Chapter Three:

Ethical Decision Making and Moral Judgments

3.1.Introduction

- How to make a right or correct decision and by what standard that one decision is right and another wrong is always a puzzle.
- One of the functions of morality is to give guidance in dealing with these puzzles.
- On the other hand, there are always conflicts among people It is always a problem for a society to maintain order and to prevent or solve the conflicts among people reasonably.
- Another function of morality is to provide principles and rules that are acceptable to everyone and encourage people to live together peacefully and cooperatively.
- It is better to go back to the ethical theories to reflect upon the meaning and the end of morality and see what kind of principles can be a guide in taking action or in making moral judgments.

3.2. How Can We Make Ethical Decisions and Actions?

- We often claim that we make right decision and actions and we regret when we make wrong decision and action.
- The ethical nature of our action and decision, however, is very much dependent upon our notion of ``Good 'and ``Bad, `` Right and`` wrong``.
- Before we see how human beings judge the morality of their actions, let raise some puzzling questions:
- 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.

- **B**ut there are things which are instrumentally bad and intrinsically bad. Some things can fulfill both qualities.
- In our country things such as Female Genital Mutilation, early marriage, kidnapping, abduction, Ignorance, poverty, corruption, murder some of the things which are considered to be unethical or bad or evil practices which are to be eradicated.
- **Generally key tasks of ethical reasoning**
- ✓ is to 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.
- ✓ A second key task of ethics is to evaluate the adequacy of reasons that we give for our actions:
- ✓ More over, ethical problems are often not as clear as other kinds of problems and resolving ethical problems as definitively is not always possible.

❖ As complex as ethical situations may be, however, there is still an obligation on everyone involved in ethically-challenging situations to resolve any problems that arise in the genuine, reasonable and collaborative way possible.

3.3. Ethical Principles and Values of Moral Judgments

- The theoretical study of ethics is not normally something that many people would regard as being necessary in order for them to conduct their everyday activities
- In place of systematically examined ethical frameworks, most people instead carry around a useful set of day-to-day rules of thumb that influence and govern their behavior; commonly, these include rules such as it is wrong to steal ', it is right to help people in need ', and so on.
- But sometimes the variations and complexities of life mean that these simple rules are sometimes put to the test.

- Consider the idea that it is wrong to kill.
  - Does this mean that capital punishment is wrong?
  - Is it wrong to kill animals?
  - Is killing in self-defense wrong?
  - Is the termination of pregnancy wrong?
  - Is euthanasia wrong?
- Try to examine and record precisely the justifications for your decision. Can you identify any underlying principles or rules which you used to reach your decision?

Examples of such underlying principles or rules might include:

- ✓ I should do the best thing for my career in the long run.
- ✓ It is OK to tell someone a lie if it prevents someone from being hurt by the truth.
- ✓ I should always help someone in difficulty.

3.4. Moral intuitions (insight) and Critical Reasoning

- ✓ The study of ethics involves reasoning about our feelings
- ✓ All societies are characterized by their own ethical ideas – expressed in terms of attitudes and beliefs and their own customs.
- ✓ Some of those ethics are formalized in the laws and regulations of a society, nation or state.

▪ 3.4.1. **Types of reasoning**

- **Reasoning by analogy ;**explains one thing by comparing it to something else that is similar, although also different
- **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.
- **Inductive reasoning :**involves providing evidence to support a hypothesis. The greater the evidence for a hypothesis, the more we may rely on it

3.4.2. 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.**
- ✓ **faith-based arguments are relevant to moral philosophy for several reasons**

1st people do not always agree on what is right or wrong

2nd given that so many people in the world do look to religion for moral guidance,

3.4.3. Testing moral arguments

- ✓ **Critical reasoning is about asking questions whenever anyone gives us a reason to support an argument.**

- **There are three main ways of testing a moral argument**
- **1st Factual accuracy**: This means that we cannot say that something is wrong or right simply based on how things are
- **2nd 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
- **3rd 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.

3.3.4. 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

➢ philosophers, religious teachers and other thinkers have shaped various approaches to ethical decision-making:

3.3.4.1. Fairness and Justice Approach

- The fairness or justice approach to ethics said that —equals should be treated equally and unequal 's unequally.
- The principle states: —Treat people the same unless there are morally relevant differences between them.
- **The basic moral question in this approach is:**

✓ How fair is an action?

✓ Does it treat everyone in the same way, or does it show favoritism and discrimination

3.3.4.2. The Common Good Approach

- The principle of the common good approach states; What is ethical is what advances the common good.

3.3.4.3. The Rights Approach:

- **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.**
- **The Rights Approach identifies certain interests tests or activities that our behavior must respect, especially those areas of our lives that are of such value to us that they merit protection from others**

➢ Generally, in Ethical Problem Solving; Once facts have been ascertained, consider five questions when trying to resolve a moral issue:

➢ What benefits and what harms will each course of action produce, and which alternative will lead to the best overall consequences?

➢ What moral rights do the affected parties have, and which course of action best respects those rights?

➢ 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?

➢ Which course of action advances the common good?

➢ 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.

➢ **Religious morality** refers to a human being in relationship to a supernatural being or beings.

➢ **Morality and nature** refers to a human being in relationship to nature. **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.

➢ **Social morality** concerns a human being in relation to other human beings.

3.5. Who is Morally/Ethically Responsible?

- ✓ Morality pertains to human beings and only to human beings; all else is speculation.
- ✓ when we use the terms moral and ethical, we are using them in reference only to human beings.
- ✓ In the world's history, only human beings can be moral or immoral, and therefore only human beings should be held morally responsible for their actions and behavior.

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
- ✓ 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.
- ➢ However, in judging conduct or action we have to consider motives, means, and consequences and sometimes the moral situation

3.5.2. What Makes an Action Moral?

The following are features that make an action moral:

- ➢ **A moral act involves an agent**: Is performed by agents, creatures that are capable of free choice/ free will
- ➢ **A moral act involves intention:** 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**.**
- ➢ **A moral act affects others**: A moral action needs not only an agent and to be deliberate but also needs to affect other
- Has a significant consequence on others in respect of harm or benefits it brings about.

3.6. Why Should Human Beings Be Moral?

- ✓ 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

❖ 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.

Chapter Four: State, Government and Citizenship

Understanding 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;

1. an idealist perspective,
2. a functionalist perspective,
3. an organizational perspective and
4. an international perspective.

1. The idealist approach to the state. 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'.
2. Functionalist approaches to the state focus on the role or purpose of state institutions. The central function of the state is to maintain social order and stability Such an approach has, for example, been adopted by neo-Marxists, who have been inclined to see the state as a mechanism through which class conflict is ameliorated to ensure the long-term survival of the capitalist system.

3. The organizational view 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 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'.

4. 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:
1. The state's inward-looking face- the state relations with the individuals and groups that live within its borders, and its ability to maintain domestic order.

2. The state's outward-looking face the state relations with other states and, therefore, its ability to provide protection against external attack.
According to Article 1 of the Montevideo Convention (1933) on the rights and duties of the state, the state has four features:

- ***a defined territory,***
- ***permanent population,***
- ***an effective government and***
- ***Sovereignty – internal and external sovereignty***

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

Recognition are of two kinds:
1) Defacto - 'fact based recognition'
2) Dejure - 'lagal and political based recognition'

Rival Theories of State

1. *The Pluralist State*

- This theory has a very clear liberal lineage. It stems from the belief that the state acts as an *'umpire' or 'referee' in society*.
- 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.
- 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.

- *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.
- *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.
- *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.

2. 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.

3. 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.
- The New Right is distinguished by a strong opposition 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.

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 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.
- ❖ *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.

4. The Patriarchal State

- Modern thinking about the state must, finally, take account of the implications of feminist theory.
- 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.*

- ***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.* Marxists place the state in an economic context, whereas, radical feminists place it in a context of gender inequality, and insist that it is essentially an institution of male power.

The Role of the State

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 :

1. ***Minimal States*** is the ideal of classical liberals, whose aim is to ensure that individuals enjoy the widest possible realm of freedom.

- 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.
- 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. The state exists:

✓ to maintain domestic order
✓ to ensures that contracts or voluntary agreements made between private citizens are enforced, and
✓ To 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.
- The cause of the minimal state has been taken up in modern political debate by the New Right. Drawing on early liberal ideas, and particularly on free-market or classical economic theories, the New Right has proclaimed the need to 'roll back the frontiers of the state'.

In the case of free-market economists such as Friedrich von Haye and Milton Friedman, state intervention is seen as a 'dead hand' that reduces *competition, efficiency and productivity.* From the New Right perspective, the state's economic role should be confined to *two functions*:

❖ the maintenance of a stable means of exchange or 'sound money' (low or zero inflation), and
❖ the promotion of competition through controls on monopoly power, price fixing and so on.

2. Developmental States

- 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.

3. 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.

4. 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.

5. 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.

6. Religious States

✓ 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.

✓ Nevertheless, the period since the 1980s has witnessed the rise of the religious state, driven by the tendency within religious fundamentalism to reject the public/private divide and to view religion as the basis of politics.

Understanding Government

• Government refers 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.

• Any form of government, to be stable and effective, must possess two essential attributes: ***authority and legitimacy***.

Authority: 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.

Legitimacy: The term legitimacy (from the Latin word legitimare, meaning 'to declare lawful') broadly means rightfulness.

Purposes and Functions of Government

➢ Self-Preservation
➢ Distribution and Regulation of Resources
➢ Management of Conflicts
➢ Fulfillment of Social or Group Aspirations
➢ Protection of Rights of Citizens
➢ Protection of Property
➢ Implementations of Moral Conditions
➢ Provision of Goods and Services

Understanding 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.

❖ 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.
- ❖ 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.

i) Citizenship as a Status of Rights

- Marshall 1998, distinguishes three types of rights that historically have been established in succession: *the civil(legal)* – 'the rights necessary for the development of individual liberty'; *political* – 'the right to participate in the exercise of political power, as an elected member or as a voter';

and *social rights* – 'are those that guarantee the right to public safety, health, the right to education, etc., that is the right to a decent life'. Citizenship as a status accords a range of rights and obligations. That is why; Jones and Gaventa (2002) assert that rights and obligations lie at the heart of the language of citizenship. Hohfeld (1978) 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.

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.

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.

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.

ii) 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.

iii) Participation:

- ✓ Participation occupies a key position in citizenship.
- ✓ There are two approaches in this regard; *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.

iv) Inclusion and Exclusion:

- 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.

Theorizing Citizenship

✓ 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.

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.
- Hence, in liberalism the primary political unit as well as the initial focus of all fundamental political inquiry is the individual person.

There are <u>three fundamental principles</u> which a liberal government must provide and protect are:

(1) equality
(2) due process
(3) mutual consent

2. Citizenship in Communitarian Thought

- The debate on citizenship as the expression of community revived with the emergence of communitarianism since the 1980s.
- 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.
- 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.

3. Citizenship in Republican Thought

- Republican citizenship theory put emphasis on both individual and group rights. Republican though attempts to incorporate the liberal notion of the self-interested individual within the communitarian framework of egalitarian and community belonging.
- 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.

4. Multicultural Citizenship

- Recognition of group difference implies departing from the idea of all citizens as simply equal individuals and instead seeing them simultaneously as having equal rights as individuals and different needs and wants as members of groups with specific characteristics and social situations which is basically <u>the focus of multicultural citizenship</u>

For this discussion, four principles of multicultural citizenship which are presented here under.

I. Taking equality of citizenship rights as a starting point.
II. 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.
III. Establishing mechanisms for group representation and participation.
IV.

Modes/Ways of Acquiring and Loosing Citizenship

Ways of Acquiring Citizenship

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:

Are of two kinds; 1, 'Jus Soli' means 'law or right of the soil'
2, 'Jus Sanguinis' means law or right of blood'.

2) Citizenship by Naturalization/Law:

The common sub-principles of acquiring citizenship through naturalization are the following. *Political case* (secession, merger and subjugation), *grant on application*, *marriage, adoption, and reintegration/restoration.*

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.

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.
- Article 3 of the 2003 nationality proclamation ascribed two principles:
  - 1), "any person shall be an Ethiopian national by descent where both or either of his/her parent is Ethiopian;"
  - 2), "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".

2) Acquisition by Law (Naturalization):

- ✓ Under this, 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.

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
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 if he /she fulfill the following condition. These are:

1. The marriage shall be thru in accordance with the laws of Ethiopia or the State where the marriage is contracted;
2. The marriage shall lapse at least for two years;
3. The alien married to an Ethiopian citizen have to live in Ethiopian for at least one year preceding the submission of the application;
4. 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.

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.

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

This is a process by which a person acquires his/her lost citizenship if he/she fulfill the following requirement(art.22,pro.no.378/2003).

1. the person could be readmitted to Ethiopian nationality if he/she applies to the Security, Immigration and Refugee Affairs Authority for re-admission.
2. he/she has to return and domiciled in Ethiopia and renounces his foreign nationality to get back Ethiopian nationality.

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.

Ways of Loosing Citizenship

The common ways of losing citizenship are deprivation, renunciation, lapse/expiration and substitution.

a) Deprivation is an involuntary loss of citizenship which arises while government authorities or court take a decision to nullify an individual's citizenship.

The citizen may be deprived of his/her citizenship for reasons of ;

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

b) Lapse/expiration 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.

c) Renunciation is the voluntary way of losing citizenship. 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.

d) 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.

Statelessness

It 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.

Chapter Five: Constitution, Democracy and Human Right

5.1. Constitution and Constitutionalism

5.1.1. Conceptualizing Constitution

- Constitution is figuratively defined as the fundamental or basic law of a state which sets out the structure of the state
- It also lists the rights of citizens alongside the limits on the power exercise of a government.
- It is a blue print placed on top the hierarchy of laws on constitutional governments.
- A constitution may be said to be a collection of principles according to which the powers of the government, the rights of the governed, and the relation between the two are adjusted.
- since constitution is supreme law of a land, any other law contradicted with the provisions of the constitution becomes void or invalid.

5.1.2. Peculiar Features of Constitution

✓ some of the distinctive features of a constitution.

A. Generality: a constitution provides the general principle of a state and carry on foundation and sets out general framework of the law and the government.

B. Permanency: unlike laws constitution is made for undefined period of time. That means constitution serve for a long lap of ages

C. Supremacy: They are supreme laws, taking precedence over all others, and defining how all the others should be made.

D. Codified document: Constitutions are written down; often in a single document that presents the constitution in a systematic manner

E. Allocation of powers: Constitutions outline the proper relations between institutions and offices of the state, and between government and citizens

5.1.3. Major Purposes and Functions of Constitution

- It serves as a framework for Government.
- It Limits the Powers of Government
- It protects individual and collective rights of citizens
- It serves as the Supreme (Highest) Law of a Country
- It provides Government legitimacy/stability
- Constitution Blue Prints for establishing Values and Goals

5.1.4. Classification of Constitutions

- Constitutions are classified into different categories using different criteria

A. Constitution based on form: **written vs unwritten**

B. Constitution based on complexity of amending process:

Rigid Constitution vs flexible constitution

C. Constitution based on degree of practice:

Effective Constitution vs Nominal constitution

D. Based on the kind of state structure **:Federal vs Unitary Constitution**

5.2. Constitutionalism

- Constitutionalism refers to a doctrine that governments should be faithful to their constitutions
- It is being subject to limitations and that citizens and governments operate in accordance with the general rules and laws rather than arbitrary
- Constitutionalism, desires a political order in which the powers of the government are limited.
- It is another name for the concept of a limited and civilized government

5.3. The Constitutional Experience of Ethiopia: Pre and Post 1931
5.3.1. Traditional Constitution (Pre- 1931)

- Ethiopia has a very little experience with a written constitution in spite of its long history of state formation.
- For this reason, the first written form of constitution promulgated in Ethiopia in 1931.
- Despite the fact of existence of constitutionally significant documents in traditional Ethiopia, no written constitution in the modern sense formed the basis for the constitutional process.
- Thus, documents like the Kebra Nagast, the Fatha Nagast and serate mengest from the 13th Century until the early 20th Century were the precursors to the formal written Ethiopian national constitutions of the modern era

A. Fetha Negest(The Law of Kings): was a religious and secular legal provision than being a definite constitution.
B. Kibre Negest: Literally, Kibre Negest means glory of king. The Kebra Nagast (The Glory of Kings) was written to document for the first time the mythical origins of the royal house
C. ser'ate Mengist: was one of the traditional documents of the nineteenth century that provided certain administrative protocol and directives in the 19th century.

5.3.2. The 1931 First Written Constitution

- Internally, the 1931 constitution was intended to provide a legal framework for the suppression of the powerful traditional nobilities to the emperor

5.3. The Revised Constitution of 1955

Cause for the revision of the constitution:

1. The federation of Eritria with Ethiopia
2. The change in Socio- economic progress
3. The persistent preasure from enlightened ethiopia

5.3.3.The 1987 Constitution of People's Democratic RepublicEthiopia (PDRE

PDRE constitution (1987) was different from the 1931 and the 1955 imperial constitutions in that constitution:

- State and religion were separated
- State the political power and sovereignty were declared to be the preserve of the working people of Ethiopia.
- contains provisions on democratic and human rights;
- recognized the different cultural identities and the equality of Nation and Nationalities;
- Introduced a party system by giving recognition to the workers party of Ethiopia. aimed at the principles of Marxist and Leninist ideology;
- Aimed at giving power to the peoples so that they exercise through referendum, local and national assembly.

5.3.4. The 1995 (FDRE) Constitution

- The FDRE constitution has a wider coverage of both human and democratic rights.

Of the total 106 articles of the constitution just about one third (approximately 33 articles) is devoted to the discussion of rights.

- The Constitution gives recognition to five fundamental principles; to be precise
  - The principles of popular sovereignty (art. 8),
  - Constitutionalism and constitutional supremacy(art. 9),
  - sanctity of human rights (art. 10),
  - secularism (art. 11) and
  - accountability and transparency of government (Art.12)

5.2. Democracy and Democratization

5.2.1. Defining Democracy

- Democracy literally means the government of the people or government of the majority.
- Etymologically, the word democracy is derived from two Greek words: demos and kratos, which means common people and rule legitimate power to rule) respectively
- The lexicon or dictionary definition of the term entails that democracy is a state of government in which people hold the ruling power either directly or indirectly through their elected representatives,
- two broad ways of exercising
  - **Direct democracy is** form of government in which political decisions is exercised directly by the whole body of citizens acting under procedures of majority rule
  - **Indirect democracy is** a form of democracy in which citizens exercise their rights and freedoms and discharge their obligations not in person but through representatives chosen by themselves

5.2.2. Values and Principles of Democracy

- There are three core values that are central in the discussion of the concept of democracy. These are values of liberty/freedom, justice and equality
- the followings constitute some of the fundamental principles of democracy.
  - Popular Sovereignty
  - Constitutional Supremacy
  - Rule of Law
  - Secularism
  - Free, Fair and Periodic Election
  - Majority Rule Minority Right
  - Protection and Promotion of Human Rights

5.2.3. Democratization

- Democratization simply we refer to the institutionalization and reutilization of democratic ideals and principles and their effective functioning.
- Moreover, democratization is a conclusive and extended process, which involves the emergence or presence of the formal elements of a democratic political system such as the recognition of basic civil and political rights, multiparty system, electoral system and etc

5.2.4. Actors of Democratization

- Political Parties
- Media
- Civic Societies

5.3. Human Rights: Concepts and Theories

5.3.1 What Are Human Rights?

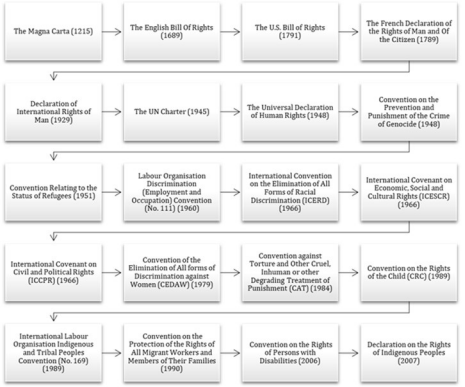
- UDHR, Article 2, stipulates that human rights belong to every human being —without distinction of any kind, such as race, color, sex, etc
- Thus, the only criteria someone must fulfil to enjoy these rights is being a human.

➢ principle of Human rights are: universality, inalienability, indivisibility and interdependence.

5.3.2. Human Rights and Responsibilities

➢ The modern human rights notions are the result of extended tussles to end many forms of oppressions; including slavery, genocide, discrimination, and government tyranny, in history of world societies.

➢ In their contemporary manifestation, human rights are a set of individual and collective rights that have been formally promoted and protected through international and domestic law since the adoption of UDHR in 1948.



5.3.3. Rights Holders and Duty Bearers

- Rights become rights when the job of identifying the two main actors is done.
- This works for every rights we may possess as an individual or group. These are right holders and duty bearers

5.3.4. Categories of Human Rights

1st generation :Civil and Political Rights

2nd generation: Social and Economic Rights

3rd generation :Peace, Development and Environmental Rights

Generation	First generation rights	Second generation rights	Third generation rights
Category of rights	Civil and political rights	Socio-economic rights	Solidarity rights
State obligation	Promoting and protecting	Providing and fulfilling	?
What is expected from the State	Non-interference	Positive interference	Positive involvement
Realization	Immediate	Progressive	Progressive
Right holders	Individuals (mostly)	Groups (mostly)	?

5.3.4. Derogations and Limitations on Human Rights

- There are two conditions under which human rights can be restricted: limitation and derogation.
- ✓ Limitations are lawful infringements of rights.
- ✓ Limitations are deviations from the standard manner of dealing with rights imposed primarily to facilitate optimal use or exercise of rights in a context of scarce public resources, space and time.
- ✓ Limitations can take the form of restrictions and/or derogation. Restrictions are acceptable or justifiable limits of human rights during the normal times.

5.3.5 Implementation and Enforcement of Human Rights

- International Mechanisms and the International Bill of Human Rights
- Regional Mechanisms

The Ethiopian Human Rights System

- The foundation of the observance of the human rights in Ethiopia is the FDRE Constitution, which was ratified in 1994.
- The Constitution is the supreme law of the land and the source and basis of legality of all other laws.
- The FDRE Constitution classifies human rights as one of its five fundamental principles and declares that human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable and that the human rights of citizens and peoples are respected