

DISCUSSION

The Law and the Sects

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1. THE RELIGIOUS MOVEMENTS CONTROL BILL

Early in 1985, the minister of the newly-created Home Affairs Department,¹ Mr Kindi Lawi, told a press conference of his determination to place a ban on any new churches trying to enter the country. He promised to see this policy through, even if he had to recommend constitutional changes. There were, he said, enough missions already, resulting in the fact that “about 95 per cent of the population” knew about God and Christianity, while, in recent years, instead of setting an example of unity, some missions were preaching against one another, thus causing confusion and instability.²

A perusal of the national paper, *Post-Courier*, shows clearly that the concern of Mr Lawi was nothing new. Already in 1980, Mr Tony Bais, then Chairman of the General Constitutional Commission, called for the establishment of a “Provincial Council of Churches” (May 1, 1980), whereas other members of Parliament, such as Mr Steven Tago (Minister for Science, Culture, and Tourism), Mr Lenie Aparima (MP for Obura-Wonenara), and Mrs Waliyato Clowes (MP for Middle Fly), repeatedly blamed the missions for destroying the culture of the people. As a matter of fact, they made a distinction between “the bigger, older-established churches” and “a bunch of radical expatriates”, commonly referred to as “the sects” (September 1, 1980, and July 15, 1980). Apart

¹ In 1978, religious matters pertained to the *Department of Decentralisation*, but this was changed in the next year, when these concerns, together with “youth and recreation” were reassigned the *Department of Community and Family Services*. In 1982, the office of Youth, Women, Religion and Recreation was transferred to the *Department of the Prime Minister*, while, in 1984, the “Religious Affairs Division” was set up as part of the *Department of Home Affairs*.

² Cf. newspaper reports, dated January 18, 1985, in *Niugini Nius*, and in the *Post-Courier*. The dates, quoted in parentheses, all refer to news items in the *Post-Courier*.

from some concrete incidents at that time, on New Britain, and in the Northern Province, and the rumblings caused by Mr Jacob Lemeki's *Employment of Non-Citizens Act*, and the issue of work permits for mission personnel (September 26, 1980), there was also a public discussion, initiated by Colin De'Ath, with responses by Archbishop Herman To Paivu, Fr Kevin Barr, and Revd Percy Chatterton (December 12, 1980, till February 6, 1981), and some more academic publications by Colin De'Ath, Edward Schieffelin, Robert Robin, and Suzan Hecht, all rather critical of the missionary presence in Papua New Guinea. Over the following years, more causes for concern, and also some voices in defence of the missions, were heard. The New Apostolic church in East Sepik was blamed for favouring "cargo cultism", but a Catholic priest, Fr Cherubim Dambui, took up its defence (July 9, 1981, and December 24, 1981). Churches were attacked for endorsing political candidates (December 17, 1982), but people asked for "priests in politics", defending their right to vote for anyone who had the potential, and who did work for the people (July 27, 1983). There were several cases of religious unrest, affecting, e.g., the Melanesian Evangelical Alliance in the Western Highlands (February 6, 1983), the One Way people on the Duke of York Islands (October 3, 1983), the Seventh-day Adventists in Morobe (October 21, 1983 and October 24, 1983), and the traditionalist and charismatic factions of one particular United church congregation on the Gazelle Peninsula (December 21, 1982, until June 27, 1983). In addition, the mainline churches hit the headlines, when the services of the police chaplains were terminated (August 13, 1982), or when Catholics in New Britain (December 14, 1982), and Lutherans in Morobe (August 22, 1983), were taken to task over the payment of land tax.

The dissatisfaction of the politicians prompted the minister, the Hon. Steven Tago, to introduce a private member's bill, called the *Religious Movements (Control) Bill 1981*, but no effect was given to this initiative. Then, about two years later, the idea was taken up again, and the heads of churches, and some church-related institutions, were approached to supply relevant information concerning this proposed piece of legislation. The Bill aimed at curbing unwarranted intrusions "by new religious organisations", and "by old churches, in the areas of others". Therefore, from the start, not only new sects, but also the

established churches, were to be put under government scrutiny. The idea, floated by Mr Tony Bais in 1980 (May 1, 1980), and realised in East New Britain's "Religious Affairs Committee" (November 15, 1983), now became a national issue, and even obtained, it seems, the backing of W. Ataembo, General Secretary of the Melanesian Council of Churches (November 29, 1983). There was, as yet, no definitive text of a Bill available, so the religious authorities could only react to the "considerations that (would) form the basis of the Bill", which was sent to them. The latter appeared in a letter from the National Parliament, dated September 8, 1983. Since this is the only document describing the proposed legislation, it deserves to be quoted *in extenso*. The "considerations" include the following eight points:

1. Any foreigner entering Papua New Guinea, claiming to be a missionary, must show, in writing, an ecclesiastical authority from his or her home church. This is done through the Migration Office of the Foreign Affairs Department, which approves, in consultation with the Melanesian Council of Churches, such entry. Those who sneak in at the back door will be punished.
2. All churches and missions, already in Papua New Guinea, must give notice to each other if they are intending to go on missions, or to preach their doctrine in the other's jurisdiction. Failure to do this will be punishable.
3. If a member of a church, or part of a church or mission, is intending to invite certain missions to their area, village, homes, or institutions, they must seek permission in writing from their established mother church.
4. Any church that preaches against the good customs of Papua New Guinea will be restricted from spreading such practices, and if it is done by a foreigner, he will be deported by the State.
5. Any church that does not contribute much in the real and whole development of the nation, that is, in spiritual and material development of the people, and the nation, but

chooses to preach and pray only, will be restricted from spreading.

6. If any quarrels occur between churches, the leaders involved must be informed first to settle it. If they are unable to do so, the government will step in to act.
7. Church representatives, as appointed members in all levels of government, will be provided for in this Act. That is, to be involved in the political affairs of the country as well.
8. Any other views, of a particular or general nature, relevant to such a proposal.

Since 1983, occasional problems have cropped up; a church house fell victim to the “religious war” on the Gazelle Peninsula (March 20, 1984), and a “Holy War” started brewing in Port Moresby to prevent the Latter-day Saints, or Mormon church, from settling down in a traditional LMS-United church area (May 9, 1985, and August 21, 1985). On the other hand, church and government forces were joined, in particular, to tackle problems of law and order, youth, and unemployment. Two important meetings may be noted: the Goroka workshop of February, 1984, between representatives of the churches and the government, and the Port Moresby meeting between the Prime Minister and other ministers, together with the heads of churches, on March 7, 1985. It would appear that, right now, people are working on appropriate policies, and on a redrafting of the Bill of 1981.

2. OLD AND NEW CATHOLIC POSITION

It is not my intention to sum up the positions taken by non-Catholic churches, and church-sponsored organisations, not even to outline the most-recent developments within the Catholic church (because there, too, the underlying problems are a constant concern, especially of the present Pope John Paul II). Let it suffice to present the common position of Catholics, as enshrined in the Vatican II *Declaration on Religious Freedom (Dignitatis Humanae)*, promulgated by Pope Paul VI at the end of the Council. Even though this document is almost 20 years old, it is still very relevant, especially because it officially proposed, for the first time, an important shift in Catholic

theology, which apparently has not yet reached the rank and file level of the faithful, even within the Catholic communion.

Let us admit from the start, that Catholics do not have a very brilliant record in matters of religious freedom. It has been customary to blame them for using double standards: freedom for the church, when she is in the minority, and intolerance for others, when the church is in the majority.³ This kind of accusation has not escaped the perspicacity of the Council Fathers,⁴ and it will serve our purpose to assert briefly the older Catholic view, because it sheds light on some of the spontaneous reactions in contemporary Melanesia.

In the Middle Ages, and generally before the 20th century, the “common good” was defined according to the needs of a homogeneous society, that is: Catholics tended to preserve and promote their traditional order of values, and had – at the time – not much concern for the individual’s freedom in matters religious. This is exactly the stand taken by many Papua New Guineans today, who fight to preserve the order and peace of their own, tradition-bound societies. These views are not unlike the so-called “Roman theology”. During the last century, however, with the intrusion of an “outside world”, the homogeneity of the past collapsed. Experiences, especially in the USA, led to a new problem; not that of preserving the stability of ages past, but that of living together with people of other creeds and races. In addition, the moral sense also developed, giving more attention to each person’s freedom. Hence, the emergence of new insights, also among Catholics. Since Papua New Guinea is now becoming an integrated and pluralistic society, the way followed by Catholics during Vatican II should, once again, prove most helpful in finding appropriate answers to the more-recent questions. For the battle at the Council was not won without difficulty. The draft text, *On the Church* (ch. 9), prepared before the Council, still reflected the long-standing ambiguity of the “Roman theology”, but, in the end, a new

³ Karl Rahner, and Herbert Vorgrimler, eds, *Kleines Konzilskompendium: Alle Konstitutionen . . . (mit) Allgemeiner Einleitung*, New York NY: Herder & Herder, 1969.

⁴ Gabriel Garrone, “Historical Development of Religious Liberty” [publication source cannot be identified].

vision prevailed, and the final *Declaration* was accepted with a remarkable unanimity (2,308 for; 70 against; 8 invalid).

In sum: before the Council, there were those who stood by the philosophical principle that “Only the truth has rights; error has none whatsoever”. This principle does rely on the tradition of Pope Gregory XVI (+1846), Pius IX (+1878), and Leo XIII (+1903), who were most suspicious of the forces of democracy, which they considered as anti-religious or, at best, as favouring religious indifference, and degrading religious beliefs and expressions to mere private concerns. After these Roman pontiffs, with the more-recent Pius XI (1922-1939), and leading up to the innovative John XXIII (1958-1963), the tide turned.

Of special importance is Pope John XXIII’s encyclical letter *Pacem in Terris*, written some four years after taking office, and only four months before the first Session of Vatican II ended. It greatly influenced the Council’s *Declaration on Religious Freedom*.⁵ The initial draft of the new text was presented at the second Session as part of the *Decree on Ecumenism* (ch. 5). Later it became a separate *Declaration*, appended to the same *Decree*.

During the third Session, it assumed independent status, and saw, all in all, five corrected versions in print. One of its main architects was the American Jesuit, Fr John Courtney Murray. It should be added, though, that the document is not a solitary bird among the 16 papers of the Council. Other relevant materials can be found in the decrees or declarations on Ecumenism (*Unitatis Redintegratio*) (November 21, 1964), on the Relation of the Church to Non-Christian Religions (*Nostra Aetate*) (October 28, 1965), but especially in those on the Mission

⁵ Pope John’s Encyclical “On Establishing Universal Peace in Truth, Justice, Charity, and Freedom”, dated April 11, 1963, is referred to in the *Declaration* at numbers 1, 2, 3, 6 (twice) and 14 (twice). “Catholic thought had consistently held that society is to be based upon *truth* (the truth of the human person), directed toward *justice*, and animated by *charity*. In *Pacem in Terris*, John XXIII added the missing fourth term, *freedom*” (John Courtney Murray, “Religious Freedom” (Introduction, translation, and notes) of *Declaration on Religious Freedom (Dignitatis Humanae)*, Abbott, Walter M., ed., *The Documents of Vatican II: 16 Official Texts 1963-1965*, New York NY: America Press, 1966, p. 687, note 21).

Activity of the Church (*Ad Gentes*), and on the Church in the Modern World (*Gaudium et Spes*), both promulgated on the eve of the closing day of Vatican II (December 7, 1965).

As indicated, *Dignitatis Humanae* was one of the most-controversial documents of the whole Council, because it broke new ground. And the new ground was not exactly the idea of religious freedom, but the issue of development of doctrine, which lay continuously below the surface of all the Council debates.⁶ In addition, this document was the only one that addressed itself to Christians and non-Christians, both religious believers and atheists. Cardinal Meyer, Archbishop of Chicago, said at the time: “The importance of this declaration is so far-reaching that if the Council were not to approve it, nothing else which it might do would satisfy the expectations of men”⁷ (for summary and commentary see Appendix).

In professing the principle of religious freedom, the Catholic church was surely not breaking new ground, as far as world history is concerned; still, she has now taken a courageous stand, which makes her, also in this area, “a light for the nations”! How does her teaching, based on reason and revelation, affect the recent political initiatives in the Independent Papua New Guinea?

3. GENERAL COMMENTS ON THE PROPOSED BILL

The very fact of having a Bill introduced to control religious movements may cause some surprise, since freedom of religion is such a basic human right. So says the United Nations *Declaration of Human Rights* (1948), Art. 18:

Everyone has a right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone, or in community with others,

⁶ Murray, “Religious Freedom”, p. 673.

⁷ Meyer, Albert (Cardinal), “Speech of September 23, 1964”, partially quoted in: *Sixteen Documents of Vatican II, and the Instruction on the Liturgy: with Commentaries by the Council Fathers*, Boston MA: St Paul Editions, 1967, p. 410.

and in public and private, to manifest his religion or belief in teaching, practice, worship, and observance.

Papua New Guinea's membership of the United Nations would imply that the State subscribes to such a principle.

In addition, Papua New Guinea's own *Constitution* (1974) not only proclaims, in its Preamble, to uphold both "the worthy customs of its ancestors", and "the Christian principles", which have now become its own, but the *Constitution* is also most explicit regarding religious freedom (Art. 45), and the related "basic rights" of the citizen (Art. 5d).

However, as we stated from the start, there have been some recent experiences, which have caused concern: they manifested disregard for traditional ways, disturbed the peace in society, or appeared detrimental to the much-sought-after development of the nation.⁸ The paradoxical result is that the proposed Bill ends up singling out the Christian churches for their undesirable practices, and intends to curtail their presumed rights.

Some said, "There is too much freedom!" Hence the call for government intervention, the imposition of a certain course of action, and the threatening with punishments, and even deportation – an evolution, which is not unlike the course of action observed in many other independent States, say, in Africa.⁹

⁸ We may add that other issues, too, have fuelled some government-church animosity. These differences of opinion include the use of alcohol and tobacco (*Post-Courier*, June 20, 1980), the casino bill (*Post-Courier*, October 2, 1981), the functioning of the censorship board (sex and crime films: pornographic materials), birth-control promotion (availability of contraceptives), the non-acceptance of boat people, the repatriation of the West Irianese refugees, the Pacific peacekeeping force, the nuclear-free Pacific, ways and means to curb the law and order problems (capital punishment, maiming), legalisation of prostitution, and the eternal quibbles with financial implications (land rates, work permits, involvements in business). One new, small church was taken to task for using government buildings for evangelistic purposes (*Post-Courier*, November 28, 1980).

⁹ It has been noted, with examples from Tanzania, Kenya, Zambia, Mozambique, Malawi, Uganda, Zaire, Nigeria, and other neighbouring states, that "There is hardly a

One might wonder whether the proposer of the Bill did specifically intend any anti-Christian bias, or whether some, at least, of the Bill's implications flow from the fact that there is, as yet, no definitive text available, but only some "considerations", which are still unpolished by legal draftsmen. As things present themselves now, it is hard to make a fair comparison between the two documents under review. The Roman text is a carefully-worded declaration, which has gone through at least five successive stages, while the proposed Bill not only leaves much unsaid (cf. n. 8), but lacks a definite unifying vision. The first text tries to teach and defend human freedom in matters religious, as a right of the highest value, while the Papua New Guinea document belongs to the political arena, and sees, first and foremost, the need of limiting the exercise of certain rights, and of imposing certain obligations. Context, form, and aim of the texts are very different. Still, there is scope to make some general comments.

A. The Need for a Correct Terminology

There is, in the text, a lack of clear definition – a deficiency, which surely would call for the attention of the legal experts. As the "considerations" stand now, reference is made, e.g., to religious movements, to churches (old, home, and mother church), to missions and missionaries, and to (new) religious organisations. Although the term "Christian" is nowhere found, the reference to "established churches", and their (geographically-determined) "jurisdiction", can only refer to them. Hence the Bill is discriminatory to the Christian religion.

There is a need to consider in the Bill:

- the so-called mainline churches: Catholics, United church, Lutherans, Anglicans, etc.;

government in Africa, be it black or white, socialist or liberal, military or parliamentary, progressive or reactionary, which has not had trouble with militantly-marginal religious movements, and felt obliged to react with repressive measures." In the Republic of Congo, all but seven religious bodies were forbidden to operate, while Togo banned up to 30 sects, and Rhodesia curtailed the activities of even the mainline, let alone marginal, Christian bodies (M. Singleton, *Exploration in Ecumenical Topography*, Africa Dossier 10, Brussels: Pro Mundi Vita, November 1979, pp. 6-7).

- other ecclesiastical communities (including the “Free Churches”);
- non-church-tied missionaries (such as, perhaps, the SIL translators);
- non-Christian religious groups (e.g., Mormons, Baha’i, Shinto, etc.);
- various traditional religions in Melanesia (from five percent up to 30 percent);
- new religious movements (including so called “cargo cults”, etc.).

These, and other groups, each have a different self-understanding, and, therefore, a different attitude to God, the world, the environment, the common good, and development, human freedom, etc. The lawgiver has to be aware of the variety of problems likely to be caused by each group, and avoid lumping all religious groups together. It might be necessary to specify more, in detail, how religious bodies have to be “incorporated” in law, by an Act of Parliament, or under some particular Ordinance, and also to spell out what rights and duties, for persons and properties, would follow from that particular legal status.

Our first general remark regarding more-precise definitions has several very practical implications. One would be to further define what are, in law, the proper ways of operating, thus distinguishing between legitimate witnessing to the truth, and reprehensible “sheep-stealing”, or “breaking and entering” in other churches’ domains. As a matter of fact, some religious groups specialise in home visitations, which some non-adherents resent. Others aim at constituting a spiritual elite, and, therefore, regard churchgoers as their most-promising candidates. Others, again, do not object to having a “dual identity”, which allows them to establish themselves first with academic or technical credentials, and manifest themselves later as missionaries and builders of new religious communities. Others slip easily into personal attacks, and defamation of competing missions and missionaries – which would require that the law protects not only individual church workers, but also

the moral entities, which they represent, and which sponsor their activities.

A further particular implication, concerns the definition of what are “the good customs of Papua New Guinea”, or, vice versa, the bad customs, which so-called preachers of the gospel introduce into the country. Some contemporary complaints refer to traditional dress and dances (versus European clothes), abolition of crop-harvesting ceremonies, discriminatory attitudes against polygamists (no baptisms), or payment of high bride prices. Accusations of the past have included also the destruction of spirit houses, and of ancient artefacts, interference with initiation rites, etc., while, at the time, civil legislation usually objected against infanticide, child marriage, tribal warfare, and disrespect for the dead. In general, however, the various administrators preferred a plurality of denominations, and occasional outbursts of sectarian strife, to the brutalities of tribal warfare and the ambushing, of the pre-Christian era.¹⁰

It is not easy to predict which other areas of conflict might one day oppose the government and the churches. Experiences from other countries go in the most-diverse directions, including, e.g., the introduction of Christian names (cf. Africa), the use of a particular language (cf. Poland), the observance of certain days (or hours of a day) for religious meetings, etc.

Hence, the question of what traditional elements of culture are good, and worth preserving, and, secondly, who is going to decide this? The problem is most intricate for a country of 700 languages and 1,000 tribes.

B. More Consideration for the Real Situation

The Bill seems to imply that Papua New Guinea is neatly divided among a limited number of “churches”, but this was never the case in “historical times”. With the arrival of foreign cultures, some bridges

¹⁰ See Garry W. Trompf, *Payback: the Logic of Retribution in Melanesian Religion*, chapter 3 (forthcoming) [now published, Cambridge UK: Cambridge University Press, 1994].

were established across tribal boundaries, and some divisions came about within the same cultural groups. Whatever the British intended, with their “Spheres of Influence” (1890), or the Germans, with their “Mission Districts” (1891), or the Australians, with their similar attempts, when opening up hitherto restricted areas of the central Highlands (1957), did not work out successfully, because these States did not have the right to legislate in such a way, but infringed on something more basic to human nature, and what is now called “religious freedom”.¹¹ So, it is obvious, that to insist on present-day “jurisdictions”, or definite areas reserved for particular “churches”, is only heading for confusion and disaster.¹² As a matter of fact, some of the existing groups will split up naturally,¹³ or

¹¹ In 1904, Bishop A. de Boismenu defended the liberty of conscience”, which was denied by the official policy of the spheres of influence. He demanded for the Catholic Church in (British) New Guinea “the full measure of liberty she has obtained from the British Government in every other colony, and from the German Government, throughout its possessions” (cf. A. De Boismenu, “The Catholic Church in British New Guinea”, in *Proceedings of the Second Australasian Catholic Congress held in the Cathedral Hall, Melbourne, October 24 to 31, 1904*, Melbourne Vic: Advocate Press, 1905, p. 275). The legal status of Australia’s mission policy was not altogether clear, but Governor Hubert Murray consistently attempted to observe natural justice, when the rights of Catholics (and Seventh-day Adventists) were at stake. Only after 1945 was the restriction abandoned (cf. Nancy Lutton, “Murray and the Spheres of Influence”, in *Select Topics in the History of Papua New Guinea*, H. N. Nelson, Nancy Lutton, and S. Robertson, eds, Port Moresby PNG: UPNG, 1970, p. 11).

¹² In its reply to the government letter of September 8, 1983, the Church of Jesus Christ of Latter-day Saints considered the possibility of drawing up the religious map of Papua New Guinea, as it presents itself today. Hence, this church wonders whether the criterion to be used would focus on churches with the longest *continuing presence*, or those with the biggest *numbers*, and, if the latter, on those with a membership count based upon *records held*, or based on *actual attendance* at the meetings, and, if the latter, whether the membership is fixed by those living in the area, or includes those *coming from outside* today (cf. letter October 18, 1983), p.4, sub. 2b).

¹³ On so-called “independent churches” in Melanesia, see Garry W. Trompf, “Independent Churches in Melanesia”, in *Oceania* 54-1 (1983). It might be necessary to define properly when a new religious movement becomes a “church”, or is a “sect”, or “cult”, or whether any other name is more appropriate. John Barr has given an overview of the recent Spirit movements in Melanesia, John Barr, “A Survey of Ecstatic Phenomena and ‘Holy Spirit Movements’ in Melanesia”, in *Oceania* 54-2 (1983).

will also work towards a merger,¹⁴ while there is always the possibility of individuals freely changing their allegiance (conversions).¹⁵

According to the Roman Declaration, the basis for religious freedom is not any subjectively-understood “freedom of conscience” (“I have the right to do what my conscience tells me to do”). This term seems to be avoided, because the declaration zeroes in on the “objective truth”, which decides what is right and wrong.¹⁶ In this perspective, it is “right” to seek for the truth, and to live it, and man’s dignity demands to be free from coercion in order to pursue this universally-human good.

C. Proper Understanding of the Role of the State

The proposed Bill is deficient, because its fundamental vision is too narrow. The State is not the giver of man’s basic rights, nor the one who, say, through police measures, is to maintain some semblance of public order. The Roman Declaration here teaches that “the protection and promotion of the inviolable *rights* of man ranks among the essential

¹⁴ The Kwato Extension Association (1917) split off from the London Missionary Society, with which it joined ranks again to form the Papuan Ekalesia in 1962). The latter amalgamated, in 1968, with the United church of Port Moresby, and with some Methodist Missions, to eventually constitute the one United church of Papua New Guinea and Solomon Islands. Another merger was that of the Lutheran churches, that is, the Siassi Lutheran church (of Australian foundation) with ELCONG, the Evangelical Lutheran church of Papua New Guinea (of German foundation by the Rheinische Mission around Madang, and by the Neuendettelsau Mission around Finschhafen). At the foundation of the Evangelical Lutheran church of Papua New Guinea in 1956, the American-founded Wabag Lutheran church in Enga – now known as the Gutnius Lutheran church – preserved its own identity.

¹⁵ As noted during the government-churches meeting of March 7, 1984 (when discussing the conditions for entry visas), the establishment of new religions will be hard to stop, once a single Papua New Guinean citizen has embraced the new faith and starts, e.g., applying for land or constructing religious buildings on his property. As a matter of fact, this approach was used by the Catholic Bishop L. Couppé to break through the religious boundaries imposed by German authorities on New Britain: the youths, who were educated at the Catholic Mission, and settled a so-called Wesleyan Mission District, were the ones who called in the ministers of religion of their own choice, Jaspers, Reiner, “Colonialism and Catholic Mission Activity on New Britain: The Problem of the Mission Districts”, in *Papers Prepared for the Visit of Pope John Paul II*, Port Moresby PNG: Government Printer, 1984, pp. 54-58.

¹⁶ Murray, John Courtney, “Religious Freedom”, 679, n. 5.

duties of government” (n. 6)! In other words: rights come first on the side of the individual, and duties come first on the side of the State. What a person’s rights entail is spelled out in nn. 4-5 of the same Declaration: they are individual and communitarian, concern divine worship, and human organisation, cover instruction and organisation, training of staff and appointments, communication among the group, and with outsiders,¹⁷ erecting buildings, and acquiring property.¹⁸ When all this is achieved, the *common welfare* of society is a reality. One cannot say: the more laws and regulations, the better! Instead, the common good comes first! As a subsidiary principle, comes the justification of restrictions, and regulatory norms, so that the *public order* be safeguarded. Here again, the rights of others are primary, and the basis for obligations towards the other side. The Declaration says: “It is the special duty of government to provide (this) protection . . . against the possible abuses committed on pretext of freedom of religion” (n. 7). It is noteworthy that, in principle, any limitations of freedom could be self-imposed, and fundamentally based on the moral law (“how things should be”). Therefore, proof has to be provided that an abuse has taken place, and no government is entitled to determine arbitrarily what is punishable, and forbidden, or obligatory. Now, society is an order:

- of justice; hence the need of settling disputes (violated rights);
- of peace; hence the need of assuring public order;
- of morality; hence the obligation to defend public morality.

¹⁷ Outside contacts are not confined to the Catholics, Anglicans, and Seventh-day Adventists only, but affect also other churches and religious groups, who are, in one way or the other, members of the World Council of Churches, the World Evangelical Alliance, the Baptist World Alliance, the Lutheran World Federation, the Asian Baptist Fellowship, and the like, Carl Loeliger, “Religion in Papua New Guinea”, roneoed draft paper, October, 1978, p. 7.

¹⁸ Acquisition of property, too, has served, in the past, to break through the spheres-of-influence policy (as with the establishment of the Catholic church in Oroko: cf. George Delbos, *The Mustard Seed: From a French Mission to a Papuan Church*, Boroko PNG: Institute of PNG Studies, 1985, p. 272), and is at the basis of some present-day difficulties (such as the planned establishment of the Mormon church near Hanuabada, Port Moresby, cf. *Post-Courier*, May 9, 1985, and August 21, 1985).

As long as there is no sufficient proof given that a violation of any of these three accounts has occurred, there should be no limit whatsoever to the freedom of religion.¹⁹ But, as soon as sufficient evidence is provided, the law can step in and punish the offender.

It would appear that the concept of public order, in its threefold dimension, could well replace the unwieldy concept of the people's "good customs", referred to earlier, in order to achieve the objectives intended by the lawgiver.

4. FURTHER OBSERVATIONS ON INDIVIDUAL POINTS

1. It is proposed that the Melanesian Council of Churches act as a clearing house for future missionaries. But this is beyond the nature of this free association of churches, which is rather comparable to a "secretariat", fostering such services as the flow of information, providing a forum for inter-church discussions, and assisting in projects of mutual concern. Like, say, the Bible Society, it is not a kind of super-church, with a definite creed, its own ministers, and forms of worship, etc. As a matter of fact, the Melanesian Council of Churches, and similar councils of churches do not cover all "churches", but, usually, only the main Protestant denominations.²⁰ In Papua New Guinea, the Catholics happen to be full members, but there are many free churches, associated with the "Evangelical Alliance",²¹

¹⁹ Murray, "Religious Freedom", p. 686, n. 20.

²⁰ The present membership of the Melanesian Council of Churches includes the following seven churches: Anglican Church of Papua New Guinea; Evangelical Lutheran Church of Papua New Guinea; Gutnius Lutheran Church (of Wabag); Roman Catholic Church; Salvation Army; United church in Papua New Guinea and Solomon Islands; and Western Highlands Baptist Church.

Associate membership is held by the Church of the Nazarene Mission, Summer Institute of Linguistics, Campus Crusade, Scripture Union, Bible Society, etc. Noteworthy is that some sections of the United and Baptist churches belong to both the Melanesian Council of Churches and the Evangelical Alliance.

²¹ The Evangelical Alliance of the South Pacific Islands (1964) is a kind of umbrella organisation for many "free churches", fellowships, and the like. At present, the following 25 churches are full members:

Aiyura Evangelical church

Apostolic church (PNG)
Asoroyufa Evangelical church
Assemblies of God (PNG)
Boroko Baptist church
Christian Brethren church (PNG)
Christian Life Centre church
Christian Union church
Church of the Four Square Gospel (PNG)
Church of the Nazarene
Conference of the Churches of Christ
Evangelical Church of Manus
Evangelical Church of Papua
Faith Fellowship church
Ialibu Gospel church
Lae Baptist church
Sepik Baptist Union
South Sea Evangelical church (PNG)
South Sea Evangelical church Solomon Islands
Tiliba Christian church
Tokorara Baptist church
United church – Highlands region
Wesleyan Church Corporation
Western Highlands Baptist Union, and
Wewak Christian Fellowship.

Associate membership of the EA is held by 13 more churches:

Apostolic Church Mission
Assemblies of God Mission
Asia Pacific Christian Mission
Australian Church of Christ Mission
Bamu River Mission
Christian Mission in Many Lands
Christian Union Mission
Churches of Nazarene Mission
Faith Fellowship Mission
Four Square Gospel Mission
Gospel Tidings Mission
New Life League Mission
South Sea Evangelical Mission.

Both the Swiss Evangelical Brotherhood Mission and the Swiss Evangelical Brotherhood church have, at present, observer status within the Evangelical Alliance.

which are not members, or with the National Council of Pentecostal churches, which are not members.²² As to “newcomers”, there is no information available yet which might contravene these. Are foreigners’ own rights of religious freedom not a desirable objective. In fact, if Papua New Guinea is a democratic and free country, it has to respect both the basic principle of natural justice (cf. PNG Constitution 59(2)), and also the rights of non-citizens. In addition, there are other “ecumenical” organisations (like the Melanesian Institute, or even the Religious Studies Department at the University), which might provide useful advice, but these, too, are private initiatives, and they, too, cannot bear the authority the government wants to give them. Let it also be noted that it will be hard to police “freelance” and short-time “evangelists”, who come and go, and cause a lot of turbulence, and are untraceable for the slow-moving arms of the law.

2. To impose obligatory notification to other churches denies the very principle of religious freedom, even for individual

²² At present, the National Council of Pentecostal Churches (1979) has the following membership:

Apostolic church (PNG)
Apostolic Mission
Assemblies of God church (PNG)
Assemblies of God Mission
Christian Life Centre church
Christian Revival Crusade (PNG)
Church of the Four Square Gospel (PNG)
Faith Fellowship Mission
Four Square Gospel Mission
Highlands Christian Mission
Mendi Pentecostal church
New Guinea Fellowship
Open Bible Mission.

As with MCC and EA, there is also overlapping between the affiliation to EA and NCPC for the following six groups: Apostolic church, Assemblies of God church and mission, Christian Life Centre, Four Square Gospel (American branch, but not the Australian branch), and Faith Fellowship Mission.

preachers, and for individual converts.²³ Again, the second “consideration” tries to establish (or presumes it exists) a clear religious geography of Papua New Guinea, which does not exist, especially in towns, training institutions, plantations, mining sites, etc. The implications of this disregard of reality are far-reaching, and affect constitutional rights, such as, freedom of movement within the country, freedom of assembly and association, freedom of the parents to educate their children, etc.

On the other hand, there is reason to condemn “sheep-stealing”, and other unfair means of competition and “proselytism”. God does not want forced converts (physically), but neither does He want tricked converts (morally). Hence, there is scope to spell out in detail what is fair and unfair competition (giving presents, spreading false information, attacking the good name of individuals, and of “churches”, as moral entities, etc.).

3. To impose obligatory notification on one’s own church authorities is plain interference in church matters, and cannot be taken for granted, since it denies freedom of an individual to see and live the truth.
4. Consideration 4 has already been addressed when noting the need for a “definition”.²⁴

²³ The Mormon church’s reply to the government letter of September 8, 1983, remarks that if the notification intended is a mere matter of courtesy, it should, perhaps, not be a subject of legislation. If, on the contrary, the text intends to give an entitlement to the church having “jurisdiction”, one needs to specify the grounds on which permission can be refused, and also the means available to challenge a withholding of permission, or an unreasonable delay in considering the request. (Cf. Letter, October 18, 1983, p. 4, sub. 2c).

²⁴ Matters, which some churches have considered as conflicting with their religious objectives, are listed above, note 10. They are also referred to in the reply of the Evangelical Alliance, which adds such “imported customs” as wild disco and six-to-six parties for their disruption of traditional life patterns.

5. The state is not the judge of what a person, or a group in society, considers as valid goals of action, as long as others' rights are not tampered with. Hence, it would seem that, to foster religious values and insights is a worthwhile cause, and not only the things which produce economic profit. Again, some religious bodies might decide to focus their attention on personal moral problems, such as drinking and gambling, and issues of law and order, while other religious groups would show more interest in so-called macro-ethics, and issues which range from employment policies to international concerns of war and peace. As to the Catholic church, the opposition made here between evangelisation and development is a false dichotomy, since salvation is for the whole person, body and soul, and religious life can only flower where a decent living standard is achieved. Catholics have no quarrel with the "integral human development", exalted by the Papua New Guinean Constitution, as the first "national goal and directive principle".
6. The modern state is wedded to the principle of the three arms of government: legislative, executive, and judicial. The text seems to imply that, without the provision of specific laws, the executive can step in (e.g., through police action). Instead, there should, first, be clear laws ensuring both rights and duties (common welfare, public order): only then might independent action be warranted. As to the right of the state to be the arbiter of religious truth, this is again overstepping the natural bounds of its competence, and smacks of totalitarianism.
7. It is not clear whether "church representatives" are, in the first place, "ministers of religion" for churches having such a category (by reason of ordination, or without it), or whether any church member may be intended. If the intention is to intervene in the formation, appointments, transfers, etc., of church ministers, or to burden them with public or civil duties (some of which they carry out already,

e.g., in registering marriages), the proposed Bill would show an undue interference in religious matters. If the aim is only to make allowances for “priests in politics”, the Catholic church, for one, would not object, as a matter of principle, although she sees this task, rather, as an exception, left to the discretion of the local bishop, and ordinarily entrusted to the lay people.²⁵ Finally, if any church member is intended, one could concur with the reply from the Evangelical Alliance, and say that “the Christian churches are already being represented in all levels of government, and are fully involved in the political affairs of the country. This is through the elected Christian members of Parliament (National, and Provincial), and in key positions in the public service, etc. Thus, these people, through their God-given wisdom, and ability as Christians (as the church), are contributing to the policy, planning and decision-making process of the nation.”

GENERAL CONCLUSION

It is a fact that the proposed *Religious Movements (Control) Bill 1981* met a mixed reaction among the ten or so religious groupings, which were approached, and actually did air their views. In the opinion of A. Maniot, for the government, the most positive support originated from the United and Lutheran churches, and from the Melanesian Council of Churches (although a written position paper of the latter was never tabled). One could add to these three groups, also, the position taken by the Salvation Army, while opinions coming from the Catholics, Jehovah’s Witnesses, Mormons, Seventh-day Adventists, and from the Evangelical Alliance, expressed objections of varying weight. As a matter of fact, peaceful coexistence of churches is not always achieved.

²⁵ Following Vatican II (*Apostolicam actuositatem*, n. 2 end), the most-recent *Code of Canon Law* (1983) has this to say: “Lay members of Christ’s faithful . . . (have) the obligation and the right . . . to strive, so that the divine message of salvation may be known and accepted by all people throughout the world. . . . They have also . . . the special obligation to permeate and perfect the temporal order of things . . . particularly in conducting secular business and exercising secular functions. . . .”, *Code of Canon Law in English Translation*, London UK: Collins, 1983, p. 225.

The problems are not so much on the level of church leadership, but rather on the village level. One may also add that the daily newspapers tend to overplay the dissensions, when they use such loaded terms as “holy war”, etc., which, in the Melanesian context, bear no comparison whatsoever with the manifestations of religious fanaticism elsewhere in the world.

Nowadays, in Papua New Guinea, a climate of goodwill is growing. Assisted by the government, a workshop was held with various church leaders in July, 1981, resulting in a much-noted “Christian Declaration on Youth and Development”. In 1983, a frank discussion was possible about the controversial Bill. Early in 1984, combined church-government meetings occurred, resulting in a joint statement of views regarding religion and development. And even though Fr Momis was criticised for “using the pulpit for making political statements” (cf. Kevin McManus),²⁶ he soon afterwards joined ranks with his opponents. Then, there was the famous retreat for the so-called rascal groups, held at the Goldie River Barracks, between April 17 and 21, 1985 (cf. Frank Senge²⁷; see also Garry Trompf²⁸), and the several follow-up meetings, jointly sponsored by people from the government and the churches. Finally, and, maybe, the surest sign of cooperation, are the very substantial sums of money which were spent, e.g., by Christian bodies on behalf of the West Irianese refugees, and by the government to support the youth programmes undertaken by the various churches.

Since these events took place, there has been a change of government, leaving the new office-bearers only a short time before the new elections, and a lot of important business waiting to be attended to. It might be, then, that the time is not ripe for new legislation to curtail some of the liberties, enshrined in Papua New Guinea’s Constitution, and that, meanwhile, there are sufficient means at hand to solve the problems occasioned by religious differences. As to the underlying

²⁶ Kevin McManus, “Church and State Locked in Bitter Conflict”, in *The Bulletin*, May 7, 1985, p. 97.

²⁷ Senge, Frank, “The Gangs’ Land”, in *The Times of Papua New Guinea*, April 28, 1985, p. 23.

²⁸ Garry W. Trompf, “PNG Shifts to the Right”, in *The Times of Papua New Guinea*, January 4, 1986, p. 18.

problems of religious truth, and of integrated church activity, the state is not empowered to solve these issues.

APPENDIX

The Vatican Declaration on Religious Liberty *Nostrae Aetate*: Summary and Commentary.

The subtitle of the document, from the fifth version on, narrows down the content of the Declaration to “Right of the Person and of Communities to Social and Civil Freedom in Matters Religious”. This addition enlightens us that it is not the abstract philosophical question about truth and error, and about their respective rights, as envisioned in the traditional “Roman” theology, that is at stake. It also tells us that the document does not see religion as a purely private matter, or as something only concerning an individual’s own relationship to the supreme Deity – as an “America” view might have preferred. In addition, the specific claim of the Catholic church is not explicitly stated, although the text, and related documents, do not ignore it altogether. Instead, it is understood that what the Catholic church claims for herself, she grants equally to other churches and ecclesiastical communions in their respective dealings with human societies and their rightful governments (see esp. n. 6c).

1a. According to the Introduction, the ultimate basis of religious freedom is “the dignity of the human person”, which demands a free and responsible self-determination. It is only in recent times that the implications of this, also in social life, have become more apparent (cf. also *Gaudium et Spes*, nn. 12-22).

1bc. The Catholic church is convinced that true religion is found in herself (cf. also *Lumen Gentium*, n. 8), and this fact constitutes an appeal to the individual conscience, without implying, however, any limitations of a person’s rights, or entailing any individual or collective discrimination. A reference is here made to the “recent Popes”, quoting explicitly Pope John XXIII and Pope Pius XII.

The main text of the Declaration, after the introduction (n. 1), is divided into two parts:

Ch. I: General Principle of Religious Freedom (nn. 2-8), and

Ch. II: Religious Freedom in the Light of Revelation (nn. 9-15).

This order – putting human reason first – reveals the fact that non-Christians are also spoken to, although it is not hidden that the rights under consideration are known firstly through revelation, and secondly, through reason (n. 2c; also n. 9).

Chapter I: General Principle of Religious Freedom

2a. After the introduction, Chapter I opens with a paragraph, in which the meaning of the right is explained. Any human person is entitled to religious freedom, i.e., freedom or immunity from coercion or force, so that, in religious matters, nobody is forced to act against his or her conscience. Nobody, within reasonable limits (also n. 7), is prohibited from following his or her choices and decisions. This divine and human right should become a civil right as well, when seen in the context of a political society. (It is not so that the state, on its own authority, would grant such a right, as other philosophies would like to have it.)

2b. The basis and the range of religious freedom are further explained. It goes back to man's fundamental duty to seek for, and to live, the truth, especially in religious matters. Hence, a person must be able to move with freedom. And, even when there occur cases of (objective or subjective) abuses in this area, the right itself is inalienable, "Provided that the just requirements of public order are observed". (In other words, the church is here acting on principle, and not on pragmatic grounds, or as a concession to contemporary circumstances.)

3. Again, man is a social being, who finds and lives the truth, in interaction with other human beings, who communicate with him their discovery of (real or imagined) truth. Hence, follows the legitimacy of external and communitarian acts, provided again, that any public limitation of one's rights is only inspired by "the just requirements of public order". (Hence the state cannot command or prohibit external expressions of religion.)

4. As a consequence, all religious associations are legally on the same level. (Note again, that the question of actual truth or falsehood is left aside, but allowance is made for a "Christian witness".) There is, however, a natural (not just a legal) limitation in expressing one's personal conviction, and that is the respect for the rights of others. Hence, "any manner of action, which might seem to carry a hint of coercion, or of a kind of persuasion, that would be

dishonourable or unworthy, especially when dealing with poor or uneducated people” is out of place.²⁹

5. There is a parallel between the public rights of religious associations and those of the family (e.g., regarding education of children), but this topic is left untreated here, since the Council issued a separate Declaration on Christian Education, *Gravissimum Educationis*.

6a. Then follow the limitations of religious freedom, where a definition is given of the common welfare (a subject already treated by Pope Leo XIII in *Rerum Novarum*, of 1891). The latter is a situation, in which a person can reasonably and easily achieve his or her own perfection.

6b. It is mainly up to the state government to protect the rights of individuals and groups “by (making) just laws, and by other appropriate means”.

6c. Even if, in given circumstances, a particular religion would enjoy a privileged status, one should still respect the rights of all citizens, and religious communities, to religious freedom. All are to be equal before the law.

7. The need to limit man’s religious freedom can be justified on the grounds of (n. 7b):

- protecting the rights of all citizens and of peacefully settling conflicts,
- maintaining public peace, and
- upholding public morality.

The section concludes, almost axiomatically, by requesting “as much freedom as possible, and as little restriction as necessary”. Father Murray comments

²⁹ Father J. C. Murray comments here that “it is customary to distinguish between ‘Christian witness’ and ‘proselytism’, and to condemn the latter. This distinction is made in the text here. Proselytism is a corruption of Christian witness by appeal to hidden forms of coercion, or by a style of propaganda unworthy of the gospel. It is not the use, but the abuse, of the right to religious freedom”, Murray, “Religious Freedom”, p. 683, n. 10. This useful distinction is taken over by Reiner Jaspers, “Religious Movements (Control) Bill 1981: Catholic Position”, roneoed paper October 30, 1983, p. 9 (this paper, without the last page, containing the author’s name, became the Catholic reply to the proposed 1981 Bill); and by *A Joint Statement of Views: Church-Government Policy and Programme Integration Plan, Goroka Workshop, February 20-29, 1984”, p. 6.

here that “secular experts may well consider this to be the most significant sentence in the Declaration”.³⁰

8. To conclude the first chapter, an appeal is made, on the one hand, “to respect the moral order, and be obedient to lawful authority”, and, on the other hand, “to be lovers of true freedom”. Religious freedom is meant to enable people to “act with greater responsibility in fulfilling their duties in community life”.

Chapter II: Religious Freedom in The Light of Revelation

The way of arguing, in the second half of the Declaration, is explicitly biblical, and the natural familiarity with the content matter may allow us to be more concise in giving the outline of nn. 9 to 15, a section of almost the same length as nn. 2-8 of Chapter I.

9. It is granted that, although divine revelation does not teach explicitly the right to be free of external coercion (one might think here of the biblical judgment of ancient slavery!), there is, nevertheless, a very definite stand in favour of human dignity. Thus, further light is cast upon the insights of human reason.

10. “Man’s response to God in faith must be free. Therefore, no one is to be forced to embrace the Christian faith against his or her own will.”

11. The example, and the word of Jesus and the Apostles provide guidance, both regarding the free response of man, and regarding the power and the right of the government. They sought to convince, never to compel.

12. The Catholic church is resolved to follow the way of the gospel, although “there has, at times, appeared a way of acting that was hardly in accord with the spirit of the gospel, or even opposed to it”.

13. The good of the church, and the welfare of society, entitle the church to “enjoy that full measure of freedom, which her care for the salvation of men requires”. She claims this, both “as a spiritual authority”, and “as a society of men (professing the) Christian faith”.

14. It is the duty of every member of the church to understand ever more fully, faithfully proclaim, and vigorously defend this truth, yet “never having recourse to means that are incompatible with the spirit of the gospel”.³¹

³⁰ Murray, “Religious Freedom”, p. 687, n. 21.

15ab. In the concluding paragraphs, the Council Declaration broadens the perspective, once again, alleging, e.g., that most constitutions and international documents acknowledge religious freedom, even though there are instances where this right receives only lip service. The fact that “Catholics . . . (and) all men” are urged to defend the great good of religious freedom implies that there might even be Catholic totalitarian systems. Mankind is growing towards a greater unity, and religious freedom should figure as a treasured part in the establishment of universal harmony and peace.

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³¹ It may be obvious that such an attitude is most relevant, both regarding the freedom Christians may enjoy within the church, and the freedom they should have with other Christian individuals or groups. However, these various applications are not spelled out in detail.

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