

CHAPTER FOUR

STATE, GOVERNMENT AND CITIZENSHIP

4.2. Understanding State

State is an institution through which the dynamics of politics is organized and formalized. Regarding the nature of the state, sometimes it is considered as the expression of society, at other times it has been excoriated as a vicious parasite riding on the shoulder of society. Historically political thinkers attempted to discover the nature of the state and its legitimacy.

Focus:

The state is a political association or entity that establishes sovereign jurisdiction within a defined territorial borders and exercise authority through a set of institutions over all the members of society. Put it differently, the state is a political unit that has the highest (Ultimate) sovereignty and responsibility for the conduct of its own affairs internally as well as externally being with in a defined territorial borders over the members of a society through a set of institutions and organizations.

Therefore, the most appropriate definition of the state is that state is a community of persons more or less numerous, permanently occupying a definite portion of territory, independent or nearly so of external control, and possessing an organized government to which the great body of inhabitants render habitual obedience.

4.2.1. The Origin and Development of the State

Brainstorming:

1. What do you know about the origin of state? Is the development of state achieved gradually or overnight?

The subject of the origin of the state is subjected to mystery. We don't know exactly the source and time of its origin. We may trace some impressions from the records of archeology and anthropology to have a glimpse in to the dim past of human history. And in addition to that, we may also collect information from records of ancient history and sociology to substantiate some

of the impression. But it is certain that all these are not sufficient to offer a logical explanation of the origin of the state. So we should depend on some philosophical explanation in order to speculate the origin of the state from its primitive to its present form.

The emergence of state is linked with a certain level of development of human society. Obviously, since that level of development, human society has maintained an organized existence. In this regard, various historical, archeological and anthropological studies indicate the existence of organized societies since the beginning of human history, at least in their rudimentary forms. Such rudimentary societies include the family, the clan, the tribe, etc.

These crude forms of organizations of antiquity had several similar features and roles with that of the states of modern times. However, it should be noted that the exact nature of the origin of the state is not yet precisely known and continues to be a subject for scholarly discussions and debate.

Nevertheless, there is a broader consensus among scholars that advanced civilizations, with their resultant political origin in the human society, can be traced back to the ancient eastern civilizations as far back as 5000 B.C. During that time, large- scale political organizations and state systems, for which there are recorded histories, developed particularly in the Tigris, Euphrates and Nile valleys and later in valleys of the great rivers of China. The emergence of the organized societies in these areas was because of the importance of the great rivers valleys that facilitate crop cultivation and production in those times. In effect, the transition of human society in to the process of crop cultivation and production is a significant step wards civilization and the rise politically organized human society. The argument is therefore, that the rise of agricultural mode of economy in the great river basins encouraged permanent settlement of people thereby leading to the creation of states.

There are also historical records in the western civilizations that indicate the embryonic foundations of modern state and the principles of politics. This is particularly true to the ancient Greeks where city –states (polis), as they were called in Greek, developed and operated on narrowly based democratic principles. However, the political system of the ancient Greeks was constantly nourished by the varieties of ideas of the Greek philosophers. One of the prominent figures of ancient Greek philosophers was Aristotle whose work contributed much to the development of the ideas and practices of modern state system.

As there are many places where emerged, there are also many contending theories that try to explain the origin and development of the state that may be discussed here.

I. The Divine Right Theory

This theory claims the state to be of a divine creation. In this sense, the state is created by God not only in the general sense in which everything that exists is said to be the creation of the divine will but also in a special sense of a deliberate, direct, specific act of creation with a particular end in view – the peace on this earth for the preservation of human being. Thus, the state is seen as an institution created by God, and rulers were regarded as God's own representatives or agents on earth.

That is, it is of God's will that in human society some are born to rule while other are born to be ruled. Furthermore, the theory asserts that the social order, in which the position of the individual is determined hierarchically on the basis of birth or hereditary succession was God given and thus it is legitimate and unchangeable. This theory served as justification for the power of the feudal emperors of Europe during the middle ages and in other areas where feudalism predominated. This theory however, neglects the historical fact that the reality of politics and state structure are not only the results of everyday human interactions and relations but also highly dynamic. As a result, this theory has lost its significance in modern times. With the advancement of education the people have discarded the theory and adapt others.

II. The Genetic Theory

While divine right theory is a matter of faith or religious form, the genetic theory is based on sociological facts. Here the argument is that state is an eventual extension of the family. The first group of collective human life is the family or the house hold, the last is the state. The earliest advocator of this theory is Aristotle in whose view – a society of many families is called a village, and a village is most naturally composed the descendents of one family, the children and the children's for which reason states were originally governed by kings,... and when many villages so entirely join themselves together as in every respect to form but one society, that society is state. Certain it is that family is the first unit of social development. Historians of ancient law and early institutions have sought to study the subject of family, its composition, residence of authority in the family and its growth in to the clan or tribe and eventually in to the state.

If viewed from the stand point of sociology, the genetic theory on the origin of state makes sense. It is not hypothetical like the theory of divine right. But the point of criticism is that it stands on social rather than political hypothesis. The whole attempt is to demonstrate the process- first of household, and then elder male ruled family, then a tribe of persons of this family descent and finally the state.

III. The Force Theory

According to the force theory –the state is neither a creation of God, nor a result of the irresistible social development. It is primarily the consequence of the forcible subjugation through long continued warfare among primitive groups. That means the state is the result of wars and conflicts that have been endemic in the history of human beings. From the very beginning of human history there has always been a struggle among different social groups to achieve economic advantages resulting in the ascendancy of some over others. Ultimately, these wars of conquest resulted in the occupation of more and more territories and led to the rise of states.

Hence, by this theory-, the state is primarily seen as an entity created by the use of physical; force. In other words, the state is created through a process of conquest and coercion of the weak by the strong. Hence military power and physical strength of a society is considered as to be of great importance for the creation and consolidation of the state. The force theory has its own weakness. Force may be one of the factors but it cannot be treated as the only factor in the origin of state, military power and physical force alone cannot explain the complex phenomenon of political systems for mere force cannot maintain lasting relations between the rulers and the ruled.

IV. The Social Contract Theory

The social contract theory holds that the state is an artificial creation based on voluntary agreement or contract among people. The theory was originated and developed in the 16th, 17th, and 18th centuries. Its starting point is a hypothetical **State of nature** or a condition that prevailed before the creation of the state. According to Hobbes, one of the advocators of this theory, the state of nature is a very horrible condition in which man is the enemy of man. Man being a selfish, egoistic, brutal and aggressive creature is free to defend himself either by running away from the scene or by killing his enemy singly or in group with others. There is nothing like peace, security, order, property, justice etc and anything what we find now in a state. There is all

but fear and danger of a violent death in the state of nature. The **law of nature** (commonsense) informs man to be in competition with others and so invade others for some gain and other evil things. In short, life of man is solitary, nasty, poor, brutish and short. So to terminate the state of nature, contract is made by the people. Hobbes argue, law of nature informs the people to surrender their all natural rights in favor of a man (assembly of man) as the price for living in an institution that ensures them liberty, property, and the entire of a good life. By such contract society, state and government came in to being; a 'common power' is instituted that would keep all in awe and ensure security of their life and possessions. It shows that each individual agreed with all the others to surrender his right to govern himself, to some particular man or assembly. By doing this they established the state. Social contract in this way is the instrument that substitutes the state of nature with a civil (political) society.

In sharp contrast to the divine right theory, it developed its argument from the doctrine of popular sovereignty. Thus, according to this theory, since the state is established by the consent of the people, its main purpose is to protect and safeguard people's inalienable rights such as the right to life, liberty and property.

The social contract theory was further developed in the age of revolution in the fight against the rule of absolute monarchies. This theory advocated popular sovereignty, limited government and individual rights.

V. The Marxist Theory

Like other theories on the subject of the state, this theory takes into account one factor, the fact of class contradictions. According to this theory, there was no state in the most primitive stage of social life as there were no contending classes. The state arose as a matter of necessity when society was divided into two hostile classes, each having its own interest. The origin of state, therefore, should be treated in the fact of class antagonisms. With the invention of agriculture and creation of private property, the dominant class came in to being by virtue of being the owner of the means of production. It required some authority (the state) to protect its interests that lay in the exploration and oppression of the class having no ownership of the means of production. Simply it means, primitive society that had no private property and no class had no state either. Naturally, there were certain social functions, but they were performed by men chosen by all members of society, which had the right to dismiss these people at any time and to appoint others. In those primitive times relation between people were regulated by public

opinion. The further development of the productive forces led to the disintegration of primitive society. Private property appeared, accompanied by classes-slaves and slave owners. It becomes necessary to protect private property, the rule and security of its owners, and this brought the state into being. Therefore, the state is the product of class contradiction. Thus, state is not something introduced into society from the outside, but it is a product of societies internal developed.

The essence of the whole argument is that the state had not always existed and it may not always exist. It had come into being with the rise of class contradictions, so it will wither away (die out) with the end of class antagonisms. Thus, the proponents of the Marxist theory believe that with the historical process of disappearance of private property and antagonistic social classes, the state will be disappeared. Consequently, communism an envisioned social system, where everybody will be equal and all have whatever they want, would prevail.

Although its proponents and followers struggled hard to realize the visions of communism for almost two centuries, neither equality for all nor fulfillment of wants has been materialized. On the contrary, in recent years, the political system, which established on the visions of communism, have crumbled one after another.

4.2.2. Essential Elements of the State

Class work:

1. List the different elements of a state? Explain each of them in detail.

The state is essentially characterized by the following five attributes: population, defined territory, government, sovereignty and recognition.

1. Population: Since state is a human association, the first essential element that constitutes a state is the people who are residing (living) with in a certain defined area. No minimum number is required to constitute the population of a state. How much people constitute state? No exact answer can be given to such a question. We have states with a population of about 1.3. Billion as China and few thousand population number like San Marino. In this direction, we may appreciate the view of Aristotle that the population of a state should neither be so large that

administration may be a problem nor so small that the people may not lead a life of peace and stability.

Another question that arises at this stage is whether the population of a state should be homogenous or not. It is good that the population of a state is homogenous, because it makes the task of national integration easy. However, in a multi-cultural state, societies have a population marked by diversity in respects of race, religion, language, culture etc.

2. Defined Territory: this refers to the internationally accepted demarcated geographical boundary that includes the land, water, airspace and other natural resources. Territory is the second most essential attribute of modern statehood, i.e. definite portions of the earth's surface marked off from the portions occupied by population of other states.

3. Government: Government is the soul and brain of the state. It implements the will of the community. It protects the people against conditions of insecurity. If state is regarded as the first condition of a civilized life, it is due to the existence of a government that maintains law and order and makes 'good life' possible. The government is the machinery that terminates the condition of anarchy. Government is the administrative wing of the state.

4. Sovereignty: is power over the people of an area unrestrained (unfettered) by laws originating outside the area or independence completely free of direct external control. It means the state is the final and ultimate source of all laws with its territorial jurisdiction.

As already pointed out, sovereignty is the attribute of a state. It is a creation of modern times. It is that highest power of the state that distinguishes it from all other associations of human beings. It has two aspects –internal and external.

A. **Internal sovereignty:** refers to a state's government – not those of any other states deciding how it will manage its domestic affairs, problems, and formulates its own laws and rules. In other words, it means that inside the state there can be no other authority that may claim equality with it.

B. **External sovereignty:** In the external sphere, it implies that the country should be free from foreign control of any kind and its right to define its interests and decides what its objectives are to be, the priorities among these objectives. It is, however, a different matter that a state willingly accepts some international obligations in the form of membership of the League of Nations or of the United Nations. The existence of

sovereign authority appears in the form of law. It is for this reason that the law of the state is binding on all and its violation is visited with suitable punishment.

It is universally admitted that a sovereign state is legally competent to issue any command, which is binding on all citizens and their association

5. Recognition: - for a political unit to be accepted as a state with an “international personality” of its own, it must be recognized as such by a significant portion of the international community.

It follows that a state, has five essential elements. As such, a proper definition of this term should include its physical and spiritual elements. It is also required that all the five elements should be studied in the order given above. Therefore, the most appropriate definition of the state is that state is a community of persons more or less numerous, permanently occupying a definite portion of territory, independent or nearly so of external control, and possessing an organized government to which the great body of inhabitants render habitual obedience.

4.2.3. Forms of State Structure

The classification about the forms of state is related with structure and distribution of state power. In history, commonly practiced forms of state are unitary and federal forms of state.

Brainstorming:

1. How do you explain a unitary form of state structure? Was our country Ethiopia following unitary system before EPRDF assuming power?

4.2.3.1. Unitary State Structure

Unitarism is a form of state structure that is characterized by centralization of power and indivisible sovereignty. The national government is legally supreme over sub-national territorial bodies or units. In other words, a unitary state is one in which no other governmental body but the central government has any areas of public that are exclusively under control. In a unitary state, sub national bodies may be potentially over ruled by the central government in any political decision they make.

In unitary government, there is only one source of authority whatever local territorial units exist. Local units are merely agencies of the central government established for its convenience in local administration. They owe their legal existence to it (their power is increased or diminished or their legal existence ended). Eg. Britain, the Netherlands, Romania, Poland etc.

I. Essential Features of Unitary State

Distinctive (principal) features of a unitary form of state structure include the following:

- A. Supremacy of the Central Legislature (Parliament).** There is only one (unicameral) kind of legislature, which is invariably (always) absolutely supreme. It is the only body that enacts and monitors the law. Other bodies (sub-national bodies to implement the laws) are made by the central legislature/parliament.
- B. Absence of Subsidiary Sovereign Bodies** Sovereignty is vested in the national /central government and hence sub national bodies are not sovereign because sovereignty in unitary form of state structure is indivisible. But subsidiary legislatures can exist when represented by the central government. However it can be ruined by the central government at any time.
- C. Re-Centralization of Power at the Will of the National/Central Government Unilaterally.** This is to mean that power that may have been decentralized to sub-national bodies can be re-centralized at the will of the central government unilaterally.
- D. Unchecked Centralization of Power at the Center i.e.** Sub national bodies (regional, provincial and local bodies) can be reshaped, reorganized and even abolished at will of the central government.

In the modern world, there are factors that inhibit centralized law making processes. These are: -

- i.** Complexity of political, economic, and social conditions within the confines of the state and at the international level.
- ii.** Increased population size, and territory (internal demarcation)
- iii.** Topography of the country
- iv.** Population settlement
- v.** People's history, language, culture and psychological make-up etc.

A majority of states in the world are unitary systems. But there are great differences among these unitary states in the institutions and procedures through which their central government interact with their territorial subunits. Unitary government does not necessarily mean highly centralized government. Sub-national units can be granted some kind of autonomy by national government, which has the legal authority to take it back at any time it wishes. The degree of local autonomy varies from state to state; for example: in Britain (United Kingdom) the statutes of parliament

(laws made by the parliament) have created local governments so that local people may manage their local affairs. The actions of local councils are not interfered unless they overstep the legal boundary. In France, on the other hand, council of departments and communes are subject to constant detailed supervision by central authority.

Potential Advantages and Disadvantages of unitary form of state

Potential Advantages (merits): -

- ⇒ The organization is relatively simple
- ⇒ Conflict of jurisdiction is avoided
- ⇒ Duplication of civil servants and services are comparatively rare because powers and functions are centralized at the center /National government.
- ⇒ Uniformity of law, policy and administration can be maintained through out the whole state.
- ⇒ It is advantageous to a country with relatively small area and homogenous population. But it is not good in a country with widely different economic and social interests and with widely different standards of political conduct.

Potential Disadvantages (demerits): -

- ⇒ Overburdens the national legislature with numerous local matters. In fast changing world, the central authority cannot cope with and maintain pace with the issues prevailing.
- ⇒ Leaves distant authorities and may lack adequate knowledge of local conditions to the determination of policies and the regulation of matters, which may concern only the localities affected. Hence, it is relatively less responsible to local needs and interests.
- ⇒ Tends to be less responsive to local initiatives and interests in public affairs and impairs the vitality of local government.
- ⇒ It restrains the self-governance and self –determination of sub national bodies /units.
- ⇒ It facilitates the development of central bureaucracy.

4.2.3.2 FEDERALISM: (Federal Form of State Structure)

Class Discussion:

1. What is a federal form of state structure?

Federal form of state structure (federal state) is the form of state where by power is formally (constitutionally) divided between the federal /National/ central government and Sub-National

(Regional/or provincial) government, each of which is locally supreme in its own sphere. In federal state, the legislative authority is divided between a central or federal government and sub national government.

It is a direct opposite of unitary government. It provides for an actual division of powers between two or more nearly independent governments each of which exercises control within its scope of authority, over the same people. Generally federalism is a political union of different political units (a creation against particularism and centralism).

Federalism is the basis of the political organization of several states of today. It may vary from place to place and from time to time. The indispensable quality of the federal state is a distribution of the powers of government between the federal authority and the federating units. The federal type of constitution has been adopted and is being adopted by a number of nations in Africa, Asia and Latin America as a response to their often widely diversified linguistic, territorial and political traditions, e.g. Ethiopia, Nigeria, India, Brazil, USA, Canada, Australia, and Germany etc.

I. Essential /Principal Features of Federal Form of State

Group Discussion:

1. Enumerate the different Essential /principal features of federal form of state

- A. **The existence of Dual Polities:** two relatively autonomous levels of government i.e. both the federal /central government and sub national (regional) state levels possess a range of powers and functions that others cannot encroach.
- B. **Written constitution:** A federal state has a written (codified) constitution. The written constitution stipulates formal (constitutional) division of authority between the federal /central government and sub national governments. The responsibilities and powers of each level of government are defined in a codified or written constitution. Therefore, the relationship between the federal state and sub national regional states is conducted within a formal legal framework.
- C. **Supremacy of federal Government and Constitution:** In most states, the federal government and constitution is superior and supreme over the sub-national government and constitution in conducting key issues and activities of the country. Federal Authority and federal units

have constitution of their own. Though federal units have their own local constitutions, they are accountable to the federal constitution. The federal constitution contains articles that stipulate (specify) about power sharing (distribution), rights and duties of the federal authority and units etc.

D. Equal Power shared by the Federal Authority and Federal Units (Decentralized Federalism).

This does not mean they have equal power in one affair, rather the reserve powers (power applied when required but reserve until then) and federal powers are seen equally.

E. Absence of Re-centralization of Powers and Authority by the central/federal government at its will or unilaterally.

F. Constitutional Arbiter. The formal provisions of the constitution are interpreted by a supreme court (the judiciary) at the federal level, which there by arbitrates in case of conflict (disputes) between federal and regional government. In determining, the respective fields of jurisdiction of each level, the judiciary in a federal level (system) is able to determine. However, in Ethiopia, it is the House of Federation (HF) that is lodged with the highest power of interpreting the FDRE constitution.

Independent states may come together by ceding or pooling sovereign powers in certain domain for the sake of goods otherwise unattainable, such federations are typically arranged to constrain the center and prevent majorities from overriding a sub –unit. Examples include the present USA, Switzerland, and Australia.

III. Power Distribution in Federal Form of State

The power distribution in federal form of state is categorized in Exclusive power, concurrent power and Reserved powers (residuary powers to federal authority and federating units). How do these power distributions are practiced? Let see the practice of exclusive and concurrent power distribution in Ethiopia.

1. Exclusive power. Exclusive powers refer to powers not shared powers, only exercised by federal authority or federal units. Let's take the Ethiopian federal practice as an example.

The following are exclusive powers by the federal authority

- ♠ To enact laws and constitutional laws and follows its application
- ♠ To keep the country's constitutional system
- ♠ Foreign Affairs

- ♠ Defense
- ♠ Printing and circulating of money

2. Concurrent powers. This refers to the powers exercised commonly by federal authority and federal units.

- ✦ Social sectors (like education, health, labor and social affairs, culture and information, civil service)
- ✦ Planning
- ✦ Transport and communication
- ✦ Internal security
- ✦ Agriculture, Industry, Trade, Tourism, Finance and Justice ---etc

3. Residual/reserved powers: The powers left without mentioning in the constitution.

Advantages and Potential Disadvantage of federalism

- ⇒ It is essential to large states
- ⇒ Combines national unity and local autonomy and the rights of self-government. In modern political theory and practice, the federal idea is normally linked with democratic institution and the protection of the individual and minority groups.
- ⇒ Maintains balance between centrifugal (unifying) and centripetal (integrating) forces in a state.
- ⇒ It stimulates interest in government by leaving the determination of local policy in the hands of local officers and assemblies who are responsible to local electorate.
- ⇒ It *relieves* the central legislature and authorities from the necessity of devoting time and energy to the solution of local problems.

Potential Disadvantages:

- ⇒ There is duplication of activities and services, which results in expense. It is not always easy to deal with a specific situation.
- ⇒ The division of power between the federal units may lead to conflicts of jurisdiction between national and local officials or a sort of 'no Man's Land' in which neither authority takes decisive action.

4.2.4 Confederations

Confederations are voluntary associations of independent states. It is an association of states, which rests upon the common agreement of its members expressed in an elaborate document. Confederations are formed for common advantage without affecting internal freedom, structure, lawmaking and enforcing process, external relations of the state confederating. It differs from an alliance, in that it has fixed central organ through which the common wills of its members may be expressed. It also differs from the League (Union) in a greater variety of directives designed to achieve.

These objectives include external security, promotion of cultural unity, and operation of postal service.

Historically confederations are often provided to be first of second step toward the establishment of a national state usually as federal union. The federal form of state in Switzerland, Germany and USA was preceded by confederations. The common wealth of nations, which was formed in 1772, is an example of confederation born as a result of the decentralization and eventual disintegration of empire, UK and former British colonies. In contemporary world, there are modern forms of confederations, but such arrangements are different from the older ones. The modern arrangements are established around common defense (NATO) Economic alliance (Common Market of East and Southern Africa - COMESA, European Economic Community EEC, Economic community of Western African States - ECOWAS), neighborhood alliance (OAU, Association of south East Asia Nations - ASEAN, Organization of American States - OAS), Politico-religious alliance (Arab league), community of nations (UNO)

4.3. Understanding Government

Brain Storming:

What do you understand by the term government?

A key part of the state, and such a key part that it is often simply referred to “the state”, is the **government** of state. Below are some prominent definitions of government.

- ❖ **Government** is the central agency or complex totality of interrelated organizations exercising over all control over a society of a territorially delimited sub divisions of a