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# Religion, State, and Constitution in Ghana: Disputed Realms of Neutrality

Cosmas Ebo Sarbah

## P R E C I S

*This essay discusses the neutrality of the role of the state and its apparatus or agencies in Ghana as it takes various steps to ensure that rights to religious practices are protected. It also examines the extent to which the noninterference by state institutions in internal affairs and activities of religious organizations is carried out in the role of the state in the building of the national cathedral and the organization of the annual pilgrimage to Mecca—as it ensures that no undue advantage is given to any of the country's religious bodies. Finally, it assesses abuse, or even perceived abuse, of religious rights in the public space (schools and hospitals) led by the religious minority and examines the measures put in place by the state to deal with the problem.*



## Introduction

After a series of military regimes and failed attempts at constitutional rule, Ghana has made a firm stand on its choice for multi-party democracy. The emphatic acceptance of the 1992 Constitution through a national referendum paved the way for entrenched provisions of the rights to religious beliefs and practice, as well as the organization of religions. The Constitution, which endows the state with a neutral or noninterference role, also mandates it to ensure that freedom of religion is constantly upheld by all.

Ghana is a secular republic because the Constitution that brought the fourth republic into being is a document underpinned by largely secular

ideologies of freedom, equality, and justice for all, irrespective of religion, ethnicity, cultural, and political backgrounds. The constitutional provision for religious liberty is located in Article 21(1)(c) of the 1992 Constitution of Ghana. This entrenched provision grants the right of belief and the right to manifest it in accordance with the position of the International Covenant on Civil and Political Rights.

Religious freedom is grounded in the diverse religious scene in the country. Religious diversity is an existential fact backed by not only the reality of the mosques, temples, and churches (chapels) scattered across the country but also by the population census.<sup>1</sup> The table below indicates the last two (2010 and 2021) population and housing censuses conducted in Ghana:

Religion	2010	2021
Christian	71.2%	71.3%
Muslim	17.6%	19.9%
ATR's <sup>2</sup>	5.2%	3.2%
No Religion	5.3%	1.1%
Others	0.8%	4.5%

From this table, the Christian population remained largely the same in both years, while the Muslim population gained more than two percent by virtue of large family size and significant immigration from other West African countries. It appears that the “No Religion” category has seen a decline, while the “Other Religions” category increased nearly sixfold in those eleven years. This last category constitutes what I call the “minorities of minority” religious communities in Ghana.

In this essay, I will discuss the plural ideological background of the 1992 Constitution of Ghana, which had its beginning from the first republic immediately after independence on March 6, 1957. The first president of Ghana, Dr. Kwame Nkrumah, came up with a national agenda that sought to achieve a national identity from the blending of Christianity, Islam, and indigenous religions. This agenda called on the state to remain neutral in the discharge of its duties in relation to the religions in the country. I will also discuss how successive governments have tried but, in some cases

<sup>1</sup> Ghana Statistical Service, *Population and Housing Censuses* (Accra: Ghana Statistical Service, 2010 and 2021).

<sup>2</sup> African Traditional Religions.

unsuccessfully implemented, the ideals of state neutrality evidenced in the preferential treatment for the major religious traditions (Christianity and Islam) and the seeming neglect of small minorities in critical national policies. The small minority is called upon to challenge the law in court to ensure that the right thing is done to the satisfaction of all.

The essay adopts the historical-narrative-cum-analytical approach. The extracts discussed here are part of a research project that I conducted in Accra, the capital city of Ghana, in July–December, 2021. The primary information was obtained from interviews with twenty randomly chosen interviewees with exceptional knowledge of religion, democracy, and law—including religious leaders, politicians, and social commentators, who prefer to remain anonymous. The interviews took place on a one-on-one basis, when and where each participant was available. Each interview was recorded and later transcribed. The information obtained was subjected to content analysis. The discussion also employs secondary sources of data such as the 1992 Constitution of Ghana, information from the archives of the National Peace Council, the Constitutional Review Committee of 2011, and other relevant literature.

### The State, Plural Ideology, and Religious Inclusivism

Over the years, presidents of Ghana have attempted to make their policies and public appearances as religiously plural as possible in order to pay equal attention to all religious communities.<sup>3</sup> Soon after independence, President Nkrumah adopted a comprehensive approach in dealing with African religious and sociocultural challenges. In his 1964 book, *Consciencism*, he argued for a political ideology that sought to incorporate all religious traditions in the country. He believed that such an ideology was well-placed for the decolonization of Africa and for propelling the nation toward a strong and prosperous future. Thus, Nkrumah noted, “With true independence regained, however, a new harmony needs to be forged, a harmony that will allow the combined presence of traditional Africa, Islamic Africa and Euro-Christian Africa, so that this presence is in tune with the original humanist principles

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<sup>3</sup> See John S. Pobee, *Kwame Nkrumah and the Church in Ghana, 1949–1966* (Accra: Asempa Publishers, 1988), p. 67.

underlying Africa society.<sup>4</sup> By this statement, he refused to privilege one religion over another. The African identity or personality must be a product emanating from all three main traditions of Islam, Christianity, and the indigenous life.<sup>5</sup>

Thereby, Nkrumah looked beyond exclusivists' claims of Christianity and Islam for a plurality that would be a superstructure for his integrative revolution.<sup>6</sup> In such a positive attitude toward Christianity, Islam, and indigenous religions, Nkrumah reinforced his belief in the unifying role of religion for collective progress and development. He contended, "Our attitude to the Western and the Islamic experience must be purposeful. It must be guided by . . . a body of connected thought which will determine the general nature of our action in unifying the society which we have inherited, this unification to take account, at all times, of the elevated ideals underlying the traditional African society."<sup>7</sup>

Though Nkrumah believed religion should not intrude unduly in political decision-making, he did not hide his admiration for religion as a potent integrating force.<sup>8</sup> In other words, he recognized the symbolic and integrative capacities of Ghanaian religiosity and its potential role in dealing with tension between centralization and diffusion of political authority. Following Nkrumah, successive regimes also saw logic in his plural understanding of religion.<sup>9</sup> Rights to freedom of religion are upheld in Ghana, and all religious communities feel free to practice their religion. In the end, Nkrumah was successful in his purposeful blending of religions only at the legal and ceremonial levels. Various constitutional provisions legalized all three reli-

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<sup>4</sup> Kwame Nkrumah, *Consciencism* (New York: Monthly Review Press, 1964), p. 70.

<sup>5</sup> The British colonial administrators' being predominantly Christian, the activities of the Christian missionaries in a large portion of Ghana have resulted in the development of a dominant influence of Christian perspectives in social and public life. See David Amponsah, "Kwame Nkrumah and the Politics of Religion in Early Postcolonial Ghana," a paper presented at the Ghana Studies Association Panel Registers of Belief, Creativity, and Power in Ghana at the African Studies Association Annual Conference, Atlanta, GA, November 28–December 1, 2018.

<sup>6</sup> See Sulayman S. Nyang, *Islam, Christianity, and African Identity* (Brattleboro, VT: Amana, 1985), p. 76.

<sup>7</sup> Nkrumah, *Consciencism*, p. 76.

<sup>8</sup> See Obiri E. Addo, *Kwame Nkrumah: A Case Study of Religion and Politics in Ghana* (New York: University Press of America, 1997), p. 33.

<sup>9</sup> See Max Assimeng, *Religion and Social Change in West Africa* (Accra: Ghana University Press, 1989), p. 56.

gions. At public state functions, the presence of the clergy of all major religions was acknowledged with invitations to offer prayers.<sup>10</sup> However, Nkrumah realized that meaningful attitudinal changes in matters of religion do not happen by legal documentations. Religious acceptance and integration must evolve at the grassroots from the hearts of the population. Despite its limitations, this effort by Nkrumah's government to find a viable role for all religious traditions was a timely and necessary first step.

### Practicality of State Neutrality

As nations adopt secular statuses and endeavor to harmonize the resources of all available religious traditions in order to forge a unique national identity, the need for neutrality of the state has become a topic of national conversation. It is generally agreed that political neutrality is a necessary ingredient to spur the state toward true achievement of freedom of religion, which the nation envisages.<sup>11</sup>

However, the neutrality of the state has been a difficult and controversial concept. While some scholars have argued in favor of neutrality for effective running of the modern state, others have played down its importance and have even considered neutrality to be impossible. A highly reputed American philosopher, Robert Audi, has championed the principles and benefits of neutrality in his essay, "The Separation of Church and State and the Obligations of Citizenship." He contended that the proper application of the religious liberty clause in national constitutions must include key principles for the conduct of major stakeholders: churches, individuals, and the state.<sup>12</sup> My concern here is the principles that govern state institutions and agencies, which, according to Audi, could be applied in three broad areas: first, the libertarian principle, which requires the state to offer the opportunity

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<sup>10</sup> See Cosmas Ebo Sarbah, "Interrogating the Approaches of Christian-Muslim Encounters in West Africa," *Journal of Ecumenical Studies* 51 (Summer, 2016): 375.

<sup>11</sup> See Ronald F. Thiemann, *Religion in Public Life* (Washington, DC: Georgetown University Press, 1996), p. 88; and Nicholas Wolterstorff, "Why We Would Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons," in Paul J. Weithman, ed., *Religion and Contemporary Liberalism* (Notre Dame, IN: University of Notre Dame Press, 1997), pp. 162–181.

<sup>12</sup> See Robert Audi, "The Separation of Church and State and the Obligations of Citizenship," *Philosophy and Public Affairs* 18 (Summer, 1989): 259–296.

to every religious tradition and community to practice (p. 262); second, the equalitarian principle, which prohibits the state from preferring one religion over another (p. 263); and third, the neutrality principle, which expresses the requirement that the state must not privilege religion or the religious over other sectors simply because it is religion or because they are religious (p. 264).

However, despite Audi's three salient guiding principles, justifying the need for the concept of neutrality is still contested. The concept remains indeterminate and raises three unanswered questions: Does neutrality require neutral reasons for legislation? Does it require neutral legislative intentions? Does it require an equal impact of a liberty clause on religious traditions? Surely, answers to these questions must reflect the deeper values that are justification for the principle of neutrality. This needed value reflection compounds the problems, however. If the principle of neutrality is founded on commitments to indeterminate value—such as the importance of equality or individual autonomy—then the question is why the state should be required to be neutral about all values. Obviously, this requires that a distinction be made between all principles of right, including neutrality and conceptions of the good.

In line with this complexity of neutrality of the state, Veit Bader, a renowned professor of social philosophy and sociology at the University of Amsterdam, has argued consistently against the practicality of the principle or concept of neutrality of state.<sup>13</sup> He has argued that religious liberty and equal treatment of all religions, for instance, do not require separation of state and organized religion because “disestablishment” and “political equality” do not require a complete separation between the state and organized religions or even a complete privatization of religion.<sup>14</sup> He agreed with Will Kymlicka that it is possible for a state not to have an established religion, but the state can give at least “partial establishment to a particular culture” or religion in a religiously plural context.<sup>15</sup>

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<sup>13</sup> Bader teaches social and political philosophy as well as sociology of work and labor and theoretical sociology. He is currently writing a book on cultural diversity, institutional pluralism, and political unity.

<sup>14</sup> See Veit Bader, “Religious Pluralism: Secularism or Priority for Democracy?” *Political Theory*, vol. 27, no. 5 (1999), pp. 597–633.

<sup>15</sup> Will Kymlicka, *States, Nations, and Cultures: Spinoza Lectures 1 and 2* (Assen: Van Gorcum, 1997), p. 27.

Kymlicka concluded that the separation of church and state and the “depoliticization of religious identities”<sup>16</sup> are accepted without critical scrutiny. The “idea that liberal states or civic nations are neutral between ethno-cultural identities” such as religion is surely a “myth.”<sup>17</sup> The presumption that only a complete “separation” of the state from (organized) religions is compatible with the “public ethics of modern states” is also mistaken and even impractical.<sup>18</sup> Bader argued that, though the American legal system prohibits the establishment of a national church, little effect of this is seen on the political, social, and cultural fronts. The symbolic power of established Protestant Christianity still holds sway in many ways. Many still notice in American politics, to a large extent, the impact of Christianity not only within America but also in its foreign policy formulations and dealings. The ideas of America as a “chosen country” and Americans as the “chosen people” are predominant and biblical.

As a result, the interpretation of the nonestablishment clause of the First Amendment of the American Constitution as “complete separation of state and religion,” Bader contended, is an error whose only purpose is to protect the authorities of the political, social, and cultural “establishments” from Christianity. In view of this, some sociologists and historians of religion have clearly demonstrated that the “legal nonestablishment” of the First Amendment has been only the first phase in an ongoing and unfinished process of disestablishment.<sup>19</sup> The second phase, which has led to higher degrees of actual disestablishment of the state, society, and culture from Evangelical Protestantism as the civil religion of America, was occasioned by challenges from competing, minority religions such as Roman Catholic and Jewish faiths.

Consequently, the freedom of religion provision of secular constitutions has two major clauses that, when combined, appear contradictory and make neutrality of the state highly improbable. First, the nonestablishment clause of the freedom of religion seems to forbid any governmental assistance and require noninvolvement and no aid to any religion. Second, the free exercise

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<sup>16</sup> Ibid., p. 21.

<sup>17</sup> Ibid., p. 27.

<sup>18</sup> Ibid.

<sup>19</sup> See José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994), p. 88; and David Martin, *A General Theory of Secularization* (New York: Harper & Row, 1978), p. 97.

clause seems to mandate governmental accommodation and “impartiality” but to require equal aid to organized religions.

### Christianity, Democracy, and National Heritage

This essay seeks to examine the extent to which this neutrality of state or noninterference of the state institutions in the internal affairs and activities of religious organizations in Ghana is carried out in a manner that meets the satisfaction of all. Ghana, like other African countries, is a maiden democracy with entrenched constitutional provisions for the freedom and practice of religion. According to the United States Department of State’s 2021 Report on International Religious Freedom on Ghana (June, 2022), freedom of religion is an entrenched provision in Ghana’s Constitution. The report identifies three critical clauses in the liberty provision in the Ghana constitution: the prohibition of religious discrimination, the provision for freedom of individuals to follow any religion, and the prohibition of a state religion. The rights to profess and practice religion are limited only as far as defense, public safety, public health, or the management of essential services are concerned. As it grapples with and attempts to fashion its role in the religiously plural environment, the state is at the mercy of the religious organizations in view of their many conflicting practices and demands.<sup>20</sup>

As generally noted, a constitution is always an unfinished product and is always a first stage in the various processes by which freedom of religion would be actualized. It behoves the stakeholders (the individual, the state, and religious groups) to continue the unending path of challenging and making sure that the second stage, which involves the application or implementation of the laws, is carried out to the satisfaction of all. This pursuit for equality for individuals and religious groups demands a national conversation on the way forward, a conversation that must hinge on the future of religion, democracy, and national heritage. In Ghana, at present, the all-important national discussion is taking place on many fronts. There is an on-going national debate among religious groups and lawmakers about how best to regulate religious practices in the country. Government officials, religious leaders, and the members of the National Peace Council continue

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<sup>20</sup> See John S. Pobee, *Religion and Politics in Ghana* (Accra: Asempa Publishers, 1991), p. 56.

to work on a regulatory framework that would ensure that religious rights are protected, and policies are deconflicted.

However, in the midst of all these discussions with relevant stakeholders, there is the building of the National Christian Cathedral, which is expected to be a figure or symbol of national heritage. Many think that Ghana deserves a national cathedral that will serve a multi-purpose function as a symbol of national unity, foster cooperation, and attract tourists, yet many Christians and Muslims are displeased not only with the role of the state in executing the project but also with the national and unity role it is expected to play. As a one-of-a-kind twenty-first-century monument, the cathedral is designed and expected to be not only a symbol but also the platform for the harmonization of issues of religion, democracy, and local tradition. It is expected to be both a rich, authentic celebration of Ghanaian heritage and culture and also a place of inspiration, reflection, and collective devotion for the nation. President Akufo Addo noted, at a recent fundraising event for the cathedral, “The Cathedral will also provide a platform to promote deep national conversations on the role of faith in building the progressive and prosperous Ghana we all want. I am convinced that out of these conversations would emerge ideas and values that should help us build a new Ghanaian civilization.”<sup>21</sup>

The building of the national cathedral by the state has generated intense debate among the citizens of Ghana. On the one hand, the supporters of the president’s position argue that the constitutional provision of noninterference of the state in practices and activities of organized religion does not mean nonengagement. A noted legal expert in Accra stated, “It is the responsibility of the state to come to the aid of every person or any institution which calls on it for help.” He concluded, “If the Christians need a place for their national unity, why not.”<sup>22</sup> On the other hand, opponents of the project cite economic, political, and even religious reasons for their opposition. Economically, they argue, we live in a very difficult economic time in world history after the Covid 19 pandemic and the Russian-Ukraine war, which have caused high inflation and high fuel prices in Ghana and across the world. A retired civil servant summed up the economic reasons: “Poverty is

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<sup>21</sup> See <https://blogs.lse.ac.uk/religionglobalsociety/2019/01/the-politics-of-a-national-cathedral-in-ghana-a-symbol-of-a-corrupted-government-or-reaching-wakanda/>; accessed November 4, 2022.

<sup>22</sup> Interviewed on July 6, 2021.

increasing and various economics are destroyed. The money for the project should instead be geared toward the building of schools, hospitals, and other infrastructure”<sup>23</sup> that Ghana desperately needs, arguing further that the time is apt to invest in people and create jobs for the teaming number of unemployed youth.

Politically, there are those who believe that the government is embarking on the cathedral project for political advantage, to position itself as a government that has Christianity at heart and is ready to promote its values. A restaurant operator observed, “It is all for votes; they want Christians to vote for them.”<sup>24</sup> In this case, it is appropriate to appreciate the political importance of popular religions such as Christianity (71.3%) and Islam (19.5%) in terms of numbers.<sup>25</sup> It is easy to notice an attempt to gain political advantage as seen in the composition of the Board of Trustees for the project, made up of the cream of Christian leadership, with strong representation from Pentecostal and Charismatic leaders.<sup>26</sup>

Religiously, there are people who feel that the unfortunate mixing of church and state in a religiously plural Ghana, as in the case of the cathedral project, is ill-advised. They argue that the project is a worrisome case of official interest in a particular religion in a part of the world riven by religious conflicts. Accordingly, George M. Bob-Milliar and Karen Lauterbach<sup>27</sup> have noted that the national cathedral project symbolizes a new trend that, if not nipped in the bud, is capable of creating enormous problems for the country. They argue that the project represents a “more direct and visible linkage between the Christian and political elites in Ghana,” which ought to be discouraged immediately.<sup>28</sup> They contend that this project hugely compromises the watchdog role of the church, which is critical for national development.

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<sup>23</sup> Interviewed on July 4, 2021.

<sup>24</sup> Interviewed on July 10, 2021.

<sup>25</sup> See Jeff Haynes, 2004, “Religion and Democratization in Africa,” *Democratization*, vol. 11, no. 4 (2004), pp. 66–89; and Stephen Ellis and Gerrie ter Haar, “Religion and Politics in Sub-Saharan Africa,” *The Journal of Modern African Studies* 36 (June, 1998): 175–201.

<sup>26</sup> See Paul Freston, *Evangelicals and Politics in Africa, Asia, and Latin America* (Cambridge, UK: Cambridge University Press, 2001), p. 78.

<sup>27</sup> Bob-Milliar is a senior lecturer in the Department of History and Political Studies, Kwame Nkrumah University of Science and Technology, Kumasi-Ghana; Lauterbach is an associate professor at the Centre of African Studies, University of Copenhagen.

<sup>28</sup> See <https://blogs.lse.ac.uk/religionglobalsociety/2019/01/the-politics-of-a-national-cathedral-in-ghana-a-symbol-of-a-corrupted-government-or-reaching-wakanda/>; accessed November 4, 2022.

By this unique watchdog role, religious leaders and institutions have been key in political processes of the democratization in which they have, for instance, educated the electorate on democratic principles.

The church helps by holding the political class accountable and acts as the moral consciousness of society. Thus, the leadership of the Christian Council of Ghana and the Ghana Catholic Bishops' Conference have historically defined their role as the moral watchdogs of society by addressing violations of human rights and social injustice.<sup>29</sup> Christian and Muslim organizations came together to organize peace marches ahead of the elections in 2016. Consequently, they argue that this new trend of relationship exhibited in the cathedral project sparks an unhealthy relationship between the state and Christian leadership. In general, the Constitution prohibits the elevation of any religious organization into a state religion (Article 56). The role of the church as a moral conscience of the nation must be upheld.<sup>30</sup>

Furthermore, it is surprising that the president would use a Christian monument such as the cathedral to generate a discussion on religious pluralism and democracy and national heritage in Ghana. Obviously, the national status and the direct involvement of the state already render the cathedral a platform for the national conversation on the role of faith in our democracy. Many feel that the state, in this case, is not showing sensitivity to the plight of the other religions in the country. A practicing Muslim asked in an interview, "Why should a Christian Monument be considered a symbol of unity for all Ghanaians when we all know that Ghana is a religiously plural and secular nation?"<sup>31</sup> This action feeds into the perception held by some sections of Christians in Ghana that Ghana is a Christian country and belongs to Christians. A Pentecostal pastor indicated in a speech that "Christianity is the religion of the nation."<sup>32</sup> Such a Christian nationalist mentality or understanding, though held by many, is a problem for a nation that strives to achieve true freedom of religion and peaceful co-existence of all religious traditions. In a democratic dispensation such as Ghana, any idea of

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<sup>29</sup> See Kwasi Yirekyi, "The Role of Christian Churches in National Politics: Reflections from Laity and Clergy in Ghana," *Sociology of Religion* 61 (Fall, 2000): 325–338; and Kwesi A. Dickson, *Freedom of Religion and the Church* (Accra: Universities Press, 2003), p. 5.

<sup>30</sup> See Robert Kwesi Aboagye-Mensah, *The Christian and National Politics*, vol. 1 (Accra: Asempa Publishers, 1991), p. 67.

<sup>31</sup> Interviewed on August 8, 2021.

<sup>32</sup> James Aquandah, *Agenda Extraordinaire: 80 Years of the Christian Council of Ghana, 1929–2009* (Accra: Asempa Publishers, 2007), p. 25.

nationalism based on the values of one particular religion is detrimental to the advancement of the nation. At its core, this idea threatens the principle of the separation of church and state in a religiously plural environment such as Ghana.

### The State, Christianity, and Islam

The equalitarian principle of Audi about the freedom of religion in national constitutions expresses the requirement that the state not give preference to one religion over another. In Ghana, the clause is a theory or a principle that is yet to be fully put into practice or even fought for. Over the years, the state has been struggling to be truly neutral in all cases. There are occasions when national policies have been somehow partial or biased, deliberately or not, in favor of the two major religions (Christianity and Islam) in Ghana. Although Ghana's Constitution recognizes the existence of religious organizations as relevant civic society organizations that must have representation in essential national matters, it is often representation only of the various branches of Christianity and Islam that are granted representation. For example, Article 166(1) provides for the representation of religious organizations on national commissions such as the National Media Commission and the National Peace Council.<sup>33</sup> These councils presently have full representations of only Christian and Muslim groups, even though the Constitution calls for the inclusion of all others. Obviously, it is only the Muslim and Christian religious organizations that are accorded recognition for membership in the relevant constitutional bodies. The rationale for their recognition could perhaps be because of their large following in the country and, therefore, their obvious influence among the general citizenry.

The truth is that the two major religious communities have succeeded in positioning themselves in such a way that they are able to make conflicting demands on the state.<sup>34</sup> In Ghana, as in any other African country, religious organizations are still powerful bodies and continue to wield strong political influence. From the building of the national cathedral to the celebration of Christian feasts (Easter Sunday, Easter Monday, Christmas Day, and Boxing

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<sup>33</sup>The National Media Commission is responsible for ensuring the independence of the media in Ghana.

<sup>34</sup>See Pobee, *Religion and Politics in Ghana*, p. 67.

Day) as statutory public holidays to the large number of Christians in government, the influence of Christianity is undisputed. In 1995, Muslim leadership in Ghana successfully negotiated with the state to get two statutory public holidays for the celebration of the Eid festivals.<sup>35</sup> As a result, Islamic feasts (Eid al-Fitr and Eid al-Adha) have been legislated into national holidays, and their clergy are invited regularly to state functions.

The demand that Islam makes on the state apparatus is also recognizable in the role of the state in the arrangement for Muslim pilgrimages to Mecca. The state has been at the forefront in the organization of the hajj pilgrimage for Muslims, setting up a hajj board and appointing and funding its members and programs. The national hajj board or council is even a division under the Ministry of Foreign Affairs, set up to oversee the annual airlifting of Ghanaian hajj pilgrims to Saudi Arabia. It must be noted that the Kingdom of Saudi Arabia prefers to work with the state not only for the acquisition of visas and smooth flights but also for managing the large numbers of Muslims who go to Mecca for the annual pilgrimage. This role of the state in matters of the hajj is often questioned by academics and some leaders of other religious communities.<sup>36</sup> A Charismatic Christian and businessman in Accra, wondered “why the tax payers should help fund personal spiritual pilgrimage of Muslims, which is not even mandated but meant for only those who can afford it.”<sup>37</sup> All these criticisms generated a controversy that compelled the state in 2014 to begin sending and sponsoring some Christian pastors and other practitioners for pilgrimage to Jerusalem—a gesture that infuriated even more Ghanaians.

In addition, Islam is accorded a national Office of the National Chief Imam, currently headed by Sheikh Osman Nuhu Sharabutu. This has become an umbrella office that not only engages the governments over issues of national concerns but also importantly manages all intra-Muslim affairs. With state support, the office has helped to minimize intra-Muslim theological and ethnic controversies that often create enmity and tension in the national mosques.<sup>38</sup> The office also collaborates with Christian groups such

<sup>35</sup> Elom Dovlo, “Religious Pluralism and Christian Attitudes,” *Trinity Journal of Church and Theology*, vol. 1, no. 2 (1991), pp. 40–52.

<sup>36</sup> See Elom Dovlo, “Religion and the Politics of the Fourth Republican Election in Ghana (1992–2004),” in *Ghana Bulletin of Theology*, New Series, vol. 1, no.1 (2006), pp. 3–19.

<sup>37</sup> Interviewed on November 28, 2021.

<sup>38</sup> See Abdur-Rahim Husein, “Co-existence among Muslim Groups in Ghana: A Case Study of Tijaniyya and Ahlussunna in Kumasi and Wenchi,” Ph.D. thesis, University of Ghana, 2003.

as the Catholic Bishops' Conference and its Protestant counterpart, the Christian Council of Ghana, for the promotion of interreligious relations and peaceful co-existence. In all these actions of the state, we see clearly that Islam and Christianity are religious traditions that are officially accorded the full recognition that they deserve.

### The State and the “Minorities of the Minority”

The other minority religions, particularly the indigenous African religions and other religious sects of Asian tradition, are not given full recognition by the state presently. They do not have any occasions accorded their special feasts, nor are their national leaders always given the recognition that they deserve at national programs and in state organizations. Even though it is understandable that these minority groups constitute only a small number of the population, it is inappropriate to ignore or overlook the issues that confront them. Moreover, the 2021 population and housing census of Ghana indicates that the population of the minority religious groups constitutes the fastest-growing religions in the country, with about seven percent of the population.<sup>39</sup>

Apart from the fact that their representation is regularly missing on essential national commissions and councils, some critical policy directions also treat the “minorities of the minority” as though they do not exist or count. The ardent Christian Professor President John Atta Mills, for instance, refused to recognize indigenous religions and throughout his tenure (2009–12) disallowed the leadership of indigenous religious believers from participating in such national programs as the days for the celebration of Independence and Republic. He considered indigenous religions to be heathen and pagan religions, noted for pouring libations, offering sacrifices to idols, and involved in occultic practices. It is surprising to note that a constitutional lawyer of the president's repute would not recognize the significance of the role of other faith traditions. Even though some, including academics, spoke vehemently against his discriminatory actions, many Christians—especially of the Pentecostal and Charismatic dispensations—were happy that such heathen religions were relegated to the background in such a manner. A member of a popular Pentecostal church in Accra observed of

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<sup>39</sup> 2021 Population and Housing Census Report, Ghana Statistical Authority.

indigenous religion, “It is idol worship; and the reason we are not progressing as a society.”<sup>40</sup>

If an indigenous religion, the bedrock upon whose essential values and customs the nation is founded, is relegated to the background in such a manner, it is almost impossible to make a case for the inclusion in national programs of the Asian religions such as the Divine Life Society, the International Society for Krishna Consciousness (ISKCON), Brahma Kumaris, and the Sri Satya Sai Baba Mission, as well as groups of Buddhist and Sikh origin such as the Maha Bodhi, Nichiren Shoshu, Soka Gakkai, and Guru Nanak. This is an obvious case of blatant disregard for the religious freedom enshrined in the 1992 constitution. Further, the military government in 1989 passed the Religious Bodies (Registration) Law, PNDCL 221. This legislation, which required all religious bodies to register with the Registral General Department, failed in its appeal to the general public and was ignored with ignominy by the major religious bodies and Ghanaians. Clearly, the legislation demanded the registrations of only churches and mosques. Nothing in the legislation required the registration of shrines of African indigenous religions and temples of Asian religions. The state was not ready to engage religions that did not have appropriate structures in place for proper organization and registration.<sup>41</sup> The legislation itself was dead on arrival, had the leadership of the major religious bodies not opposed its implementation. Although the state currently requires some form of registration for religious bodies, those that refuse are not punished, which also has undesirable implications for the nation.

The Asian religions faced an initial cultural setback from the general public, which has contributed significantly to their “unfair treatment” or seeming neglect by the state. Many reasons account for the initial difficulties. Many Ghanaians thought Asian religions such as Hinduism were Indian religions for Indian migrants alone. Even though Hindu traditions have been in Ghana for a long time, it was only the 2010 population census that highlighted their number (20,000 approximately) and growing strength among Ghanaians. They were, thus, considered religions for foreigners. The Hindu claim of similarity to African indigenous religions also created an initial

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<sup>40</sup> Interviewed on December 26, 2021.

<sup>41</sup> The state was not ready for such duty because the legislation was meant only for tax and control purposes.

dislike for Hinduism. According to Knut Jacobsen, the Hindu sects in Ghana adopted a missionary strategy that identified current indigenous Ghanaian religions as corrupted remnants of Hinduism, which is the original religion of the African peoples.<sup>42</sup> They pointed to what they saw as similarities between Hinduism and aspects of indigenous Ghanaian traditions as evidence of their claim to cultural legitimacy. The claimed similarity between the two traditions includes the worship of images, belief in reincarnation, and the claimed tolerant and inclusive nature of both religions.

This similarity claim was, surprisingly, a disincentive to many Ghanaians who have been socialized to believe that indigenous religions are evil and pagan. Michael Kwayisi has contended that the initial Hindu problems resulted from the fact that some Christians, particularly the Charismatics and Pentecostals, are “extremely hostile toward the religious practices which they regard as idol or spirit worship and so were initially reluctant to embrace indigenous and oriental religions.”<sup>43</sup> The information from interviews conducted for Pentecostal Christians on indigenous religions generally confirm Kwayisi’s assertion. Ghanaian professor of Comparative Religion and Oriental Studies Elom Dovlo noted that the Hindu sects arrived in Ghana at a time when the religious space was already “saturated,” primarily by various branches and sects of Christianity and Islam.<sup>44</sup> Indigenous religions also occupied a significant space.<sup>45</sup>

Although their full acceptance by the populace and recognition by the state still have a long way to go, Ghanaian Hindus are increasing in numbers, and such Hindu ideas and terms as *diva*, *mantra*, *karma*, *guru*, *yoga*, *prajna*, and *dharma* have become part of the everyday vocabulary of a section of Ghanaians. Ghanaian professor of Comparative Religion and Human Rights at the University of Ghana, Abamfo O. Atiemo, has acknowledged the steady

<sup>42</sup> See Knut Jacobsen, “Hindu Processions, Diaspora, and Religious Pluralism,” in Pratap Kumar, ed., *Religious Pluralism in the Diaspora* (Leiden: Brill, 2006), pp. 163–173.

<sup>43</sup> Michael Kwayisi, “India 99–1 Ghana: The Complete Story of the Mythical 1963 Epic Match,” GhanaWeb Sports Features of Saturday, July 8, 2017, at <https://www.ghana.web.com/GhanaHomePage/SportsArchive/India-99-1-Ghana-Thecomplete-story-of-the-mythical-1963-epic-match-556714>.

<sup>44</sup> See Elom Dovlo, “Africans in Saffron Robes: Ghanaian Experiences in Oriental Spirituality,” in Abamfo O. Atiemo, Ben-Willie Golo, and Lawrence Boakye, eds., *Unpacking the Sense of the Sacred: A Reader in the Study of Religion* (London: Ayebea Clarke, 2014), pp. 33–51.

<sup>45</sup> See Albert Kafui Wuaku, *Hindu Gods in West Africa: Ghanaian Devotees of Shiva and Krishna* (Leiden: Brill, 2013), p. 34.

growth of Hinduism and other Asian religions among Ghanaians over time.<sup>46</sup> He argued that the general social and political dissatisfaction in the 1970's and 1980's made youth in particular seek spiritual, moral, and political transformation in various ways, including adopting Hindu practices. Higher educational institutions such as universities and polytechnic institutes become arenas for the vigorous peddling of new paths of individual and national emancipation,<sup>47</sup> including the Asian traditions of Hinduism, Buddhism, Bahai, and Eckankar, as well as the Christian Pentecostal and Charismatic movement. The same socioeconomic difficulties saw middle-class Ghanaians—having become disenchanting with Christianity—embrace Hinduism instead of returning to indigenous religions in their current forms.

### The State, Religious Rights, and Mission Schools

The state's difficulty in playing its neutrality role is also identified in the issues of religious rights in mission schools, especially at the second-cycle level. The mission schools are established by religious organizations, but the curricula at the primary and secondary levels must conform to the accepted standards set by the state agency responsible for education, the Ghana Education Service (GES). Universities and other tertiary institutions are, however, at liberty to work out curricula that suit their purposes. The extent to which mission schools can infuse religious activities into their daily educational programs in accordance with their traditions often becomes an issue. Religious organizations that built faith-based schools claim they have a right to their schools, which are usually built on their property, and continue to bear their names. It is significant to note that many schools started as faith-based institutions but were subsequently forcefully taken over and absorbed by the state into its school system by the 1961 Education Act. The application of that act has been difficult for the GES, which has given some degree of space for mission schools to retain their connection to the religious organization that first established them by keeping some of their practices. As a

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<sup>46</sup> See Abamfo Ofori Atiemo, "Returning to Our Spiritual Roots': African Hindus in Ghana Negotiating Religious Space and Identity," *Journal of Religion in Africa* 47 (July, 2017): 405–437.

<sup>47</sup> See *ibid.*, p. 431.

result, the basic tenets of the particular religious group became the guiding principles according to which school compounds are run daily.

Consequently, despite laudable efforts by Muslim and Christian communities to make quality education accessible to all Ghanaians, regardless of religious background, religious rights issues are often raised and tend to mar the positive relations between the Christian and Muslim communities. This issue has to do with religious rights of students in the public mission schools that—though established by religious bodies—are run by the state. Often, Muslim students have complained that their rights to practice their religion in Christian mission schools are trampled on by certain unwarranted demands of school authorities and proprietors. The prohibition of wearing hijabs by Muslim students in some Christian mission schools became an issue in Ghana in 2015. In such situations, the statements issued by the Department of Interreligious Dialogue of the office of the National Chief Imam aimed at calming nerves and called for dialogue between his office, the Christian Council of Ghana, and the Catholic Bishops' Conference for a smooth resolution of the matter. This position of the Office of the National Chief Imam was contrary to the position of the state at the time.

The government's position supported the right of Muslim students to wear headgear in schools, which largely infuriated the leadership of various Christian groups. The 2015 statement of the government indicated two assumptions: that it was wrong for mission schools to force members of other faiths to attend churches and to participate in congregational prayers in schools, and, according to President John Mahama, "It is also wrong to prevent Muslim women from wearing the hijab or [Catholic] nuns from wearing their habits to work or school."<sup>48</sup> By referring to an entrenched provision, Article 21 of the Constitution that guarantees religious freedom for citizens, some Christian groups felt the state failed to project a proper understanding of the issues involved in mission schools in Ghana.

Another religious rights issue raised by Muslim students in mission schools has to do with Ramadan fasting on Christian mission school compounds. In 2021, the Headmistress of the Wesley Girls High School disallowed a Muslim girl from observing the obligatory Ramadan fast. A statement from the leadership of the Methodist Church in Ghana seemed to

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<sup>48</sup> "Ghana Muslims Hail President's Stand on Hijab"; available at <http://www.aa.com.tr/en/world/ghana-muslims-hail-presidents-stand-on-hijab/70608>, accessed June 3, 2020.

support the position of the school's head and the board chairperson. In reference to the position of the leadership of the church, Hajj Abdel-Manan Abdel-Rahman, President of the Coalition of Muslim Organizations, Ghana, on May 4, 2021, called on the leadership of the Methodist Church in Ghana to respect the Constitution and promote religious tolerance by acceding to the unilateral directive on the issue by the GES for the students to be allowed to fast.<sup>49</sup>

It has been noted that the GES has not shown consistency in its policy toward the mission schools. It issued a directive to the head of a school to allow the students to fast and pray, which is contrary to the traditional GES policy of allowing mission schools to keep to their unique practices, and students would have to attend the schools by parental choice. Until recently, the GES appears to be deviating from its previous directives, with which some religious leaders, including Muslim leaders, are not happy.

The recent actions of the GES appear to be geared toward deliberately suffocating the faith-based institutions into giving up their uniqueness. In line with this, the Ameer and Missionary in charge of the Ahmadiyya Muslim-Ghana, Maulvi Mohammed Nur Bin Salih, alleged that there is a deliberate attempt to "suffocate" faith-based institutions in Ghana in order to facilitate the neutrality role of the state. Speaking at the fifth graduation ceremony of the Nusrat Jahan Ahmadiyya College of Education in Wa, the Ameer wondered why, in its bid to enforce a neutral role, the GES and its directors often behave as though unit managers of faith-based institutions are their rivals. He wondered why the GES should take away the rights of religious bodies to own property and schools in order to grant freedom to other people.

Furthermore, there appears to be a grand scheme by the GES to deprive unit managers of faith-based schools of the needed resources to run their institutions. For instance, attempts are made to ensure that the names of the faith-based organizations are deleted from the very colleges that they went through hard times to establish. Although Nur Bin Salih's speech highlighted a wide range of issues, it focused largely on unfair treatment meted out on educational units of faith-based organizations by the GES, as he recalled with nostalgia the struggle faith-based institutions had gone

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<sup>49</sup> See <https://newsghana.com.gh/comog-calls-on-leadership-of-methodist-church-to-respect-the-constitution/>.

through to establish those educational institutions. The current system is failing to recognize the religious bodies' efforts and is relegating them to the background. He warned against such occurrences because it might lead to hesitation on the part of religious bodies to support future initiatives in the sector. The state is still not able to present a definite policy on matters of religious rights in the schools.

### **The State, Religious Rights, and Faith-Based Health Centers**

Despite the massive contribution of the Muslim and Christian communities to engage in constructive dialogue in Ghana with relation to health provision, some Muslim groups, such as the MUYAD Social Service, have become notorious for channelling misgivings about Christian-Muslim dialogue with regard to the provision of health facilities. The MUYAD is working assiduously to ensure that the hijab is worn in all hospitals and clinics of the Christian Health Association of Ghana (CHAG) for the promotion of Christian-Muslim dialogue in Ghana. The MUYAD Social Service, in a letter to the CHAG on November 8, 2019, and posted to nearly all member health facilities in the country, noted that the CHAG had been infringing on the constitutional and fundamental human right of Muslim women, alleging that some nursing staff and students were denied the religious right to cover their hair (that is, wearing hijab, which is obligatory for Muslim women) at their duty posts while on hospital premises and in the wards. According to the MUYAD, this has continued even after the Nursing and Midwifery Council and the Ghana Health Service (GHS) had issued directives to all health institutions to allow Muslim women to wear hijab at work.

The MUYAD argued that this action disrespected the authority and powers of a Ghanaian regulatory body and was also an affront to Article 21(1)(c), which allows every citizen to observe their religion. The MUYAD further argued that all the CHAG members were government-supported institutions and, therefore, that citizens, including Muslims, have their taxes invested in these institutions; hence, it was mind-boggling that the CHAG wanted to deliberately deny citizens their constitutional and fundamental human rights.

It was to deal with such religious rights issues that in July, 2006, a Memorandum of Understanding and administrative instructions was signed between the state agency, Ghana Health Service (GHS), the Ministry of

Health, and the CHAG, allowing the CHAG to maintain the ownership of their training institutions and health facilities despite government funding and support. It also set out certain principles to which the parties would adhere. In these principles, the CHAG was allowed to maintain its Christian identity and the ethics of the individual church groups. Further, in the administrative instructions accompanying the Memorandum of Understanding, the CHAG should abide by Ministry of Health policies and standard guidelines as long as the CHAG participated in the formulation and development of such policies and guidelines insofar as these did not affect the religious and moral positions of the CHAG.

It is worth noting that Muslim students and workers were not forced to be with the CHAG. To the best of our knowledge, employees—especially nurses of the Ministry of Health—are given the right to choose what institutions they want to work for, by the Ministry of Health and the GHS. The nurses and doctors are given the opportunity to apply online and granted the liberty to choose which institutions they prefer. Students, including Muslims, who go to Christian schools and who eventually choose to work in Christian health centers, are aware of the practices therein and accept the conditions before they are admitted to the schools or are given appointment letters to work in the health centers.

### Conclusion

The 1992 Constitution grants religious traditions the right to exist and spread their message with no difficulty. Consequently, religious public space in Ghana is equally accessible to all religious traditions. It is incumbent on the various traditions, through their message, to gain credibility for themselves. It is also up to them to strive to ensure that the rights that are accrued to them are sustained and not trampled upon. The constitutional arrangements of the country allow for a flourishing culture of religious pluralism.

These constitutional arrangements reflect indigenous Ghanaian attitudes toward religion. Religious plurality is typical of indigenous Ghanaian society, which disallowed any discrimination based on religion. The shrine was the representation of religion, and each was free to operate in the society. Religion was of value only insofar as it was useful to society and was meant to help individuals deal with their existential concerns. Only the individual knows which is a false or true religion. Any religious entity that does not

benefit society becomes obsolete and gradually dies out. Many practitioners or devotees of a particular shrine will often leave and seek help from other shrines when the need arises, only to return to serve without any problem. The openness that the Ghanaian society exhibits to other religions is a widespread characteristic of indigenous societies in Africa.

Currently, the basic legal framework for religious liberty in Ghana is in place. This means that the first step toward the practice of religious freedom was achieved by the promulgation of the 1992 Constitution. The second step, which has to do with the application of legislation, is left in the hands of the citizenry to fight for equality that the legislation touts. However, any semblance of discrimination based on religion that is found in Ghana is because the case law in the area is underdeveloped. Any religious individual or groups who are discriminated against, especially by the state, ought to test the law by litigation in court on this matter. Litigation is the only sure way their grievances will be resolved. In view of this, a Constitutional Review Commission in 2011 concluded that Ghana's constitutional regime grants enough grounds for the reconciliation of religious liberty and its needs in the public interest.

Thus, freedom of religion is alive and well in Ghana. This is good for the democratic health of the country, since freedom of religion is an important index of the extent of a society's general toleration of different views. Tolerance is, undoubtedly, an essential element in a democratic culture.<sup>50</sup>

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<sup>50</sup> See Report of the Constitutional Review Commission: From a Political to a Developmental Constitution, Accra, December 20, 2011, pp. 697–698.

the spirit of interreligious dialogue in the Kasoa District of the Central Region of Ghana. Since 2012, he has been Priest-in-Charge of Holy Cross Catholic Church, an out-station of St. Martha's Catholic Church (Kasoa), in a Muslim-majority area, and a part-time senior lecturer at St. Peter's Regional Seminary in Pedu. He also served several parishes while studying in Birmingham, U.K. Author of a dozen articles in theological journals (including *J.E.S.*) and five book chapters, he has made thirteen presentations at conferences in Ghana, Nigeria, Kenya, India, Italy, and the U.S. He is a member of the Pan-African Catholic Theology and Pastoral Network and of the Pan-African Dialogue Institute.