

CHAPTER FOUR: STATE, GOVERNMENT AND CITIZENSHIP

4.2 Understanding State

- State is an institution through which the dynamics of politics is organized and formalized
- 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 overall the members of society
- The state is a political unit that has the highest (ultimate) sovereignty

4.2.1 The Origin and Development of the State

- We don't know exactly the source and time of State's origin
- We depend on philosophical explanation to speculate the origin of the state
 - The emergence of state is linked with development of human society
 - 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
- 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 & 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
 - 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 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 historical records in the western civilizations that indicate the embryonic foundations of modern state and the principles of politics

- Ancient Greeks city – states (polis), as they were called in Greek, developed and operated on narrowly based democratic principles
- The political system of the ancient Greeks was constantly nourished by the varieties of ideas of the Greek philosophers
 - ✦ Greek philosopher Aristotle work contributed much to the development of the ideas and practices of modern state system

Theories that explain the origin and development of the state:

✚ The Divine Right Theory

- This theory claims the state to be of a divine creation
- The state is created by God
 - In 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
 - 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
- Social order, 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
- This theory has lost its significance in modern times. With the advancement of education the people have discarded the theory and adapt others.

✚ The Genetic Theory

- The genetic theory is based on sociological facts
- 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
 - ✦ A village is most naturally composed the descendants of one family
 - when many villages so entirely join themselves together as in every respect to form but one society, that society is state
- Family is the first unit of social development
 - Authority in the family grows in to the clan or tribe and eventually in to the state
- If viewed from the stand point of sociology, the genetic theory makes sense
 - It is not hypothetical like the theory of divine right
 - 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

The Force Theory

- State is primarily the consequence of the forcible subjugation through long continued warfare among primitive groups
- State is the result of wars and conflicts
 - 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
- By this theory - the state is primarily seen as an entity created by the use of physical force
- The state is created through a process of conquest and coercion of the weak by the strong.
- 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
 - ✦ mere force cannot maintain lasting relations between the rulers and the ruled

The Social Contract Theory

- State is an artificial creation based on voluntary agreement or contract among people
- The theory starting point is a hypothetical State of nature or a condition that prevailed before the creation of the state
- According to Hobbes, 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
 - 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
- 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
- Social contract in this way is the instrument that substitutes the state of nature with a civil (political) society
- It developed its argument from the doctrine of popular sovereignty
 - State is established by the consent of the people, its main purpose is to protect and safeguard people's inalienable rights
- This theory advocated popular sovereignty, limited government and individual rights
 - The social contract theory was further developed in the age of revolution in the fight against the rule of absolute monarchies

✚ **The Marxist Theory**

- This theory takes into account 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 exploitation and oppression of the class
- 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
- state is not something introduced into society from the outside, but it is a product of societies internal developed
- 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
 - ✦ However, Its proponents and followers struggled hard to realize the visions of communism

4.2.2 Essential Elements of the State

➤ The state is essentially characterized by the following five attributes:

◆ Population

- The first essential element that constitutes a state is the people who are residing (living) within a certain defined area
- No minimum number is required to constitute the population of a state
- 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.

◆ 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

◆ Government

- It is the soul and brain of the state which implements the will of the community
- It is the machinery that terminates the condition of anarchy
- It is the administrative wing of the state

◆ Sovereignty

- It is power over the people of an area unrestrained (unfettered) by laws originating outside the area or independence of direct external control
- State is the final and ultimate source of all laws with its territorial jurisdiction
- It has two aspects – internal and external
 - ✦ **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
 - ✓ Inside state there can be no other authority that claim equality with it
 - ✦ **External sovereignty**
 - ✓ 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

◆ Recognition

- For political unit to be accepted as a state with an “international personality” of its own, it must be recognized by significant portion of the international community

4.2.3 Forms of State Structure

Unitary State Structure

- It is characterized by centralization of power and indivisible sovereignty
- national government is legally supreme over sub-national territorial bodies or units
- Eg. Britain, the Netherlands, Romania, Poland etc.

Essential Features of Unitary State:

- ◆ **Supremacy of the Central Legislature (Parliament)**
 - Only one (unicameral) legislature, which is invariably (always) absolutely supreme
 - ✦ It is the only body that enacts and monitors the law
- ◆ **Absence of Subsidiary Sovereign Bodies**
 - Sovereignty is vested in the national /central government
 - ✦ Sub national bodies are not sovereign
 - ✦ Hence, sovereignty is indivisible
- ◆ **Re-Centralization of Power at the Will of the National/Central Government Unilaterally**
 - Power that may have been decentralized to sub-national bodies can be re-centralized at the will of the central government unilaterally
- ◆ **Unchecked Centralization of Power at the Center**
 - 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, factors that inhibit centralized law making processes:

- Complexity of political, economic, and social conditions
- Increased population size, and territory (internal demarcation)
- Topography of the country, population settlement etc.
- 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

Advantages and Disadvantages of unitary form of state/merits

- The organization is relatively simple
- Conflict of jurisdiction is avoided
- Duplication of civil servants and services are comparatively rare
- Uniformity of law, policy and administration
- Advantageous to a country with relatively small area and homogenous population

Disadvantages of unitary form of state/demerits

- Overburdens the national legislature with numerous local matters
- Leaves distant authorities and may lack adequate knowledge of local conditions, hence, it is relatively less responsible to local needs and interests
- It restrains the self-governance and self –determination of sub national bodies
- It facilitates the development of central bureaucracy

Federalism (federal form of state structure)

- 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
- Legislative authority is divided between federal government & sub national government
- It is a political union of different political units
- E.g. Ethiopia, Nigeria, India, Brazil, USA, Canada, Australia, and Germany etc.

Essential Features of Federal Form of State:

◆ **The existence of Dual Polities**

- two relatively autonomous levels of government
 - ✦ federal /central government and sub national (regional) state levels possess a range of powers and functions that others cannot encroach

◆ **Written constitution**

- A federal state has a written (codified) constitution that stipulates formal division of authority between the federal and sub national governments

◆ **Supremacy of federal Government and Constitution**

- federal government and constitution is superior and supreme over the sub-national government and constitution in conducting key issues and activities

◆ **Equal Power shared by the Federal Authority and Federal Units (Decentralized Federalism)**

- the reserve powers (power applied when required but reserve until then) and federal powers are seen equally

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

◆ **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

Power Distribution in Federal Form of State

◆ **Exclusive power**

- not shared powers, only exercised by federal authority or federal units
- E.g Ethiopian federal practice, Foreign Affairs, Defense, Printing of money

◆ **Concurrent powers**

- Powers exercised commonly by federal authority and federal units
- E.g Agriculture, Industry, Trade, Tourism, Finance and Justice

◆ **Residual/reserved powers**

- Powers left without mentioning in the constitution

Advantages of federalism:

- It is essential to large states
- Combines national unity and local autonomy and the rights of self-government
- Maintains balance between centrifugal (unifying) and centripetal (integrating) forces
- It relieves the central legislature from devoting time & energy to local problems

Disadvantage of federalism:

- Duplication of activities and services, which results in expense
- may lead to conflicts of jurisdiction or 'no Man's Land' in which neither authority takes decisive action

4.2.4 Confederations

- Confederations are voluntary associations of independent states
- Confederations are formed for common advantage without affecting internal freedom, structure, lawmaking, 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)
- Historically confederations are often provided to be first of second step toward the establishment of a national state usually as federal union
 - E.g federal state in Switzerland, Germany and USA was confederations