Chapter Four

State, Government and Citizenship

- 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.

- **Functionalist approaches** to the state focus on the role or purpose of state institutions.
- The central function of the state is invariably seen as the maintenance of social order.
- state being defined as that set of institutions that uphold order and deliver social stability. Such an approach has, for example, been adopted by neo-Marxists (see p. 64), 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.
- 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.

- **The organizational view** defines the state as the apparatus of government in its broadest sense;
- 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.

- **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. Let us now discuss details of the above-mentioned attributes as follows:
- **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. But it is not must, because most of the states have a population marked by diversity in respect of race, religion, language, culture, etc. All problems of nation building are solved and people of a state, irrespective of their differences, become a nation. It signifies the situation of ‘unity in diversity’.

- In short, 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.
- **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.
- **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.
- **Sovereignty**: As already pointed out, 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.

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.

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- 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.
- 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.

- Two key assumptions underlie this view. 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.
- 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.

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- 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.

The Capitalist State

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.***
- 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. 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.

- Marx suggested that the state could enjoy what has come to be seen as ‘relative autonomy’ from the class system, the Napoleonic state being capable of imposing its will upon society, acting as an ‘appalling parasitic body’.
- Marxist theorizing about the state has been dominated by rival instrumentalist and structuralist views of the state
- **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.
- This image of self-seeking bureaucrats is plainly at odds with the pluralist notion of a state machine imbued with an ethic of public service and firmly subject to political control.
- **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.
- Some feminists, indeed, may question conventional definitions of the state, arguing, for instance, that the idea that the state exercises a monopoly of legitimate violence is compromised by the routine use of violence and intimidation in family and domestic life.

Nevertheless, sometimes implicitly and sometimes explicitly, feminists have helped to enrich the state debate by developing novel and challenging perspectives on state power

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.
- This can be seen in campaigns for equal-pay legislation, the legalization of abortion, the provision of child-care facilities, the extension of welfare benefits, and so on.
- 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.

- 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.
- 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.
- Modern radical feminists have paid particular attention to the emergence of the welfare state, seeing it as the expression of a new kind of patriarchal 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 the following:

- ✓ Minimal states
- ✓ Developmental states
- ✓ Social-democratic states
- ✓ Collectivized states
- ✓ Totalitarian states
- ✓ Religious 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.
- First and foremost, the state exists to maintain domestic order. Second, it ensures that contracts or voluntary agreements made between private citizens are enforced, and 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.

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.**

- A similar model of developmental intervention has existed in France, where governments of both left and right have tended to recognize the need for economic planning, and the state bureaucracy has seen itself as the custodian of the national interest.
- 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.

More recently, economic globalization has fostered the emergence of ‘competition states’, examples of which are found amongst the tiger economies of East Asia.

Competition states are distinguished by their recognition of the need to strengthen education and training as the principal guaranteeing economic success in a context of intensifying transnational competition.

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.

- 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.

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 people’.

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.

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.

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Understanding Government

What is 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.

Government has Two essential attributes:

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.

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.

Purposes and Functions of Government

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.

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.

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.

Fulfillment of Social or Group Aspirations:

- 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.

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.

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.

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.

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.

Understanding Citizenship

, 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 canfind in definitions of the term.

***i) 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.

***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. rights such as

- 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
- 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.

***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.

***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. 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.

***iii) 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.

iv) 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.

Theorizing Citizenship

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.

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) (2) due process, such that the government is required to treat individuals over whom it exercises power fairly; and

(3) (3) mutual consent by which membership in the political community rests on the consensual relationship between the individual and the state. By protecting these three values, the government ensures that it provides protection for individuals' rights and liberties, so they can effectively participate in the political sphere.

Citizenship in Communitarian Thought

- 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

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Citizenship in Republican Thought

Republican citizenship theory put emphasis on both individual and group rights. Means 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.

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. At this juncture, an effective balance between toleration and obligation is required.

Toleration involves citizens participating politically as advocates of particular interests, with their concern focused on ‘fairness between different sections of the community and the pursuit of common ends.

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.

It draws out their talents and capacities, and it draws them together into community – into connection and solidarity, and occasionally conflict, with other members of the public.

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 form republicans.

The citizens and governments in a republican State shall not act arbitrary, impulsively, or recklessly but according to the laws of the State.

Multicultural Citizenship

There is a need to move towards a new type of multicultural citizenship appropriate to highly diverse societies and contemporary economic trends.

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 the focus of multicultural citizenship discuss four principles of multicultural citizenship which are presented here under.

i) *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.

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.

It is necessary to consciously recognize group difference and to understand its causes.

iii) 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.

iv) 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.

Modes/Ways of Acquiring and Loosing Citizenship

- **Ways of Acquiring Citizenship**

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*.

ii) 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.

The Modes of Acquiring Ethiopian Citizenship

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***"

- The following are the 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. One, "Any person shall be an Ethiopian national by descent where both or either of his/her parent is Ethiopian;"

- 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. Birth place 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.

One, the marriage shall be thru in accordance with the laws of Ethiopia or the State where the marriage is contracted; second, the marriage shall lapse at least for two years; 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 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: 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.

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.

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 Sanguin*i 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. family visiting the United States would acquire U.S.

- Ethiopia prohibits its citizens to have dual citizenship.
- “any Ethiopian who voluntarily acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality.”

Ways of Loosing Citizenship

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.

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.

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.

Renunciation 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.

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

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