

*Conceptual Article***The Controversies over State Secularism in the Constitution of the 4th Republic of Madagascar**

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ABSTRACT

The first article of the 4th Republic of Madagascar states that Madagascar is a secular State. However, there are many controversies related to this secularism. Those controversies are both textual and empirical. In reality Madagascar is not a pure secular State. This article consist of explaining the cause of the contradiction of secularism found in the content of the Constitution and the reality. The objective of this study is to describe the controversies about the application of the secularism principle during the 4th Republic and especially under the regime of the President Andry Rajoelina. If the Constituent think the concept of secularism as western countries think, especially France, Madagascar has its own way of application, because of the influence of traditional belief and Christianity. Then, the existence of a *contextual secularism* will be the solution for the controversies.

Keywords: Constitution; Madagascar 4th Republic; Religion; Secularism; State.

A. INTRODUCTION

The principle of secularism was added in the Constitution of the 4th Republic of Madagascar in 2010. The first article of this constitution states: “*Le peuple malagasy constitue une Nation organisée en État souverain, unitaire, républicain et laïc.* Malagasy people constitute a Nation organized into a sovereign, unitary, republican and secular State.” Secular in general simply significate that the religion has no relation with the art of governing the country. Although, the preamble and the article 48 of the Constitution is in contradiction with that.

The preamble states: “*Le peuple malagasy souverain, Affirmant sa croyance à Andriamanitra Andriananahary.* The sovereign Malagasy people

affirm their belief in *Andriamanitra Andriananahary*, which means God the Creator”.

The article 48 states: “*Avant son entrée en fonction le Président de la République, en audience solennelle de la Haute Cour constitutionnelle, devant la Nation, et en présence du Gouvernement, de l'Assemblée nationale, du Sénat et de la Cour suprême, prête le serment suivant: "Eto anatrehan'Andriamanitra Andriananahary sy ny Firenena ary ny Vahoaka, mianiana aho fa hanantanteraka an - tsakany sy an - davany ary amim -pahamarinana ny andraikitra lehibe maha - Filohan'ny Firenena Malagasy ahy. Mianiana aho fa hampiasa ny fahefana natolotra ahy ary hanokana ny heriko rehetra hiarovana sy hanamafisana ny firaisam-pirenena sy ny zon'olombelona. Mianiana aho fa*

hanaja sy hitandrina toy ny anakandriamaso ny Lalàmpanorenana sy ny lalàmpanjakana, hikatsaka hatrany ny soa ho an'ny Vahoaka malagasy tsy ankanavaka. Before taking office, the President of the Republic, in solemn audience of the High Constitutional Court, before the Nation, and in the presence of the Government, the National Assembly, the Senate and the Supreme Court, shall take the following oath: "In the presence of God the Duke, the Nation, and the People, I swear that important responsibilities will be fulfilled in a sure way, by den, and righteousness."

The constituents have twice incorporated the name of God which is completely in opposition to the first article which says that Madagascar is a secular State. The fact of always mentioning the name of God in the Constitution seems to enforce that Madagascar, the whole country, the whole population is a State that believe in God. So there is here a question of religion. But this question here is just about the content and its ambiguity, this paper aim to also criticize the implementation of this secularism in the reality. Because since the independence of 1960, the religion, especially Christianity has been taking a big role in the political context of Madagascar. In Madagascar, Churches influence the State governing and sometimes, churches are also used as a political tool by the government. So if the concept of the secularism is about the separation of the State affairs and Churches affairs, there is no application of that principle in

Madagascar. To be concise, the problem of the principle of secularism in Madagascar is not only textual but also empirical. The definition of the concept of secularism by the French depute Aristide Briand, who suggested the law of separation of Church and State of 1905, will be used during this study. This law proclaims that:

Article 1: "The Republic shall ensure freedom of conscience. It guarantees the free exercise of religions..."

Article 2: "The Republic does not recognize, pay or subsidize any religion ..."

That is to say that there is no link between Churches and the government. Next, the theory of democracy by Abraham Lincoln will be used to analyze the situation. According to him, democracy is the government of the people, by the people, and for the people. The country is led by the representatives of the population. The government do what people want not what churches want. However, most of the time, the Malagasy government always wait the approval of the ecumenical council of Churches in Madagascar before taking decision. This ecumenical council of Churches is named FFKM (Fiombonan'ny Fiangonana Kristiana eto Madagasikara) and includes four church denominations member: Lutheran, Catholic, Anglican and Protestant Churches.

This study should be conducted to clarify the intention of the constituent in writing the principle of secularism in the Constitution of the 4th Republic of Madagascar. This is to verify if this

principle does fit the context and the reality in Madagascar. The objective of this study is to describe the controversies about the application of the secularism principle during the 4th Republic and especially under the regime of the President Andry Rajoelina. It's urgent to make a research about this topic as the current government is not clear about their position related to religion, would it want to bring reform to the constitution and forget that Malagasy people leaned on Christian belief, so to bring change in the country and Malagasy culture? Thus it's important to know what kind of secularism is this regime imposing as the concept can be defined in many different ways.

This article is different from a previous study of Harisoa Rasamoelina which discussed about the use of Malagasy belief as a political tool to manipulate the population (Rasamoelina, 2017). This paper is also different from an article written by Lalao Soa Adonis Tsiarify which discusses about the challenge of secularism presented by the combination of politics and the spiritual in Madagascar under the two first republics and transition in Madagascar (Tsiarify, 2013). The article of Lucile Rabearimanana is also related to the topic of secularism and religion in Madagascar, but just emphasized the historical place of Christianity in influencing the politics in Madagascar (Rabearimanana, 2002). The article of Andrianasy Angelo Djistera is also different from this article compared to the content that he discussed about Malagasy ancestor veneration

practice which impact the development of Malagasy society. This article focuses on the importance of the culture and religion in society progress (Djistera, 2016). And finally this current work is different from the work research of François Roubaud that discussed about the domination of Christianity in the capital of Madagascar so people are not only citizens but also believers and their belief influence their actions and decisions. This research is not talking about legal issues of secularism (Roubaud, 1999).

B. DISCUSSIONS

1. Analysis of the concept of secularism

a. Definition of the concept of secularism or *laïcité*

The word secularism comes from the latin world *Saeculum*, which means a period of long duration or a period of a hundred years. It doesn't have any relationship with religion. But later, after the influencing of Christianity in Western countries, the word secular designed the separation between God and the State. This is also explained by another doctrine that God is outside of time, there is no limited time when we talk about God.

As for the word *laïcité*, it comes from ancient Greek *laikos* which means "people". In Christian language, *laïc*, are baptized people in the Catholic Church and don't have any specific function in the clerical system. In the nineteenth century, the word *laïcité* became a concept

related to the organization of the State, especially during the third Republic in France.

Several law Philosophers have already discussed about the existence of God and God's place in the hierarchy that shows how the city should be governed, that's why the use of the concept secularism implies the importance of God and religion existence (Ekpo, & Offiong, 2020). The concept of secularism may have different significations, according to the sphere of the study, theology area or politic area. Actually, this research is focused in the public and politic sphere.

According to Ekpo, & Offiong, there are two significations of the concept, the first means the total disappearance of religion from public space with its practice. The second indicates the liberty of everybody to believe who they believe because in this place religion is unchallenged.

b. The principles of secularism

As seen above, the concept of secularism has its origin from the third Republic of France which imposed it as a rule in 1905. Then, Madagascar usually adopt the same rule in France, the conception of Andry Rajoelina regime can be related to France conception of *laïcité*.

In general, there are three principles of secularism: (1). freedom of conscience and the freedom to manifest one's convictions within the limits of respect for public order, (2). the deparation of public institutions and religious organizations and (3). the equality between every

persons in the eyes of the law regardless of their beliefs and convictions.

Secularism guarantees believers and non-believers the same right to freedom of expression of their beliefs. It also ensures the right to have or not to have a religion, to change it or to no longer have one. No one can be constrained by the law to respect doctrine or religious prescriptions.

In addition, Secularism indicates the separation of the state and religious organizations. The political order is based on the sole sovereignty of the people of citizens, and the State, this is called the democracy or the government by the people. This concept started to have weigh and created debate, since religions take root in state policies whether for Christian country or Islam country (Yavuz 2019).

c. The theoretical framework

This article is rather based on the theory of separation of Church and State because the dominating religious institution in Madagascar is Church. When we are discussing about secularism in Madagascar, we are not focusing on liberty to practice religion, like the debate that occurred in France when Muslim women were prohibited to wear their headscarf because Madagascar is very homogeneous in terms religion (Abdelgadir, & Fouka, 2020). The discussion is more focused on the interference of the Church and the government in their affairs each other.

The historical background of Madagascar affirms the root of Christianity that influences

everything since the arrival of the Gospel in 1818, through the missionaries from Wales, David Johns and Thomas Bevan. So when France colonized Madagascar from 1896 to 1960, France profited the change brought to the country by the missionaries and instituted the supremacy of Catholic Church. Since that time Churches played big roles and later Christianity took big place in Madagascar.

2. The cause of the contradiction of secularism between the contents of the constitution and reality

a. The weight of Christianity in Madagascar

The Christian religion is implanted in Madagascar in the nineteenth century from the reign of Radama who consents to open the doors of his kingdom to Western civilization. So nowadays, In Madagascar, nobody daren't to say that he is not a Christian. If you ask Malagasy people they all will answer that they are Christian and belong to a religion. François Roubaud discovered that the rate of atheism in the country, especially in the capital is less than 0.2 %, and 97 % proclaim that they are Christian, later the Muslim religion started to come in the country but couldn't convert all the population, so the website La Croix Africa updated in 2020 that among Malagasy population, 85,3% are Christian, 3% Muslims and 4,5% keep the traditional religion (La Croix Africa, 2020).

Apart from that, the Protestantism rhymes with patriotism in Madagascar. Many Pastors from the FJKM Church (Fiangonan'i Jesoa Kristy eto

Madagasikara, in English, Church of Jesus Christ in Madagascar) Church which is the biggest Protestant Church in the country were model during the fight against colonialism for Madagascar independence (Rabearimanana, 2002). From the statistic of Roubaud, on contrary to Catholic Church, the Protestant Church is convinced that religious authorities must give their opinion on major social issues and must intervene in the political debate. When Madagascar accessed the independence, the national anthem "*Ry Tanindrazanay malala ô!*" was written by the Pastor, Rahajason. And without the presence of the Protestantism in the country, the Malagasy language was lost as the French language dominated because of the colonization. Thanks to the Bible translated in Malagasy and used by protestant church, Malagasy started to use their own language as for the Catholic Church during this time valued French language. Believers and religious are encouraged to take part in the politic roles in the country and Churches teach the population how to vote (Irako, 2018). As a result, Christianity influences the politics in Madagascar from the independence until now and it's almost the case in other African country (Maupeu, Gez, & Droz, 2022).

b. The relationship between politics and religion in Madagascar

Religion plays big role in politics in Madagascar, especially Christianity. This is manifested when the government always make a worship service before beginning a political event.

For example the recent event that has just happened was the Independence Day of Madagascar on the 26th June 2022. To celebrate it, the government organized an huge evangelical concert in the capital on June 19th, 2022 at the Barea Mahamasina Stadium (Rakotomalala, 2022). The president of the Republic attended that with some representatives of the State. This is to show that Madagascar cannot have literally a secular State, because the religion cannot be separated from politics as it is even rooted by the government practice. Not only that, but when the Churches has an event too, the government is always invited to attend that. During every kabary or speech, most of political leaders proclaim their faith in God, for example, by thanking God or by saying "*Ho tahin'Andriamanitra ianareo*" which means "May God bless you". And this debate about secularism is only centered in Christianity, not other religion. So that we can talk here about a *contextual secularism* that recognize the role of religion in a State, not a strict secularism similar to the western secularism (Tsiarify, 2013). An ideology that recognizes the consistency of the ancient ecclesial model and the urban model in the city (Mazel, 2017).

But apart from that, religion is also a way for politicians to manipulate the population. In Madagascar, every presidents pretended to be Christian to conquer population heart. This is to show that they are identic to everybody and want to be closer to the population. Some candidates to the presidential election used verses in the

Bible as slogans for convincing electors. This fact explain that the religion is a political tool for some politicians. And it is a shame for a president not to be accepted by the Leaders of the four big Churches in Madagascar. This is again the reason of believing in God, the belief that those Pastors and reverent are God representatives on earth. That clarify how much Malagasy people rely on belief and faith, whether in ancestor or in God.

The period of the Covid-19 crisis also gave a huge value to the religion in Madagascar. When the coronavirus arrived in Madagascar, the government imposed the State of health emergency (Bezain, 2021). Every churches were ordered to be closed. In response to that the leader of the four big denomination Churches of the ecumenical council of Churches in Madagascar talked to the president. Therefore, a worship service made by the four big denomination churches was made for Malagasy population, every Sunday, remotely through every national media. In all his Speech during the pandemic, the president Andry Rajoelina expressed his faith in God. To heal the patient of the Covid-19 the government cooperated with religious, pastors and believers to pray for the patients and to encourage them.

In other side, Tsiarify declare that the goal of this Constitution that include secularism was to oppose the previous regime, the regime of the former President Marc Ravalomanana. But as we can see it fails. Even if the president of the 4th

Republic of Madagascar, Andry Rajoelina, pretended to impose a pure secularism and respected the republican values in his first entry into the power, even if he refused to take oath on the bible, there is still a relationship between politics and religion in Madagascar and he seems to follow that reality (Saina, 2022). It is almost the same as under Marc Ravalomanana regime. The former president of Madagascar, Marc Ravalomanana (2002-2009) is a Christian believer. He was very closer to the Churches. He witnessed his faith and interfered in Churches affairs and even finance their projects (Gingembre, 2011). He collaborated with churches in many areas and without the support of Churches (FFKM) he couldn't access the power. His slogan is even taken from the bible "If you can?" "Everything is possible for one who believes." (Mark 9, 23). This cooperation between the State and churches under Marc Ravalomanana regime was reciprocal. That's the reason why the principle of secularism in the Constitution was abolished in 2007.

c. The influence of Christianity through Malagasy values

Malagasy belief is based on some values such as *fiavanana* and *raiamandreny*. The *fiavanana* comes from the word "Havana" which means family. It means that Malagasy people are united and if we focus on the root of the word it also means *the same blood* (Rasamoelina, 2017). This value is highly respected by Malagasy people in order to avoid dispute and to make the

society live in harmony. But next, for the *raiamandreny*, it comes from the word "ray" (= father) and "reny" (= mother") which means the parents or the oldest. The *raiamandreny* idea should be respected and obeyed. This concept of *raiamandreny* highly play a big role in Malagasy belief. So whoever this oldest is, he should be respected, and his opinion should be asked first even if this person was not voted by everybody in a democratic way. To conclude, when a person is the oldest, he is the *raiamandreny*, and his word should be applied. So let's take an example, there is a dispute in a small community, to solve it we should first ask the *raiamandreny* to settle it, this *raiamandreny* is the oldest in the community he is also called the "zokiolona". Nobody can be against him because he is dignified. Somebody who doesn't submit himself under the authority of the *raiamandreny* will be be cursed. Practically, this concept of *raiamandreny* has another signification. It designates the leader of a group, the leader of a community, the leader of a religion or a country. The President of the Republic of Madagascar is a *raiamandreny*, the Pastors are *raiamandreny* too, and so on. And if we look back to the history, back then, there had been the kingdom of the *zokiolona* in Madagascar, before the fifteenth century. The *zokiolona* or the eldest is the head of the community. So only the *raiamandreny* or the *zokiolona* had the authority. So the age and the gender did count as the leaders were always a man. But when the Malagasy Kingdom was born, the age and the

gender were not considered anymore to become the leader of the country. The *raiamandreny* lost the control of the society and the kings and the queens of Madagascar have succeeded each other and later appeared the President. But even if they lost the power, Malagasy and especially the current Leader of Madagascar still believe that they have their virtue. They keep on respecting the *raiamandreny* in the country. They still rely on Malagasy Belief that the words pronounced by the *raiamandreny* has power, wisdom and virtue. And according to Rasamoelina, as those current leaders want to be respected and obeyed, they also use this concept of *raiamandreny*, they want to be called *raiamandreny* in order to be more valued and respected by the population. That's why every representatives of the public institutions from the bottom to the top are called *raiamandreny*.

Now, here is the confusion, Madagascar is already under a democratic regime but still keep the belief of *raiamandreny*. In Madagascar, every president should be acknowledged by the the ecumenical council of churches. Because the leader of those four churches, member of the ecumenical council of churches in Madagascar are considered as *raiamandreny* and their value is heavier as Madagascar population majority are Christian. They are not only called to acknowledge the President but also to settle the dispute between political parties and contribute to solve crisis in Madagascar. To simply say, if a candidate for the president election is accepted

by the Pastors of the 4 "big" churches, this president will be the future president, but if this candidate is refused by the 4 pastors, he or she will not be the future president. That's how Christianity influences indirectly through Malagasy value, which is the "*raiamandreny*" value. This practice is nevertheless in contradiction with the Constitution article 2, which states that State and religious institutions prohibit any interference in their respective areas.. The churches should not be used as a political tool by the politicians and Vis versa. But as we can see, that's the result of the mix of belief, religion and politics in Madagascar.

3. Solution to overcome the contradiction of secularism in the Constitution

a. Contradiction between the first article, the article 48 and the preamble

It is stated in the first article of the Constitution of the 4th Republic of Madagascar that Madagascar is a secular state: "Malagasy people constitute a Nation organized into a sovereign, unitary, republican and secular state" However the Preamble and the 48 article talk about God.

The preamble says that: "the sovereign Malagasy people affirm their belief in "*Andriamanitra Andriananahary*"", which means "God the Creator".

As for the article 48, it mentioned that: "Before taking office, the President of the Republic, in solemn audience of the High Constitutional Court, before the Nation, and in the presence of the

Government, the National Assembly, the Senate and the Supreme Court, shall take the following oath: "In the presence of God the Duke, the Nation, and the People, I swear that important responsibilities will be fulfilled in a sure way, by den, and righteousness."

To be a secular State means to be neutral to every different religions and it requires the separation between State and Church. If so, the name of God should not have been written in the Constitution as it is a secular State or otherwise, some explanation should have been added to clarify that God here depends on the belief of each individual, it might be Allah, Buddha and so on. So the big question we should ask first is who is that God stated in the so-called Constitution? Malagasy people believe in God, the God that Christians believe in, but they also believe in God, the *Andriamanitra razana, zanahary*. So obviously the God we talk here is the God of the Bible, as the Bible is legitimately used during the oath. Not only, there is a paradox between the reality and what is written in the Constitution but also there is contradiction between the articles.

The High Constitutional Court has the duty to clarify that. But that's the point because the members of this High Constitutional Court also have their belief and let's note that the majority of the judges and politicians are Christians. Thus, their culture, values and belief automatically

influence their thought when they verify the constitutionality of law.

b. To believe in Andriamanitra Andriananahary

The preamble of the discussed Constitution says that: "the sovereign Malagasy people affirm their belief in "Andriamanitra Andriananahary". The words "Andriamanitra Andriananahary" has two principal meaning for Malagasy people. The God of Christian believer and the God according to the Malagasy traditional belief.

Before Christianity arrived in Madagascar in the nineteenth century, Malagasy people believed in the *razana* or ancestor. The veneration of ancestor is a commune historical practice in Asia and Africa. There is a conviction that the soul of the deceased survives after death and protects his descendants (Djistera, 2016). Madagascar is still characterized by the practice of a traditional religion, praying to ancestors or *razana*. But this is not seen practically in Malagasy everyday life except the practice of the *famadihandrazana*. It consists in turning over the body of the dead. This is a ceremony practiced during the cold season between June and August, in which the whole family attend to show respect to the parents who passed away since a long time. But more than that, Malagasy people believe that those ancestors bless and protect them so they should respect them.

Here is a figure showing the traditional religion of Malagasy people on a scale:



Figure 1. Hierarchy of Malagasy gods

The *zokiolona* are the oldest people that are in contact with the ancestors. They are also called the *ampanjaka* or *dady lahy*. They are the intermediaries between people and the ancestors. That's why the *zokiolona* have more authority in the society and even there are even many Malagasy presidents who asked the benediction of the ancestors to *zokiolona* before the election. This picture shows something deeper anyway, when the *zokiolona* dies he becomes *razana* (Champion, 2017). After that in its turn, the *razana* becomes *andriamanitra*, the God that the community venerate. Although the God stated in the Constitution properly means the God in Bible. That's how Malagasy interpret it, it's not the God in their traditional religion who they just called and venerate during traditional ritual. So either the content about God should be removed or rectified by being more precise, or it is time to remove secularism from the Constitution.

But as a matter of fact, not only religion is famous to be a political tool, but also, laws and regulations are rather more used as a tool for political communications (Anand, & Lall, 2022). Through laws and regulations, especially Constitution, the identity and the characteristics of the society is communicated.

c. Contextualization of the secularism in France and Madagascar

According to the article 2 of the Constitution of 2010, of the 4th Constitution, the principle of secularism is based on impartiality and neutrality of the State in relation to religion. In other words, the State proclaims its neutrality with respect to the different religions. A secular State also separate the State affairs and the religious affairs. In addition, the representative of the State or the government cannot be at the same time representative of the Church. It is similar with the concept of privatization of the Churches. The affairs of the Church is a private affair not public affair and *Vis versa*.

It is crucial to note that there are still imprints of colonialism in the political system of Madagascar. But not only politic system but legal system too. Madagascar was colonized by France between 1896 and 1960. The majority of law and regulations are the same as in France and are written in French language. The Constituents might have therefore made mistake by just copying the principle of secularism of the State found in the French Constitution. The context in Madagascar and in France are not approximately the same. So if we analyze the spirit of the drafters of this Constitution, they are both inclined towards Christianity and ancestor worship but also Western thought on secularism. As for France the principle of secularism does exist and has a successful implementation. The western thought of secularism is based on the extreme

separation of Church and State and also, on the freedom of religion. In the case of the France in 1905, the term “secular” refers to the abrogation of the 1801 concordat between the France and the Vatican and the abolition of the Ministry of Religions, because back then Catholicism was the only recognized religion of France. Thus, when the secularism or *laïcité* was instituted, many religions appeared in France and each individual had the right to choose his own religion. So the problem of secularism in France is more focused on the liberty to choose the religion and to make all different religions equal. That’s what Muslim people always proclaim in France as they are still discriminated in spite of the implementation of the *laïcité* (Oliphant, 2012). As we can see, this is not the same thing in Madagascar, where everybody is in majority convinced by Christianity. The secularism is most adapted in an interculturalism place, where diversity of culture and religion is found, as an example the Québec (in Canada) is a model (Lampron, 2021). Secularism is defined here as a way to give freedom to diverse religions in a country in which they can coexist together, no discrimination to one another (Larsson, 2022). Madagascar should have a more adapted Constitution related to the religious context in its territory, where the large majority are church members. Malagasy country faces the same struggle as theocratic State which prone the secularism at the same time, most of the time those theocratic State are Islamic States. Those

states start though to try to combine Islam and modernity (Lavie, 2021). Otherwise, they preferably adopt a no-secular system, in order to keep the self-identity of the State (Wohab, 2021).

C. CONCLUSION

The problem of the principle of secularism in Madagascar comes from the influence of traditional belief and Christianity. Malagasy culture and Malagasy religion which majority is Christianity influence the governing and the law making of the country, so that could reach the Constituents. The spirit of the Constituents discovered in the content of the Constitution shows the conservatism of Malagasy values, Christianity values and colonialism or western values. That’s the reason why there is a contradiction in the content of the Constitution of the 4th Republic of Madagascar. There is an article inside the Constitution that says Madagascar is a secular state and other statement in the same Constitution confirm that Madagascar is a nation that believes in God, *Andriamanitra Andriananahary*. As if we talk about the reality, Christianity is often use to conquer the population’s heart and to gain their approval as the majority of them are church member. It can be synonymous as if you are closer to Churches you are closer to the population. So Churches is sometimes a political tool for some politicians. As a result the principle of secularism is not implemented in Madagascar and does not fit Madagascar, otherwise this is

going to be a new form of secularism mixed a little bit with religion, according to the Malagasy context, called *contextual secularism*.

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