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## **The Role of the Church in Political Reform : Lessons from Ethiopian History on the Relationship between Church and State**

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### **Abstract**

The Ethiopian Orthodox Church has a profound historical connection with the state, which facilitated the development of Ethiopian education, judicial systems, medical practices, and literature within its context. It was impossible to separate the Ethiopian church from the Ethiopian state until the fall of Emperor Haile Selassie in 1974. The two entities were united from 325 AD to 1974 due to the widespread adoption of Christianity, with the kings being the main actors. However, since 1974, the government has been secular, and there is now a clear division between church and state, even though the relationship between state law and religion is not widely addressed in the Ethiopian context. This paper explores the impact of religious law on Ethiopian state law during the Middle Ages and its influence on Ethiopian identity. It also discusses the adoption of modern codified state law and the development of the current constitution in 1995. Although the Ethiopian use of religious laws in the public domain has inadequacies, the Fetha Nagast (Ethiopian king's law) has contributed to the modern codified law of the state by acknowledging religious plurality and cultural diversity. The Fetha Nagast, as the law of religion and the state, held a significant place in Ethiopian history until 1974, making no distinction between church and state. This paper posits that, despite the replacement of religious laws with modern codified state laws aimed at unifying the Ethiopian population, insufficient consideration of Ethiopia's religious contexts persists. Therefore, the

church's involvement in political reform is essential for developing a legal framework that transcends the ethnic ideology of the current situation and considers the religious history and context of Ethiopia. The positive influence of presenting the country's laws from a Christian perspective is often overlooked due to the current constitution's Article 11:3, which states that the state and religion shall not interfere with each other. While the current constitution is inclusive and progressive, the ethnic-based ideological codification has left Ethiopia a fractured nation-state. Therefore, the church's role in political reform is crucial in the current Ethiopian context.

## **Introduction**

Ethiopian legal history dates back to the country's origins and is closely tied to the Ethiopian Orthodox Tewahādo Church. Ethiopia is ancient with regard to both its national and religious history, as Christianity was introduced early, preceded by the presence of Judaism (Batu 2021:151-153; Rogers 1982:8). Islam was also introduced during its early years of emergence in Arabia (Ahmed 1992:16-17). Since its establishment in AD 325, the Christian Orthodox religion has maintained a strong connection to the state, a bond that persisted until the fall of the emperor in 1974 (Esler 2019:36-37). Religious law functioned as state law for a long period (from the tenth to the nineteenth century in medieval Ethiopian history), which sometimes triggered social unrest, such as the conflict between the Islamic leader Gagn Mohamod and the Ethiopian Christian state. This is because it did not accommodate the diverse people under the nation-state (Abbink 2011:253).

Religious law was eventually replaced by modern codified law through three different eras: the era of King Haile Selassie, the military Derg regime, and the Ethiopian People's Revolutionary Democratic Front (EPRDF). However, the current constitutional law, despite its progress in accommodating various groups within the country, is based on an ethnic framework that does not fully address the needs of the people. These needs include the unity of the nation with its various religious groups. This paper aims to critically evaluate the relationship between religious law and state law in Ethiopian history.

First, this paper begins with a literature review on how religious law (the Fetha Nagast) has been treated as state law and later transformed into modern codified law, integrating modern Ethiopian and church traditional writings to fill the academic gap on this topic. Second, the paper addresses the role of religious law as state law in Ethiopian tradition. Third, it examines how the state law in Ethiopian political history focused on the essential elements of the Fetha Nagast and how codified law functioned in the modern era until 1974. Following this, the paper explores the relationship between state law and religious law in the two constitutions before and after 1991. Finally, the paper provides a critical evaluation of the interplay between law and religion in Ethiopian history, in both the pre-modern and modern eras.

This research uses critical discourse analysis, a technique utilized by various scholars to analyse Ethiopian writings and the country's religious, social, and political contexts. According to Titus Hjelm (2022:135), discourse analysis is "the study of how to do things with words" and the "process of social construction". Discourse analysis involves studying the use of language to identify constructed identities, relationships, beliefs, and knowledge systems. In textual interpretation, discourse analysis combines social theory and linguistic analysis, while critical discourse analysis focuses on ideology as a discourse, which involves the reproduction and transformation of relations between domains (Fairclough 2013:6, 11-12, 15-18). This analysis is crucial for examining the production and reception of texts that can be applied in varied contexts.

Although there are multiple methods of critical discourse analysis, I will employ Norman Fairclough's (2003:2-3) model, which analyses texts through the interconnection of description, interpretation, and application. Fairclough (2013:132-134) highlights three interconnected dimensions of discourse: text analysis at the description level, processing analysis at the interpretation level, and social analysis at the discussion level.

## **Literature Review**

The Ethiopian church and state have been closely linked and intertwined since the introduction of Christianity, facilitated by the royal court of King Ezana in 325 AD (Binns 2017:43; Esler 2019:31). Due to this close connection, Christian

religious law has historically served as the state law (Binns 2017:102). While various scholars have examined the roles of religious and state law in Ethiopian history, this review focuses on highlighting the academic gap that remains unaddressed by others.

In his book "Church and the State in Ethiopia," prolific Ethiopian historian Tadesse Tamrat (2009:80-82) attests to the relationship between the state and the church in Ethiopian history, emphasizing the years 1270-1527. His primary focus is on how religious law was converted into Ethiopian state law, contributing to both the formation and reformation of the state. This conversion indicates the significant role played by the church in the formation of the state, influencing both its existence and political sphere.

By examining historical records, Wallis Budge (2014:151) argued that Ezana, the Abyssinian king, was the first to declare Christianity as the official religion of his country. Ezana granted Christian merchants' permission to trade without limitations and allowed the construction of churches and houses of prayer in his kingdom. Budge also states that Abyssinians (Ethiopians) consider the Bible the primary authority on matters of faith. Christian kings ruled in Abyssinia during the fourth century, and their descendants continued to rule as Christians until the tenth century and beyond (Budge 2014:156, 179).

The main guiding principle that established religious law as state law and unified the state and the church is the "Kebra Nagast." It claims that God's glory was transferred from Zion of Israel to Ethiopia (Budge 2000:198). This writing has played a significant role in shaping the country's epic narrative by portraying Ethiopia as a Christian nation. This narrative led Ethiopians to believe that they were a chosen nation, replacing Israel, and it helped to promote the church's position in the political system. The interpretation of Ethiopia as the new Israel has significant historical value, as it enabled the church to have a profound impact on the shape of the state.

Another important writing in Ethiopian tradition is the "Fetha Nagast," the law of Ethiopia's kings. It is believed that the "Fetha Nagast" was originally written in Greek, translated into Arabic by Abraham, and later into Ge'ez (Ethiopic) by Petros Abda Sayd during the reign of Emperor Zara Yacob from 1434 to 1468 (Domnic 2010:17). The document was set in an Ethiopian context, based on

the "Kebra Nagast," and was acknowledged by both the Ethiopian government and church, serving as the authoritative rule in the domains of both church and state.

According to Dominic, the use of the Fetha Nagast illustrates how Ethiopian tradition is intertwined with the law that governs social and religious affairs. He asserts:

"If one wishes to be a Christian, he/she must follow the law of God and cast off the hold of evil" (Dominic 2010:62).

Dominic also proposes that the Fetha Nagast has significantly impacted Ethiopian studies and the function of law within broader frameworks (Dominic 2010:157). The place of the Fetha Nagast as both religious and legal law is well established in Ethiopian tradition and emphasizes using God's law in social, political, and religious affairs due to the impact of the Christian faith on the country and its history. Until the modern codification was completed in 1931, the Fetha Nagast served as the law for both the church and the state. However, it continues to govern the affairs of the Ethiopian Orthodox Tewahədo Church. Its function in the state ceased as Ethiopia became secular, putting all religious groups on an equal footing.

Richard Pankhurst argued that Ethiopian kings ruled the country using the medieval Christian code of law, the Fetha Nagast, which originated from a thirteenth-century Arabic text written by Abu-l Fada-il Ibn al-'Assal, a Coptic scholar (Pankhurst 2011:33). In Ethiopian tradition, the Fetha Nagast served as the legal code for various affairs of the country and, according to Pankhurst (2011:34), includes considerable discussion on the moral justification for slavery, including the relationship between slaves and freemen. Another aspect of the Fetha Nagast is that it permits Christians to own and purchase slaves, despite prohibiting the sale of believers to other faiths (Pankhurst 2011:35). Therefore, the Fetha Nagast significantly contributed to the slave trade before the rise of abolition. It served as a legal document guiding ancient Ethiopia's social and political structure, given that slavery was a significant aspect of Ethiopian society.

The relationship between law and religion is not unique to Ethiopia but is also present in Western, Protestant contexts. Harold J. Berman (1983:17) attested to the connection between law and Christian religion from a Lutheran perspective, noting how Lutheran doctrine perceives the two kingdoms (the kingdom of God and the kingdom of the world) with the concept of a Christian calling. This indicates that politics and law are not the means to grace and faith; rather, grace and faith are the means to the right politics and law. Hammer (2021:6) also observed that the revealed law of God was considered superior to human reason uplifted by natural law, prompting Christians to use religious law in societal affairs.

Even though law and religion are connected in the history of the global church, as evidenced in current law codes, two extremes have surfaced. The first is the complete exclusion of the law from religion despite people's religious practices. The other extreme is the total secularization of the law, detaching it from religion. The areas that the above scholars did not address in their research include the significance of former laws in nation-building and the needs of the people for which the law was produced. Consequently, the role of the church in political reform is often ignored. Moreover, the role of modern law codification in unifying different ethnic groups in Ethiopia has shortcomings in addressing the diverse needs of the current situation. There is a discrepancy between the government's policy of ignoring religion and its practical interventions in various ways. Furthermore, the church's involvement in current affairs has not effectively brought about positive change in the country's policy formation and implementation.

## **The Religious Law and the State in Ethiopian Political History**

Ethiopia's church and legal history clearly illustrate that the law of the church has been used as the law of the state because there has been no distinction between the church and state since its official establishment in 325 AD (Esler 2019:40-41). Although there is no clear written documentation before the thirteenth century regarding Ethiopia's legal history, after this period, the Fetha Nagast has been used as the law for both the church and the state (Tzadua 2009:xvi). The Fetha Nagast is composed of fifty-one chapters in two parts: the first twenty-two chapters address the law of the church, while the remaining chapters discuss the law of the state.

The origin of the Fetha Nagast is understood differently by various scholars. However, according to Abba Paulos Tzadua, the Fetha Nagast (the law of the kings) is a translation from an Arabic version adapted for use in the Christian nation of Ethiopia (2009:xvi). It is also believed that the Fetha Nagast is the foundation of the Ethiopian state constitution. It might be the earliest written law of religion and the state in sub-Saharan Africa, influenced by Roman law and the canons of the Eastern Rite Church (Strauss 2009:xxxiii).

Ethiopian legal history has been significantly influenced by the Ethiopian epic narrative known as the Kebra Nagast. According to this document, God's glory moved from Israel to Ethiopia, resulting in the idea that Ethiopia replaced Israel. Despite this, the Ethiopian legal system continues to be influenced by the Kebra Nagast. Both the Kebra Nagast and the Fetha Nagast are crucial documents in Ethiopian church and state history. They have played a significant role in establishing the divine origin of the kings, contributing to the unification of church and state in Ethiopia, a legacy that lasted until the downfall of Emperor Haile Selassie. These documents helped solidify the divine authority of the kings in Ethiopia's history.

The use of the Kebra Nagast and the Fetha Nagast in Ethiopian church history was fundamental in unifying the church and state, a union that persisted until the fall of Emperor Haile Selassie. The church and state unity in Ethiopian history manifests in various ways. Since the ordination of kings took place in the church, kings were often regarded as keepers of the church. Additionally, the development of a Christian army further exemplified the relationship between the church and state, as they often engaged in battles within and beyond Ethiopian territory.

The impact of the Kebra Nagast and the Fetha Nagast in the Ethiopian context has been both positive and negative. Positively, these writings have shaped the Ethiopian state based on biblical norms, contextualizing them for the Ethiopian setting. Negatively, they did not accommodate other religions, despite their presence in Ethiopia. Furthermore, Ethiopian history has been deeply entwined with warfare, sometimes aimed at protecting the country from foreign invaders and at other times manifesting in internal conflicts. Istratii and Laamann (2024:139) observed an interesting phenomenon in the Ethiopian church context: they argue that many members of the Ethiopian Orthodox

community use religious language to frame state-led military action as patriotic.

The relationship between religious laws and the state in Ethiopian history manifests in various ways. Religious laws function as state laws through the division of the Fetha Nagast, which addresses both the physical and spiritual aspects of humanity. The first part contains regulations related to spiritual matters and church activities, while the second part focuses on secular matters, including governance, civil laws, and regulations. Ethiopian tradition is highly law-oriented, considering these laws as divine in origin. Swearing by the term "the God of law" is common (Domnic 2010:16). The tradition places significant emphasis on the law, acknowledging both written and unwritten laws as having a divine origin (Domnic 2010:17).

In Ethiopian tradition, the law of God addresses the whole person, encompassing both spiritual and secular aspects. Although there is a dichotomy, it is not a Platonic division, as Mennasemay articulates, but rather a unity between the secular and spiritual, the physical and the internal. It represents an internally complex unity without mixture or separation (Mennasemay 2021:83). Mohammed Girma argues that in the Ethiopian context, it is impossible to separate the political and religious history of the country from its present and future because they are inseparable (Girma 2012:81). This suggests that any political strategy in Ethiopia cannot overlook its religious past due to the deep connection between religion and politics. This perspective enabled the application of religious law to the secular world in Ethiopia. Consequently, Ethiopia was considered a Christian island, as Ethiopian culture is strongly shaped and interwoven with biblical narratives and traditions (Ullendorff 1997:73-75).

## **The Relationship Between Religious Laws and the State Before and After 1991**

With the arrival of the socialist regime (the Derg) in 1974, Ethiopia's religious landscape underwent significant changes, including amendments to the incorporation of religious elements in government laws. However, the Derg regime governed for only seventeen years, after which it was replaced by the Ethiopian People's Democratic Resistance Front (EPDRF), which adopted an



ethnic-based constitution. Before the EPDRF's ascension to power, the Ethiopian constitution evolved in three distinct phases. Initially, the Fetha Nagast was used before the development of the imperial constitution. Later, Emperor Haile Selassie established an Ethiopian constitution in 1931, which was subsequently amended in 1955. After the imperial kingship was overthrown by the Derg, the socialist regime created its own constitution in 1978. This was then replaced by the current ethnic-based constitution in 1994, following the EPDRF's takeover (Habtu 2005:313). The Federal Democratic Republic of Ethiopia, established by the 1994 constitution, comprises nine ethnically-based regional states: Tigray, Afar, Amhara, Oromia, Somali, Benishangul-Gumuz, SNNPR (Southern Nations, Nationalities, and People's Region), Gambela, Harari; and two chartered cities: Addis Ababa and Dire Dawa (Cohen 1995:163).

Regarding religious matters, the Ethiopian constitution is complex and does not fully address the country's extensive history. The initial law, known as the Fetha Nagast, encompassed both secular and religious aspects, exclusively oriented towards Christianity, and viewed the church and state as inseparable. In medieval Ethiopian society, the Fetha Nagast contributed positively to the modernization of the country and served as comprehensive law guiding the community. The Fetha Nagast claims that Ethiopia is a model of Israel because God's glory was transferred from Israel to Ethiopia (Woldeyes 2017:109). Despite the questionable nature of this claim, the formulation of well-developed religious laws to guide the community in a manner beneficial for humanity and conducive to proper living before God can be considered a positive initial step towards Ethiopia's development and modernization (Ponodath 2024:155). However, it should have been more inclusive, addressing the needs of all inhabitants to live in freedom and dignity. The shortcomings of this classical law stem from its favouring of members of the Ethiopian Orthodox Tewahādo Church since Orthodox Christianity was the state religion.

Habtu highlighted four important factors influencing the development of the Ethiopian constitution: the country's religious history, its geography, its internal wars, and the advent of Islam (Selassie 1966:74). Emperor Haile Selassie aimed to centralize nationalism, favouring Orthodox Christianity over other religions and subordinating heterogeneity to a central power and

identity (Borruso 2013:104). The 1931 imperial constitution acknowledged other religions as religious sects and respected religion as an individual choice within a shared country (Selassie 1966:76). However, this constitution remained predominantly Orthodox Christian-oriented, as it was centered on the monarchy, the religious ideology of Christendom, and the myths of the Solomonic line of descent, which were sources of legitimacy (Selassie 1966:74). Consequently, the Ethiopian monarchy was long regarded as the protector of the Ethiopian Orthodox Church, which was declared the state church. This also served as a stronghold for Emperor Haile Selassie's regime (Ponodath 2024:155). Although the imperial constitution was an improvement over the Fetha Nagast, it did not adequately consider the diverse inhabitants and people groups of Ethiopia, as it did not grant the right to practice religious beliefs outside the Orthodox Christian tradition. As Woldeyes (2017:107) pointed out, "the new regimes of laws introduced since Haile Selassie did not consider the importance of these and other traditional laws". He insisted that the new laws were primarily adopted through imitation rather than interpretation.

Twenty years later, the first constitution was revised in 1955, but no major changes were made except for strengthening the king's power (Ponodath 2024:156). Even though Article III:37 states that no one shall be denied equal protection of the law, in practice, different religious groups did not receive the same treatment as the Orthodox Christian religion (Revised Constitution of Ethiopia 1955). Social unrest erupted following the official declaration of this constitution. Various armed struggles began in different parts of the country (Kibret 2024:87), and several revolutionary movements against the imperial king emerged, such as the farmers' revolutions in Bale and Gojjam and the student revolution in Addis Ababa (Lemma, 1979:34; Schwab 1970:250-251; Wodajo and Digile 2021:7-8). Ultimately, a successful military coup led to the establishment of the socialist regime known as the Derg, which ruled Ethiopia from 1974 to 1991 (Zewde 2008:254).

The era of Haile Selassie was challenging as Ethiopia stood at a crossroads, with the emperor torn between modernization and tradition. Mennasemay observed that the Ethiopian intellectual tradition experienced tension between adopting Western modernization and modernizing the existing Ethiopian intellectual tradition (Mennasemay 2021:31). Woldeyes pointed out

that Ethiopian laws were often articulated by foreign writers or sources that failed to address the needs of the Ethiopian people (Woldeyes 2017:107). The argument is that the complete disregard for traditional Ethiopian laws and customs had a colonial character. This is because the new regime of laws ignored the interests of the majority of Ethiopians and instead served those who wished to maintain the status quo—the Westernized, landed, and urbanized elite (Woldeyes 2017:108).

The constitution during the socialist regime from 1974 to 1991 differed significantly from previous constitutions due to the influence of Marx-Lenin socialist ideologies (Woldeyes 2017:144). The Derg regime emphasized a complete separation of state and religion. This separation was evident in the equal status afforded to Christianity, Islam, Judaism, and African religions, as well as in the abandonment of Ethiopia's traditional Christian image (Friedman 1989:249). In practice, the regime exhibited anti-religious elements due to its adoption of the socialist ideology modeled after Russia's. There was no religious freedom during this era; as a result, many individuals were executed for belonging to religious groups. Notably, prominent members of the Ethiopian Orthodox Church and the leader of the Ethiopian Lutheran Church (Mekane Yesus) were executed because they were religious leaders and thus perceived as threats to the socialist regime (Daniel 2019:77-79).

The EPRDF's constitution of 1994 is still in effect today, despite ideological changes over the past four to six years. Jon Abbink argues that the 1994 Constitution of the Federal Democratic Republic of Ethiopia continued the secular state tradition established by the 1987 Derg constitution. He points out that the 1994 constitution decentralized religion, allowing faith communities to self-organize in ways that were similar with how it handled ethnicity (Abbink 2014:349). Article 11 of the constitution defines the 'secular state' as a separation of religion and state, with no state religion. Importantly, it states that the state shall not interfere in religious matters, and religion shall not interfere in state affairs.

Since 1991, the EPRDF has been implementing ethnic federalism and 'revolutionary democracy' (Abbink 2014:348). Because the constitution is ethnic-based, it does not adequately address the existing problems and needs of the people. In terms of religious matters, many scholars argue that it

requires amendment. For instance, Gebreselassie (2015:18-20) strongly contends that the current constitution needs to be amended because it does not bring peace and stability to the country in a holistic manner. Gebreselassie (2015:17) also argued that: "In the process of drafting, debating, and ratifying the new constitution, the EPRDF/TGE lacked the most basic agreement necessary—the agreement to disagree".

The problematic aspects of the current Ethiopian constitution have persisted without any amendments for the past twenty-eight years, and religious and social unrest is becoming increasingly common in various parts of the country. Jon Abbink correctly points out that the Ethiopian model of managing the relationship between the state and religion contains several paradoxes. Notably, the government, rather than an independent court, decides what constitutes a violation of the secular order. Furthermore, the specifics and limits of expressing religious identity in the public sphere are unclear, leading to ambiguity and conflict within the pluralist polity (Abbink 2014:359).

## **Critical Evaluation and Lessons from the Relationship between Church and State in Ethiopian History**

A critical evaluation of the historical relationship between the church and state in Ethiopia offers important lessons. For many years, both entities used religious law to govern the country. Ethiopian Christianity was established in the fourth century, and from that time until the overthrow of Emperor Haile Selassie by the military socialist regime in 1974, the church and state were closely intertwined. The socialist military regime ruled Ethiopia for seventeen years before being overthrown by another military group, which organized itself along ethnic lines and developed a constitution in 1994 that considered religious, ethnic, and cultural diversity. Ponodath (2024:161) correctly observes that, despite claims of ethnic federalism and democracy, the EPRDF government functioned as a Tigrayan oligarchy. Additionally, the needs of the Ethiopian people were not adequately addressed, particularly concerning religious freedoms, as the government intervened in the affairs of various religious groups.

The contribution of Ethiopian religious law (the Fetha Nagast) to the development and stability of the country is significant, despite its

shortcomings in addressing the needs of minority groups and religious minorities in different regions. This section discusses two main points: the positive impact and the drawbacks of having laws concerning religious and social issues. On the positive side, such laws help guide the community in a beneficial direction, despite the challenges of addressing the needs of all demographic groups in the country (Hammer 2021:4). Furthermore, Hammer rightly suggests that expanding religious principles beyond religious contexts could modernize the interpretation of religious legal concepts to meet the needs of the secular domain of the country (Hammer 2021:8). Thus, integrating religious law into modern legal codification serves two important purposes: codifying secular laws and updating religious laws to meet contemporary societal needs.

However, the negative aspect is that, although the country's legal code (the Fetha Nagast) officially recognized slavery and claimed that all men were free by God's creation, the law of war allowed victors to enslave the defeated (Pankhurst 1992:64). The history of warfare in Ethiopia rarely stemmed from religious beliefs but rather from a willingness to defend the country, often supported by religious laws.

Moreover, the creation of religion-sensitive laws should also be viewed positively because God is seen as the creator of the world and cares for everyone. However, these laws should be approached with curiosity and creativity to ensure they do not serve solely as religious documents, given that religion and the state are not a single entity. The Fetha Nagast was derived from biblical laws, utilizing both external and internal sources (Tzadua 2009: xxviii-xxix). Until the modern codification of the law, its contribution was significant, as it influenced and contributed to modern constitutional law. All legal codes in Ethiopia up to the socialist era were greatly influenced by the Fetha Nagast, the laws of the Ethiopian kings (Domnic 2010:2). In this way codification of constitutional law before the modern era displays positive aspects, as noted by Domnic (2010:30).

However, the traditional Ethiopian constitutional law has significant negative aspects, primarily due to its lack of inclusivity and favoritism towards the Ethiopian Orthodox Church, positioning Ethiopians as the heirs of the biblical portrayal of ancient Israel (Belay 2022:46; Budge 2000:6-7). Other religious

groups in Ethiopia, such as Muslims, Ethiopian Jews, and various minority faiths, were not treated equally with Orthodox Christians (Daniel 2019). Believers of the Ethiopian Orthodox Church were regarded as the authoritative religious community with the power to share authority with the government. Laws originating from biblical and theological contexts can apply to all people if they are expressed within a contemporary framework of freedom and equality, rather than dividing people based on ethnicity, religion, or other criteria.

The modern codified constitutional state law began in 1931 and was amended in 1955, but as it was an imperial law, it primarily represented the emperor rather than the country's inhabitants.

Additionally, given the emperor's loyalty to the Orthodox faith, one religion was privileged over other minority religious groups. The claim was that Ethiopia's Orthodox Church and the Ethiopian state were inseparable during the emperor's reign, as Daniel (2019:68) correctly stated: "Ethiopian means Orthodox Tewahədo, and Orthodox Tewahədo means Ethiopia". This notion strongly favoured one religion over others despite the presence of diverse religious groups throughout the country. This reality has persisted in contemporary Ethiopia, even though the constitution claims that all religions are equal before the law. These two imperial constitutional laws have both positive aspects and drawbacks.

The positive aspect is the modernization effort, which transformed former religious laws. However, this process was influenced by Western methods of creating state laws without adequately considering other traditional laws (Woldeyes 2017:107). The socialist regime spent seventeen years codifying the state's constitutional law, focusing on national unity by opposing religious activities. Although the socialist government of Ethiopia resisted religious institutions, it did not specifically target individual clergy and religious leaders (Daniel 2019). The Derg era was considered a time of persecution, particularly against Protestant churches, which were viewed as being connected to the Western world. Evangelical churches in Ethiopia were closed, their properties confiscated, and religious freedoms curtailed. Even the largest and oldest Ethiopian Orthodox Church properties were seized, and its prominent leader was executed (Tessema 2018:26).

While there was no clear persecution of Islam, Christianity, especially the evangelical sector, was under assault. Many evangelical leaders were imprisoned, and a significant number fled the country. Numerous killings were registered and investigated, with justification being that these religious groups were aligned with foreign national interests (Tessema 2018:27). During the socialist regime, laws incorporating religious elements were effectively sidelined in favour of secular laws focusing on national unity grounded in socialist ideology. The Derg era was marked by a harsh approach toward religious laws and freedoms. However, the socialists initially contributed to national unification by not adhering to an ethnic-based political system, which, despite setbacks, helped unify the country.

The current Ethiopian constitution, enacted in 1994, aimed to grant ethnic and religious rights to the inhabitants of Ethiopia (Abebe 2014:124). Even though this constitution established a federal system based on ethnicity, numerous setbacks have been observed. Abebe correctly argued that, "[t]he most serious challenge to the stability of federations is the absence of a common sense of nationality"—a situation apparent in Ethiopia, where stability is compromised by ethnic and religious conflicts (Abebe 2014:16).

Despite Article 11:3 of the 1994 constitution asserting religious freedom by stating, "[t]he State shall not interfere in religious matters, and religion shall not interfere in state affairs" (Federal Democratic Republic of Ethiopia, 1995:4), government intervention in religious affairs has been common over the past thirty years. The recent conflict involving the Ethiopian Orthodox Church, the government, and the Ethiopian Islamic community highlights governmental interference in religious matters (Lee 2021). The government's actions have also impacted Ethiopian evangelical believers by enforcing unification without doctrinal agreement (Ostebo 2023). Karbo (2013:51) noted the contribution of the new constitution, stating that: "Since 1995, the new federalist constitution of Ethiopia has sought to distance the state from religion, making Ethiopia a secular state by law".

The drawbacks of the current Ethiopian constitutional law are adduced by Abbink, who indicates that the specifics and limits of expressing religious identity in the public sphere are unclear, leading to ambiguity and conflict in the pluralist polity (Abbink 2014:359). The historical relationship between the

church and state in Ethiopia offers several important lessons. The interplay between law and religion in Ethiopian history has had both positive contributions and drawbacks. The incorporation of biblical and religious norms into Ethiopian constitutions before the modern era is noteworthy, as the codification of laws began in various religious contexts around the world. The era of Emperor Haile Selassie marked the beginning of modern codification of the law, although it preferred the Ethiopian Orthodox Church. Despite this favouritism, the positive contribution is significant because it initiated modern codification considerate of the diverse religious groups.

The latter two codifications of the law differ in their approaches: the first, during the socialist regime, was anti-religious and thus disconnected from positive religious contributions, while the second attests positively to the separation of state and religion, despite having practical shortcomings. This underscores the need to amend the current constitution to better address the needs of the people in religious matters and to critique the ethnic-based constitution, which has not brought peace to the different ethnic and religious groups in Ethiopia. In summary, the church's contribution to political reform is substantial, as it has both influenced and been influenced by the state in various ways. This highlights the necessity for churches in Ethiopia to actively participate in shaping the country's political landscape.

## **Conclusion**

This article discusses the significance of religious law in Ethiopian history and provides a critical analysis of its potential contribution to the political reform of the country. Religious law has played an instrumental role in shaping the modern codification of Ethiopia's laws, but it has not been adequately addressed by contemporary scholars. This paper aims to fill this gap by exploring the connection between religious law and the development of Ethiopian constitutional law. Despite limitations in addressing the needs of the people, Ethiopian constitutional law has evolved from a religious context and transformed into the law of the state. The article examines various aspects of the law with a particular emphasis on the relationship between state law and religion in Ethiopia. The connection between religion and the state in Ethiopia was strong until the fall of Emperor Haile Selassie's regime.



The influence of religious law in Ethiopian political history began with the development of the Fetha Nagast, which impacted both the secular and religious domains of the country until the advent of the socialist military regime in 1974. The military regime was opposed to all religions, and during its time, the country's laws did not accommodate the country's religions, resisting the church's role in state activities. As a result, Ethiopian religious groups suffered in numerous ways. The current constitution of Ethiopia appears progressive, incorporating the equality of religions as an aspect of modern codification. Article 11:3 of the 1995 constitution provides a well-articulated section on the separation of state and religion (Federal Democratic Republic of Ethiopia 1995:6). However, instances of social unrest and religious conflicts have occurred, partly due to religious issues in the constitution being developed along ethnic lines.

Therefore, it is necessary to amend the current constitution to address these issues and promote peace and harmony in the country. Ethiopian churches, including the Ethiopian Orthodox Tewahādo Church and Evangelical (Protestant) Christianity, should work towards positive reforms in the country's political laws, considering the religious aspect of Ethiopian history. Ignoring the religious element in the development of constitutional law may not be beneficial given the strong religious culture of the country.

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