



Christianising Samoa's constitution and religious freedom in the Pacific

By Bal Kama
27 April 2017

Samoa is in the process of [amending](#) its Constitution to declare itself as a Christian country. For Christians in Samoa, the *Constitution Amendment Bill No. 2* (2016), which [securely passed](#) the second reading in Parliament in February, could have both positive and negative consequences. According to the Explanatory Memorandum, the object of the amendment is 'to insert in the Constitution that Samoa is a Christian nation to declare the dominance of Christianity in Samoa.'

This is an important development in an era of increasing [religious intolerance](#) and state-sponsored vilification. While the amendment may be favourable to the predominantly Christian churches in Samoa, there is greater need to understand the impetus for such development and its potential ramifications on other religions whose members are integral to Samoa's social cohesion.

Samoa refers to Christianity in the preamble of its current [Constitution](#) by calling for Samoa's government to conduct itself "within the limits prescribed by God's commandments" and for its societal values to be "based on Christian principles..." Almost all Pacific island countries, except Fiji, have adopted some acknowledgment of God in their preamble.

This practice of 'christening the constitution' has been a common feature in many post-colonial constitutions throughout Christendom. Conservatives value it as buffer against the intrusion of modernity and secularism. But this act of Christianising is typically symbolic and restricted only to the preamble which, on its own, is generally [not an enforceable](#) part of a constitution.

But Samoa intends to go further. Prime Minister Tuilaepa Sailele Malielegua has [argued](#) that because the preamble is not part of the Constitution, the reference to Samoa as a Christian country "does not stand in Court" so it has to be "included in the body of the Constitution."

This implies that the declaration of Christianity should not only be symbolic but have direct constitutional impetus, which in turn may allow the parliament to impose restrictions on certain religions or religious practices that are not Christian.

According to [Attorney General](#) Lemalu Hermann Retzlaff, the amendment “will enshrine Christianity from within the body of the Constitution which effectively provides a legal definition of the State’s religion.” But this is problematic on two accounts. First, having an official ‘state religion’ could mean the exclusion or alienation of other religions. Second, it could amount to a form of theocracy. Ever since the Glorious Revolution of the 17th century, the separation of church and state has taken a firm foothold in almost all democracies. Samoa’s attempt may blur this distinction and affect the right to people’s freedom of religion and equal treatment.

The right to religious freedom and non-discrimination is a cornerstone of modern democracy. For instance, the Australian Constitution expressly provides for the [right to religious freedom](#) despite the country not having a Bill of Rights. In the United States, President Donald Trump has faced significant setbacks from the Federal courts, which have consistently ruled that his Executive Orders restricting the travel of people from certain Muslim countries [amounts to religion-based discrimination](#) and are therefore [unconstitutional](#).

Samoa’s Muslim community have raised similar [concerns](#) regarding the proposed amendment. They argued that it is an [attempt](#) to isolate the Islamic religion. Samoa’s council of Christian churches, however, appeared to welcome the amendment as a timely step towards [restricting](#) Islam and secularism in the country. A push for anti-Muslim policies is also quietly present in [Papua New Guinea](#) amidst the growing number of [Muslim converts](#) in the country.

The regional security and intelligence apparatuses might have their own assessment as to whether the Pacific island states are under any threat of extremism, but at this stage, this fear of an Islamic revolt appears to be influenced more by what is going around the world than any actual extremism in Samoa or PNG. Both the public and the political leaders are predominantly influenced by desensitised media outlets that often fail to provide a balanced perspective on the issue.

In its defence, Samoa’s current [Constitution](#) guarantees the right to religious freedom which includes the right “to manifest and propagate” a “religion or belief in worship, teaching, practice and observance” [s 11(1)]. The government has argued that this guarantee will not be affected by the amendment to declare Samoa’s state religion as Christianity. But the

guarantee is not absolute. The Constitution provides for instances where the government can impose restrictions on the exercise of this right and that includes on reasons of 'national security, morals, or for protecting the rights and freedom of others.' These are very broad conditions. In the words of the Constitution, "nothing shall prevent the State from making any law" to impose "reasonable restrictions on the exercise of the right..." [s 11(2)].

It is feared that having a constitutionally based declaration of Christianity as the state's religion will legitimise Christian morals and practices and that could provide the legal premises to restrict other practices whose values and beliefs may appear contrary. This concern was evident in the case of Tonga last year when the country [banned bakeries](#) from doing business on Sunday in honour of the Christian practice of worshipping on Sunday.

In the Bible scripture [Matthew 28:19](#), the gospel commissions Christians "to go and make disciples of all nations" irrespective of their faith, religious background, tribe or kindred. The believers are called to declare their faith through the 'cross of Jesus,' not the constitution, and to live a life of love and good virtue. Christians in the Pacific islands may need to guard their faith against fear-driven campaigns that only legitimise and perpetuate religious vilification, Islamophobia and ultimately disunity.

As for Samoa's Parliament, it needs to charter a responsible and sensitive discourse to this issue as an example to other Pacific island states who may be tempted with similar reform. The key in countering religious extremism is in the unity of the faiths, not their division.

Bal Kama is a PhD Candidate at the ANU College of Law and a sessional lecturer at the University of Canberra Faculty of Business, Government and Law.

About the author/s

Bal Kama

Bal Kama is in legal practice as a Special Counsel specialising in areas of public law and is an adjunct assistant professor at the University of Canberra School of Law. He has a PhD in law from the ANU College of Law and undergraduate degrees in law, international relations, and politics.

Link: <https://devpolicy.org/christianising-samoas-constitution-religious-freedom-pacific-20170427/>

Date downloaded: 7 May 2024



Australian
National
University

The Devpolicy Blog is based at the Development Policy Centre, Crawford School of Public Policy, College of Asia and the Pacific, Australian National University.