Moral and Citizenship Education Condensed Notes (Chapter 3 - 4)

For Freshman Natural Science Candidates (Section K-P)

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Chapter Three: Ethical Decision Making and Moral Judgments

- There are also things which we consider good not because of what they lead to but because of what they are in themselves: this are considered as worth having or perusing not merely as way of getting other things but because of their own intrinsic nature.
- The first kind of good is called instrumental good because the goodness of these things lies in their being instruments towards the attainment of the other things which are considered good not simply as instruments.
- The second category of good is called intrinsic good because we value these things (whatever they may turn out to be) not for what they lead to but for what they are.

Tasks of Ethical reasoning

1. Analyze and critically consider the values we hold and the claims we make in relation to the perceived obligations that we might have towards one another.
2. To evaluate the adequacy of reasons that we give for our actions: it considers, for example, whether the reasons offered to support a particular course of action are based on sound evidence and/or logical argument.

3.3.1. Ethical Principles and Values of Moral Judgments

The branch of philosophical study that focuses on 'ethics' is concerned with studying and/or building up a coherent set of 'rules' or principles by which people ought to live.

3.3.2. Moral intuitions and Critical Reasoning

- → The study of ethics involves reasoning about our feelings. In other words, it involves making sense of and rationalising our intuitions about what is 'right' or 'good'.
- → Almost all people, to a greater or lesser extent, are capable of experiencing feelings of empathy towards others.
- → Empathy provides us with a sense of what others are feeling and may thereby allow us to identify with other people.
- → Empathy therefore gives us what Traer (2013) refers to as our moral sentiments; and ethical reasoning about these sentiments gives us our moral principles.

3.3.2.1. Rationalisation

- → Studying ethics, then, involves attempting to find valid reasons for the moral arguments that we make.
- → Most people already have general ideas – or what philosophers call '**intuitions' or 'presumptions'** – about what they think is 'right' or 'wrong'.
- → But a philosophical approach to ethics requires people to think critically about the moral ideas that they hold, to support or refute those ideas with convincing arguments, and to be able to articulate and explain the reasons and assumptions on which those arguments are based.
- → In moral philosophy, an argument is not simply about our beliefs or opinions; instead, it is about the reasons underlying those beliefs or opinions.

→ This means that the real value of discussing and debating ethical questions is not to 'win the argument' or to 'score points' against the other person!
→ It is more important to provide carefully considered arguments to support our ideas, and to allow for rational – and deeper – understanding of the reasons underlying our beliefs, ideas and attitudes.
→ Crucially, this requires careful listening to, analysis of and learning from the arguments that others make.

Types of reasoning

Three forms of critical reasoning:

1. **Reasoning by analogy** explains one thing by comparing it to something else that is similar, although also different.
    - In a good analogy, the similarity outweighs the dissimilarity and is clarifying.
    - For instance, animals are like and unlike humans, as humans are also animals.
    - Is the similarity sufficiently strong to support the argument that we should ascribe rights to nonhuman animals as we do to humans?'

2. **'Deductive reasoning** applies a principle to a situation. For instance, if every person has human rights, and you are a person, then you have human rights like every person.'

3. **'Inductive reasoning** involves providing evidence to support a hypothesis. The greater the evidence for a hypothesis, the more we may rely on it.' The fact that there is mounting evidence that the burning of fossil fuels is having a detrimental effect on global climate, for example, is used to substantiate the argument that we have a moral duty to reduce carbon emissions.

3.3.2.3. Ethics and Religious Faith

– There is another important argument that people use when making ethical arguments: religious faith.
– For many people, 'morality and religious faith go hand in hand'.
– Rather than relying on rational arguments, some people view actions as being right or wrong in terms of whether they are commanded by a god.
– Some moral philosophers do not view arguments based on religious faith as being rationally defensible.
– They believe that we can determine through rational reflection what is right and wrong.
– If a god commands only what is right then, logically, this makes divine commands unnecessary; we are able to know what is right or wrong without relying on any divine commandments, as we can use rational reflection.
– However, faith-based arguments are relevant to moral philosophy for several reasons. For a start, people do not always agree on what is right or wrong.

3.3.2.4. Testing moral arguments

→ Critical reasoning is about asking questions whenever anyone gives us a reason to support an argument.
→ Most people already use critical reasoning when they make arguments and question other people's arguments.
→ We have an idea of what we think is right based on our experience (our ethical presumptions), and we explain those ideas to other people based on our feelings (intuitions) and reasons.
→ It is important and useful to develop the ability to test your own arguments and those of others, both to address the dilemmas that occur in our personal lives, our communities and the organisations for which we work.
→ There are three main ways of testing a moral argument. These are outlined in below;

Three ways to test a moral argument:

A. **Factual accuracy.** The 18th century philosopher David Hume (1711—1776) argued that we should not derive an 'ought' from an 'is'. This means that we cannot say that something is wrong or right simply based on how things

are. This is reasonable, but it does not mean that ethical discussion should be divorced from fact; the accuracy of the factual content of a discussion is very important.

B. **Consistency-**Arguments need to be consistent. One can only argue that it is morally wrong to kill one person and yet morally acceptable to kill another, if one can demonstrate that there is a morally relevant difference between the two individuals.

C. **Good will.** This one is the most difficult criterion to quantify. While arguments may be factually correct and consistent, they also need to 'exemplify good will'. This involves resorting to our intuitions and emotions, which are notoriously difficult to integrate with rigorous theoretical debate.

3.3.3. Thinking Ethically: A framework for Moral Decision Making

- → The first step in analyzing moral issues is obvious but not always easy: Get the facts. Some moral issues create controversies simply because we do not bother to check the facts.
- → This first step, although obvious is also among the most important and the most frequently overlooked. But having the facts is not enough.
- → Facts by themselves only tell us what is; they do not tell us what ought to be. In addition to getting the facts, resolving an ethical issue also requires an appeal to values.

❖ The five different approaches to values to deal with moral issues are: Fairness and Justice, the common Good, the Utilitarian (remember this idea is discussed previously), the Rights, and the Virtues.

3.3.3.1. Fairness and Justice Approach

The fairness or justice approach to ethics has its roots in the teachings of the ancient Greek philosopher Aristotle who said that "equals should be treated equally and unequal's unequally". The basic moral question in this approach is:

Depending on how well he did this, Aristotle said humans belonged to one of four categories:

- → The virtuous, the continent, the incontinent and the vicious.
- → Generally, this approach focuses on how fairly or unfairly our actions distribute benefits and burdens among the members of a group.
- → This approach asks what is fair for all stakeholders, or people who have an interest in the outcome." Fairness requires consistency in the way people are treated.
- → The principle states: "Treat people the same unless there are morally relevant differences between them."

3.3.3.2. The Common Good Approach

- The Greek philosophers have also contributed the notion that life in community is a good in itself and our actions should contribute to that life.
- This approach suggests that the interlocking relationships of society are the basis of ethical reasoning and that respect and compassion for all others especially the vulnerable are requirements of such reasoning.
- This approach also calls attention to the common conditions that are important to the welfare of everyone. This may be a system of laws, effective police and fire departments, health care, a public educational system, or even public recreation areas.

- This approach to ethics assumes a society comprising individuals whose own good is inextricably linked to the good of the community.
- Community members are bound by the pursuit of common values and goals.
- The common good is a notion that originated more than 2,000 years ago in the writings of Plato, Aristotle, and Cicero.
- More recently, contemporary ethicist John Rawls defined the common good as "certain general conditions that are equally to everyone's advantage."

- In this approach, we focus on ensuring that the social policies, social systems, institutions, and environments on which we depend are beneficial to all.
- Examples of goods common to all include affordable health care, effective public safety, peace among nations, a just legal system, and an unpolluted environment.
- The principle of the common good approach states; "What is ethical is what advances the common good."

3.3.3.3. The Rights Approach:

- The other important approach to ethics has its roots in the philosophy of the 18th century thinker Immanuel Kant and others like him who focused on the individual's right to choose for her or himself.
- According to these philosophers, what makes human beings different from mere things is that people have dignity based on their ability to choose freely what they will do with their lives, and they have a fundamental moral right to have these choices respected.
- Many different but related rights exist besides this basic one. These other rights can be thought of as different aspects of the basic right to be treated as we choose. Among these rights are:

    - The Right to the Truth: We have a right to be told the truth and to be informed about matters that significantly affect choices.
    - The Right of Privacy: We have the right to do, believe, and say whatever we choose in our personal lives so long as we do not violate the rights of others.
    - The Right not to be injured: We have the right not to be harmed or injured unless we freely and knowingly do something to deserve punishment or we freely and knowingly choose to risk such injuries.
    - The Right to what is agreed: We have the right to what has been promised those with whom we have freely entered into a contract or agreement.

Note: In deciding whether an action is moral or immoral using this approach, we must ask, does the action respect the moral rights of everyone? Actions are wrong to the extent they violate the rights of individuals; the more serious the violation, the more wrongful the action.

Generally, in Ethical Problem Solving;

1. Once facts have been ascertained, consider five questions when trying to resolve a moral issue:
2. What benefits and what harms will each course of action produce, and which alternative will lead to the best overall consequences?
3. What moral rights do the affected parties have, and which course of action best respects those rights?
4. Which course of action treats everyone the same, except where there is a morally justifiable reason not to, and does not show favoritism or discrimination?
5. Which course of action advances the common good?
6. Which course of action develops moral virtues?

3.4. To Whom or What Does Morality Apply?

- In discussing the application of morality, four aspects may be considered: religious morality, morality and nature, individual morality, and social morality.

3.4.1. Religious Morality

- Religious morality refers to a human being in relationship to a supernatural being or beings.
- In the Jewish and Christian traditions, for example, the first three of the Ten Commandments.
- These commandments deal with a person's relationship with God, not with any other human beings.
- By violating any of these three commandments, a person could, according to this particular code of ethics, act immorally toward God without acting immorally toward anyone else.

The Ten Commandments

1) I am the Lord, Your God; do not worship false gods.
2) Do not take the name of God in vain.
3) Keep holy the Sabbath Day.

4) Honor your father and your mother.
5) Do not kill.
6) Do not commit adultery.
7) Do not steal.
8) Do not bear false witness against your neighbor.
9) Do not covet your neighbor's spouse.
10) Do not covet your neighbor's belongings.

3.4.2. Morality and Nature

- "Morality and nature" refers to a human being in relationship to nature.
- Natural morality has been prevalent in all primitive cultures, such as that of the Native American, and in cultures of the Far East.
- More recently, the Western tradition has also become aware of the significance of dealing with nature in a moral manner.
- In the morality and nature aspect, he could be considered either moral or immoral, depending upon his actions toward the natural things around him.

3.4.3. Individual Morality

- Individual morality refers to individuals in relation to themselves and to an individual code of morality that may or may not be sanctioned by any society or religion.
- It allows for a "higher morality," which can be found within the individual rather than beyond this world in some supernatural realm.
- A person may or may not perform some particular act, not because society, law, or religion says he may or may not, but because he himself thinks it is right or wrong from within his own conscience.

3.4.4. Social Morality

- Social morality concerns a human being in relation to other human beings.
- It is probably the most important aspect of morality, in that it cuts across all of the other aspects and is found in more ethical systems than any of the others.
- Returning briefly to the desert-island example, most ethicists probably would state that Robinson Crusoe is incapable of any really moral or immoral action except toward himself and nature.
- Such action would be minimal when compared with the potential for morality or immorality if there were nine other people on the island whom he could subjugate, torture, or destroy.

3.5. Who is Morally/Ethically Responsible?

- ✓ Morality pertains to human beings and only to human beings; all else is speculation.
- ✓ If one wants to attribute morality to supernatural beings, one has to do so solely on faith.
- ✓ If one wants to hold animals or plants morally responsible for destructive acts against each other or against humans, then one has to ignore most of the evidence that science has given us concerning the instinctual behavior of such beings and the evidence of our own everyday observations.
- ✓ We use the terms moral and ethical, we are using them in reference only to human beings.
- ✓ We do not hold a wolf morally responsible for killing a sheep, or an eagle morally responsible for killing a chicken.
- ✓ We may kill the wolf or fox for having done this act, but we do not kill it because we hold the animal morally responsible.
- ✓ We do it because we don't want any more of our sheep or chickens to be killed.

3.5.1. Moral Judgments

- ❖ Moral judgments refer to deciding what is right and what is wrong in human relations.
- ❖ Individuals are continually judging their own conduct and that of their fellows.
- ❖ They approve of some acts and call them ―right‖ or ―good. They condemn other acts and call them ―wrong‖ or ―evil or bad.

- ❖ Moral judgments always have to do with the actions of human beings and, in particular, with voluntary actions - those actions freely chosen. Involuntary actions - those over which people have no control - are rarely open to moral judgment, as a person usually is not held responsible for an action that she or he did not initiate.
- ❖ **Moral judgments are evaluative** because they place value on things or relation or human actions; determine what is right or wrong, good or bad.
- ❖ **They are also normative** because they evaluate or assess the moral worth of something based on some norms or standards.
- ❖ When conflicts of interest arise, the solution may require the greatest sensitivity, experience, discernment, intelligence and goodwill, and even then we may doubt whether we have acted rightly.
- ❖ However, in judging conduct or action we have to consider **motives, means, and consequences and sometimes the situation.**

1. **Motives:** Motives, as Jesus, Kant, and others have pointed out, are basic for a determination of morality.
   - The motive refers to the intention or why an action is done.
   - A good motive is a prerequisite to conduct that we approve without qualification.
   - If a good motive is present when an act, through some unforeseen factor, leads to harmful effects, we tend to disapprove less severely and to say, ―Anyway, he meant well.
   - Kant, for example, defined the good as the ―good will.―Nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a good will.
   - For Kant, a rational being strives to do what he or she ought to do and this is to be distinguished from an act that a person does from either inclination or self-interest.
   - In other words, a person must act out of duty to the moral law - that is, ought what one to do.
   - The truly moral act, for Kant, not only agrees with the moral law, but is done for the sake of the moral law - not only as duty requires but because duty requires.
   - In Kantian thinking the seat of moral worth is the individual's will, and the good will acts out of a sense of duty.

2. **Means:** Just as there may be many motives for desiring something, there may be many means for achieving it.
   - The term means can be defined as an agency, instrument, or method used to attain an end.

3. Consequences:

- Consequences are the effects or results of a moral decision based on a value.
- We expect the consequences of an act that we call ―right‖ to be good.
- Ordinarily, when people ask, ―what is right? they are thinking about the consequences of the action.
- This depends on what ethical principle is in operation. Kant agrees to the good motive, utilitarians to the result.
- In general, society judges conduct ―right if it proceeds from a good motive, through the use of the best available means, to consequences that are good.

4. The Moral Situation:

- A moral situation involves moral agents - human beings who act, are empowered to make choices, and consciously make decisions.
- As moral agents, demands are made on us and place us under obligations: we have both duties and rights.
- We are faced with moral alternatives, and we can better weigh those alternatives when we have an understanding of the ingredients of the moral situation.

3.5.2. What Makes an Action Moral?

- Sometimes we think of ―moral‖ means morally good.
- But, philosophically, it refers to an action which comes within the scope of morality, that is, an action which is morally significant either in positive way (because it is good or right) or in a negative way (because the action is good or bad).
- Not all actions have a moral sense.
- The following are features that make an action moral:

1. A moral act involves an agent:

- If something is a natural event or an action performed by animals, then it is morally neutral - it does not appear on our moral radars.
- Humans can be moral agents, or any creatures that can freely and thoughtfully choose its actions will count as a moral agent.

2. A moral act involves intention:

- An intention here refers to our motives that are important to determine the rightness or wrongness of an action.
- If an action is done accidentally, it may be counted as a morally neutral action.
- However, some unintentional acts, such as those done through negligence, can be moral. Neglecting our duties, even accidentally, make us morally culpable.

3. A moral act affects others:

- A moral action needs not only an agent and to be deliberate but also needs to affect others (those we might call moral patients) in significant ways, that is, an action that has harmful (be it physical, psychological, emotional, or depriving others of happiness) or beneficial consequences for others.
- The claim that morality only governs behavior that affects others is somewhat controversial.
- Some have claimed that morality also governs behavior that affects only the agent herself, such as taking recreational drugs, masturbation, and not developing one's talents.
- Confusion about the content of morality arises because morality is not always distinguished from religion.

Generally, a moral action is one which:

- Is performed by agents, creatures that are capable of free choice/ free will
- Is the result of intention; the action was done on purpose with a particular motive
- Has a significant consequence on others in respect of harm or benefits it brings about.

3.6. Why Should Human Beings Be Moral?

- The question that is worth mentioning at this point is ―Why should human beings be moral?
- Another way of putting the problem is as follows: Is there any clear foundation or basis for morality can any reasons be found for human beings to be good and do right acts rather than be bad and do wrong acts?

- There can be no society without moral regulation; man is man only because he lives in a society; take away from man all that has a social origin and nothing is left but an animal compare with other animals.

- We should be moral because being moral is following the rules designed to overrule self-interest whenever it is in the interest of every one alike that everyone should set aside his interest.

A. Argument from Enlightened Self-Interest

- One can certainly argue on a basis of enlightened self-interest that it is, at the very least, generally better to be good rather than bad and to create a world and society that is good rather than one that is bad.
- As a matter of fact, self-interest is the sole basis of one ethical theory, ethical egoism.
- However, it is not being suggested at this point that one ought to pursue one‘s own self-interest.
- Rather, an argument is being presented that if everyone tried to do and be good and tried to avoid and prevent bad, it would be in everyone‘s self-interest.
- For example, if within a group of people no one killed, stole, lied, or cheated, then each member of the group would benefit.
- An individual member of the group could say, ―it‘s in my self-interest to do good rather than bad because I stand to benefit if I do and also because I could be ostracized or punished if I don‘t.
- Therefore, even though it is not airtight, the argument from enlightened self-interest is compelling.

B. Argument from Tradition and Law

- Related to the foregoing argument is the argument from tradition and law.
- This argument suggests that because traditions and laws, established over a long period of time, govern the behavior of human beings, and because these traditions and laws urge human beings to be moral rather than immoral, there are good reasons for being so.
- Self-interest is one reason, but another is respect for the human thought and effort that has gone into establishing such laws and traditions and transferring them from one historic period and one culture to another.
- This can be an attractive argument, even though it tends to suppress questioning of traditions and laws - a kind of questioning that is at the core of creative moral reasoning.
- It is interesting to note that most of us probably learned morality through being confronted with this argument, the religious argument, and the experiences surrounding it.

C. Common Human Needs

- Are there any other reasons we can give as to why human beings should be moral?
- If we examine human nature as empirically and rationally as we can, we discover that all human beings have many needs, desires, goals, and objectives in common.
- For example, people generally seem to need friendship, love, happiness, freedom, peace, creativity, and stability in their lives, not only for themselves but for others, too.
- It doesn't take much further examination to discover that in order to satisfy these needs, people must establish and follow moral principles that encourage them to cooperate with one another and that free them from fear that they will lose their lives, be mutilated, or be stolen from, lied to, cheated, severely restricted, or imprisoned.
- Morality exists, in part, because of human needs and through recognition of the importance of living together in a cooperative and significant way.

- In general, in a society wherein morality is declined, crime, death, looting, instability, social deviance, suicide, human right violation/ gross human right violation/, corruption and other socio, economic and political crises will prevail.
- With human self-interest as strong as it is, what can motivate us to always follow the rules of morality? Asked more simply, "Why be moral?" Among the more common answers are these:

- Behaving morally is a matter of self-respect.
- People won't like us if we behave immorally.
- Society punishes immoral behavior.
- God tells us to be moral.
- Parents need to be moral role models for their children.

- From Hobbes's perspective, morality consists of a set of rules such that, if nearly everyone follows them, then nearly everyone will flourish.
- These rules restrict our freedom but promote greater freedom and wellbeing.
- More specifically, the **five** social benefits of establishing and following moral rules accomplish the following:
  - **A.** Keep society from falling apart.
  - **B.** Reduce human suffering.
  - **C.** Promote human flourishing.
  - **D.** Resolve conflicts of interest in just and orderly ways.
  - **E.** Assign praise and blame, reward and punishment, and guilt.

→ All these benefits have in common the fact that morality is a social activity:
→ It has to do with society, not the individual in isolation.
→ If only one person exists on an island, no morality exists; indeed, some behavior would be better for that person than others—such as eating coconuts rather than sand—but there would not be morality in the full meaning of that term.
→ However, as soon as a second person appears on that island, morality also appears.

→ Morality is thus a set of rules that enable us to reach our collective goals. Imagine what society would be like if we did whatever we pleased without obeying moral rules.

Chapter Summary

Ethical reasoning ability is considered vitally important in the shared concepts and principles that guide common ethical issues. It offers a rationale that provides the impetus for elaborating on an ethical reasoning structure. Ethical theories and principles are the foundations of ethical analysis because they are the viewpoints from which guidance can be obtained along the pathway to a decision.

A person making an ethical decision needs a procedure to follow to insure that s/he makes her/his decision with rationality and respect--a decision procedure that can insure that s/he has considered all the relevant factors and have taken into account the interests of others as well as her/himself. Thus one has to develop a habit of pursuing justice or a disposition to be just if one wants to be a just person.

What Aristotle means by saying this is that moral practice is a very important factor in being a moral person. One cannot have a moral character or become a moral person if one does not constantly practice to be moral, even though one might have correct moral ideas. This is just like a pianist who would not be a good pianist if she did not practice regularly even though she knows in her mind how to play the piano.

Chapter Four: State, Government and Citizenship

Defining State

- The term 'state' has been used to refer to a bewildering range of things: a collection of institutions, a territorial unit, a philosophical idea, an instrument of coercion or oppression, and so on.
- This confusion stems, in part, from the fact that the state has been understood in four quite different ways; from an idealist perspective, a functionalist perspective, an organizational perspective and an international perspective.
- The **idealist approach** to the state is most clearly reflected in the writings of Hegel.
- Hegel identified three moments of social existence: the family, civil society and the state.
- Within the family, he argued, a particular altruism operates that encourages people to set aside their own interests for the good of their children or elderly relatives.
- In contrast, civil society was seen as a sphere of 'universal egoism' in which individuals place their own interests before those of others.
- Hegel conceived of the state as an ethical community underpinned by mutual sympathy – 'universal altruism'.
- The drawback of idealism, however, is that it fosters an uncritical reverence for the state and, by defining the state in ethical terms, fails to distinguish clearly between institutions that are part of the state and those that are outside the state.

A. Functionalist approaches

- It focus on the role or purpose of state institutions.
- The central function of the state is invariably seen as the maintenance of social order.
- The state being defined as that set of institutions that uphold order and deliver social stability.
- The weakness of the functionalist view of the state, however, is that it tends to associate any institution that maintains order (such as the family, mass media, trade unions and the church) with the state itself.
- This is why, unless there is a statement to the contrary, an organizational approach to the definition of the state is adopted throughout this book.

B. The organizational view

- **It** defines the state as the apparatus of government in its broadest sense; that is, as that set of institutions that are recognizably 'public', in that they are responsible for the collective organization of social existence and are funded at the public's expense.
- The virtue of this definition is that it distinguishes clearly between the state and civil society.
- The state comprises the various institutions of government: the bureaucracy, the military, the police, the courts, and the social security system and so on; it can be identified with the entire 'body politic'.
- The organizational approach allows us to talk about 'rolling forward' or 'rolling back' the state, in the sense of expanding or contracting the responsibilities of the state, and enlarging or diminishing its institutional machinery.

C. **The international approach**

- To the state views it primarily as an actor on the world stage; indeed, as the basic 'unit' of international politics.
- This highlights the dualistic structure of the state; the fact that it has two faces, one looking outwards and the other looking inwards.

- Whereas the previous definitions are concerned with the state's inward-looking face, its relations with the individuals and groups that live within its borders, and its ability to maintain domestic order, the international view deals with the state's outward-looking face, its relations with other states and, therefore, its ability to provide protection against external attack.

- The classic definition of the state in international law is found in the Montevideo Convention on the Rights and Duties of the State (1933).
- According to Article 1 of the Montevideo Convention, the state has four features: a **defined territory, permanent population, an effective government and sovereignty**.

1. Population

- Since state is a human association, the first essential element that constitutes it is the people.
- How much people constitute state? No exact number can be given to such a question.
- The fact is that the states of the world vary in terms of demographic strength.
- There are states with a population of greater than 1 billion like that of China and India, and with a constituency of few thousand people like Vatican and San Marino.
- Another question that comes up at this stage is whether the population of a state should be homogenous.
- Homogeneity is determined by any factor like commonness of religion, or blood, or language or culture and the like.
- It is good that population of a state is homogeneous, because it makes the task of national integration easy.
- it is to be noted that without population there can be no state, 'it goes without saying that an uninhabited portion of the earth, take in itself, cannot form a state.

2. Defined Territory

- There can be **no** state without a territory of its own.
- The territory of a state includes land, water, and airspace; it has maritime jurisdiction extending up to a distance of three miles, though some states contend for a distance of up to 20 miles.
- The territorial authority of a state also extends to ships on high seas under its flag as well as its embassies and legations/diplomat's residence in foreign lands.
- As seen in the case of the factor of population, so here it should be emphasized that the size of a state's territory cannot be fixed.

- There are as large states as China and Russia and as small states of Fiji and Mauritius in respect of their territorial make-up.
- It also possible that states may be in the form of islands as Indonesia, Philippines, and Japan.
- It is, however, certain that the boundary lines of a state must be well marked out.
- This can be done either by the geographical make up in the form of division by the seas, rivers, mountains, thick forests, deserts, etc., or it may be done by creating artificial divisions in the form of digging trenches or fixing pointed wire fencing.

3. Government

- Government is said to be the soul 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 maintain law and order and makes 'good life' possible.
- The government is the machinery that terminates the condition of anarchy.
- It is universally recognized that as long as there are diverse interests in society, some mechanism is needed to bring about and maintain a workable arrangement to keep the people together.
- The government of a state should be so organized that it enforces law so as to maintain the conditions of peace and security.
- The form of government may be monarchical, aristocratic, oligarchic, democratic, or dictatorial and the like, what really needed is that if there is no government, there is anarchy and the state is at an end.

4. Sovereignty

- Sovereignty is the fourth essential attribute of the concept state.
- It is the highest power of the state that distinguishes it from all other associations of human beings.
- Sovereignty, in its simplest sense, is the principle of absolute and unlimited power.
- It has two aspects - Internal and External.
- **Internal Sovereignty** implies that inside the state there can be no other authority that may claim equality with it.
- The state is the final source of all laws internally.
- On the other hand, **External sovereignty** implies that the state should be free from foreign control of any kind.
- It is, however, a different matter that a state willingly accepts some international obligations in the form of membership to some international intergovernmental and other organizations such as the United Nations.
- Conceptually, 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 resulted with suitable punishment.
- It is universally accepted that a sovereign state is legally competent to issue any command that is binding on all citizens and their associations.

- In addition to the essential attributes of the state agreed in the 1933, the contemporary political theorists and the UN considered recognition as the fifth essential attribute of the state.
- This is because, 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 is to mean that, for a state to be legal actor in the international stage; other actors (such as other states, international intergovernmental and non-governmental organizations… etc.) must recognize it as a state.
- Thus, recognition implies both approaching of the necessary facts and the desire of coming in to effect of the legal and political results of recognition.
- Likewise, for a government of a state to be formally to act on its behalf, the government must be recognized as legitimate government of the state by other governments.

Rival Theories of State

- There are various rival theories of the state, each of which offers a different account of its origins, development and impact on society.
- Indeed, controversy about the nature of state power has increasingly dominated modern political analysis and goes to the heart of ideological and theoretical disagreements in the discipline.
- **Andrew Heywood** (2013) classified the rival theories of state into four: the pluralist state, the capitalist state, the leviathan state and the patriarchal state.

A. The Pluralist State

→ The pluralist theory of the state has a very clear liberal lineage.
→ It stems from the belief that the state acts as an 'umpire' or 'referee' in society.
→ This view has also dominated mainstream political analysis, accounting for a tendency, at least within Anglo-American thought, to discount the state and state organizations and focus instead on 'government'.
→ Indeed, it is not uncommon in this tradition for 'the state' to be dismissed as an abstraction, with institutions such as the courts, the civil service and the military being seen as independent actors in their own right, rather than as elements of a broader state machine.
→ Nevertheless, this approach is possible only because it is based on underlying, and often unacknowledged, assumptions about state neutrality.
→ The state can be ignored only because it is seen as an impartial arbiter or referee that can be bent to the will of the government of the day.
→ The origins of this view of the state can be traced back to the **social-contract theories** of thinkers such as Thomas Hobbes and John Locke.
→ The principal concern of such thinkers was to examine the grounds of political obligation, the grounds on which the individual is obliged to obey and respect the state.
→ They argued that the state had arisen out of a voluntary agreement, or social contract, made by individuals who recognized that only the establishment of a sovereign power could safeguard them from the insecurity, disorder and brutality of the state of nature.
→ Without a state, individuals abuse, exploit and enslave one another; with a state, order and civilized existence are guaranteed and liberty is protected. As **Locke** put it, where there is no law there is no freedom.

→ In **liberal theory**, the state is thus seen as a neutral arbiter amongst the competing groups and individuals in society; it is an 'umpire' or 'referee' that is capable of protecting each citizen from the encroachments of fellow citizens.

→ The neutrality of the state reflects the fact that the state acts in the interests of all citizens, and therefore represents the common good or public interest.

→ In **Hobbes' view**, stability and order could be secured only through the establishment of an absolute and unlimited state, with power that could be neither challenged, nor questioned.

→ In other words, he held that citizens are confronted by a stark choice between absolutism and anarchy.

→ Locke, on the other hand, developed a more typically liberal defense of the limited state.

→ In his view, the **purpose of the state** is very specific: it is restricted to the defense of a set of 'natural' or God-given individual rights; namely, life, liberty and property.

→ This establishes a clear distinction between the responsibilities of the state (essentially, the maintenance of domestic order and the protection of property) and the responsibilities of individual citizens (usually seen as the realm of civil society).

→ Moreover, since the state may threaten natural rights as easily as it may uphold them, citizens must enjoy some form of protection against the state, which Locke believed could be delivered only through the mechanisms of constitutional and representative government.

→ Pluralism asserts that, within liberal democracies, power is widely and evenly dispersed.

→ As a theory of the state, pluralism holds that the state is neutral, insofar as it is susceptible to the influence of various groups and interests, and all social classes.

→ The state is not biased in favor of any particular interest or group, and it does not have an interest of its own that is separate from those of society. As Schwarzmantel (1994) put it, the state is 'the servant of society and not its master'.

→ The state can thus be portrayed as a 'pincushion' that passively absorbs pressures and forces exerted upon it.

Two key assumptions underlie this view.

1. The first is that the state is effectively subordinate to government.
   - Non-elected state bodies (the civil service, the judiciary, the police, the military and so on) are strictly impartial and are subject to the authority of their political masters.
   - The state apparatus is therefore thought to conform to the principles of public service and political accountability.
2. The second assumption is that the democratic process is meaningful and effective.
   - In other words, party competition and interest-group activity ensure that the government of the day remains sensitive and responsive to public opinion.
   - Ultimately, therefore, the state is only a weather vane that is blown in whichever direction the public-at-large dictates.

   - Modern pluralists, however, have often adopted a more critical view of the state, termed the **neo-pluralist theory of the state**.

   - Theorists such as Robert Dahl and Charles Lindblom (1953) have come to accept that modern industrialized states are both more complex and less responsive to popular pressures than classical pluralism suggested.

   - Neo-pluralists, for instance, have acknowledged that business enjoys a 'privileged position' in relation to government that other groups clearly cannot rival.

   - Moreover, neo-pluralists have accepted that the state can, and does, forge its own sectional interests.

   - In this way, a state elite, composed of senior civil servants, judges, police chiefs, military leaders and so on, may be seen to pursue either the bureaucratic interests of their sector of the state, or the interests of client groups.

   - Indeed, if the state is regarded as a political actor in its own right, it can be viewed as a powerful (perhaps the most powerful) interest group in society.

B. The Capitalist State

- The Marxist notion of a capitalist state offers a clear alternative to the pluralist image of the state as a neutral arbiter or umpire.
- **Marxists** have typically argued that the state cannot be understood separately from the economic structure of society.
- This view has usually been understood in terms of the classic formulation that the state is nothing but an instrument of class oppression: the state emerges out of, and in a sense reflects, the class system.
- Nevertheless, a rich debate has taken place within Marxist theory in recent years that has moved the Marxist theory of the state a long way from this classic formulation. In many ways, the scope to revise Marxist attitudes towards the state stems from ambiguities that can be found in Marx's own writings.

- Marx **did not** develop a systematic or coherent theory of the state.
- In a general sense, he believed that the state is part of a 'superstructure' that is determined or conditioned by the economic 'base', which can be seen as the real foundation of social life.
- However, the precise relationship between the base and the superstructure, and in this case that between the state and the capitalist mode of production, is unclear.
- Two theories of the state can be identified in Marx's writings.

1. **The first is expressed** in his often-quoted dictum from The Communist Manifesto (1848): 'The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie'. From this perspective, the state is clearly dependent on society and entirely dependent on its economically dominant class, which in capitalism is the bourgeoisie. Lenin thus described the state starkly as an instrument for the oppression of the exploited class.

2. **A second, more complex** and subtle, theory of the state can nevertheless be found in Marx's analysis of the revolutionary events in France between 1848 and1851, The Eighteenth Brumaire of Louis Bonaparte (1852).

- Both these theories differ markedly from the liberal and, later, pluralist models of state power.
- In particular, they emphasize that the state cannot be understood except in a context of unequal class power, and that the state arises out of, and reflects, capitalist society, by acting either as an instrument of oppression wielded by the dominant class, or, more subtly, as a mechanism through which class antagonisms are ameliorated.
- Nevertheless, Marx's attitude towards the state was not entirely negative.
- He argued that the state could be used constructively during the transition from capitalism to communism in the form of the 'revolutionary dictatorship of the proletariat'.
- The overthrow of capitalism would see the destruction of the bourgeois state and the creation of an alternative, proletarian one.

C. The Leviathan State

- The image of the state as a 'leviathan' (in effect, a self-serving monster intent on expansion and aggrandizement) is one associated in modern politics with the New Right.
- Such a view is rooted in early or classical liberalism and, in particular, a commitment to a radical form of individualism.
- The New Right, or at least its neoliberal wing, is distinguished by a strong antipathy towards state intervention in economic and social life, born out of the belief that the state is parasitic growth that threatens both individual liberty and economic security.
- In this view, the state, instead of being, as pluralists suggest, an impartial umpire or arbiter, is an overbearing 'nanny', desperate to interfere or meddle in every aspect of human existence.

- The **central feature** of this view is that the state pursues interests that are separate from those of society (setting it apart from Marxism), and that those interests demand an unrelenting growth in the role or responsibilities of the state itself.
- New Right thinkers therefore argue that the twentieth century tendency towards state intervention reflected not popular pressure for economic and social security, or the need to stabilize capitalism by ameliorating class tensions but, rather, the internal dynamics of the state.
- New Right theorists explain the expansionist dynamics of state power by reference to both demand-side and supply-side pressures.
- Demand-side pressures are those that emanate from society itself, usually through the mechanism of electoral democracy.
- The New Right argue that electoral competition encourages politicians to 'outbid' one another by making promises of increased spending and more generous government programs, regardless of the long-term damage that such policies inflict on the economy in the form of increased taxes, higher inflation and the 'crowding out' of investment.
- Supply-side pressures, on the other hand, are those that are internal to the state.
- These can therefore be explained in terms of the institutions and personnel of the state apparatus.
- In its most influential form, this argument is known as the government **oversupply thesis.**
- The oversupply thesis has usually been associated with public-choice theorists, who examine how public decisions are made on the assumption that the individuals involved act in a rationally self-interested fashion.
- While Marxists argue that the state reflects broader class and other social interests, the **New Right** portrays the state as an independent or autonomous entity that pursues its own interests.
- In this view, bureaucratic self-interest invariably supports 'big' government and state intervention, because this leads to an enlargement of the bureaucracy itself, which helps to ensure job security, improve pay, open up promotion prospects and enhance the status of public officials.

D. The Patriarchal State

- Modern thinking about the state must, finally, take account of the implications of feminist theory.
- However, this is not to say that there is a systematic feminist theory of the state.
- Feminist theory encompasses a range of traditions and perspectives, and has thus generated a range of very different attitudes towards state power.
- ✈ Moreover, feminists have usually not regarded the nature of state power as a central political issue, preferring instead to concentrate on the deeper structure of male power centered on institutions such as the family and the economic system.
- ✈ Liberal feminists, who believe that sexual or gender equality can be brought about through incremental reform, have tended to accept an essentially pluralist view of the state.
- ✈ They recognize that, if women are denied legal and political equality, and especially the right to vote, the state is biased in favor of men.
- ✈ However, their faith in the state's basic neutrality is reflected in the belief that any such bias can, and will, be overcome by a process of reform.
- ✈ In this sense, liberal feminists believe that all groups (including women) have potentially equal access to state power, and that this can be used impartially to promote justice and the common good.
- ✈ Liberal feminists have therefore usually viewed the state in positive terms, seeing state intervention as a means of redressing gender inequality and enhancing the role of women.
- ✈ Nevertheless, a more critical and negative view of the state has been developed by radical feminists, who argue that state power reflects a deeper structure of oppression in the form of patriarchy.
- ✈ **There are a number of similarities between Marxist and radical feminist views of state power.**
- ✈ Both groups, for example, deny that the state is an autonomous entity bent on the pursuit of its own interests.
- ✈ Instead, the state is understood, and its biases are explained, by reference to a 'deep structure' of power in society at large.

- ✈ Whereas Marxists place the state in an economic context, radical feminists place it in a context of gender inequality, and insist that it is essentially an institution of male power.
- ✈ In common with Marxism, distinctive instrumentalist and structuralist versions of this feminist position have been developed.
- ✈ The instrumentalist argument views the state as little more than an agent or 'tool' used by men to defend their own interests and uphold the structures of patriarchy.
- ✈ This line of argument draws on the core feminist belief that patriarchy is rooted in the division of society into distinct 'public' and 'private' spheres of life, men dominating the former while women are confined to the later. Quite simply, in this view, the state is run by men, and for men.

Note: Whereas instrumentalist arguments focus on the personnel of the state, and particularly the state elite, structuralist arguments tend to emphasize the degree to which state institutions are embedded in a wider patriarchal system.

The Role of the State

- Nevertheless, there is profound disagreement about the exact role the state should play, and therefore about the proper balance between the state and civil society. Among the different state forms that have developed are the following:
  - **A.** Minimal states
  - **B.** Developmental states
  - **C.** Social-democratic states
  - **D.** Collectivized states
  - **E.** Totalitarian states
  - **F.** Religious states

A. Minimal States

- The minimal state is the ideal of classical liberals, whose aim is to ensure that individuals enjoy the widest possible realm of freedom.
- This view is rooted in social-contract theory, but it nevertheless advances an essentially 'negative' view of the state.
- From this perspective, the value of the state is that it has the capacity to constrain human behavior and thus to prevent individuals encroaching on the rights and liberties of others.
- The state is merely a protective body, its core function being to provide a framework of peace and social order within which citizens can conduct their lives as they think best.
- In Locke's famous simile, the state acts as a night watchman, whose services are called upon only when orderly existence is threatened?
- This nevertheless leaves the 'minimal' or 'night watchman' state with three core functions.

1. First and foremost, the state exists to maintain domestic order.
2. Second, it ensures that contracts or voluntary agreements made between private citizens are enforced, and
3. Third it provides protection against external attack. The institutional apparatus of a minimal state is thus limited to a police force, a court system and a military of some kind. Economic, social, cultural, moral and other responsibilities belong to the individual, and are therefore firmly part of civil society.

B. Developmental States

- → The best historical examples of minimal states were those in countries such as the UK and the USA during the period of early industrialization in the nineteenth century.
- → As a general rule, however, the later a country industrializes, the more extensive will be its state's economic role.
- → In Japan and Germany, for instance, the state assumed a more active 'developmental' role from the outset.
- → A developmental state is one that intervenes in economic life with the specific purpose of promoting industrial growth and economic development.
- → This does not amount to an attempt to replace the market with a 'socialist' system of planning and control but, rather, to an attempt to construct a partnership between the state and major economic interests, often underpinned by conservative and nationalist priorities.
- → **The classic example of a developmental state is Japan**. During the Meiji Period (1868–1912), the Japanese state forged a close relationship with the Zaibutsu, the great family-run business empires that dominated the Japanese economy up until World War II.
- → In countries such as Austria and, to some extent, Germany, economic development has been achieved through the construction of a 'partnership state', in which an emphasis is placed on the maintenance of a close relationship between the state and major economic interests, notably big business and organized labor.

C. Social Democratic (Welfare) States

- ❖ Whereas developmental states practice interventionism in order to stimulate economic progress, social-democratic states intervene with a view to bringing about broader social restructuring, usually in accordance with principles such as fairness, equality and social justice.
- ❖ In countries such as Austria and Sweden, state intervention has been guided by both developmental and social democratic priorities.
- ❖ Nevertheless, developmentalism and social democracy do not always go hand-in-hand.
- ❖ As Marquand (1988) pointed out, although the UK state was significantly extended in the period immediately after World War II along social-democratic lines, it failed to evolve into a developmental state.
- ❖ The key to understanding the social-democratic state is that there is a shift from a 'negative' view of the state, which sees it as little more than a necessary evil, to a positive view of the state, in which it is seen as a means of enlarging liberty and promoting justice.
- ❖ The social-democratic state is thus the ideal of both modern liberals and democratic socialists.
- ❖ Rather than merely laying down the conditions of orderly existence, the social-democratic state is an active participant; in particular, helping to rectify the imbalances and injustices of a market economy.
- ❖ It therefore tends to focus less upon the generation of wealth and more upon what is seen as the equitable or just distribution of wealth.
- ❖ In practice, this boils down to an attempt to eradicate poverty and reduce social inequality.
- ❖ The twin features of a social democratic state are therefore **Keynesianism and social welfare.**
- ❖ The aim of Keynesian economic policies is to 'manage' or 'regulate' capitalism with a view to promoting growth and maintaining full employment.
- ❖ Although this may entail an element of planning, the classic Keynesian strategy involves 'demand management' through adjustments in fiscal policy; that is, in the levels of public spending and taxation.
- ❖ The adoption of welfare policies has led to the emergence of so called 'welfare states', whose responsibilities have extended to the promotion of social well-being amongst their citizens.
- ❖ In this sense, the **social-democratic** state is an 'enabling state', dedicated to the principle of individual empowerment.

D. Collectivized States

- – While developmental and social-democratic states intervene in economic life with a view to guiding or supporting a largely private economy, collectivized states bring the entirety of economic life under state control.
- – The best examples of such states were in orthodox communist countries such as the **USSR and throughout Eastern Europe.**

- These sought to abolish private enterprise altogether, and set up centrally planned economies administered by a network of economic ministries and planning committees. **So-called 'command economies'** were therefore established that were organized through a system of 'directive' planning that was ultimately controlled by the highest organs of the communist party.
- The justification for state collectivization stems from a fundamental socialist preference for common ownership over private property.
- However, the use of the state to attain this goal suggests a more positive attitude to state power than that outlined in the classical writings of **Marx and Engels (1820–95).**
- Marx and Engels by no means ruled out nationalization; Engels, in particular, recognized that, during the 'dictatorship of the proletariat', state control would be extended to include factories, the banks, transportation and so on.
- Nevertheless, they envisaged that the proletarian state would be strictly temporary, and that it would 'wither away' as class antagonisms abated.
- In contrast, the collectivized state in the USSR became permanent, and increasingly powerful and bureaucratic.
- Under Stalin, socialism was effectively equated with statism, the advance of socialism being reflected in the widening responsibilities and powers of the state apparatus.
- Indeed, after Khrushchev announced in 1962 that the dictatorship of the proletariat had ended, the state was formally identified with the interests of 'the whole Soviet peoples.

E. Totalitarian States

- The most extreme and extensive form of interventionism is found in totalitarian states.
- The essence of totalitarianism is the construction of an all-embracing state, the influence of which penetrates every aspect of human existence.
- The state brings not only the economy, but also education, culture, religion, family life and so on under direct state control.
- **The best examples of totalitarian states** are Hitler's Germany and Stalin's USSR, although modern regimes such as Saddam Hussein's Iraq arguably have similar characteristics.
- The central pillars of such regimes are a comprehensive process of surveillance and terroristic policing, and a pervasive system of ideological manipulation and control.
- In this sense, totalitarian states effectively extinguish civil society and abolish the private sphere of life altogether.
- This is a goal that only fascists, who wish to dissolve individual identity within the social whole, are prepared openly to endorse.
- It is sometimes argued that Mussolini's notion of a totalitarian state was derived from Hegel's belief in the state as an 'ethical community' reflecting the altruism and mutual sympathy of its members.
- From this perspective, the advance of human civilization can clearly be linked to the aggrandizement of the state and the widening of its responsibilities.

F. Religious States

- On the face of it, a religious state is a contradiction in terms.
- The modern state emerged largely through the triumph of civil authority over religious authority, religion increasingly being confined to the private sphere, through a separation between church and state.
- The advance of state sovereignty thus usually went hand in hand with the forward march of secularization.
- In the USA, the secular nature of the state was enshrined in the First Amendment of the constitution, which guarantees that freedom of worship shall not be abridged, while in France the separation of church and state has been maintained through a strict emphasis on the principle of laïcité.

- In countries such as Norway, Denmark and the UK, 'established' or state religions have developed, although the privileges these religions enjoy stop well short of theocratic rule, and their political influence has generally been restricted by a high level of social secularization.
- Although, strictly speaking, religious states are founded on the basis of religious principles, and, in the Iranian model, contain explicitly theocratic features, in other cases religiously-orientated governments operate in a context of constitutional secularism.

Understanding Government

- In its broadest sense, to govern means to rule or control others.
- Government can therefore be taken to include any mechanism through which ordered rule is maintained, its central features being the ability to make collective decisions and the capacity to enforce them.
- A form of government can thus be identified in almost all social institutions like families, school, businesses, trade unions and so on.
- However, government in our context, is to refer to the formal and institutional processes that operate at the national level to maintain public order and facilitate collective action.
- It is a body or organ that administers a country and main organization dealing with affairs of the whole country.
- Thus, government is one of the most essential components and also an administrative wing of the state.
- In other words, government can also refer to political organization comprising individuals and institutions authorized to formulate public policies and conduct affairs of state.
- Governments are empowered to establish and regulate the interrelationships of the people within their territorial confines, the relations of the people with community as a whole, and the dealings of the community with other political entities.
- Thus, government applies both to the governments of national states, for instance the federal government of Ethiopia and to the governments of subdivisions of national states such as the regional states, provinces, and municipal governments, etc. of Ethiopia.
- Any form of government, to be stable and effective, must possess two essential attributes: **authority and legitimacy.**

A. Authority

- In politics, the word authority implies the ability to compel obedience.
- It can simply be defined as 'legitimate power.'
- While power is the ability to influence the behavior of others, authority is the right to do so.
- Authority is therefore, based on an acknowledged duty to obey rather than on any form of coercion or manipulation.
- Thus, authority is the legitimacy, justification and right to exercise that power.
- Authority can be expressed as naked force and terror as was the case in many undemocratic governments or through a series of more or less transparent public hearings as in the case of most democratic states.

B. Legitimacy

- The term legitimacy (from the Latin word legitimare, meaning 'to declare lawful') broadly means rightfulness.
- Thus, legitimacy is the attribute of government that prompts the governed to comply willingly with its authority.
- It confers on an order or commands an authoritative or binding character, thus transforming power in to authority.
- Thus, legitimacy is the popular acceptance of a governing regime or law as an authority.

- Legitimacy is considered as a basic condition to rule; without at least a minimal amount of legitimacy, a government will deadlock or collapse.
- Thus, as long as legitimacy stays at a certain level, stability is maintained, if it falls below this level it is endangered.
- For instance, most of the times regimes are seen as requiring the consent of a large proportion of the population to retain power, but this is not necessarily be the case, since many unpopular regimes have been known to survive provided they are seen as legitimate within a small but influential elite.
- Therefore, legitimacy is gained through the acquisition of power in accordance with recognized or accepted standards or principles.
- That is to say that a legitimate government will 'do the right thing' and therefore deserves to be respected and obeyed.
- The concept legitimacy differs from legality in the sense that the term legality does not necessarily guarantee that a government is respected or that its citizens acknowledge a duty of obedience.

Purposes and Functions of Government

- The main purpose of the state is to protect rights and to preserve justice.
- There are several ways to conceive the differences between the different political views.
- A lot of institutions can be said to exist only because the government provides the framework for their existence; for instance, Marxist argue that the institution of private property only exists due to government.
- Mostly, the constitutions of various countries codify views to the purposes, powers, and forms of their governments, but they tend to do so in rather vague terms, which particular laws, courts, and actions of politicians subsequently flesh out.
- In general, various countries have translated vague talk about the purposes of their governments in to particular state laws, bureaucracies, enforcement actions, etc.
- the major purposes and functions of government include, among other things, the following:

1. Self-Preservation

- Nearly all governments at least claim to have as their purposes the establishment of an order that permits predictability, which in turn promotes a sense of security among the governed.
- This may be true whether a government is authoritarian or democratic.
- Sovereign states also take as a primary purpose the defense of the country's territory against external attack.
- Thus, as their first and primary purpose and function, governments are responsible to prevail order, predictability, internal security, and external defense.

2. Distribution and Regulation of Resources

- All governments invariably play the role of distributing resources in their societies.
- In addition, governments are the only institutions that determine whether resources are going to be controlled by the public or private sector.
- Some governments may decide that the resources should be controlled by the public, which commonly known as socialist states and others may decide to be controlled by the private sector, which are capitalist states.
- In addition, other states may place in between, that is the resources could be controlled by both the public and private sector.

3. **Management of Conflicts**

- Governments usually develop and consolidate institutions and procedures for the management of conflicts.
- These may include the legislative, executive, and judicial institutions with established procedures for the supervision and resolution of conflicts that may arise in the society.

4. **Fulfillment of Social or Group Aspirations:**
   - In addition to the aforementioned purposes and functions, governments also strive to fulfill the goals and interests of the society as a whole and of various groups within the society.
   - These aspirations may include the promotion of human rights, common good, and international peace.

5. **Protection of Rights of Citizens**
   - Some governments, especially those of constitutional and democratic governments, are established for the protection of every citizen's human, democratic, political, social, economic and cultural rights. Constitutional and democratic governments are created to serve and protect every citizen's rights, not to dominate them.

6. **Protection of Property**
   - States or governments provide means such as police and the court systems that protect private and public property.
   - As such, protection of private and public property is, therefore, one among the major purposes and functions of any government.

7. **Implementations of Moral Conditions**
   - Some governments' attempts to improve the moral conditions of their citizens that is why, in all countries, laws and institutions are designed to shape citizens character in accordance with some standard of morality.

8. **Provision of Goods and Services**
   - Some governments, especially those of the poor countries, participate heavily in the provision of goods and services for the public.
   - Some of the necessary common goods and services provided by governments may include, provision of healthcare, education, development of public works, provision of food, shelter, clothing for the public, Developing social services, etc.

4.7. Understanding Citizenship
Defining Citizenship

- In simplest terms, citizen refers to the person who is a legal member of a particular State and one who owes allegiance to that State.
- To describe it in a different mood, citizen is a person who is legally recognized as member of a particular, officially sovereign political community, entitled to whatever prerogatives and encumbered with responsibilities.
- The means by which we determine whether a person is legal member of a particular State or otherwise is called **'citizenship'.**
- At the formal level, citizenship simply denotes to the network of relationships between the State and the citizen.

- As such, citizenship refers to the rules regulating the legal/formal relations between the State and the individual with respect to the acquisition and loss of a given country's nationality.

- However, from political and social perspectives and at a substantive level, citizenship is beyond a legal status.
- Though many agree that citizenship is a political and legal artefact that creates a condition of civic equality among those who possess it with regard to the prerogatives and responsibilities it bestows and requires, the term citizenship has been defined differently by scholars and practitioners.
- For this reason, citizenship is a polysemy term which has had different meanings depending on the **historical legacies, political organization of the state, ideologies and socio-cultural context of societies.**

- Several countries refer to the term citizenship in their national language as expressing merely the judicial relationship between the citizen and the State while others denote it with the social roles of citizens in their society.
- Generally, the concept of citizenship varies from society to society, depending on the place, the historical moment and political organization.
- Although differences may exist, there are common elements such as rights, duties, belonging, identity and participation one can find in definitions of the term.

1. Citizenship as a Status of Rights:

- The mere fact of being a citizen makes the person a creditor of a series of rights. In this sense, current political discourse often tends to identify citizenship with rights.
- Marshall 1998, distinguishes three types of rights that historically have been established in succession: the civil, or the rights necessary for the development of individual liberty; political, i.e. the right to participate in the exercise of political power, as an elected member or as a voter and social rights, which are those that guarantee the right to public safety, health, the right to education, etc., that is the right to a decent life (these rights are discussed in detail in Chapter four of this module).
- It is precisely these rights that give us the status of citizens, to enjoy these means to be a full member of a democratic society.
- Each right is often pursued in specific institutional forums: legal/civil rights are mainly exercised in the courts; political rights are used in voting booths, legislatures and street protests; social rights are often activated or disputed in government buildings.
- Hohfeld (1978), for instance, discovered four components of rights known as 'the Hohfeldian incidents' namely, liberty (privilege), claim, power and immunity.

A. Liberty Right: is a freedom given for the right-holder to do something and there are no obligations on other parties to do or not to do anything to aid the bearer to enjoy such rights.

- The beholder got benefits from liberty rights without obliging others.
- Furthermore, no one including the State has any legitimate authority to interfere with the citizen's freedom except to prevent harm to others.
- For instance, every citizen has the right to movement. His/her right to movement goes to the level where another's claim right limits his/her freedom.

B. Claim Rights

- Are the inverse of liberty rights since it entails responsibility upon another person or body.
- The duty bearer has to accomplish something that is indispensable for right holders to enjoy the claim rights.

- That is, there must be somebody who is there to do or refrain from doing something to/for the claim holder, i.e., claim rights are rights enjoyed by individuals when others discharge their obligations.
- Hence, in contrast to liberty rights, claim rights impose a corresponding duty on others to help respect and protect the bearers.
- For instance, social rights such as unemployment and public service benefits are claims that directly depend on taxes paid by others.
- To mention, a contract between employer and employee confers on the employee a right to be paid his/her wages.
- The employee has a claim that the employer has a duty to the employee to pay those wages. Article 41(3 and 4) of the FDRE constitution underlines the responsibility of the government to avail publicly funded social services such as health and education since all Ethiopian citizens have the rights to enjoy such basic privileges, claim rights.
- Liberty and claim rights termed as primary rules, rules requiring that people perform or refrain from doing particular action.
- There are two other rights termed as secondary rules, according to Hohfeldian incidents.
- These secondary rules specify how agents/beholders can introduce, change and alter the primary rules (liberty and claim rights).

C. Powers Rights:

- Are rights regarding the modification of first-order rights.
- They are cooperative controls that are imposed on others.
- The holder of a power, be it a government or a citizen, can change or cancel other people and his/her own entitlements.
- For example, Article 40(1) of the FDRE constitution asserts that Ethiopian citizens have the rights to the ownership of private property and to modify, sale, donate or transfer their property to a third party.
- As it is stated in Article 33(3) the FDRE constitution, every Ethiopian citizen has the right to renounce his/her Ethiopian citizenship/nationality which shows the power rights of the citizens.
- Similarly, a government has also the power to modify legal rights through imposing to or removing duties from citizens.

D. Immunity Rights

- Allow bearers escape from controls and thus they are the opposite of power rights.
- Immunity rights entail the absence of a power in other party to alter the right-holder's normative situation in some way.
- For instance, civil servants have a right not to be dismissed from their job after a new government comes to power.
- Witness in the court has a right not to be ordered to incriminate himself/herself.
- Additionally, as it is affirmed in Article 18(3) of the FDRE constitution, "no one shall be required to perform forced or compulsory labour".
- Immunities also comprise compensation for rights violations that occurred in the past and at least partially make up for past injustices or uneven burdens.

2. **Membership and Identity**

- Citizenship is associated with membership of a political community, which implies integration into that community with a specific identity that is common to all members who belongs to it.
- The criteria for membership have been linked to shared territory, common culture, ethnic characteristics, history, etc.
- However, nowadays, we often use citizenship to signify not just membership in some group but certain standards of proper conduct.

- Some people – those who contribute to the well-being of their community are understood to be the 'true' citizens.
- Those who free-ride are mere members who do not seem to understand, embrace, or embody what citizenship really means.
- When communities, public or private, bestow citizenship awards to some of their members, it is this usage they invoke.
- It obviously implies that only 'good' citizens are genuine citizens in the full meaning of the term.

3. **Participation**
   - Participation occupies a key position in citizenship.
   - Nonetheless, individuals differ in what approaches they find important – some people focus on their private affairs while others actively participate in the life of the society, including politics.
   - There are **two** approaches in this regard; **minimalists and maximalists**.

   - **A minimalist approach** to citizenship characterized by a kind of basic passive compliance with the rules of a particular community/State, while the maximalist approach imply active, broad participation of citizens engagement in the State.

4. **Inclusion and Exclusion**
   - → All individuals living in a particular state do not necessary mean that all are citizens.
   - → For instance, there are non-citizens visiting, working and living in Ethiopia branded as foreigners/aliens.
   - → Foreigners have the likelihood of staying in the territorial administration of Ethiopia as far as they have authorized visas.
   - → The aliens, therefore, have rights just like the Ethiopian citizens such as the right to life, movement, and protection of the law.
   - → Additionally, there are also responsibilities shared by both the non-citizens and citizens domiciled in Ethiopia particularly in respecting the laws of the country.
   - → However, citizens are fundamentally different from aliens in enjoying privileges and shouldering responsibilities.
   - → There are some political and economic rights that are reserved to and duties to be discharged by citizens only.
   - → For instance, an Ethiopian citizen has the right to get access to land, vote and to be elected and get Ethiopian passport.
   - → Likewise, defending the constitution as well as Ethiopia territory from foreign aggressors are solely the duty of Ethiopian citizens.

   - → Generally, citizenship as legal relationship between a person and a State is different from the specific legal relation exist between foreigners and the host State.
   - → Citizenship status, however, is not only restricted to persons.
   - → Organizations and [endemic] animals could also be considered as citizens.
   - → The term "corporate citizenship" (CC) has been used increasingly by corporations, consultants and scholars to echo, underscore, extend, or reorient certain aspects of corporate social responsibility.

   - → This is important, for it offers innovative conceptual aspect for understanding business-society relation, and in particular for identifying specific roles and responsibilities for corporate, governmental, and other actors in society.
   - → Just like citizens, corporations and private organizations do have the right to make profits and maximize their benefits.

4.7.2. Theorizing Citizenship

- Citizenship is not an eternal essence rather a cultural artifact mold by people through time and that is why the notion of citizenship and the meaning attached to it changes with the change in political thoughts, ideologies, policies and government.
- While some States relies on markets to allocate citizenship rights with very restricted government/State intervention, other States acknowledge government intervention in the market.
- Though there are different approaches to citizenship, most contemporary works that address the issue of citizenship speak of the following four approaches: liberal, communitarian, republican and multicultural citizenship.

4.7.2.1. Citizenship in Liberal Thought

- Liberal theory of citizenship begins with the individual person (the self).
- The self exists as the true symbol of liberal theory.
- Accordingly, it gives a strong emphasis to the individual liberty of the citizen, and rights that adhere to each and every person.
- The self is represented as a calculating holder of preferences and rights in a liberal society.
- Hence, in liberalism the primary political unit as well as the initial focus of all fundamental political inquiry is the individual person.
- **Liberals insist that** individuals should be free to decide on their own conception of the good life, and applaud the liberation of individuals from any ascribed or inherited status.
- Advocators of this though argue that individual citizens act rationally, corresponding to the constitutions and laws of the State, to advance their own interests.

- **Locke argued that** natural law and the reason to apprehend compel individuals to consider their own and others interests, to enter into civil and political society, act in the community and thus to value social cooperation and self-restraint.

- Thus, the individual is morally prior to the community: the community matters only because it contributes to the well-being of the individuals who compose it.

- **Liberalists claims that** the individual person shapes all other social aggregations, including the state.

- John Stuart Mill, for instance, regarded individuality and self-interest as the source of social, not just personal, progress and well-being.

→ There are **three** fundamental principles which a liberal government must provide and protect:
1. Equality, whereby the government has to treat individuals who are similarly situated in the same way and afford them the same rights;
2. Due process, such that the government is required to treat individuals over whom it exercises power fairly; and
3. Mutual consent by which membership in the political community rests on the consensual relationship between the individual and the state.

- ***Generally, the bedrock principles of liberal theory of citizenship are:*** individuals are free to form their own opinions, pursue their own projects, and transact their own business untrammeled by the State's political agenda and coercive power, except in so far as individual actions implicate the interests of other members of society.
- Liberal citizens are thus left to their own devices without much guidance from the state.
- They must decide for themselves how to use their constitutionally secured freedoms

Critics of Liberal Theory of Citizenship

1. **First**, how can individuals be/are prevented from destroying each other and from destroying the basis of their mutually beneficial interaction?
   - The most common problems related with advocating individualism are free-raiders problem and the tragedy of the commons.
2. **Second,** liberalists affirmatively valorize the privatization of personality, commitment, and activity.
   - Hence, the problem has to do with is the ways in which individuals and their ideas are framed.
   - The preferences and insights of autonomous individuals might originate from impure process, the information they were provided might be biased or meaningless, or their preferences might have arisen from a fit of anger.

3. **Third,** as we have seen in the above, individuals have absolute freedom either to actively engage in politics or ignore at all.
   - Deducing from this, the citizens do not only have the right to participate in the political affairs of their country but also the right not to engage in it and then retreat into their private pursuits if they wish.
   - Needless to say, liberal thought facilitate the pursuit of wealth and the indulgence of material pleasures and thus, as a matter of fact and preference, liberal societies tend to be less egalitarian.

4. **Fourth**, liberalists justify that inequalities arise out of differences in individual talents, values, and choices – differences, moreover, that the State cannot seek to efface without endangering citizens' liberties.

- Perhaps the most daunting challenge to liberalism, then, is to reduce inequalities to socially acceptable and politically sustainable from the views of the disadvantageous groups, while at the same time vindicating the liberal commitment to the protection of individual liberties.
- For several reasons, however, liberalism may actually increase economic and other kinds of inequalities rather than reduce them.

5. **Finally,** liberalism posits a State that maintains substantial normative neutrality.

   - In this conception, the liberal State should neither choose among competing visions of the good society nor place its thumb on the scales in other ways, such as redistributive policies, that favor particular visions.
   - It should instead play a far more modest, supplementing role, facilitating individuals' pursuit of their own projects or visions.

   - The issues of how liberal State's role remains modest become a matter of great controversy and of course history has proved impossibility of the State to maintain neutral.

   - Hence scholars in the field devise alternative thoughts to citizenship like republican, communitarian and multicultural approaches to citizenship.

4.7.2.2. Citizenship in Communitarian Thought

- The debate on citizenship as the expression of community revived with the emergence of communitarianism since the 1980s.
- Charles Taylor, Michael Sandel, Michael Walzer and Alisdair MacIntyre are some among the proponents of communitarianism.
- Mainly, Taylor's Sources of the Self (1989) Walzer's Spheres of Justice (1983), Sandel's Liberalism and the Limits of Justice (1982) and MacIntyre's After Virtue (1981) established the foundations of communitarianism.
- Communitarianism is as an approach emphasizes on the importance of society in articulating the good.

→ The communitarian (**also known as the nationalist**) model argue that the identity of citizens cannot be understood outside the territory in which they live, their culture and traditions, arguing that the basis of its rules and procedures and legal policy is the shared common good.

→ The political subject, above all, belongs to a community, a community to which he/she owes allegiance and commitment.
→ Thus, rather than viewing group practices as the product of individual choices, communitarians view individuals as the product of social practices.
→ Moreover, communitarians often deny that the interests of communities can be reduced to the interests of their individual members.

→ Privileging individual autonomy is seen as destructive of communities.
→ A healthy community maintains a balance between individual choice and protection of the communal way of life and seeks to limit the extent to which the former can erode the latter.
→ As a result, the good of the community is much above individual rights and citizenship comes from the community identity, enabling people to participate.

→ The State must provide a policy for the common good, according to the way of life of the community.
→ Communitarians examine the ways shared conceptions of the good are formed, transmitted, justified and enforced.
→ For liberalists, citizenship rests on the individual and it is the individual that determines its aspects, but for Communitarians citizenship is rooted and lies with the people who surround the individual.
→ **Communitarianism claims that** an individual's sense of identity is produced only through relations with others in the community that nourish him/her.
→ An individual person cannot escape from the control of his/her culture and thus the self/individuality is culturally constructed, socially-embedded.
→ Describing in another mood, whatever individuality the citizen has is derived from and circumscribed by the community.
→ According to this thought, individual interests, identity, freedom and equality can only be meaningfully practiced and realized through the prioritization of the common good, and once the members of the polity share common virtues and goals.

→ All in all, the two defining features of communitarian perspective are:
1. **First,** no individual is entirely self-created; instead the citizen and his/her identity is deeply constructed by the society where he/she is a member.
2. **Second**, as a consequence of assimilation, a meaningful bond is said to occur between the individual person and his/her community. Insofar as an individual understands that what is good for the community is good for him as well, he will also understand that if he does not participate in the community, the common good will be diminished.

– Communitarian citizenship thought has been criticized for various reasons.

1. **Communitarianism** is hostile towards individual rights and autonomy – even that it is authoritarian since it melts the self into the society. A community push people to sacrifice large parts of their individual differences in order to follow shared values.
2. Other critics argue that communities are dominated by power elites or that one group within a community will force others to abide by its values.

– Communitarian theorists tend to emphasize the communal construction of social individuals and social formations, and of values and practices.

4.7.2.3. Citizenship in Republican Thought

- Republican citizenship theory put emphasis on both individual and group rights.
- **Like communitarian thought**, it emphasizes on what bind citizens together in to a particular community.
- Citizenship should be understood as a common civic identity, shaped by a common public culture.
- It requires citizens to bring together the facets of their individual lives as best they can and helps them to find unity in the midst of diversity.

- **However, republicans don't pressurize** individuals to surrender their particular identities like the communitarian thought.
- Instead, it is underpinned by a concern with individual obligation to participate in communal affairs.
- It encourages people to look for the common ground on which they stand, despite their differences, as citizens.

- **Just like liberal citizenship** though, republican school advocate self-government. Yet, republican thought do not agree with the case that all forms of restraints deprive people's freedom.
- Liberalism, as we have already discussed, advocates absolute freedom of individuals and gives insignificant consideration towards nurturing the public virtues that lead people to do their duties as citizens.
- In contrast to liberalism, individuals must overcome their personal inclinations and set aside their private interests when necessary to do what is best for the public.
- Republicans, thus, acknowledge the value of public life. To them, public life draws people out, and it draws them together.
- In view of that, there are two essential elements of the republican citizenship**: publicity and self-government.**

Publicity basically refers to the condition of being open and public.

- The public is not a mere collection of people but a sphere of life where people joined by common concerns that takes them beyond their private lives.
- Besides, public affairs such as politics, as the common concern of the public, must be conducted openly in the public for reasons of convenience.
- In this case, the rule of law and civic virtue are central elements.
- Politics requires public debate and decisions, which in turn require regular, established procedures – the rule of law is the standard formula for the republicans.
- The citizens and governments in a republican State shall not act arbitrary, impulsively, or recklessly but according to the laws of the State.

- Republican citizenship has been criticized by scholars who advocate multicultural and other approaches of citizenship.

1. The first is that the republican conception of citizenship is no longer realistic.

- Republican citizenship is an irredeemably nostalgic ideal in this age of globalization.
- To be a citizen, in the republican view, is to be a partner in a common enterprise, and people will be likely to put the common interest ahead of their own – to act as true citizens – only when they feel themselves to be part of such an enterprise.
- The Internet and satellite television are unlikely to inspire this sense of community on a global basis.

2. The second is that the conception poses a threat to an open, egalitarian, and pluralistic society.

- This second criticism is put forcefully by Young (1990: 117), who detects a denial of 'difference' in republican attempts because in practice republican politicians enforced homogeneity by excluding from citizenship all those defined as different.

3. The third point concerns the claim that citizenship involves a false ideal of impartiality.

- Here, the republican response is to deny that the ideal is false.
- We should indeed strive to think and act, when establishing laws and policies, as members of the public rather than self-interested individuals.

- But this does not mean that we cannot take account of the particular needs and interests of the people – even people who 'stand in different social locations' – who compose the polity.

4.7.2.4. Multicultural Citizenship

- The increasing diversity in States challenges particularly the liberal conceptions of citizenship.
- The liberal view the rights of the individual as paramount and group identities and rights as inconsistent with and inimical to the rights of the individual.
- A number of factors have caused scholars to raise inquires about the liberal analysis and expectations for identity groups in democratic States.
- These factors include the rise of the ethnic revitalization movements demanding recognition of group rights as well as individual rights; the structural exclusion of racial, gender, ethnic, and language groups; and increasing immigration throughout the world that made States multinational and polytechnic.

Four principles of multicultural citizenship

1. Taking equality of citizenship rights as a starting point. It is essential to ensure that all members of society are formally included as citizens, and enjoy equal rights and equality before the law. Just like the liberal perspective, multicultural citizenship concerns with the universal rights of members.

2. Recognizing that Formal equality of rights does not necessarily lead to equality of respect, resources, opportunities or welfare.

- Formal equality can mask and legitimize disadvantage and discrimination. It is necessary to consciously recognize group difference and to understand its causes.
- While liberal theorists believe that the universal rights accorded through citizenship safeguard the cultural membership of individuals, theorists within multicultural school of thought envisage the need for additional rights for vulnerable minority groups, in order for such groups to sustain themselves amidst the dominant culture(s).

3. Establishing mechanisms for group representation and participation. Despite formal equality, disadvantaged groups are often excluded from decision-making processes. It is necessary to make arrangements to ensure the participation of people directly affected, wherever important decisions are made.

4. Differential treatment for people with different characteristics, needs and wants.
   - Liberalists' universal conception of citizenship within a stratified society results in the treatment of some groups as second-class citizens because group rights are not recognized and the principle of equal treatment is strictly applied.
   - Treating people equally, despite the fact that past actions have made them unequal, can perpetuate inequality. Government should take measures to combat barriers based on gender, sexual preference, age, disability, location, Aboriginality, ethnicity, religion, area of origin and culture (Castles, 1999: iii).
   - In this view, multicultural citizenship allows for marginalized voices to be heard.

   - Critics of differentiated citizenship worry that if groups are encouraged by the very terms of citizenship to turn inward and focus on their 'difference' (whether racial, ethnic, religious, sexual, and so on), then the hope of a larger fraternity of all Americans will have to be abandoned. Citizenship will cease to be a device to cultivate a sense of community and a common sense of purpose. Nothing will bind the various groups in society together and prevent the spread of mutual mistrust or conflict.

   - Critics also worry that differentiated citizenship would create a "politics of grievance."

4.7.3. Modes/Ways of Acquiring and Loosing Citizenship

- Citizenship right was one of the rights guaranteed to individuals by the Universal Declaration of Human Rights adopted in 1948.
- According to Article 15 of the declaration, "everyone has a right to a nationality" and that "no one shall be arbitrarily deprived of his nationality." .

4.7.3.1. Ways of Acquiring Citizenship

- Since the grant of citizenship remains within the discretion of the state concerned, the means of acquiring a particular State's citizenship vary from country to country.
- However, the common ways of acquiring citizenship can be grouped in to two: **citizenship by birth and citizenship through naturalization/law.**

1. Citizenship from birth/of Origin

- Individuals can get citizenship status of a particular State either because he/she is born in the territorial administration of that or his/her mother and/or father are citizens of the State in question.
- That is, there are two principles of citizenship from birth commonly known as **Jus Soli (law/right of the soil) and Jus Sanguinis (law/right of blood).**
- Whereas **Jus Soli** is a principle whereby an individual is permitted to obtain citizenship status of a particular State because he/she was born in the territorial administration of that country, **Jus Sanguinis** is a norm where citizenship acquired claiming one's parents citizenship status.
- However, jus soli could not apply to children born from diplomats and refugees live in a host State.
- Children born from diplomats in a host State where jus soli is allowed do not have the right to claim citizenship status of the host country because of two special principles (international diplomatic immunities): **extraterritoriality and inviolability principles**.

2. Citizenship by Naturalization/Law

- Is the legal process by which foreigners become citizens of another country.
- The common sub-principles of acquiring citizenship through naturalization are the following.
- Political case **(secession, merger and subjugation), grant on application, marriage, legitimatization/adoption, and reintegration/restoration.**
- Citizenship by political case is a process by which an individual person acquires citizenship of a certain State following the conquest or cession of a territory.
- In case a particular territory is merged to or subjugated by another country, people domiciled in that territory would acquire a new citizenship.
- Besides, in cases of secession option may be given to individuals to choose either country's citizenship.
- Let us now discuss the remaining ways of acquiring citizenship vis-à-vis to Ethiopia.

4.7.3.2. The Modes of Acquiring Ethiopian Citizenship

- Before the 1930, there wasn't officially inscribed legal document that deals with citizenship.
- But in 1930 Ethiopia adopted a legal document named as "Ethiopian Nationality Law".
- Recently, this nationality law has replaced by another legal document called "Ethiopian Nationality Proclamation NO. 378/2003" which was adopted in 2003 by the House of People's Representatives.
- This proclamation is enacted in accordance to article 6 and 33 of the 1995 FDRE constitution and affirmed that a person can acquire Ethiopian citizenship either by birth or naturalization.

Modes of acquiring Ethiopian citizenship included in the 2003 nationality proclamation.

1. **Acquisition by Descent:**
   - → The 1930 Ethiopian nationality law asserted that "any person born in Ethiopia or abroad, whose father or mother is Ethiopian, is an Ethiopian subject."
   - → In its Article 6(1), the 1995 FDRE constitution stated that "any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian."
   - → In line with this, Article 3 of the 2003 nationality proclamation ascribed two principles under the acquisition of Ethiopian citizenship by decent.

     A. One, "Any person shall be an Ethiopian national by descent where both or either of his/her parent is Ethiopian;"
     B. Second, "An infant who is found abandoned in Ethiopia shall, unless proved to have a foreign nationality, be deemed to have been born to an Ethiopian parent and shall acquire Ethiopian nationality."
   - ➢ According to the proclamation, any person can't acquire Ethiopian citizenship through the principle of **Jus Soli (law of soil).**
   - ➢ It means that children born in the territorial administration of Ethiopian do not have the right to acquire Ethiopian citizenship.
   - ➢ Birthplace of a child is not a requirement to acquire Ethiopian nationality.
   - ➢ Wherever a child was born, he/she has the right to attain Ethiopian citizenship if, and only if, he/she is born from an Ethiopian father or mother or both Ethiopian parents.

2. Acquisition by Law (Naturalization)

- Article 6(2) of the 1995 FDRE constitution also avers that aliens can get Ethiopian citizenship.
- Under naturalization, there are various ways of acquiring Ethiopian citizenship in accordance with of the amended Ethiopian nationality proclamation of 2003 recognized by the provisions of Articles 5 to 12 of the 2003 nationality proclamation. These are:

A. Grant on Application (registration)

- Happens when an alien requests a host state to be granted citizenship status of the country in question.
- However, host countries, including Ethiopia, do not simply grant citizenship status to those who apply unless they fulfill certain requirements.
- The **common ones are** applicant's age, length of residence in the host country, criminal conviction, income and moral character.
- But the criteria vary from country to country. For instance, according to Article 5 of the 2003 Ethiopian nationality proclamation, an applicant shall get Ethiopian nationality if, and only if, he/she

1) reach the age of majority, 18 years;
2) lived in Ethiopia for a total of at least four years;
3) has sufficient and lawful source of income (economically self-reliant);
4) is able to communicate in any of the indigenous languages spoken in Ethiopia;
5) has a good character;
6) has not recorded criminal conviction;
7) has been released from his/her previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he/she is a stateless person; and
8) Takes the oath of allegiance indicated in Article 12 of the proclamation: "I-----, solemnly affirm that I will be a loyal national of the federal democratic republic of Ethiopia and be faithful to its constitution".

B. Cases of Marriage

- An alien who is married to an Ethiopian citizen have the possibility of acquiring Ethiopian citizenship.
- Yet, there are certain preconditions set in Article 6 of the proclamation in which the marriage and the alien married to an Ethiopian citizen must fulfill just to allow the foreigner acquire Ethiopian nationality by law.

1. One, the marriage shall be thru in accordance with the laws of Ethiopia or the State where the marriage is contracted;
2. second, the marriage shall lapse at least for two years;
3. Third, the alien married to an Ethiopian citizen have to live in Ethiopian for at least one year preceding the submission of the application; and
4. Fourth, the alien have to reach the age of majority, be a morally good person, and lastly take the oath of allegiance stated under Article 12 of the proclamation.

C. Cases of Adoption (Legitimating)

- This process whereby an illegitimate child get citizenship status of his/her caretaker's nationality.
- In this case, Article 7 of the nationality proclamation asserts that a child adopted by and grown under the caretaker of Ethiopian citizen has the right to acquire Ethiopian citizenship.
- But, the child could get Ethiopian citizenship if the adopted child has not attained the age of majority; lives in Ethiopia together with his/her adopting parent; and has been released from his/her previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he/she is a stateless person.
- However, where one of his/her adopting parents is a foreigner, in writing, such a parent has to express his/her agreement that his/her adopted child gain Ethiopian nationality.

D. Citizenship by Special Cases:

- As it is labeled in Article 8, an alien who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian nationality by law without undergoing the pre-conditions stated in Article 5 (sub-articles 2 and 3) of the 2003 Ethiopian nationality proclamation.
- That is, he/she is not required to live in Ethiopia for a total of four years and may lack the ability to communicate in any of the languages spoken in Ethiopia.

E. Re-Admission to Ethiopian Nationality (Reintegration/Restoration):

- This is a process by which a person acquires his/her lost citizenship.
- The 2003 Ethiopian nationality proclamation acknowledges this principle in its Article 22.
- That is, a person who has lost Ethiopian citizenship status may get back Ethiopian nationality.
- However, there are requirements in which the person is expected to fulfill.
- In this case, the person could be readmitted to Ethiopian nationality if he/she applies to the Security, Immigration and Refugee Affairs Authority for re-admission.
- In addition, he/she has to return and domiciled in Ethiopia and renounces his foreign nationality to get back Ethiopian nationality.

Examining and Deciding upon an Application to acquire Ethiopian Citizenship

- An application to obtain Ethiopian nationality by law shall be accompanied with relevant documents and shall be submitted to the Security, Immigration and Refugee Affairs Authority (Article 10 of the proclamation).
- Then, the application shall be examined by the Nationality Affairs Committee (Article 11 and 23 of the proclamation), a committee comprises five members, namely;
  1) A representative of the Security, Immigration and Refugee Affairs Authority (chairperson);
  2) A representative of the Ministry of Foreign Affairs (member);
  3) A representative of the Ministry of Justice (member);
  4) A representative of the Federal Police Commission (member);
  5) A representative of the Authority (member and secretary).
- The Committee has to submit its recommendation to the Security, Immigration and Refugee Affairs Authority.
- If the committee's recommendation got approval of the Authority, the applicant shall take the oath of allegiance.
- Lastly, the applicant confers with a certificate of naturalization and become legally an Ethiopian national

4.7.3.3. Dual Citizenship

- Dual citizenship is the condition of being a citizen of two nations. Of course, a person may acquire more than two States which is called **multiple citizenship.**
- Duality/multiplicity arises because of the clash among the Jus Soli, Jus Sanguini and naturalization.
- For example, a baby born to a French family visiting the United States would acquire U.S. citizenship by **Jus Soli** and French citizenship by **Jus Sanguinis**.

- A child born from a mother and father of two different countries could acquire dual citizenship through decent.
- Besides, on the one hand, a State may allow its naturalized citizens to keep their original citizenship, an on the other, a State may refuse its citizen to revoke his/her citizenship for various reasons which are cause for dual/multiple citizenship.
- People who declared that they no longer were citizens of such a country and became naturalized in another still would be claimed as citizens by the original nation.

- Ethiopia prohibits its citizens to have dual citizenship.
- Article 20(1) of the 2003 nationality proclamation assert that "any Ethiopian who voluntarily acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality."

- However, a person who retains another country's citizenship or voluntary renounces his Ethiopian nationality may not be allowed to release his/her Ethiopian citizenship if he/she hasn't discharged his/her outstanding national obligations and/or has been acquitted or served the penalty for the crime he/she accused of or convicted (see Article 19(4) of the 2003 Ethiopian nationality proclamation).
- Therefore, under this condition which is called **indelible allegiance**, the person would remain dual/multiple citizen, an Ethiopian and the country he/she acquires citizenship through law (see also Article 20(4) of the 2003 nationality proclamation).

4.7.4. Ways of Loosing Citizenship

- Citizenship can be lost when a State provides for lapse or withdrawal of citizenship under certain conditions, or when a citizen voluntary renounces it.
- The primary rational for loss of citizenship is the absence of a genuine link with the state.
- Many citizenship laws also provide for loss if there has been fraud in the course of acquiring citizenship.
- Some States have provisions for depriving people of citizenship in cases where their behavior is considered to demonstrate disloyalty towards the state.
- One can imagine a number of reasons why a nation might want to terminate citizenship of individuals.
- Aleinik off put denationalization grounds into three categories: **allegiance, punishment, and public order.**

1. One may lose a country's citizenship when he/she demonstrates a lack of allegiance which could be explained through what we called **active disloyalty** (for example, treason) or simply no loyalty at all (apathy or unconcern about the fate of the nation).
    - Citizenship is related with enjoying rights in one nation. However, a country may seek to deny such benefits to people it believes are unworthy of enjoying them.
    - Denationalization, on this account, may be justified as punishment.
    - For example, the U.S. Congress has enacted several denationalization grounds that fall within this category, such as violation of laws against subversion, draft evasion, and desertion from the armed forces in time of war.
    - Also, the time that a citizen deemed to be a threat to public order, dangerous to national security or who embroil the state in foreign controversies, the State may denationalize the person.

- Generally, the commonly discussed ways of losing citizenship are **deprivation, renunciation, lapse/expiration and substitution.**

1. **Deprivation**
   - Is an involuntary loss of citizenship which arises while government authorities or court take a decision to nullify an individual's citizenship.
   - It is on the assumption that the burden of justification for the loss of citizenship of an individual lies on the state.
   - The citizen may be deprived of his/her citizenship for reasons of

     A. uncovering national secrets,
     B. non-compliance with citizenship duties (duty of loyalty),
     C. loss of genuine link with his/her state,
     D. flawed acquisition of citizenship,
     E. promising loyalty to and/or serving in armed force of another country,
     F. trying to overthrow the government by force,
     G. seriously prejudicial behavior, and becoming naturalized in another country.

Note: the 1995 FDRE constitution asserts that "no Ethiopian national shall be deprived of his or her Ethiopian nationality against his or her will." Similarly, in its Article 17, the 2003 Ethiopian nationality proclamation prohibits the possibility of losing Ethiopian nationality through deprivation.

2. **Lapse/expiration**
   - It is another way of losing citizenship which is not applicable to Ethiopia.
   - Lapse is a mode whereby a person loses his/her citizenship because of his/her permanent residence or long term residence abroad beyond the number of years permitted by the country in question.
   - For example, if an Indian citizen stays outside his/her country continuously for more than seven years, he/she automatically loses his/her Indian nationality by the principle of lapse.

3. **Renunciation**

   - It is the voluntary way of losing citizenship. The UDHR (1948) guarantees the right of a person to change his/her nationality.
   - Loss of citizenship is voluntary only if it is intended and initiated by the individual concerned.
   - An Ethiopian national has the full right to renounce his/her Ethiopian nationality if he/she wishes according to Article 33(3) of the FDRE constitution and Article 19 of the 2003 Ethiopian nationality proclamations.
   - However, the person who has renounced a country's nationality may not be actually released from that status until he/she has discharged his/her obligations towards that particular State or accused of a crime.
   - This situation is called **indelible allegiance**.

   - According to Article 19(4) of the 2003 Nationality Proclamation, an Ethiopian who has declared to renounce Ethiopian nationality may not be released until: (i) the citizen has discharged his/her outstanding national obligations or until he/she has served the penalty for the crime he/she has accused of or convicted.

4. **Substitution**
   - Citizenship may be lost when the original citizenship is substituted by another state, where it is acquired through naturalization.
   - On the other side, this may also take place when a particular territory is annexed by another state; the inhabitants' citizenship within the annexed territory will be replaced by the citizenship of the subjugator.
   - Generally, an Ethiopian citizen can lose his/her Ethiopian nationality through renunciation and upon acquisition of other country's nationality stipulated in article 19 and 20 of the 2003 nationality proclamation, respectively.

4.7.4.1. Statelessness

- Statelessness is the condition of having citizenship of any country and with no government from which to ask protection.
- According to the international law, stateless person is a person who is not considered as a national by any state under the operation of its law.
- Statelessness almost always results when state failure leads people to flee – be it due to invasion and conquest by another state, civil war, famine, or an oppressive regime – from their home country.
- Individuals could also become stateless persons because of deprivation and when renouncing their citizenship without gaining nationality in another State.
- Some people become stateless as a result of government action. To settle such conditions, the UN has adopted a convention on the protection and reduction of stateless persons.

Chapter Summary

- State is an institutions created to ease the complex relationships and interactions among individuals and groups. There are various theories and perspectives on the structure and purpose/role of the state in collective life.

- Government is the administrative wind of that institution which is empowered to take care of the business of the state.
- Citizenship refers to the rules regulating the legal/formal relation between the State and the individual with respect to the acquisition and loss of a given country's nationality.
- However, from political and social perspectives and at a substantive level, citizenship is beyond a legal status and seen as a practice, as active participation in affairs of the state for the good of the wider community.

- For this reason, citizenship is frequently described as a contested concept which has had different meanings depending on the historical legacies, political organization of the State, ideologies and socio-cultural context of societies.
- Citizenship status, however, is not only restricted to individual persons.

End!

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"I am not an Athenian, nor a Greek, but a citizen of the World". Socrates

November, 2021 G.C