

‘One Who Abandons Culture is a Slave’: The Politics of Religion and Culture in Kenya

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Abstract

This paper explores how the categories of ‘religion’ and ‘culture’ are strategically deployed by participants in projects on the freedom of religion or belief in Kenya. It takes as its starting point Lori Beaman’s thesis about the ‘culturalization’ of majoritarian religion in Europe and America, in which Christian symbols are reframed as ‘culture’ or ‘heritage’ in order to elevate them above minority religion. I argue that in the Kenyan postcolonial landscape, ‘religion’ – which is commonly associated with Christianity and Islam – is the more privileged category over ‘culture’ – which is commonly identified with African Traditional Religion and ‘Harmful Cultural Practices’. Moreover, I argue that in Kenya, the term ‘culture’ is used to exclude certain symbols, ideas and practices from this more privileged category of ‘religion’, and subsequently construct them as ‘backwards’ or ‘outdated’. African Traditionalists and those who identify as religious minorities strategically use the rhetoric of ‘religion’ over ‘culture’ in order to claim the power and protection of this category, while others challenge the implicit assumptions connected to both terms by deliberately framing their practices as instances of ‘culture’ in order to construct them as relatively ‘benign’ or ‘civil’.

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1. Introduction

Mwacha mila ni mtumwa - One who abandons culture is a slave ... Religion and culture depend on someone's belief. All of us, we are Muslims, but there are those who believe cultural practices are passed by time. There is no such thing.

The words spoken by the assistant chief stopped me in my tracks. In the summer of 2024, I took a student job as a research assistant, and was tasked with coding **heaps** of fieldwork data from Kenya. In the countless hours I spent reading through interview transcripts, not a single statement has made a greater impression on me than the Swahili proverb ‘*mwacha mila ni mtumwa*’: whoever abandons their culture is a slave. I found the proverb profound not only because the assistant chief uses it to argue for the relevance of cultural practices, but also for its reference to the slavery past and colonisation of Kenya. In Lamu, the proverb has been used to describe youth that appropriate western habits and abandon norms of appropriate conduct in the eyes of Muslim elders (Hillewaert 2019). From his statement, I gather that the assistant chief imagines someone’s **‘belief’ to be dependent on a combination of ‘culture’ and ‘religion’**.

The chief’s words stand out in a context in which the line between what counts as ‘religion’ and what counts as ‘culture’ is often blurred. The majority of Kenya’s citizens and elected officials now self-identify as Christians, though along the Swahili coast a group of Muslims constitute the absolute majority. In the eyes of many Kenyans, the category of ‘religion’ (*dini*) is made up of those symbols, ideas and practices related to Christianity and Islam. *Dini* stands in juxtaposition with ‘culture’ and other related categories such as ‘tradition’ (*mila*) and ‘custom’, which are frequently used in relation to indigenous religious practices, the so-called¹ African Traditional Religions (ATR) (Meinema 2024; Middleton 1992). Traditionalists face persecution from Kenya’s anti-witchcraft laws, and traditional ideas and practices are constructed as ‘backwards’ and ‘outdated’ by Christians and Muslims alike (Meinema 2021). Some Christians and Muslims go as far as to outright deny that African Traditionalism is a ‘religion’ (Meinema 2024), notwithstanding the fact that many self-identifying Christians and Muslims incorporate ‘traditional’ or ‘cultural’ elements into their religious practices (see for example Parkin 1970; McIntosh 2019), a phenomenon that I will revisit later in this paper.

The tension between symbols, ideas and practices that are appropriated as ‘culture’, ‘tradition’, or ‘custom’ by one person or group, while being understood as ‘religious’, ‘spiritual’, or ‘sacred’ by another is nothing new. The categories of ‘religion’ and ‘culture’ are used strategically by various actors across different contexts. A trend in which majority religion is being ‘culturalized’ in the ostensibly secular Euro-American context has been widely observed by various scholars (Beaman 2013; 2020; Joppke 2018; Wilson 2022a, 115–119). Lori G. Beaman argues that in the Global North, majoritarian religion is being reimagined as a matter of culture and national identity or heritage. This creates a hierarchy in which hegemonic religion stands above nonreligion and the religion of the ‘other’, which supposedly does not belong in the public sphere. Beaman argues that this trend finds its origin in the politics of religion and culture. The right to religious freedom has created a level playing field for all religions and (non)beliefs. Majoritarian religion therefore desires to find an alternative way to raise itself above the (non)religion of ‘others’. Its preferred way of doing so in the Global North is by mobilizing the language of culture and national heritage.

¹ For a brief discussion on the terminology of African Traditional Religion, see page 12 and 13.

There is a desire to frame certain symbols, ideas and practices as either ‘religious’ or ‘cultural’ in public discourse. The strategic deployment of the category of ‘culture’ over ‘religion’ in Euro-American politics is intimately related to the meanings attached to these terms and their roles in public life. In this context, the ‘culture’ of the majority is allowed in the public sphere, while the ‘religion’ of ‘others’ is excluded from it (Beaman 2020). This begs the question of how the politics of ‘culture’ and ‘religion’ play out in contexts outside the Euro-American context, such as in Kenya. How do actors invoke the term ‘culture’ for political purposes in a local context, where said term is associated with African Traditional practices that are frequently viewed as ‘backward’ and ‘outdated’?

In sum, I ask how the politics of ‘religion’ and ‘culture’ interact with the deployment of both terms in public discourse in Kenya. I compare the desire to distinguish that which is ‘religion’ from that which is ‘culture’ in the Euro-American and the Kenyan contexts. The core argument of this thesis is that in Kenyan public discourse there is a difference in the value attached to both of these terms compared to the Euro-American context. Moreover, in Kenya the hierarchy of ‘religion’ and ‘culture’ is reversed, in the sense that ‘culture’ is strategically deployed to exclude certain symbols, ideas and practices from the privileged category of ‘religion’.

Analyzing Beaman’s hypothesis of the culturalization of religion outside of the Euro-American context contributes a deeper understanding of the politics of religion and culture in several ways. Not only do I reveal implicit assumptions about the meaning of ‘religion’ and ‘culture’ (on implicit assumptions, see for example Maddox 2000) by analyzing how such terms are locally understood and invoked (Wilson 2022b), I also contribute to the study of religion in Africa by tracing it through its entanglement with religion in Europe (Meyer 2021). I will take a discourse based approach by analyzing the content of over 100 semi-structured interviews conducted in Kenya with participants in projects on the right to freedom of religion or belief. In the first chapter, I will discuss Beaman’s argument and the politics of religion and culture, using primarily the works of Tisa Wenger and Marshall Sahlins. I will then briefly reflect upon discourse analysis as a research methodology and the nature of the data collected in the second chapter, before finally turning to the Kenyan context.

2. The ‘Religion’ Of The Minority Versus The ‘Culture’ Of The Majority

The dynamics of culturalization and religionization

The desire to frame one thing as religion and another as culture is inextricably linked to the politics of religion and culture and normative ideas about the value of religion, as well as what a society recognizes to be religious. The very fact that it is desirable to invoke a right to religious freedom, already reveals to us something about the normative value of ‘religion’ as such. Thus, there are hidden power relations at play in this process of distinguishing religion from culture. Ideas and practices are described as religious to claim this freedom, while others are framed as cultural to exclude them. What does it mean to invoke this right to religious freedom? Who decides what counts as religion and for which reasons? What should be the relationship of cultural rights to religious rights?

Tisa Wenger (2017) researches how religious freedom is implicated in relations of race and empire. She explains how indigenous peoples in the United States have framed their ideas and practices as ‘religious’ in order to make a claim to their right to religious freedom. Religious freedom has often been championed as the ideal that defines the United States. However, ambiguities as to its meaning and what it is supposed to protect have contributed to groups trying to claim this freedom. As Wenger aptly puts it:

“Anyone seeking to defend their traditions or communities had a strong incentive to classify them as religious and to claim the protections of religious freedom as their own. Debates over this freedom thus became a crucial way to sort out what counted as religion and what did not, forging and reinforcing key distinctions between the religious and the secular, the political, and sometimes even the racial” (Wenger 2017, 10).

Wenger dissects religious freedom as a modern invention and by extension a key organizing principle of secular democracy. Like all human constructs, it is inevitably implicated in relations of power. It is the primary arena in which the battle over what counts as religion is fought out. Wenger’s argument regarding the politics of religious freedom exposes an uncomfortable truth about the category of religion and the study thereof. Before the advent of religious freedom as a right and an ideal, there was no explicit need for ideas and practices to be ‘religious’. The logic of religious freedom became a tool by which the United States empire justified its imperial conquest, and through which White-Protestantism claimed superiority over other racial and religious ‘others’. The cursed legacy of colonialism and American imperialism has made it so that Christianity inevitably ends up being used as the yardstick for whether something ‘counts’ as religion or not, even today.

Wenger’s argument is key for understanding how secular nation-states ‘deal’ with religion, and in particular with those ideas and practices that do not conform to the norm. Marion Maddox’s (2000) paper on Indigenous religion in secular Australia raises an important point regarding the matter. Maddox explains how in the late twentieth century, Australian law has developed mechanisms for recognizing traditional Indigenous ideas and practices on the basis of cultural heritage protection. Maddox argues that due to its secular nature, Australian law deliberately avoids interacting with those Indigenous ideas and practices that may be characterized as ‘religious’ or ‘spiritual’, thus lacking in the characterization and protection thereof. This in turn has significant implications for indigenous groups wanting to make a claim to the protection of those ideas and practices on the basis of religious freedom.

My dissection of the discursive category of religion and the protection thereof among indigenous peoples in Kenya necessitates a brief word on its cultural counterpart. I beg the question whether similar dynamics of power, race and empire can be implicated in the discourse on culture. What should we make of a people's claim to cultural distinction? What are the implicit normative assumptions behind the category of ‘culture’? We can use the work of Marshall Sahlins (1999) to say two or three things about culture. Sahlins critiques the once dominant structuralist understanding of culture in anthropology by arguing that culture and tradition are “atemporal” (1999, 409) and “strategically adaptable to the pragmatic situation” (1999, 403). Sahlins understands cultures functionally as devices of power and therefore as something that people desire. Sahlins' words are not meant to demonize peoples for ‘inventing’ their tradition in order to ‘demand an indigenous space in a modernizing world under the banner of their culture’. Rather, it follows that cultures are hybrid genealogies in the sense that they are unbounded. A people may thus construct cultural meaning in order to produce and reproduce power.

My point here is not to essentialize religion, culture and tradition by arguing that they are all devices of power at their core. In any case, what becomes clear from this discussion is that people have always had to navigate the categories of religion and culture, albeit in different ways. Most crucially, Sahlins’ (1999) conceptualization of ‘culture’ as an ‘abstraction’ and something less ‘real’ than society and politics has significant implications for the politics of religion and culture. Wilson (2014) argues that the view of culture as something abstract contributes to the permissibility of culture in public life:

“‘Culture’ represents something that is separate from society and politics, outside of them, perhaps forming a backdrop to them, but ultimately with little to no impact on them. It is viewed as something separate from and subordinated to the ‘real’ business of politics and society.”

Thus, in the Euro-American context, ‘culture’ is constructed as something that is ‘benign’, ‘civil’, and ultimately of marginal status compared to the realm of politics and society. In the next section, I will deepen the idea that ‘culture’ is in many respects viewed as the superior category to ‘religion’, at least in the Euro-American context. For minorities the strategic deployment and subsequent claim to protection on the basis of ‘religion’ is not entirely unproblematic. We must continue to ask ourselves who decides what ‘counts’ as a ‘religion’ and on the basis of what reasons? Euro-American centric frameworks and understandings continue to shape expectations on what constitutes a ‘religion’. Minorities have had to navigate political and legal distinctions between what ‘religion’ *is* and *is not*. To do so, they have had to express their symbols, ideas and practices in ways through which law- and policymakers can understand and label them as ‘religious’ (Wilson 2022, 109-115).

Lautsi v. Italy

Following some broader approaches to the politics of religion and culture, I will now discuss a landmark case which scholars like Beaman have argued to be indicative of a trend comprising the cultural transformation of religious symbols. Beaman contextualizes *Lautsi v. Italy* as the textbook representative of the politics of religion and culture in Europe and America, in which ‘culture’ serves as the privileged category compared to ‘religion’. It is important to analyze the case and its legal reasoning here in some detail, in order to understand the legal precedent that it created.

In *Lautsi and Others v. Italy*, an atheist parent complained to the European Court of Human Rights (ECtHR) about a crucifix hanging in the classroom of the State school of her two children, Dataico and Sami Albertin, which they attended from 2001 to 2002 (*Lautsi Judgement* 2011, p. 3–4). Ms. Lautsi and her children argued that the very presence of the crucifix was a violation of their right to religious freedom. In their complaint, the applicants argued that the presence of the crucifix was in violation of their right to education (Art. 2 of Protocol No. 1), their right to freedom of thought, conscience and religion (Art. 9 of Protocol No. 1), and the prohibition of discrimination (Art. 14 of Protocol No. 1). It is important to note here that the religious freedom as formulated Article 9 includes the “negative freedom” to not belong to a religion, and that all states subscribing to the protocol have a “duty of neutrality and impartiality” towards religion (*Lautsi*, page 15, 25).

In an earlier decision, the Administrative Court argued that crucifixes were “part of the legal heritage of Europe and the western democracies” (*Lautsi*, page 5). It further argued that the crucifix is a historical and cultural symbol, as well as a symbol of the values of the Italian Constitution. Even though the ECtHR subsequently found that the crucifix was “above all a religious symbol” (*Lautsi*, page 27), it still argued that it was a passive symbol and that it above all did not violate the right to religious freedom. The general attitude of the ECtHR is well reflected by the concurring opinion of Judge Bonello. He argued that “customs are not passing whims” and that the court has no right to “disregard the cultural continuum of a nation’s flow through time” by bankrupting “centuries of European tradition” (Justice Bonello in *Lautsi*, p. 38, 1.1).

Erin Wilson juxtaposes the ruling of the ECtHR with the Court’s ruling in the 2001 *Dahlab v Switzerland* case. Ms Dahlab was a primary-school teacher that had converted to Islam and began wearing

a headscarf while carrying out her professional duties. The Directorate General for Primary Education ordered her to remove the headscarf on the grounds that this was an “obvious means of identification [as a member of a particular faith]” which had no place in Switzerland’s “private, secular education system” (*Dahlab Judgement* 2001, page 2). Despite *Dahlab* being similar in nature to *Lautsi*, the ECtHR’s ruling after Ms Dahlab invoked her right to FoRB was wholly different from that in *Lautsi*. The Court found that the headscarf was a “powerful religious symbol” which is “imposed on women by... the Koran” (Wilson 2022, 117-118). The Court’s rhetoric is emblematic of a kind of exceptionalist feminism that is not intersectional and above all envisions the secular state as a liberator, freeing women from the (Islamic minority) religion that is supposedly oppressive and backward (see also Delphy 2010). Not only that, the striking difference in rulings between the *Dahlab* and *Lautsi* cases are also a testimony to the privileged status of Christian symbols, ideas and practices in the public life of Europe and America. Not only that, in *Lautsi* the category of ‘culture’ is strategically deployed to frame the crucifix as a symbol of national heritage and identity, and subsequently argue for its permissibility in the public sphere. According to Wilson (2022) this ruling stands in stark contrast with that of *Dahlab*, in which the category of ‘religion’ was strategically deployed to frame the headscarf as a symbol of irrationality and danger, and which should thus not be allowed in public life. The difference of outcome between these two rulings additionally highlights how governments can articulate a secular meaning for a confessional symbol at will. Courts do not consider the authentic presence or absence of secular meaning, a problem that is further complicated by the *margin of appreciation* doctrine (Gedicks and Annicchino 2013).

Lori G. Beaman (2020) uses the *Lautsi* case and many more examples from jurisprudence and public discourse to frame the transformation of religious symbols and practices into ‘culture’ as a trend in Europe and America. Christian symbols that have previously been categorised as religious are now identified with (national and/or shared) culture or heritage. She argues that in Euro-American contexts, there are several factors that drive this shift in the production of religion and culture. A combination of the rise of non-religions, the decline of Christian religion and increased demands for equal treatment made by non-Christian religious groups have all facilitated this discursive shift in law and public discourse.

Most importantly however, Beaman argues that this discursive reconstitution serves to affirm majoritarian religion, which in turn is supported by state power. The introduction of religious freedom as a human right has removed the privileged position that majoritarian religions have enjoyed for so long. The right to freedom of religion or belief has created a level playing field in which no religion can claim legal superiority over another. Beaman thus argues that, paradoxically, the protection of religious freedom is precisely what has facilitated this discursive shift from religion to culture. Even more so, to declare religion ‘culture’ is to create an obligation on the part of the state to guard it (Joppke, 2018). Majoritarian religion has sought for a way to elevate itself above the religious others and the non-religious, and has found the rhetoric of culture and heritage to do exactly this. In a similar vein, Wilson (2014) begs the question “who is being excluded, however subtly, by the celebration of Christianity as culture, rather than religion?” Wilson argues that a ‘culturalization’ of Christian religion risks excluding those people who primarily identify as religious Christians. Culturalizing Christian religion by taking the sacred out of it risks reducing it to a thing of the past, which logically has consequences for the religious freedom of Christians. In addition, Wilson and Beaman agree that the aforementioned trend succeeds in excluding (non)religious minorities.

On the other hand, Beaman (2020, 102) argues that the shift from religion to culture may open up new possibilities for religious minorities. They may now increasingly draw upon the rhetoric of culture,

shifting away from religion. Beaman's theory on the culturalization of majority religion raises many questions. To what extent is her argument applicable outside of the nation-states of the Global North that Beaman has thus far analyzed? How do the politics of “culture” and “religion” play out in contexts outside the Global North, such as Kenya? Indeed, the manner in which social groups use the terms religion and culture in their rhetorical strategy in order to (dis)associate themselves with the normative values attached to these terms, is a lively area of academic development. Religion’s culturalization and in particular the judgement of its consequences remains contested. For example, Wilson (2014) argues that secular reconstruction of religion serves to diminish and depoliticize the influence of religion. Likewise, Joppke writes of the condemnation by Christian churches who are not particularly fond of this “secularization-by-stealth” (2018, 244). In any case, it is clear that Beaman’s argument on the shift from religion to culture in majoritarian religion in the West is one among many strategies employed by religious actors to position themselves in public discourse. Research has been done on the religion-culture divide and the connotations that both terms carry in the Global North, and by engaging with the religion-culture debate beyond the states analyzed by Beaman, we can gain a better understanding of the myriad of ways in which actors discursively employ these terms.

The ‘Religionization’ of African Religion

Now that I have discussed how religion and culture are mobilized as devices of power more generally, it is time to turn to the African context. From my own academic and cultural background as a student of religion from Europe, it is difficult to say much, if anything at all about religion in Africa. As Birgit Meyer (2021) has pointed out in her article on the implications of the introduction of the concept of religion to African Religious Studies, the presumed religiosity of Africans seems to have been widely embraced by scholars. Indeed, crack open a book about religion in Africa, and you will inevitably come across descriptions of Africans as ‘notoriously’ (Mbiti 1969, 1) or ‘incurably’ (Parrinder 1969, 235; Tshimbangu 1993, 505) religious.

Contemporary scholarship on religion in Africa is no exception to these presumptions. Take for example Mary Nyangweso Wangila’s recent chapter on Religion and the Cultures of Kenya in *The Palgrave Handbook of Contemporary Kenya*, in which she states boldly that “To be African is to be religious” and that “the influence of religion on culture is irrefutable since to be Kenyan in the traditional sense is to be religious” (Wangila 2023, 253). In her argument, Wangila draws upon scholars such as the late John S. Mbiti, a renowned scholar of theology in Africa. Mbiti’s observations of African Traditional Religion in his book *African Religions and Philosophy* are so influential, it is worth quoting him here in full:

“Because traditional religions permeate all the departments of life, there is no formal distinction between the sacred and the secular, between the religious and non-religious, between the spiritual and the material areas of life. Wherever the African is, there is his religion.” (Mbiti 1969, 2-3)

Mbiti’s observations on the embedded religiosity of the African daily experience have not been without controversy. Mbiti wrote his seminal work just six years after Kenya gained independence from its British colonial administrators. It is in this context of social reconstruction and government attempts at nation building that Mbiti sought to come to terms with religion in a newly formed postcolonial sovereign nation-state.

Scholars like Okot p'Bitek have criticised Mbiti for his Western interpretation of African religions. P'Bitek argues from a “pre-colonial atheistic” (Echtler 2024, 615) point of view to “resist the temptation to present African deities in terms of foreign ideas” and claims that theologians like Mbiti have “religionized” African culture (Echtler 2024, 34). This debate is central to understanding the Kenyan context. Birgit Meyer subsequently is interested in “how religion as a term denoting a concept, got to Africa and how its introduction (mis)represented, yet also affected, the African ideas and practices to which scholars, missionaries, and colonial administrators made it refer” (Meyer 2021, 159). Of course, Meyer does not mean to imply that Africa was not religious before colonial interaction with Europe. Neither does Meyer argue that ‘religion’ is useless as a signifier of African Traditional Religion. Rather, we should be wary of Western and Abrahamic assumptions as the yardstick for what constitutes religion in Africa.

In sum, I argue that the concept of religion in Africa is a double-edged sword. On the one hand, what is referred to as religion in Africa is not exhausted by, and may escape the confines of a Western understanding of religion as such. On the other hand, there is a clear desire by both old school scholars like Mbiti and contemporary scholars like Wangila to make religion in Africa fit into a mold that is recognizable and acceptable to Europeans. In addition, many of the texts that describe Africa as exceptionally religious were written in the second half of the twentieth-century, a time in which secularization thesis became mainstream. The logic of dominant secularist thought at that time was one of the subordination and exclusion of religion. Mainstream secularist theory envisioned the position of religion in politics and society as marginal and ever-shrinking, while at the same time essentializing religion as something ‘irrational’ (Wilson 2012). Thus, I argue that the implicit normative judgement attached to the category of religion in the twentieth-century texts that describe Africa as ‘notoriously’ or ‘incurably’ religious, serves to construct the supposed religiosity of Africa as a hallmark of its ‘backwardness’ and ‘irrationality’ as well.

Religion and culture in Kenya

Kenyans themselves thus are no exception when it comes to making generalizing assumptions about what religion *is* or what it *ought* to be. Erik Meinema (2024, 172) states that in Kenya’s postcolonial context, Muslims, Christians and state actors regularly question whether ATR should be considered a religion in the first place. In Malindi, normative evaluations of indigenous Mijikenda ideas and practices as either religion or culture vary wildly depending on whether actors understand Mijikenda traditionalism as either religion or culture (2024, 176). Meinema analyses how actors *within* a group make claims to religion or culture depending on the discursive context. Meinema describes how, in response to this scepticism by majority religions, a group of Giriama elders (Giriama being one of the nine Mijikenda tribes) has organized into the Malindi District Cultural Association (MADCA), through which they participate in interfaith dialogue with Muslims and Christians. According to Meinema, elders use the terms ‘traditionalism’, ‘*dini*’ or ‘*dini ya jadi*’ (meaning ‘religion’ and ‘religion of tradition’ respectively in Kiswahili) to argue that “Giriama ideas and practices constitute a religion equal to Islam and Christianity” (Meinema 2024, 175). Through this discursive framing, Giriama elders are able to participate in interfaith dialogues and make a claim to funds made available for interfaith projects by Western donors.

Despite this push by elders to frame ‘Traditionalism’ as a religion, other actors deliberately categorize traditionalist ideas and practices as a ‘culture’ or a ‘tradition’. Meinema has observed how these practices are framed as *mila* (tradition) by the younger generation, contrasting with the *dhini nyinji*

(religions of others) such as Christianity and Islam (2024, 179). Thus, ‘culture’ is used to distance traditionalism from Christianity and Islam, which are both described as ‘dividing’ so much so that following them would constitute ‘enslavement’. Meinema goes as far as to speak of a “culturalization of religion” (2024, 183) in which spiritual aspects of practices are downplayed. There is a deliberate focus on the cultural and artistic aspects of traditional practices in order to make these more marketable to a broader audience of international tourists. This cultural packaging also attracts Christians and Muslims who might not have engaged had there been a focus on the ‘religious’ aspect of these practices.

Once again, we encounter the Swahili proverb *mwacha mila ni mtumwa*. This time however, the proverb is not invoked to refer to the religious and moral decay of youth (Hillewaert 2019) or to signal that ‘religion’ and ‘cultural practices’ are both important to someone’s belief, like the assistant chief explained in the introduction of this paper. Instead, Meinema (2024) explains how youth strategically construct ‘religion’ as ‘dividing’ compared to the more inclusive category of ‘culture’. On this subject, Rosalind I. J. Hackett (2022) has explored the ‘festivalization of religion’ in the Nigerian context. She questions how indigenous religion in Nigeria responds to increasing demands made by mass-media and the international tourism industry. She argues that indigenous religion is strategically framed as ‘culture’ and ‘heritage’ in order to negotiate presence in the public sphere. For indigenous ritual practices, the festival is a kind of “civil religion” that “offers inclusion in a pluralistic society” (Hackett 2022, 367–377). We can draw a parallel between Hackett’s exploration of the festival and Wilson’s (2014) argument. As mentioned before, Wilson explains how the category of ‘culture’ is seen as relatively benign, harmless, and inclusive compared to the category of ‘religion’, which is seen as ‘dividing’ by actors in the Euro-American context. In Kenya, Traditionalists seek to revalidate their beliefs and practices by deliberately framing them as ‘culture’ and ‘heritage’. Despite this, Meinema (2025) argues that the implicit assumption behind both of these categories is that they ‘belong in the past’ in the eyes of many Kenyans. Thus, Meinema (2025) asks to what extent such a ‘cultural reframing’ *actually* contributes to the recognition of ATR in Kenya.

3. Research Background and Methodology

Explanation and description of methodological steps taken

In order to get a general sense of values that are attributed to the categories of ‘religion’ and ‘culture’ I have opted for a critical discourse analysis of over 100 semi-structured interviews conducted in Kenya. Such an approach warrants a reflection on the nature of the research data as well as a theoretical reflection of critical discourse analysis as a research methodology more generally.

Firstly, the interview data analyzed in this thesis was gathered through ethnographic research conducted by the University of Groningen as part of the The Joint Initiative for Strategic Religious Action (JISRA) project. JISRA is a consortium funded by the Dutch Ministry of Foreign Affairs, comprising over fifty civil society organizations in seven countries: Mali, Uganda, Iraq, Kenya, Ethiopia, Indonesia, and Nigeria. The JISRA-project aims to create a strategy to advance the Right to Freedom of Religion or Belief (FoRB) in the Global South. The University of Groningen was contracted to independently research how the right to FoRB is discussed and practised in cross-cultural contexts. Ethnographic research was conducted in Kenya and Indonesia including semi-structured interviews, focus group discussions, on-site fieldwork, guest lectures, and workshops.

In the summer of 2024, I was tasked with coding and analyzing the over 100 semi-structured interviews conducted with young people, religious leaders, civil society staff, and community beneficiaries in Kenya. This diverse group of people were all participants in projects that aimed to promote the right to freedom of religion or belief. These interviews form the primary subject of my critical discourse analysis. The participants were asked questions that assessed how they understood and communicated the right to FoRB. In the process of coding and analyzing the interview transcripts, it became abundantly clear that the terms "religion" and "culture" carried specific meanings in the socio-political context of Kenya. These categories were strategically employed to distinguish between the majority religions of Christianity and Islam and minority African Traditional Religions by many participants in FoRB projects. During the course of a conference held to verify preliminary findings from the research with local stakeholders, this observation was further cemented. In consultation with the rest of the JISRA-research team it was determined that closer examination of the discursive dynamics between "religion" and "culture" in the Kenyan context was warranted. These underlying normative assumptions about the value of "religion" versus "culture" became clear because the nature of some of the questions asked prompted respondents to reflect on their own attitudes towards these categories. For example, respondents were asked whether they thought religion influenced culture, or culture influenced religion in their own communities. Respondents were asked whether in their opinion cultural rights superseded over religious rights. They were also asked to reflect on situations in which their community valued 'religion' over 'culture'. In a similar fashion, respondents were questioned about what they understood by the terms 'religion' and 'belief'. Through critical analysis of these answers in light of existing literature, it is possible to discover the normative assumptions made about religion and culture in Kenyan society at large in the context of religious freedom talk.

Theory behind the methodology used

In order to analyse these discursive dynamics between 'religion' and 'culture' this paper takes the approach of a critical discourse analysis. Because I am taking a discursive approach, I will refrain from speculating about the nature of religion or culture. Religion and culture are essentially contested terms. I am more interested in how people that participate in projects on the freedom of religion or belief in Kenya strategically deploy both categories. What do people mean when they argue something to be 'religion' and not 'culture'? What are the underlying intentions and assumptions behind their employment of these terms? Mirroring the approach by Beaman, I follow Kocku von Stuckrad's (2010) *Invitation for the Discursive Study of Religion*. I am less concerned with whether particular symbols, ideas or practices are in fact constitutive of a religion or culture, and more so with "the consequences of them being formulated as one rather than the other. Or, in some cases, as both at once" (Beaman 2020, 11). Critical discourse analysis pays particular attention to uncover hidden meanings and implicit assumptions behind the language of 'religion' and 'culture'. It considers that language is closely related to the production of power. The point here is not to take the words of the interviewees at face value, but to consider how discursive practices produce and reproduce the structures of power "that carry or change orders of knowledge" (Johson and Von Stuckgrad 2021, 3).

My research challenges the once dominant understanding of Africa as 'incurably religious'. As Birgit Meyer (2021) argues in her essay on the relational entanglement of religion in Africa with Europe, religion in Africa allows us to learn more about religion in Europe as well, and vice-versa. Meyer argues that religion as a problematic Western Christian concept was introduced to Africa through colonialism. In

fact, Meinema (2021, 355) traces the origin of ATR as a scholarly umbrella term for indigenous ideas and practices back to the second half of the twentieth-century, in which the term was often used to bolster the religiosity of Africans and deny the primitivity of African beliefs and practices. This is not to say that Africa was not religious before coming into contact with Europe, but rather that we should be aware of our own epistemological assumptions about what religion is, especially when analysing Beaman's hypothesis in the context of religious freedom discourse in Kenya.

4. Results: Religion and Culture in Kenya

Religion and National Identity

An important first point in our exploration of Beaman's 'culturalization trend' in the Kenyan context is just how differently 'religion' is normatively valued in Kenya compared to the Euro-American context. As mentioned before, Kenya is a religiously plural and ethnically diverse country. Despite its significant Muslim population along the Swahili coast, its mainland is predominantly Christian.

Kenya's Constitution envisions a separation between the state institutions and the church. By measure of Article 8 of the Constitution which states that "there shall be no State religion" it is possible to imagine Kenya as a secular nation. Secularism, however, is not a given, but based on a series of assumptions and ever-changing (Wilson 2012, 28-29). Already, the explicit reference to the "Supremacy of the Almighty God of All Creation" in its 2010 constitution makes one wonder about the extent and nature of the kind of secularism of the Kenyan State. Mukami Wangai (2017) explores exactly this question by comparing the ECtHR ruling in *Dahlab* with Kenyan rulings in similar 'headscarf cases' such as *Methodist Church in Kenya v Mohamed Fugicha*. Wangai argues that the ruling in *Fugicha* underpins Kenya's plural identity as outweighing its secular identity. Still, I find it worthwhile to point out that the *Fugicha* ruling relies overwhelmingly on "the basis of technicalities" instead of making a "choice guided by the supreme principle of constitutional character", as is expressed in the dissenting opinion of Justice J.B Ojwang (*Fugicha* Dissenting Opinion, para. 72). Thus, both beyond and within the realm of constitutional law, Kenya's secular identity remains contested.

The contested nature of Kenya's secularity is reflected in the responses of the interviewed participants as well. One respondent told us that: "When we say God, we believe in [the] sovereignty of God. We all worship God, and there is nowhere in the constitution that tells us to worship other things, though it highlights the presence of God. Like in the national anthem we have the name of God" (Interview 64). In a similar fashion, another respondent mentioned that "our nation is a religious nation, we put religion first" (Interview 65). These statements reflect the attitude held by many Kenyans in which being an atheist, humanist or otherwise non-religious is an unacceptable position. Respondents even go as far as to blame atheists for taking advantage of the right to religious freedom (Interview 9). I find it worthwhile to point out that the 'unacceptability' of atheism and other non-religious beliefs in Kenya is further cemented by high profile constitutional case law. For example, in *Atheists in Kenya v The Registrar of Societies* the Court avoided engaging with the right of non-religious freedoms by granting Atheists in Kenya the status of a 'legal entity' on the basis the right to freedom of association and fair administrative action (Brian Sang YK 2019).

Interviewees purport a very specific understanding of religion, and a narrow definition of those who can claim rights under the freedom of religion or belief. They frequently associate the right to freedom of religion or belief with "being free to belong to a religion", "the right to worship God" or to

“worship in the way [they] know best.” All of these responses are testimony to an Abrahamic understanding of what religion is and what the right to religious freedom should protect. They leave little room for minority (non)religious actors, those who fall outside of this dominant Abrahamic understanding of ‘religion’ as including only Christianity and Islam. As such, I argue that in the Kenyan context, the category of ‘religion’ is often strategically deployed to exclude symbols, ideas and practices that are not explicitly Christian or Muslim. What is the relationship to this category in relation to the category of ‘culture’ in Kenya?

‘Good’ religion and ‘Bad’ religion

In this subsection, I will explore how Kenyans strategically deploy the category of ‘culture’. In the context of interfaith cooperation in Kenya, the question of who claims religious freedom and for which reasons is further complicated by Kenya’s colonial and postcolonial legacy. The colonial mindset has been inherited and is perpetuated by Kenyans. Kenyans use the term *‘dini’* to refer to ‘religion’ in Swahili, more specifically to Christianity and Islam. Traditionalist religions on the other hand are more often described by the term *‘mila’* (Meinema 2024). The Swahili word for tradition *‘yadi’* can have religious or cultural connotations depending on context (Meinema, personal correspondence). The *‘mila-dini’* divide is in part informed by Christians and Muslims seeking to discursively differentiate between their ‘religion’ and African ‘customs’ and ‘traditions’ (Middleton 1992).

In his study of interreligious coexistence in Coastal Kenya, Erik Meinema describes how representatives of ATR are sometimes forced to “appropriate terms, norms, and ideals that are not necessarily of their own making in order for Giriama Traditionalism to be recognized as a religion” in a context where “Christians, Muslims, and state actors sometimes doubt whether Giriama Traditionalism is worthy of being called a ‘religion’ at all” (Meinema 2021, 345). Meinema argues that this doubt of the ‘religiosity’ of ATR is a consequence of inherited (post)colonial mindsets which separate ‘good’ religions like Christianity and Islam from ‘bad’ religions such as ‘witchcraft’ and ATR.

At the same time, I stress the point that African traditionalists are intersectional minorities. Traditionalists may also be Muslims, or other ethnic racial or language minorities at the same time. This group is far from homogeneous. In the context of religious freedom discourse, the desire for recognition of religious minorities can also lead to pressures to homogenize. I argue this to be the case of traditionalists mobilizing religious freedom to claim their rights. Giriama Traditionalists try to achieve upward mobility by ‘becoming’ Muslim or Christian and internalizing judgments of ATR as ‘witchcraft’ or ‘backwards’ (Meinema 2021, 348-349).

We can find similar discursive constructions of ATR as outdated and backwards witchcraft in the interview data. The terms ‘culture’ and various ‘cultural practices’ are frequently identified with witchcraft. For example, when talking about “witch doctors who are involved in cultural practices” a male volunteer from the Kenya Community Support Center in Mombasa stated that: “When an old man from Kaya is seen with white hair, people will label them as witches. And sometimes, these old people from Kaya don’t know anything to do with witchcraft” (Interview 96). These judgments do not stop at Kaya Traditionalism, respondents equate other ATR ‘branches’ to Kaya Traditionalism and witchcraft, for example the traditionalists that pray towards Mount Kenya (Interview 1). The idea that ATR is ‘outdated’ is related to a general perception that ‘culture’ predates ‘religion’, and that the latter category has subsequently come to replace or subvert the former. For example, an *ustadh* from the Supreme Council of Kenyan Muslims argued that “religion has come to do away with some ‘cultural practices’ and brought ‘good’ ones” (Interview 101, my emphasis). In sum, the term ‘religion’ is commonly understood to

encompass Christian and Muslim beliefs and practices by interlocutors, and is seen as superior to ‘culture’ which is commonly understood to encompass ATR. ‘Religion’ was also constructed as a hallmark of ‘successfulness’ and ‘enlightenment’. It is necessary to point out that even though many of interviewees were members of beneficiaries of interfaith CSO’s, the vast majority of them identified as Christian or Muslim. Only one Kaya Traditionalist elder was interviewed over the course of the fieldwork.

‘Culture’ is also frequently identified with ‘harmful cultural practices’ such as child marriage, dowry price and female genital mutilation/cutting (FGM/C). Interlocutors describe how religion has come to ‘do away’ with and replace these cultural practices. For example, a respondent from Kwale stated:

“Religion and culture are two different things. When your cultural practices do not go against religion they are accepted, but cultural practices which go against religion are not accepted. An example is the issue of dowry during marriage, which is accepted by religion. When the family of the wife demands dowry, they should not use force. When we have entertainment during such ceremonies such as marriage, it should follow the religion guidelines. There should be restrictions to prevent immoral behaviors. So, culture is acceptable but only when it follows religious guidelines.” (Interview 95)

What’s most striking about this statement is the way in which ‘harmful cultural practices’ are being judged against a religious framework of moral acceptability. Indeed, the thread of morality is thickly woven through the mila-dini divide in Kenya. Religious leaders generally view morality as being informed by religion (read: Christianity and Islam), and those who are ‘immoral’ fall outside of this narrow category of religion (Meinema 2021, 892). Biases against ‘harmful traditional practices’ are indicative of a broader trend in the African context. In development discourse, the terms ‘Harmful Traditional Practices’ and ‘Harmful Cultural Practices’ are used in relation to, for example, FGM/C. An emphasis on ‘tradition’ and ‘culture’ of these practices “enforces negative binaries around culture and religion” and risks ignoring harmful practices in privileged spaces (Le Roux and Bartelink 2020, 208). Of course, this is not to argue that practices such as FGM/C are in fact ‘harmless’. Rather, in the Kenyan context, an overemphasis on the ‘culture’ or ‘tradition’ of these practices would constitute the risk of turning a blind eye to harmful practices within the privileged category of ‘religion’.

Religious Syncretism and Polyontology

In this section, I will explore how actors appropriate elements of other religious traditions into their own, in order to make a claim to their religious freedom or escape societal prejudice. Religions interact, blend and clash in complex ways. It is difficult to say much about this phenomenon holding empirical truth. In Kenya, those who self-identify as African Traditionalists may incorporate elements of Christianity or Islam in their religious practice, and vice-versa (in some contexts, it may be more appropriate to speak of the ‘Indigenisation’ of Christianity and Islam - foreign religions which have penetrated Kenya (Wangila 2023)). Western scholars tend to use the term ‘syncretism’ to describe this plurality, in which a person may incorporate elements of multiple faiths into a single religious practice. In her case study of coastal Kenya however, Janet McIntosh (2019) prefers to use the term ‘polyontology’ as a theoretical tool when ‘syncretism’ does not suffice. Syncretism is a term that is ontologically loaded with Western and Abrahamic understandings of being-in-the-world. McIntosh observed how ritual practitioners among the Giriama people address both Giriama ancestors and Islamic spiritual powers in seemingly contradictory ways (McIntosh 2019, 112-113). In other words, ritual practitioners draw upon ATR and Islam depending

on the context and purpose of the ritual. To the western observer, these ‘contradictions’ may seem strange at first. Indeed, as McIntosh explains, the widespread western and Abrahamic assumption is that religions are internally coherent and logically consistent systems of belief. Should they blend, ‘syncretism’ implies that they will blend together in a coherent whole. Polyontology however, posits that people may have multiple contradictory ontological commitments. At the same time, we should be careful to recognize that in a postcolonial context, groups may essentialize their religious or cultural tradition as a rhetorical strategy to claim cultural or religious distinctness. Through essentialization, people may presume that there is a kind of essence, homogeneity or unity within a particular culture or religion (Holliday 2011, 1). The polyontology of African religion logically has implications for the rhetoric of essentialization. McIntosh argues that insiders may insist that their cultural or religious traditions are ‘authentic’ and ‘pure’, despite their obvious ontological contradictions to an outsider.

Following the interview data, we can identify several viewpoints on the interaction between religious and cultural traditions. Firstly, some interviewees argue that mixing religion with cultural practices is morally reprehensible. It should not be surprising then that this supposed ‘practicality’, or the way in which African Traditionalism is ‘a means to an end’ has often been used to derogate polyontological practices in the Kenyan context. For example, a regional coordinator from Mombasa stated that “the Kayas and Hindus still believe in God, it’s just that there is something in their beliefs that they believe in for their own benefits” (Interview 28). Precisely because African traditionalism is ontologically different from Abrahamic religions, Christians and Muslims in Kenya misunderstand traditionalism (Interview 46). The polyontological nature of ATR causes deep suspicion from those who do not identify with it. However, following this polyontological model, those who self-identify as Muslims or Christians may still incorporate elements of traditionalism in their way of life. Christians and Muslims alike may still visit witchdoctors or perform rituals at Kaya shrines, despite the repercussions and social stigma associated with such practices.

Secondly, some interlocutors argue that it is acceptable to appropriate ‘culture’ as long as these practices are in line with ‘religion’. One interviewee from a Muslim CSO in Nairobi stated that: “You identify me as a Muslim. I have a culture of my own but the beauty of Islam is that we incorporate cultures which are in line with the teachings of the Quran and Sunnah, meaning we don’t adopt a culture which is against teachings we have” (Interview 26). To use the terminology of McIntosh, I interpret that the participant finds it acceptable to blend ‘religion’ with ‘culture’ as long as the whole of them form a ‘coherent whole’. Does the participant employ this rhetoric to defend her personal beliefs from accusations of ‘irrationality’? Interestingly, a Kaya Traditionalist elder was quick to point out when interviewed that “Kaya looks at the culture and beliefs which don’t operate against the government laws and the religious laws” (Interview 45). I argue that this statement by the Kaya elder can be interpreted as a strategic framing of Kaya Traditionalism as ‘civil’, ‘undisruptive’ and relatively ‘passive’. This deliberate framing can be interpreted as a response to the framing of ‘culture’ as ‘dangerous’ and ‘disruptive’. For example, a volunteer at the Kenya Community Support Centre argued that “it is culture that brings differences most of the time.” Another *ustadh* points out that “culture is acceptable but only when it follows religious guidelines” in order to prevent ‘immoral’ behaviour. Additionally, the Traditionalist elder’s rhetoric frames Kaya Traditionalism as amendable and subordinate to “both Christian and Muslim religion”, both of which came to do away with “negative practices and preach good news.”

Finally, a small group of interlocutors argue that ‘culture’ - meaning ATR in this sense - is inherently embedded in ‘religion’. Take, for example, the deployment of the Swahili proverb by the assistant chief in the introduction of this paper. Participants from various CSO’s explicitly point out that

‘culture’ is something to be proud of. One interlocutor from Taita Taveta (Interview 38) told us that as a child she would be taken to the sacred Mzambarau forest (likely from the Swahili *zambarau*: the tropical java plum tree) during periods of drought. The children were given biscuits to eat and told not to carry the biscuit wrappings, but to leave them in the forest. She explained Christians and Muslims “would all come together” and that “all religions would go there to pray”, after which it would start to rain.

Another respondent from Taita Taveta (Interview 48) was asked whether they viewed traditional beliefs as witchcraft. They went on to tell us about a nomadic figure they encountered at a market recently, where this figure prayed for rain. The interlocutor explained that the community views these figures as strong, important people that are “just following their religion”. The community in Taita Taveta allows these nomadic figures to enter mosques and pray there as well. An even smaller group of Kenyans are proud of the way in which they incorporate the two, stating that “our culture is our religion” (Interview 76). Most strikingly here, even though many self-identifying Christians and Muslims associate and denounce cultural-traditional practices as witchcraft, they simultaneously believe in the efficacy and power of these practices. The dominant view seems to be that witchcraft, though evil, is real and powerful. **Christians and Muslims seem to often deny the fact that traditionalism is a religion**, counting it to the realm of the cultural, while at the same time believing in the ritual efficacy of traditionalism.

5. Conclusion

In this paper, I have explored how participants in projects on the right to freedom of religion or belief in Kenya strategically deploy the categories of ‘religion’ and ‘culture’. Using Beaman’s theory on the culturalization of religion in Euro-American contexts as a starting point, I have studied the meaning and socio-political functions that the terms ‘religion’ and ‘culture’ carry in the Kenyan context. Much like in Europe and America, the category of ‘culture’ is invoked to strategically distinguish and exclude particular symbols, ideas and practices from the category of ‘religion’. However, I have found that in the Kenyan context, the Euro-American hierarchy in which ‘culture’ is the privileged category over ‘religion’ is reversed. In Kenya, participants in projects on the right to freedom of religion or belief invoke ‘religion’ as the privileged category over ‘culture’. As such, there is a difference in the value that is attached to each of the terms and the positions of power they hold in relation to one another in the context of broader social and political discourse and practice.

The dominant understanding of what constitutes a ‘religion’ in Kenya often only includes Christianity and Islam. Minority religious, as well as non-religious beliefs are frequently excluded from this category. **Kenyans have inherited a colonial mindset, in which Christianity and Islam are seen as the most pure, moral and good religion**. In any case, the implicit normative assumption is that ‘religion’ is a marker of morality, intelligence and good citizenship, and is therefore allowed in public life. Traditionalist beliefs and practices on the other hand are framed as outdated, immoral, backward or outright witchcraft. Those Kenyans who do not self-identify as Christians or Muslims use the rhetoric of religion and culture (*mila-dini*) in various ways. There are those that take pride in the ‘culturalism’ of their traditions, while others explicitly frame their traditions as ‘religious’ in order to make a claim to the protection of those traditions under the right to religious freedom, and all the interfaith cooperation and funding that comes with it. In this sense, African Traditional Religion becomes reified and Traditionalists are employing secular arguments to protect their space in the public sphere within a human rights framework.

Further assessment of the categories of ‘culture’ and ‘religion’ in the Global South and the power they hold in relation to one another, as well as their subsequent strategic deployment is a productive area

of inquiry that warrants further exploration. This paper has predominantly focused on religion and culture. More research is needed on the category of ‘heritage’ in the context of this debate. See, for example, Birgit Meyer and Marleen de Witte’s (2013) introduction to heritage and the sacred, in which they describe a *heritagization* and *museumification* of religious traditions, in which certain practices are worth protecting, but nonetheless a thing of the past. Joseph Heathcott (2013) has written critically on the practice of urban heritage conservation along the Swahili coast. It is imperative to point out that scholars have long called for a better integration of the right to freedom of religion or belief and the preservation and protection of cultural heritage (Bielefeldt et al. 2022; Thames and Scolaro 2022). Moreover, one wonders what the implications of these findings are for the politics of religious freedom and the right to freedom of religion or belief in the Global South. Titizano et al. (2024), for example, critically analyze the human rights-based approach to the protection of indigenous peoples. They consider the limitations of such an approach in light of the ontological assumptions that the legal framework of religious freedom makes. In light of such critical responses, we must continue to ask ourselves: ‘who decides what counts as religion, and why?’

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