16 HUMAN FLOURISHING BEYOND RELIGION: HOMOSEXUALITY AND ATHEISM IN KENYA

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INTRODUCTION

At a conference, organised by Catholics for Choice² in Kenya in 2016, there was an exchange amongst the delegates over the growing visibility of atheism in the country. One delegate, who was visibly irritated, complained about a new atheist organisation in Kenya that had been making some noise and disturbing people. He said, "They are actually about a hundred of them." A delegate from Nigeria (not the present author) retorted, "They are more than that." Apparently, the man from Kenya noted the insignificance of the atheist membership in order to stress the lack of proportion of the organisation's noise in a country of over 45 million people.³

Apart from Kenya, there have been media reports of the activities of individuals and organisations that are non-religious in different parts of Africa.⁴ The media accounts have highlighted the organisations' meetings and conferences,⁵ their human rights campaigns and humanitarian projects.⁶ For instance, there have been reports on conventions of humanists and atheists in Ghana,⁷ as well as the campaigns for human rights protection, the empowerment of victims of witchcraft accusations, the support of gay rights and the furtherance of secular education in Uganda.⁸

Existing studies have mainly explained development and well-being in relation to religion,⁹ noting the role of the religious networks in conflict prevention and

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2 In 2016, Catholics for Choice, a U.S.-based, non-governmental organisation, held a conference on "What Secularism Means for Africa". For the conference report, see Global Interfaith & Secular Alliance. 2017. *What Secularism Means for Africa: What is has been, what it hasn't been and what it could mean for human rights*. Washington, DC: Catholics for Choice.

3 Worldometers. 2019. *Kenya Population* [Live]. Online at: <http://www.worldometers.info/world-population/kenya-population>

4 Lee L. 2015. *Recognizing the non-religious: Reimagining the secular*. Oxford: Oxford University Press.

5 Evans R. 2012. "Humanists call for African age of Enlightenment", *Reuters*, 15 November.

6 "International and Ghanaian humanists call on Ghana to respect human rights in face of traditional practices", *Humanists International*, 20 March 2018.

7 International Conference, "West African Humanism in Action", Accra, Ghana, 23-25 November 2012, *Humanists Online*, 5 December 2012.

8 Uganda Humanist Schools Trust. See <http://www.ugandahumanistschoolstrust.org>

9 Ter Haar G and Ellis S. 2006. "The role of religion in development: Towards a new relationship between the European Union and Africa", *The European Journal of Development Research* 18(3):351-352.

peacebuilding,¹⁰ wealth creation and production, governance, health and education. Scholars have suggested that religion promotes human goods and protects human rights.¹¹ Religions fulfil these roles by addressing the existential needs and challenges in the communities.¹² In addition, religion has been instrumental in creating institutions that foster socio-economic welfare.¹³

However, the way that religious disbelief relates to human well-being in various societies has largely been overlooked. Although, religious traditions can be sources of benevolent or altruistic moral codes and religious resources can be rallied to foster human development and happiness, religious narratives are sometimes used to reinforce unjustified social privilege or oppression.¹⁴ Against this last trend, in particular, deprivatisation of disbelief entails atheists coming out and actively expressing sentiments that are opposed to religious ideas in the social and mainstream media.¹⁵ Public expressions of disbelief attract attention because the display of opposition to religious viewpoints impact other aspects of the social life such education, sexuality and reproductive health.¹⁶ Non-religion has not been an area of focus in Africa, because the general impression remains that religion permeates all aspects of the African socio cultural life.¹⁷ Actually, studies on the rise of the nones or the new atheism have mainly been limited to the Western countries.¹⁸ Scholars of African religion have yet to explain how the views, positions and campaigns of the non-religious in Africa are linked to socio-economic and political well-being despite the massive presence and influence of the religious establishment in African societies. While deprivatisation transforms non-religiosity from being private and indifferent to being assertive and public, it is pertinent to

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- 10 Haynes J. 2007. *Religion and development: Conflict or cooperation?* New York: Palgrave Macmillan, 4.
 - 11 Ogbonnaya J. "Religion and sustainable development in Africa: The case of Nigeria", *International Journal of African Catholicism* 3(2):1-2.
 - 12 Olarinmoye OO. 2012. "Faith-based organizations and development: Prospects and constraints", *Transformation* 29(1):1-14.
 - 13 Ochanda RM. 2012. "Faith Organizations and Socio Economic Welfare in Kenya", *Romanian Journal for Multidimensional Education* 4(3).
 - 14 Martin C. 2017. *A critical introduction to the study of religion*. Second Edition. London: Routledge, xv.
 - 15 Ribberink E and Houtman D. 2010. "'Te ongelovig om atheïst te zijn': Over de Deprivatisering van Ongeloof" ["Too Much of a Disbeliever to be an Atheist": On the Deprivatization of Disbelief], *Religie & Samenleving* [Religion & Society] 5(3):209-226.
 - 16 Evans R. 2012. "Humanists call for African age of 'Enlightenment'", *Reuters*, 15 November.
 - 17 Mbiti JS. 1969. *African Religions and Philosophy*. London: Heinemann, 1.
 - 18 Bullivant S. 2010. "8. The New Atheism and Sociology: Why Here? Why Now? What Next?", in *Religion and the New Atheism*. Leiden: Brill, 109-124. See also Zuckerman P. 2014. "The rise of the nones: Why more Americans are becoming secular, and what that means for America", in Pinn A (ed). *Theism and Public Policy: Humanist Perspectives and Responses*. New York: Palgrave Macmillan, 37-52.

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explore the implications on other aspects of the society including legislation, human rights, education and the overall development of the society. This chapter focuses on homosexuality, because it is one area where religions publicly hold and promote views that are harmful, as well as positions that undermine human well-being.¹⁹

The different ways of coming out as an atheist have been described as processes of deprivatisation. Based on their research in the Netherlands, cultural sociologists Egbert Ribberink and Dick Houtman have observed that disbelievers used their social media platforms to assert their anti-religious views and to argue for the separation of religion and politics.²⁰ They noted that such expressions have turned private and indifferent non-religiosity into public and assertive anti-religiosity.

Against this background, this chapter explains how the non-religious in Kenya contribute to human flourishing by asserting their lack of affiliation to any religion and challenging the influence of religion on laws and policies. It argues that the active performance of non-religiosity entails criticism of the religious position on homosexuality and affirmation of anti-religious views regarding the rights and well-being of the gay people. Perceived religious bias in public policies and programmes provides atheists the platform to express and assert their non-religiosity. This presentation feeds into the more general debate on religion and development. Here, the focus is on Kenya, because it is there that one finds an active atheist society, Atheists In Kenya (AIK), which has openly and public supported the rights of homosexuals.²¹ While using the framework of the debate on homosexuality to publicly assert their opposition to religious views, the AIK draws attention to forms of human well-being outside the ambience of religion.

RELIGION AND ATHEISM IN KENYA: AN OVERVIEW

Religion is pervasive in the everyday life of the people in Kenya.²² Christianity and Islam are the main religions. Missionaries and scholars from Europe and the Middle East introduced both religions. Kenya has a minority Hindu population, comprising mainly migrants and descendants of migrants from India.²³ The dominant Christian denominations are the Catholic and Protestant churches. Some Kenyans still practise indigenous religious beliefs or a mix of Christianity or Islam and the

19 Ukah A. 2018. "Pentecostal Apocalypticism: hate speech, contested citizenship, and religious discourses on same-sex relations in Nigeria", *Citizenship Studies* 22(6):633-649.

20 Ribberink and Houtman, "Te ongelovig om atheïst te zijn".

21 Komu N. 2018. "Legalize gay marriages in proposed law changes – atheists", *Nairobi News*, 1 May.

22 See Stoddard E. 2014. "The Ubiquity of Religion in Kenya", World Faiths Development Dialogue, Berkley Center, Georgetown University, 15 December.

23 Kinanga MC and Ifedha SA. 2015. "The Origins and Settlement of Hindus in Nairobi, Kenya", *International Journal of Arts and Commerce* 4(8):115-121.

indigenous religious norms.²⁴ According to the data from the Kenyan Bureau of Statistics,²⁵ the percentage of Kenyans with Protestant Christian affiliation is about 48 percent, the Catholics are 24 percent and the Muslims are 11 percent. In 2005, Kenyans who say that they have no religion are about two percent of the population, representing an increase upward from reports of zero percent.²⁶ In fact, according to a Gallup survey,²⁷ six percent of the population in Kenya stated that religion was not an important part of their daily lives. Although, the people surveyed did not categorically state that they were atheists, the percentage indicates some shift away from religion in the country. From the existing statistics, it is evident that religions maintain a heavy presence in the Kenyan society. Registered churches number more than 8000 and a similar number of churches are awaiting registration.²⁸ Christian religious organisations are active in the health, educational and agricultural sectors. They promote the development of Swahili language, peaceful coexistence and complement the efforts of the government in ensuring economic well-being.²⁹ In the coastal areas of Kenya, the Muslim population is dominant. In the quest for social justice, Muslims have called for the enhancement of the jurisdiction of the Kadhi Courts in the postcolonial Kenya society. The Kadhi Courts have a long tradition of applying the Islamic law to personal matters that predates the Independence of Kenya in 1963.³⁰ However, following a constitutional review process in the 1990s, Muslim communities asked for a reform of the Kadhi Courts and an extension of their adjudicatory powers to civil and commercial matters.³¹ Such an extension would invest these courts with powers to resolve disputes and adjudicate both civil and commercial issues based on the teachings of Islam.

The overarching influence of the religion on the Kenyan population and politics is evident in the public pronouncements that religious leaders in Kenya make. Clerics often present religious values as Kenyan values,³² or as norms that should guide all Kenyans in making laws and policies. Religious organisations take advantage

24 "Kenya – Religion", in *East African Living Encyclopedia*. Philadelphia: Africa Studies Center, University of Pennsylvania.

25 Kenyan National Bureau of Statistics. 2009. "Religious Affiliation", in *Census 2009 Summary of Results*.

26 Okello C. 2018. "How I lost my religion: Atheists in Kenya – president Harrison Mumia", SDE.

27 Crabtree S. 2010. "Religiosity Highest in World's Poorest Nations", *Gallup*, 31 August.

28 See Cole E. 2007. "Nearly 7,000 churches await registration in Kenya", *Christian Post*, 5 September.

29 Ochanda, "Faith Organizations and Socio Economic Welfare in Kenya".

30 Cussac A. 2008. "Muslims and Politics in Kenya: The Issue of the Kadhis' Courts in the Constitution Review Process", *Journal of Muslim Minority Affairs* 28(2):289-302.

31 Kimeu SM. 2010. "Historical and Legal Foundations of the Kadhi's Courts in Kenya", in *Constitutional Review in Kenya and Kadhis Courts*. Selected papers presented at the workshop, 20 March, St. Paul's University, Limuru Kenya. Western Cape: Center for Contemporary Islam, University of Cape Town, 49-55. Online at: http://www.cci.uct.ac.za/usr/cci/news/big/Limuru_Kenya_Papers.pdf

32 See Oduor F. 2015. "Cleric tells Obama to keep off gay-talk on trip", *The Star*, 12 May.

of their huge populations to campaign and lobby the state authorities to recognise and adopt religious positions as state positions and policies or to get state actors to defer to the religious positions in making decisions. The influence of the religious establishment has been especially impactful on the issue of homosexuality.

RELIGION AND THE HOMOSEXUALITY DEBATE

Kenya is a country where gay people suffer persecution and discrimination.³³ Religion has overwhelmingly influenced how gay sex is perceived and how the gay people are treated in the Kenyan society.³⁴ This negative disposition has played out in various forms, including the public denunciations of the practice of homosexuality by religious leaders, their overt or covert endorsement of the criminalisation of same-sex relations³⁵ and the discrimination against and persecution of homosexuals.³⁶

The Catholic Church in Kenya officially opposes same-sex relationships and any form of marriage apart from a union between a man and a woman. The official position of the Church and the Kenyan state is virtually the same, because under the Kenyan law, marriage is defined as a union between a man and a woman.³⁷ This official position has informed the way that Catholic Church leaders have weighed into the debate on homosexuality, as well as how members and makers of public policy and law treat the issue of homosexuality. Then United States president, Barack Obama, called for equal and respectful treatment of homosexuals during his visit to Kenya in 2013.³⁸ Obama made the appeal during his meeting with the president of Kenya, who noted that revising the existing legislation against homosexuality was not a national priority. President Uhuru Kenyatta has reiterated, on other occasions, that Kenyans were not yet ready to reconsider the law against homosexuality.³⁹

For their part, religious leaders rejected any move to decriminalise homosexuality and legalise gay marriage. The Catholic cardinal in charge of the Nairobi archdiocese, cardinal John Njue, dismissed the call from Obama as a directive from those who

33 Finerty CE. 2012. "Being gay in Kenya: The implications of Kenya's new constitution for its anti-sodomy laws", *Cornell International Law Journal* 45:431-458.

34 Mbote DK, Sandfort TG, Waweru E and Zapfel A. 2016. "Kenyan Religious Leaders' Views on Same-Sex Sexuality and Gender Nonconformity: Religious Freedom versus Constitutional Rights", *The Journal of Sex Research* 55(4-5):630-641.

35 Kangara L. 2004. "Youth, Church, and Sexuality in Kenya", *Post-sexuality leadership development fellowship report series* no. 7:1-33.

36 Mbote et al., "Kenyan Religious Leaders' Views on Same-Sex Sexuality and Gender Nonconformity".

37 Laws of Kenya. Marriage: An Act of Parliament to amend and consolidate the various laws relating to marriage and divorce and for connected purposes, Act No. 4 of 2014.

38 "Obama Calls for Equal Rights for Gays in Africa", *Newstalk*, 25 July 2015.

39 See "President: 'Gay rights of no importance' in Kenya" (interview with President Uhuru Kenyatta by Christiane Amanpour on CNN). *YouTube*, 20 April 2018.

have already destroyed their society.⁴⁰ For the Catholic Church in Kenya, respectful and dignified treatment of homosexuals would lead to the destruction of the Kenyan society. In the same vein, leaders of the Presbyterian and Anglican churches in Kenya have denounced the practice of homosexuality as “gayism, lesbianism and devil worship”, stating that homosexuals were more dangerous than terrorists.⁴¹ By designating them as terrorists, Christian clerics wanted homosexuals to be eliminated or killed. Furthermore, Muslim leaders were in agreement with their Christian counterparts in opposing the decriminalisation of homosexuality in Kenya. They maintained that Obama’s plan to legalise same-sex marriage would not succeed in Kenya, stating that Obama was playing God by supporting same-sex marriage.⁴² In Islam, under *sharia* law, homosexuality is an offence that attracts very harsh punishments. Persons who engage in homosexual acts could be stoned to death.⁴³

In addition, African media agencies have published reports and editorials that reinforce homophobic positions and anti-gay views.⁴⁴ Scholars have noted the link between Christianity and homosexuality in Africa⁴⁵ They have observed that Christian pastors campaigned against the acceptance of homosexuality in the region, identifying the recognition of gay rights as a sign of the End Times.⁴⁶ Christian religious leaders associated the UN and other pro-gay rights organisations with the Antichrist and the devil. Drawing on his study in Nigeria, Obadare (2015) notes that anti-gay resentment has yielded an uncommon alliance between the state, religious leaders and the media. He argues that the ruling elite uses the resentment to distract the public from focusing on the worsening socio-economic conditions. In Zambia, Van Klinken 2014 has noted the rise of Pentecostal nationalism in which homosexuality has been considered a threat to the purity of the nation and a means by the devil to morally pollute the society.⁴⁷

Thus, in fulfilment of their duties and obligations, leaders of the various religions in Kenya demonise homosexuals and mobilise their members to reject any moves to portray homosexual acts as morally and socially acceptable. As they did during the Obama visit, religions in Kenya have continued to campaign against politicians,

40 See “Kenyan Cardinal hits back at Obama over homosexuality: Progressives ‘already ruined their society’”, *Lifesite*, 5 July 2013.

41 Beja P. 2012. “Bishop: Gays dangerous than terrorists”, *Standard Digital*, 23 July.

42 Kibirige A. 2012. “Kenyan muslim clerics fault Obama on gay marriage”, *Daily Nation*, 12 May.

43 See Ukah, “Pentecostal Apocalypticism”.

44 Editorial, “On Same sex Marriage”, *The Guardian*, 24 April 2018.

45 See Chitando E and Van Klinken A (eds). 2016. *Christianity and Controversies over Homosexuality in Contemporary Africa*. London: Routledge.

46 Van Klinken and Adriaan S. 2013. “Gay rights, the devil and the end times: public religion and the enchantment of the homosexuality debate in Zambia”, *Religion* 43(4):519-540.

47 Van Klinken A. 2014. “Homosexuality, politics and Pentecostal nationalism in Zambia”, *Studies in World Christianity* 20(3):259-281.

lawmakers, artists, human rights activists and any groups or individuals advocating equal treatment for gays and lesbians.

The clerics consider homosexuality not only as incompatible with their religious teachings, but also as inimical to development and well-being of the Kenyan society. Religious leaders capitalise on their population's weight to sway public opinion and ensure that state policies align with their religious doctrines. Sometimes, they employ covert and overt threats.⁴⁸ The clerics lobby state and other public institutions to yield to their demands and interests. This situation leaves Kenyans who do not have any religion with limited options in promoting their ideas of human well-being or in registering their objections to religious positions and opposition. Nonetheless, the non-religious in Kenya have in recent years been opposing and challenging religiously biased positions on public issues, such as homosexuality. As a way of publicly asserting their non-religiosity, they have continued to highlight the negative impact of religiously informed decisions and policies on the well-being of Kenyans, in this case gay people. One of the platforms that the non-religious in Kenya have used to accomplish this goal is the organisation, the Atheists in Kenya (AIK).

ATHEISTS IN KENYA: BRINGING TOGETHER NON-BELIEVERS

Atheists in Kenya (AIK) is one of the organisations that exist for the non-religious in the country.⁴⁹ On its Facebook page, the AIK says that its mission is to "promote the growth and interaction of atheists in Kenya".⁵⁰ It tries to achieve this objective by bringing together humanists, atheists, secularists, skeptics, scientists and others who share a common interest in atheism and in actions that are related to humanism. The AIK organises regular meetings where topics that are of interest to atheists and humanists are discussed.⁵¹ Such topics include the Jesus myth, witchcraft and godless parenting. The AIK claims to be strategically positioned as the only registered atheist society in Kenya, and it advocates an approach to life based on rational and humanistic ideals and values.

AIK maintains very active Facebook page and Twitter accounts, which it uses to promote its ideas and to receive some feedback from the other users. For instance, a message that deplored the high religiosity amongst Africans elicited the following comments:

A: I agree with you. I am agnostic, but I hide in the church. My parents will develop high blood pressure if they notice that I am agnostic.

⁴⁸ See "Kenya's Evangelical Alliance opposes registration plan", *BBC*, 12 January 2016.

⁴⁹ The Kenyan Humanist Association and the Center for Inquiry – Kenya are other agencies that combat superstition and foster the non-religious outlook in the country

⁵⁰ See Atheists in Kenya, About. Online at: <https://www.facebook.com/AtheistsInKenya/>

⁵¹ See Atheists in Kenya, About. Online at: <https://www.facebook.com/AtheistsInKenya/>

- B: I love them (my parents) too ... but there is no way I'll spend my entire life pleasing them while I'm not happy at all. Doesn't my happiness matter too? In addition, other things could bring us together and make both of us happy. Why shouldn't we think of that for mutual happiness rather than pleasing them and then I'll live a miserable life?
- C: How old are you? And when will you start living your own life?
- D: You hypocrite.⁵²

Such exchanges constitute ways that the non-religious express their doubts and disbelief in religion, including how they are dealing with family members and friends.

The AIK is a young organisation and the members are mainly young people. A 39-year-old, Harrison Mumia, founded the organisation and is the president.⁵³ Mumia is an employee of the Central Bank of Kenya, where he works as a corporate communications officer.⁵⁴ Mumia became an atheist in the course of pursuing his passion for human rights, especially fundamental freedoms, such as freedom of expression, conscience, belief and opinion. Mumia informed me during a conversation via Skype that part of his mission at the AIK was to normalise atheism. He said he would like to change the way people perceive and treat atheists in Kenyan society. He wants to ensure that Kenyans who do not believe in God are treated the same way as believers. In realising this project, social media has been very useful. Mumia recounts the important role of the social media in the formation of the AIK:

Social media was a huge factor in how AIK came into existence. I have been engaging with fellow atheists on Facebook and at a point when we decided that it was a good thing to begin, meeting physically that was around the year 2010. Our meetings were mostly in coffee shops. In the year 2013, we had a bigger number of Kenyans (and indeed visitors from outside the country) coming to our meeting. It was at this point that we decided to form an atheist society.⁵⁵

Thus, the social media has been helpful in connecting and emboldening atheists – in getting them to meet and know each other and in galvanising them into action. The social media also has made it possible for atheists to maintain their anonymity while fighting the stigma that is often associated with not believing in God.⁵⁶

52 Atheists in Kenya, *Post*, 1 November 2018. Online at: <https://www.facebook.com/AtheistsInKenya/>

53 See "How I lost my religion: Atheists in Kenya – president Harrison Mumia".

54 While this chapter was being edited, it was reported that Mumia had been sacked by the Central Bank of Kenya over political tweets. See Ouko G. 2019. "Atheist president Harrison Mumia sacked by CBK over 'political tweets'", *The Star*, 22 January.

55 Interview with Harrison Mumia by L Igwe, via Skype, 23 February 2018.

56 Adegoke Y. 2016. "How social media is helping atheists survive in one of the most religious places on earth", *True Africa*, 13 April.

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For instance, many Nigerian atheists have usernames that they use on the online platforms.⁵⁷ With these usernames, they are able to post comments and to express their anti-religious views on various social media platforms.

In Kenya, the law requires that all NGOs, whether religious or nonreligious, register with the government. The NGOs apply to the office of the registrar of societies. Registering with the state makes it possible for the organisations to be exempted from taxes including import duties. As registered organisations, churches and other faith-based organisations do not pay any money to the government for the income that they generate through their activities. They do not pay taxes for importing religious materials, monuments and garments from overseas. As a non-governmental organisation, the AIK applied to register in order to enjoy these same facilities, but the process ran into difficulties. According to Mumia, state officers who were in charge of the process had a wrong notion of the Kenyan state – they thought that Kenya was a Christian nation. Kenyan state officials tried to scuttle the incorporation of the organisation, and they delayed the registration process. AIK was finally registered and was issued a licence to operate in Kenya. However, the Attorney General, Githu Muigai, later suspended the registration due to complaints from the clergy, as well as other members of the religious public.⁵⁸ Mumia recounts how the AIK responded to the decision to suspend its licence: “We applied to become a registered society in the year 2014. We eventually were registered in 2016, and were suspended the same year. We went to court and the court lifted the suspension.”⁵⁹

Actually, the national body for evangelical churches and ministries, the Kenya National Congress of Pentecostal Churches and Ministries, protested the registration of the AIK, describing the incorporation of the AIK as abominable and unconstitutional.⁶⁰ The Kenyan Muslim body, the Shuura Council, similarly described the registration of the AIK as a mockery of Kenya’s social and cultural norms, and an initiative that encouraged “immorality” and the “erosion of values”. Registration of AIK has also been described as licensing the worship of the devil.⁶¹ Thus, religious organisations asked the government to deregister the society. The office of the state attorney general withdrew the licence, following the pressures and opposition from the religious bodies. Apparently, the religious leaders perceived the emergence of the AIK as a threat and a development that might negatively affect their constituency. Since its founding in 2013, AIK has challenged religious teachings and programmes highlighting the negative influence of religious

57 See “Are There Atheists In Nigeria?”, *Nairaland Forum*, 28 May 2016.

58 See Nakasike L. 2016. “Attorney General Githu Muigai suspends registration of atheists’ society”, *Standard Digital*, 1 May.

59 Interview with Harrison Mumia.

60 See Rajab R. 2016. “Religious leaders demand deregistration of Atheists society”, *The Star*, 29 April.

61 See KTN News Kenya. 2016. “Kenyan atheists officially registered as a legal society”, *YouTube*, 8 April.

positions and dogmas on public education and health in Kenya. The organisation has urged the abolition of religious education in public schools,⁶² as well as a public holiday for atheists. Apart from organising meetings where some issues of national importance are discussed, the AIK representatives have taken part in television programmes and have debated the existence of God.⁶³ As part of its media strategy, the organisation issues press statements to articulate its positions on certain issues, as was the case with the banning of the film, *Rafiki*.⁶⁴

RAFIKI AND LESBIAN ROMANCE

*Rafiki*⁶⁵ is a film that tells the story of two teenage girls in a love relationship. Wanuri Kahui directed this film, which was an adaptation of a Ugandan short story, “Jambula Tree”, by Monica Arac de Nyeko.⁶⁶ In this film, Kiki and Kena, who come from rival political families fall into and become quite intimate. However, they are unable to publicly express their love for each other, because such relationships are a taboo in the Kenyan society. Homosexuality is a criminal offence in the country. Kiki and Kena try to weather the storm by showing affection, sharing their time together, and caring for one another in defiance of political, family and community pressures.

The Kenyan Film Classification Board (KFCB) banned *Rafiki*. In a statement that it released, the KFCB maintained that the objective of the film was to “normalize homosexuality in Kenya and the message in the story is to celebrate the resilience of the youngsters involved in lesbianism”.⁶⁷ The KCFB restricted the film “due (to) its homosexual theme and clear intent to promote lesbianism in Kenya contrary to the law”. The KFCB stated, particularly, that the film ran counter to the law, culture and morals of Kenyans: “We wish to emphasize the fact that films made in Kenya for public consumption MUST reflect and respect the dominant values of the Kenyan society. Any attempt to introduce and normalize homosexuality in Kenya flies in the face of the law and constitution and must be resisted.”⁶⁸

62 See Kiage N. 2017. “Drop religious studies from curriculum, atheists now demand”, *Nairobi News*, 2 February.

63 See K24 Alfajiri. 2014. “Social Hour: Atheism vs Religion”, *YouTube*, 29 April.

64 The Board has lifted the ban on the film following a court action by the film director. See “Kenya briefly lifts ban on lesbian film *Rafiki* ahead of Oscars”, *BBC*, 21 September 2018. Online at: <https://www.bbc.com/news/world-africa-45605758>

65 *Rafiki* means “friend” in Swahili. Swahili is a language that is spoken in East Africa.

66 See “Kenya bans *Rafiki* ahead of Cannes debut over lesbian scenes”, *BBC*, 27 April 2018.

67 See Kenyan Film Classification Board. 2018. “Statement by the Kenya Film Classification Board Chief Executive Officer Dr Ezekiel Mutua on the Banning of Film ‘*Rafiki*’ Issued on 27 April 2018”.

68 Kenyan Film Classification Board, “Statement on the Banning of Film, ‘*Rafiki*’”.

Homosexuality is considered a criminal offence based on Sections 162, 163 and 165 of the Kenyan Penal Code, which prohibit unnatural offences and “indecent practices between males”.⁶⁹ Thus gay sex is designated as a form of carnal knowledge against the order of nature and offenders are liable for up to fourteen years imprisonment. The KFCB prohibited the distribution, exhibition, or broadcast of the film anywhere within the Republic of Kenya, specifying that anyone who was found with the film would be prosecuted.

RELIGIOUS BIAS AND HOMOPHOBIA IN KENYA: THE *RAFIKI* INCIDENT

In reaction to the banning of *Rafiki*, Atheists in Kenya issued a statement: “We take great exception to this statement (of the KFCB). This statement is unfortunate. It aims to promote homophobia, stigma and discrimination against gays, lesbians and bisexual in Kenya.”⁷⁰ The AIK took “great exception” to the Kenya-wide case that the KFCB made against the movie, because it did not subscribe to the said “dominant values”. The organisation pointed out that the outlawing of the film was incompatible with the values of some sections of the Kenyan population. Gays and lesbians constitute a minority in the Kenya and homophobia is rife in the country. In its statement, the AIK stressed that the KFCB should rather be taking steps to reduce, not reinforce, the discrimination and persecution that homosexuals suffer in Kenya: “We are urging the KFCB to be more open-minded when addressing issues of sexual preferences. The gay and lesbian community has been struggling across the world and in Kenya for civil rights. Gays and lesbians should be allowed the same rights as any other Kenyan citizen to enter into relationships or marry.”⁷¹ The AIK considered the banning of *Rafiki* as incompatible with the struggle for the well-being of homosexuals and their enjoyment of equal rights in Kenya.

The AIK pointed out the religious undertone of the ban on *Rafiki*: “It is not lost to us that religious institutions are the ones against gay/lesbian marriages.”⁷² According to the AIK, the decision was religiously motivated. The ban reflected the position of the religious establishment on the issue of same-sex relationships.⁷³ Put simply, the ban of *Rafiki* was in pursuit of religious values. Specifically, the AIK noted that biblical teachings formed the basis of the widespread anti-gay views in Kenya: “Indeed most Kenyans believe that gay couples are unnatural, that marriage is sacred and the primary purpose of marriage is procreation, and that marriage

69 See Laws of Kenya. 2012. Penal Code, ch 63.

70 Atheists in Kenya. 2018. “Ezekiel Mutua and KFCB Must Stop Promoting Homophobia”, 1 May.

71 Atheists in Kenya. “Ezekiel Mutua and KFCB Must Stop Promoting Homophobia”.

72 Atheists in Kenya. “Ezekiel Mutua and KFCB Must Stop Promoting Homophobia”.

73 Mbote et al., “Kenyan Religious Leaders’ Views on Same-Sex Sexuality and Gender Nonconformity”.

can only be a union between a man and a woman. Many Kenyans point to biblical scripture when arguing against gay marriage.”⁷⁴ In addition, the AIK was of the view that the ban reflected the religious beliefs of the chairperson of the KFCB, Ezekiel Mutua. Mutua is a Christian and often he posts Christian messages with verses from the Bible on his Twitter account. For instance, on 1 November 2018, he posted this message: “‘I will give thanks to you, LORD, with all my heart; I will tell of all your wonderful deeds.’ – Psalms 9:1 Blessed New Month dear friends!”⁷⁵ For the AIK, religion was the driving force behind the ban on *Rafiki*, as well as the criminalisation of homosexuality under the Kenya law.

DECRIMINALISING HOMOSEXUALITY AND THE WELL-BEING OF GAYS

The Atheists in Kenya organisation promotes ideas of family, community, parenting and child upbringing that are “godless” and tries to get the state authorities to institute necessary reforms to reflect such values. Thus, in its press statement, AIK called for a referendum and a review of the Kenyan Constitution in order to enshrine provisions that guarantee the well being of homosexuals in the country. The AIK said it would use the opportunity to propose a re-definition of marriage. Unlike the religious organisations in Kenya, the AIK supports same-sex marriage: “We will be pushing for a review of Article 45(2), which states that every adult has the right to marry a person of the opposite sex, based on the free consent of the parties. Marriage should be between two consenting adults irrespective of sexual orientation.”⁷⁶

The AIK stated that it would ask Parliament to repeal sections in the Kenyan Penal Code that criminalise homosexual behaviour. With the repeal of these sections, homosexuals would no longer be treated as criminals, but as citizens, and thus would be able to exercise and enjoy their full human rights. Gays and lesbians could freely live and coexist with others in the various communities and able to pursue their life’s goals and ambitions and realise their potentials fully and unhindered. Nonetheless, Kenyan homosexuals today remain unable to enjoy these facilities, because the practice of gay sex is treated as evil and sinful. Homosexuals are designated as terrorists and as dangerous persons.⁷⁷ Contrary to the position of the religious leadership in Kenya, the AIK is of the view that challenging the ban on *Rafiki* and pushing for decriminalisation of homosexuality will further the well-being of gays and lesbians and the overall human development in Kenya.

74 Atheists in Kenya, “Ezekiel Mutua and KFCB Must Stop Promoting Homophobia”.

75 Dr Ezekiel Mutua MBS. 2018. Tweet of Psalms 9:1, *Twitter*, 31 October.

76 Atheists in Kenya, “Ezekiel Mutua and KFCB Must Stop Promoting Homophobia”.

77 Beja, “Bishop: Gays dangerous than terrorists”.

CONCLUSION

I have argued for an understanding of human development and flourishing beyond religion with emphasis on homosexuality. I have tried to intrigue scholars in exploring this emerging area of academic research and investigation. While religions have often been actively involved in fostering human good⁷⁸ and collective well-being,⁷⁹ in some cases, religious programmes inform policies that hurt some segments of the population and undermine the human needs and the general well-being. Materials from the Atheists in Kenya, especially their opposition to the ban on the film *Rafiki*, have been used to illustrate the limitations in the religious conception of human well-being and that religion sometimes motivates policies that obstruct human happiness and development.

Focusing on the issue of homosexuality, this chapter has drawn attention to the idea that the public expression of disbelief by atheists highlights these limitations in religious conceptions of human flourishing. It argues that in societies where religion is pervasive, religiously informed decisions, such as the ban on the film *Rafiki*, provide the non-religious opportunities to express publicly their disbelief. This chapter suggests that outside the parameters of religion human development and well-being can be realised; human beings can thrive and flourish. Thus, the intersections between religious disbelief and development, health, education, politics and other aspects of the society deserve scholarly attention and inquiry.

78 Ogonnaya J. "Religion and sustainable development in Africa: The case of Nigeria", *International Journal of African Catholicism* 3(2):1-2.

79 Ter Haar and Ellis, "The role of religion in development".