept of homonationalism, coined by Jasbir Puar (2007), represents the integration of LGBT rights into nationalist ideologies, wherein a nation positions itself as "gay-friendly" to bolster its global image. Homonationalism derives from Lisa Duggan's (2001, as cited in Puar 2007) notion of homonormative nationalism, a form of neoliberal sexual politics that aligns LGBT rights with dominant nationalist narratives. Puar (2013) explains that homonationalism serves to "understand and historicize how and why a nation's status as gay-friendly has become desirable."

In Zambia, however, religious nationalism fosters a strong rejection of LGBT rights, contributing to a pervasive sentiment of anti-homonationalism. This rejection creates challenges across social and institutional levels, as evidenced by the findings of the Franklin & Marshall Global Barometer of Gay Rights. For instance, the Zambian government recently ordered the cancellation of a television program on the grounds that it promoted homosexuality (Dolan 2021). LGBT minorities in Zambia also face significant barriers to accessing proper medical care due to the "stigma and illegality surrounding homosexuality," and individuals expressing support for LGBT rights risk violent retaliation, including beatings from neighbors with religious motivations (Dolan 2021). According to the 2023 report by Amnesty International, over 150 individuals were prosecuted under Zambia's anti-homosexuality laws, reflecting an ongoing pattern of legal persecution that remains unchallenged by the international community (Amnesty International 2023).

Ayoub (2014) highlights that when religion becomes intertwined with national identity, it "contributes to countermobilization" against LGBT norms. This phenomenon is not unique to Zambia; Poland, similarly, experiences the influence of religion—particularly the Catholic Church—as a national symbol, reinforcing opposition to LGBT rights (Ayoub 2014). Despite the emergence of secular nationalism in some contexts, religion continues to serve as a powerful voice against homosexuality in nations like Zambia and Poland, where it maintains a central role in shaping national identity (Ayoub 2014; Liow 2016).

## Conclusions

This paper has demonstrated that nationalism, in its various forms—state, ethnic, and religious—plays a significant role in shaping a nation's identity, governance, and social dynamics. The analysis of Zambia offers a critical case study where religious nationalism has been enshrined in the Constitution, creating a national identity deeply intertwined with Pentecostal Christian values. This form of religious nationalism does not merely influence individual behavior but has profound implications for national policies, particularly regarding human rights.

Zambia's declaration as a Christian nation has facilitated the development of what can be termed "exclusive nationalism," where non-conforming identities, particularly LGBT communities, are systematically excluded. The legal framework in Zambia, supported by the Penal Code, explicitly criminalizes homosexuality, reflecting how religious beliefs are codified into law. This has fostered a climate of social rejection and state-sanctioned homophobia, as LGBT individuals are not only stigmatized but also face

imprisonment and violence.

Moreover, the relationship between nationalism and democracy in Zambia is particularly complex. While Zambia maintains a democratic structure, religious nationalism challenges democratic ideals of equality and freedom by prioritizing a singular religious narrative over pluralistic values. This creates a contradiction within the Zambian democracy: while it allows for political participation and representation, it simultaneously suppresses certain rights, particularly for marginalized groups such as the LGBT community.

Globally, the intersection of religion and nationalism presents similar challenges. As the paper has shown, in nations like Poland, religious institutions, such as the Catholic Church, play a central role in national identity, leading to similar patterns of exclusion for LGBT individuals. This parallel underscores that religious nationalism can transcend borders and become a potent force in the political landscape of various countries, influencing not only national policies but also public attitudes toward sexual and gender minorities.

The concept of homonationalism, as explored in this paper, highlights another dimension of how LGBT rights can be mobilized within nationalist frameworks. While some countries leverage LGBT rights to promote themselves as "progressive" on the global stage, Zambia represents the opposite trend, where religious nationalism fuels anti-homonationalism, rejecting any notion of LGBT inclusivity. This rejection is institutionalized and justified through religious and moral arguments that position homosexuality as a threat to national purity and Christian values.

Zambia's case illustrates the broader implications of how nationalism, particularly when infused with religious doctrine, can create exclusionary frameworks that inhibit the recognition of universal human rights. Zambia's exclusionary religious nationalism is not an isolated phenomenon but part of a broader global challenge where religious ideologies are increasingly being used to justify legal and social discrimination against LGBT communities. Similar patterns are observable in regions such as Eastern Europe, Southeast Asia, and parts of the Middle East, where religious identities are deeply entwined with state governance. These examples demonstrate that religious nationalism, in various forms, continues to challenge international efforts to uphold LGBT rights and human rights more broadly. The criminalization of homosexuality and the widespread social stigma faced by LGBT individuals are direct consequences of a form of nationalism that is incompatible with diversity and inclusion. This paper has highlighted that religious nationalism does not simply coexist with democracy but often undermines its principles when it prioritizes certain identities over others.

For future research, it will be critical to explore how international human rights organizations can engage with countries like Zambia, where religious nationalism dominates, to foster more inclusive national identities. Additionally, comparative studies between Zambia and other nations with similar religious-political frameworks could provide deeper insights into how religious nationalism shapes social exclusion across different contexts.

In conclusion, this paper has shown that religious nationalism, as a defining feature of Zambia's national identity, has created a political and social environment where LGBT rights are not only suppressed but actively persecuted. The exclusionary nature of this nationalism challenges the very foundation of human rights, presenting a significant obstacle for any movement toward LGBT inclusion and equality in Zambia. As religious nationalism continues to shape national identities around the world, the conflict between inclusivity and exclusion will remain a critical issue for scholars and policymakers alike.

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