



Moral and Civic Education (**MCED 1011**)

By: Endalew Hawi

School of History and Heritage Management

MA in Political Science and International Relations

Haramaya University 2021

Chapter One: Understanding Civics and Ethics

- **Civic Education**

What does civic education mean?

- ❖ Different terms have been used in an attempt to capture and describe the educational experiences that deal with the task of developing **democratic minded citizens**.
- ❖ The subject assumed different names and purposes depending on countries' ideologies and thus the definition of the discipline vary across States.
- ❖ Terms such as:
 - Right Education (in South Africa),
 - Citizenship Education (in United States of America and Germany),
 - Citizenship and Character Education (in Singapore),
 - Civics and Ethical Education (in Ethiopia) and Moral and citizenship education(Now)

• **Defn**

- ✓ The most cited definition of civic education is an education that studies about the **rights and responsibilities of citizens** of a politically organized group of people.
- ✓ is the knowledge of the **constitutions, the principles, values, history** and application to contemporary life. Patrick (1986).
- ✓ is a way of **learning for effective participation in a democratic and development process**. UNDP, (2004).
- ✓ is the **development of ideas, habits, behaviors and useful attitudes in the individual** which enables him to be a useful member of the society. Aggarwal (1982)

❑ The different concepts and meanings were used to differentiate between a **maximal and a minimal** civic education.

❑ The minimal concept is:

- content-led,
- teacher-based,
- whole-class teaching and
- examination-based assessment.

❑ The maximal concept of civic education is:

- knowledge,
 - values and
 - skills, and aims to prepare students for active, responsible participation.
- ✓ Unlike narrow minimalist civic education, it extends learning beyond the curriculum and classroom to all activities inside and outside school.

The Definition and Nature of Ethics and Morality

- **Ethics** is a branch of philosophy that attempts to **understand people's moral beliefs and actions**.
- Ethics, or moral philosophy: considers theories about what human beings are capable of doing, alongside accounts of **what they ought to do** if they are to live an ethically good life.
- Ethics may share common ground with the law, religious belief, popular opinion, professional codes and the dictates of authority figures.
- All ethical questions involve a decision about what one **should do** in a specific instance.
- Ethical questions are **not concerned with what one would do** (an essentially psychological concern) but what one **ought to do**.
- A precise usage would apply **the term's morals and moral** to the **conduct** itself, while **the terms ethics and ethical** would refer to **the**

Ethics is:

- the critical examination and evaluation of what is **good, evil, right and wrong** in human conduct (Guy, 2001).
- a specific set of principles, values and guidelines for a particular group or organization (Guy, 2001).
- the study of goodness, right action and moral responsibility, it asks what choices and ends we ought to pursue and what moral principles should govern our pursuits and choices (Madden, 2000).

B. What is Morality?

Morality is a complex concept. So, in order to understand Moral and Civics Education, the term “moral” needs to be understood.

- **Morality** derived from Latin word ‘*moralitas*’ (“manner, character, proper behavior).
- It refers to the concept of human action which pertains to matters of **right and wrong** – also referred to as “**good and evil**”.
- It is to mean the generally accepted **code of conduct in a society**, or within a subgroup of society
- According to **Socrates** “Morality is not a small matter, but how we **ought to live**”
- Morality is used to refer to **moral conduct** while ethics is used to refer to **the formal study of moral conduct**.

Morality is:

- Those principles and values that actually guide, for better or worse, an individual's personal conduct (Guy, 2001)
- Morality is the informal system of rational beings by which they govern their behavior in order to lesson harm or evil and do good, this system, although informal, enjoys amazing agreement across time and cultures concerning moral rules, moral ideas and moral virtues (Madden, 2000)

Ethics

- Is philosophical study of the code, standards or norm of human conduct and it is more theoretical and general one.
- establish the standards, norms, or codes to be followed by human beings are the study of morality, moral principles, and moral decision making.
- Is the development of reasonable standards and procedures for ethical decision-making
- Is a set of normative rules of conduct, a code, a standards that govern what one ought to do when the well-being, or duties to oneself, others or institutions is at stake.

Morality

- refers to the code of conduct one follows
- is the conformity of human behavior to the established code of conduct.
- If an action conform to the established code, it is called moral ,if not immoral
- refers to guide to one's conduct by reason while giving equal weight to the interests of each individual
- Has to do with what one should do, all things considered, not what, in fact, any of us *will* so in a particular instance

1.4. Ethics and Law

- Do ethics and law are different or the same?
- Does ethics is a law?

- **laws** are norms, formally approved by state, power or national or international political bodies.

why ethics is not law?

1. Some actions that are **illegal** may **not** be **unethical**.
Example Speeding is illegal, but one might have an ethical obligation to break the speed limit in order to transport someone to a hospital in an emergency.
2. Some actions that are **unethical** may **not** be **illegal**.
Example most people would agree that lying is unethical but lying is only illegal under certain conditions.
3. Laws can be unethical or immoral. The United States had laws permitting slavery in the 1800s but most people today would say that those laws were unethical or immoral.

4. We use d/t kinds of mechanisms to express, teach, inculcate, and enforce laws and ethics.

Laws are expressed publicly in statutes, penal codes, court rulings, government regulations.

Ethics and morals are made explicit in religious texts, professional codes of conduct, or philosophical writings, many ethical and moral standards are implicit not explicit.

5. We use the coercive power of government to enforce laws.
we enforce by imprisonment, or execution.

People who violate ethical or moral standards do not face these kinds of punishments. Often we “punish” people who disobey it expressing our disapproval or by condemning the behavior.

1.5 The Importance/Goal of Moral and Civic Education

A. The need to instill/teach citizens about their rights and duties

Sastry et al. (2011) presented four issues to look into the interplay between rights and duties.

- 1st one's right implies the other's duty.
- 2nd one's right implies one's duty to recognize similar rights of others.
- 3rd one should exercise his rights for the promotion of social good.
- 4th the State being a nucleus organ needs to take care of the social and legal interests of all its individuals.

B. The Need for Participant Political Culture:

- Almond and Verba (1963) construct three political cultures:
 1. **parochial cultures** : citizens have **low** cognitive, affective, and evaluative orientation regarding the political systems
 2. **Subject cultures**, there is **high** cognitive, affective, and evaluative orientation towards the political system and policy outputs, but orientations towards input objects (like political parties) and the self as **active participants are minimal**.
 3. **Participant cultures**, members of society have high cognitive, affective, and evaluative orientation to the political system and recognize the self as an active participant in the polity.

Which political/civic culture best describes the Ethiopian political situations?

C. The Need for Relevant Knowledge, Skills and Positive Attitudes

D. The issue of fostering intercultural societies:

The issue of inclusiveness:

E. The issue of peace-building

- This includes the development of competencies for peacemaking, conflict resolution, healing, reconciliation and reconstruction. It also includes an understanding of nonviolent civil disobedience philosophies, strategies and skills.

- Moral and Civics Education is based on and seeks to promote in students core moral, ethical, democratic, and educational values, such as:
 - Respect for life
 - Respect for reasoning
 - Fairness
 - Concern for the welfare of others
 - Respect for diversity
 - Peaceful resolution of conflict
- ❖ In sum the goals of teaching civics and ethics is: to produce competent, high moral standard society and responsible citizens who can ask and use their rights and fulfill their obligations in accordance with the laws of their respective country.

Chapter Two: Approaches to Ethics

- The ultimate concern of the normative theory of obligation is to guide us in the making of **decisions and judgments** about actions in particular situations.
- Offers theories or accounts of the best way to live.

Normative ethics;

Includes ethical theories or approaches such as:

@ Teleology

@ Egoism

@ utilitarianism

@ Deontology

@ virtue ethics

@ Prima facie

@ Principlism

@ narrative ethics &

@ feminist ethics

2.3.1 Teleological Ethics (Consequentialist)

- o It is referred as “the end justifies the means”.
- o It believes in purpose, ends or goals of an action.
- o It stress that the consequences of an action determines the morality or immorality of a given action.
- For teleological Theory: an act is right if and only if it produce at least as great a balance of good over evil.
- Teleologists have often been hedonists, identifying the good with pleasure and evil with pain.
- But they may be and have sometimes been non-hedonists, identifying the good with power, knowledge, self-realization, perfection etc

2.3.2 Egoism: Ethical and psychological Egoism

2.3.2.1. **Ethical Egoism**

- ❖ The theory implies that we ought to be **selfish**.
- ❖ We ought to be self-interested.
- ❖ “Ethical” does not suggest that there might be a decent way to be selfish; it just means that ethical egoism advocates **egoism as a moral rule**.

□ You should look after yourself

- if you don't take advantage of a situation, you are foolish.
- ❖ If I mistreat others, they mistreat me, so I resolve to behave myself. (**Do un to others as you would have them do unto you**).
- ❖ The **consequences** that ethical egoism stipulates are good consequences for the **person taking the action**.

Conti..

Some method to apply the principle of ethical egoism

- List the possible acts
- For each act, **see** how much **net good** it would do for **you**.
- **Identify** the act that does the **most net good** for **you**

Some important things to notice about ethical egoism:

- It does not just say that, one's own welfare counts as well as that of others.
- It does not forbid one to help others, or require one to harm others.

2.3.2.2 Psychological Egoism

- Basically an argument from **human nature**. **Not**
- In **Butler's** terms, this means that **"self-love"** is the only basic "principle" in human nature. **But** the egoist may not be doing this rather, what is for our own **greatest good**.
- Each of us is always seeking his own **greatest good**, whether this is conceived of as **pleasure, happiness, knowledge, power, self-realization**, or a mixed life.
- The desire for one's own good presupposes or builds upon the existence of more **basic desires for food, fame, sex**, etc.
- The object of these **basic desires is not one's own welfare**; it is food, fame, sex, etc.
- Contradiction to **altruism**, do things for others, but we get satisfaction out of doing them, and this **satisfaction** is our end in doing them.
- Doing them is only a means to this satisfaction.

2.3.3 Utilitarianism: Producing the best consequences

- ❑ An action is best, which procures the greatest happiness for the greatest numbers.

Follow the three principles guide your actions:

1. “Let your conscience/integrity be your guide.”
2. “Do whatever is most loving”
3. The Golden Rule: “Do to others as you would have them do to you.”

A. Classic Utilitarianism

The seeds of utilitarianism were sewn by the ancient Greek philosopher Epicurus (342–270 BCE), who stated that “pleasure is the goal that nature has ordained for us; it is also the standard by which we judge everything good.”

- ✓ Rightness and wrongness are determined by pleasure or pain that something produces.

o The classical expressions of utilitarianism, though, appear in the writings of two **English philosophers** and social reformers **Jeremy Bentham** (1748–1832) and **John Stuart Mill** (1806–1873).

o They were:

- nonreligious ancestors of the twentieth-century secular humanists,
- **optimistic** about human nature and our ability to solve our problems without recourse to God.

B. Jeremy Bentham: Quantity over Quality

▪ Two main features of utilitarianism, both of which Bentham articulated:

1. The consequentialist principle (or its teleological aspect): rightness or wrongness of an act is determined by the goodness or badness of the **results** that flow from it.

- It is the end, not the means that counts; the **end** justifies the **means**, and

2. The utility principle (or its hedonic aspect): states that the only thing that is good in itself is some specific type of state (for example, **pleasure, happiness, welfare**).

- ❖ There is something appealing/attractive about Bentham's utilitarianism. Maximize pleasure and minimize suffering.
- ❖ The quantitative score for any **pleasure or pain experience** is obtained by **summing** the seven aspects of a pleasurable or painful experience: its **intensity, duration, certainty, nearness, fruitfulness, purity, and extent**.

C. John Stuart Mill: Quality over Quantity

- ⌘ His version of the theory is often called eudaimonistic utilitarianism (from the Greek eudaimonia, meaning "happiness").
- ⌘ He defines happiness in terms of certain types of **higher-order pleasures and lower pleasure**.
- ⌘ **The higher include** high culture, scientific knowledge, intellectuality, and creativity.
- ⌘ **The lower, or elementary,** include eating, drinking, sexuality, resting, and sensuous titillation.
- Although the lower pleasures are more intensely gratifying, they also lead to **pain** when **overindulged/spoiled** in. The higher pleasures tend to be more long term, continuous, and gradual.

Conti...

- ✓ Mill argued that the higher, or more refined, pleasures are superior to the lower ones:
- ✓ “It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.”

Humans are the kind of creatures who require more to be truly happy.

- Mill is clearly pushing the boundaries of the concept of “pleasure” by emphasizing higher qualities such as knowledge, intelligence, freedom, friendship, love, and health.

D. Act- and Rule-Utilitarianism

Act-utilitarians, such as **Bentham**, say that ideally we ought to apply the principle to all of the alternatives open to us at any given moment.

- They argue that an act is right if and only if it results in as much good as any available alternative.

Conti...

✓ problems with act-utilitarianism are

1. we cannot do the necessary calculations to determine which act is the correct one in each case, for often we must act spontaneously and quickly. So rules of thumb are of practical importance—for example, “In general, don’t lie,” and “Generally, keep your promises.”
2. it seems to fly in the face of fundamental perceptions about minimally correct behavior

Rule-utilitarianism: we find in **Mill’s** theory. An act is right if and only if it is required by a rule that is itself a member of a set of rules whose acceptance would lead to greater utility for society than any available alternative.

We don’t have time to decide whether lying will produce more utility than truth telling, so we need a more specific rule prescribing truthfulness that passes the test of rational scrutiny.

The Strengths of Utilitarianism

1. it is a single principle, an absolute system with a potential answer for every situation. **Do what will promote the most utility!**
2. Utilitarianism seems to get to the substance of morality. We should promote human (and possibly animal) flourishing and reduce suffering.
3. it is particularly well suited to address the problem of **posterity(coming generation)**. Namely, why we should preserve scarce natural resources for the betterment of future generations of humans that do not yet exist.

Criticism of Utilitarianism

1. Problems with Formulating Utilitarianism.

“The greatest happiness for the greatest number.” Notice that we have two “greatest” things in this formula: “happiness” and “number.” we invite problems of determining which of the variables to **rank first** when they seem to conflict.

2. The Comparative Consequences Objection

it seems to require a **superhuman ability** to look into the **future and survey** a mind-boggling array of consequences of actions.

Cont...

3. The Consistency Objection to Rule-Utilitarianism

- An often-debated question about rule-utilitarianism is whether, when pushed to its logical limits, it must either become a **deontological system** or transform itself into **act-utilitarianism**.

4. The No-Rest Objection

- Following utilitarianism, I should get little or no rest, and, certainly, I have no right to enjoy life when by sacrificing I can make others happier.

5. The Publicity Objection

- It would be better if most people acted simply as deontologists. Thus, utilitarianism seems to contradict our requirement of publicity.

6. The Relativism Objection

- Sometimes people accuse **rule-utilitarianism** of being **relativistic** because it seems to endorse **different rules in different societies**.

Cont...

7. Ends Justifying Immoral Means

- There are many dastardly things that we can do in the name of maximizing general happiness: deceit, torture, slavery, even killing off ethnic minorities.
- The general problem can be laid out in this argument:
 - A. If a moral theory justifies actions that we universally deem impermissible, then that moral theory must be rejected.
 - B. Utilitarianism justifies actions that we universally deem impermissible.
 - C. Therefore, utilitarianism must be rejected.

8. The Lying Objection

- Don't we already accept lying to a gangster or telling white lies to spare people's feelings?

9. The Justice Objection

- The utilitarian cannot exclude the possibility of sacrificing innocent people for the greater good of humanity.

- Generally, utilitarianism is a moral theory which takes into account how the consequences of an act will affect all the parties involved. The fundamental principle of utilitarianism is the principle of utility:

The principle of utility

- ✓ The morally right action is the one that produces **the best overall consequences** with regard to the utility or welfare of all the affected parties.
- ✓ Jeremy Bentham's slogan: The right act or policy is the one that causes **'the greatest happiness of the greatest number'** that is, maximize the total utility or welfare of the majority of all the affected parties.

E. Altruism

- **In altruism** an action is right if the consequences of that action are favorable to all except the actor.
- **Butler** argued that we have an inherent psychological capacity to show benevolence to others. This view is called ***psychological altruism*** and maintains that at least some of our actions are motivated by instinctive benevolence.

- **Psychological altruism** holds that all human action is necessarily other centered and other motivated.

2.3.4. Deontological Ethics (Non- Consequentialist)

Deontology: What duty asks of us?

- What makes a 'right' act right? The **utilitarian** or consequentialist answer to this question is that it is the **good outcome** of an act which makes it right. To this extent, "**the end justifies the means**".
- **For Deontology, "the means justifies the end"**. It is coined as "**deontics**". This is a theory that the rightness or wrongness of moral action is determined, at least partly with reference to **formal rules** of conduct rather **than consequences or result** of an action.
- It is an emphasis on the **intentions, motives, moral principles or performance of duty** rather than results, as the sign of right action/morality and immorality.

Cont...

- The first advocator of deontological theory was **Immanuel Kant**, an influential German philosopher in the age of Enlightenment.
- **Kant** believes that human beings are endowed with the **mental faculty** to **reason out**. Reason help them to distinguish moral acts from the immoral ones.

Performance of One's own Duty

- The 17thc German philosopher Samuel **Pufendorf**, who classified dozens of duties under **three headings**: **duties to God, duties to oneself and duties to others!**

Absolute duties

- 1 avoid wronging others;
- 2 treat people as equals, and
- 3 promote the good of others.

- **Conditional duties**: various types of agreements, the principal one of which is the duty is to keep one's promises.

1. The Divine Command Theory

- ❖ ethical principles are simply the commands of God
- ❖ Without God, there would be **no universally valid morality**.

1. Morality (that is, rightness and wrongness) originates with God.

2. Moral rightness simply means “**willed** by God,” and moral wrongness means “being **against** the **will** of God.”

3. Because morality essentially is based on divine will, not on independently existing reasons for action, no further reasons for action are necessary.

- ❖ **If there is no God, then nothing is ethically wrong, required, or permitted.**

2. Rights Theory

- ✓ The most influential early account of rights theory is that of 17th John Locke, who argued that the laws of nature mandate that we should not harm anyone's **life, health, liberty or possessions**.
- ✓ For Locke, these are our natural rights, given to us by God.
- ✓ The US Declaration of Independence authored by Thomas Jefferson recognizes 3 foundational rights: life, liberty, and the pursuit of happiness.
- **There are four features traditionally associated with moral rights.**
 - ✓ 1st, rights are *natural* not invented or created by governments.
 - ✓ 2nd, they are *universal* do not change from country to country.
 - ✓ 3rd, they are *equal* the same for all people, irrespective of gender, race ...

3. Kant's Categorical Imperative

- o Immanuel Kant (1724-1804) is identified with the moral theory known as **deontology**.
- o Kant was adamantly **opposed** to the idea that the **outcome** of an action could determine its moral worth.
- o Deontologists maintain that there are some moral obligations which are **absolutely binding/all bind**, no matter what consequences are produced.
- ❖ A **categorical imperative**, he argued, is fundamentally different from **hypothetical imperatives** that center on some **personal desire** that we have.
- ❖ Kant believed that ***nothing was good in itself except a "good will."***
- ❖ Kant's categorical imperative states that ***we should act in such a way that the maxim or general rule governing our***

... Cont....

- *Kant's theory is hinged/centered by his beliefs on **autonomy** and his formulation of categorical imperatives.*
- **Autonomy** allows us to be self-creating when it comes to our values and morality.
- Conversely, **heteronomy** is acting under the influence of someone else

A, The Principle of Universality

- **"Act only according to that maxim whereby you can at the same time will that it should become a **universal law** without contradiction."**
- The first maxim states that we should choose our 'codes of conduct' only if they serve **perfect / imperfect duty and are good for all.**
- ❖ **Perfect duties** are blameworthy if not met and are the basic requirements for a human being

Imperfect duties are those duties that are never truly completed. Examples of imperfect duties are perfecting the ability to write and produce works.

B. The Principle of Humanity as an End, Never as Merely a Means

❖ It states that we should not use humanity of ourselves or others as a means to an end.

C. The Principle of Autonomy

❖ It states that we should consider **ourselves** to be members in the universal realm of ends.

❖ Therefore, every rational being must so act as if he were through his maxim always a legislating member in the **universal kingdom of ends**.

❖ The main problem with the categorical imperative is its rigidity.

• *The famous example that illustrates this is that of a crazed axe-murderer coming to your front door and asking you where your children are. You*

Ross's Prima Facie Duties or Moral Guidelines

- ❖ **W.D. Ross** (William David Ross) was a **British** philosopher (15 April 1877 – 5 May 1971) who emphasized *prima facie* duties.
- ❖ The term *prima facie* means “**at a first sight**” or “**on the surface.**”
- ❖ **Prima facie duties**, means duties that **dictate** what we should do when other moral factors are not considered.
- ❖ An **actual duty** is the action that one ought to perform **after considering and weighing** all the *prima facie* duties involved.
- ❖ A *prima facie* duty is a duty that is **binding (obligatory)** other things equal, that is, **unless it is overridden** or trumped by another duty or duties.
- ❖ An example of a *prima facie* duty is the duty to keep promises. ***Unless stronger moral considerations override, one ought to keep a promise made.*** By contrast with *prima facie* duties, our ***actual or concrete duty*** is the duty we should

... contin...

- ✓ Ross lists the following categories of prima facie duties, which reflects our actual moral convictions:
- ***Duties of Fidelity***: the duty to keep promises and the obligation not to lie.
- ***Duties of Reparation***: a duty to make up for the injuries one has done to others. It is the duty to compensate others when we harm them.
- ***Duties of Gratitude***: the duty to thank those who help us.
- ***Duties of Justice***: The duty of justice requires that one act in such a way that one distributes benefits and burdens fairly.
- ***Duties of Beneficence***: the duty to improve the conditions of others.
- ***Duties of Self-improvement***: The duty of self-improvement is to act so as to promote one's own good

2.3.5 Virtue Ethics

What is Virtue Ethics?

- A virtue is an excellent **trait of character**.
- It may, initially, be identified as the one that emphasizes the **virtues**, or **moral character**, in **contrast** to the approach that emphasizes duties or rules (deontology) or that emphasizes the consequences of actions (consequentialism).
- ***Imagine a case in which it is agreed by every sort of theorist that I should, say, **help someone in need**. A **deontologist** will emphasize the fact that in offering help, I will be acting in accordance with a **moral rule or principle** such as “Do unto others as you would be done by”; a **consequentiality** will point out that the consequences of helping will maximize **well-being**; and a **virtue** ethicist will emphasize the fact that providing help would be charitable or benevolent – charity and***

... Contin...

- The ancient Greek philosopher, [Aristotle](#), (384-322 B.C.) first wrote a detailed discussion of virtue morality in the Nichomachean Ethics.

Examples of virtue ethics

- [Honesty, courage, compassion, generosity, fidelity, integrity, fairness, self-control, and prudence / judiciousness](#)

The difference between virtue ethics and deontological ethics

- Deontology falls within the domain of moral theories that guide and assess [our choices of what we ought to do](#) (deontic theories), in contrast to those that guide and assess [what kind of person we are and should be](#).

2.3. Non-Normative Ethics/Meta-ethics

2.3.1. What is Meta-ethics?

- Meta ethics is the study of the **origin, meaning** of ethical concepts and the **reason for moral judgments**.
- Meta ethics is not about what people **ought to do**. It is about what **they are doing** when they talk about what they ought to do.
- **Metaphysics** is the most important fields of philosophy that deal with the **studies of ultimate reality and human knowledge**, respectively.

Generally, Meta-ethics:

- Examines the meaning of moral terms and concepts and the relationships between these concepts.
- Explores where moral values, such as 'personhood' and 'autonomy', come from.
- Considers the difference between moral values and other kinds of values.
- Examines the way in which moral claims are justified.

2.3.2. Cognitivism and Non-Cognitivism

- **Cognitivists**: think that a moral judgment such as this expresses a belief.
- Beliefs can be true or false. So cognitivists think that moral judgments are **capable of being true or false.**
- **Non-cognitivists**: think that moral judgments **express non-cognitive states such as emotions or desires.** Desires and emotions are not truth-apt. So moral judgments are not capable of being true or false.

Chapter Four:

State, Government and Citizenship

Understanding State

Defining State

- The term 'state' has been used to refer to a bewildering/confusing range of things: a collection of institutions, a territorial unit, a philosophical idea, an instrument of coercion or oppression, and so on.
- The state has been understood in four quite different ways; from an **idealist**, a **functionalist**, an **organizational** 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.
- 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

Contin...

- ☛ **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.
- ♥ The state being defined as that set of institutions that uphold order and deliver social stability.
- ♥ The **weakness** of the functionalist view of the state, however, is that it tends to associate any institution that **maintains order** (such as the **family, mass media, trade unions** and the **church**) with the state itself.
- ☛ **The organizational view** defines the state as the apparatus of **government** in its broadest sense.
 - 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

Contin...

☛ **The international approach** to the state views it primarily **as an actor on the world** stage; indeed, as the basic **'unit'** of international politics.

❖ 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, the state has four features: **a defined territory, permanent population, an effective government and sovereignty.**

A. 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 for criteria.

- 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.

Contin...

B. 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 3 miles, though some states contend for up to 20 miles.

C. Government: Government is said to be the soul of the state. It protects the people against conditions of insecurity. The government is the machinery that terminates the condition of anarchy. The form of government may be monarchical, aristocratic, oligarchic, democratic, or dictatorial... if there is no government, there is anarchy

D. Sovereignty: 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

Contin...

- The contemporary political theorists and the UN considered **recognition** as the fifth essential attribute of the state in 1933.
- It means acknowledgment or acceptance of the state by international community as legal actor.

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.
- ▶ **Andrew Heywood** (2013) classified the rival theories of state into four: **the pluralist state, the capitalist state, the leviathan state, and the patriarchal**

A. *The Pluralist State*

► The pluralist theory of the state has a very clear **liberal lineage**.

► It stems from the belief that the state acts as an '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

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 & capable of protecting each citizen

♠ **Locke**, developed a liberal defense; the purpose of the state is restricted to the defense of a set of '**natural**' or **God-given** individual **rights; namely, life, liberty and property.**

♠ **The pluralism** holds that the **state is neutral**. The state is **not biased** in favor of any particular interest or group, and it does not have an interest of its own.

♠ **Modern pluralists**, however, termed the **neo-pluralist**

♠ Robert Dahl and Charles Lindblom (1953) have come to accept that **modern industrialized states** are both more complex and less responsive to popular pressures.

♠ **Neo-pluralists**, have acknowledged that business enjoys a

B. 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 that the state is nothing but an instrument of **class oppression**: the state emerges out of, and in a sense reflects, **the class** system.
- ♠ In a general sense, Marx 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.
- ♠ He regarded state in terms of the theories of the **Communist** Manifesto and the autonomy of the state

C. The Leviathan State

Written by Thomas Hobbes.

- The image of the **state** as a '**leviathan**' (in **effect**, a **self-serving monster** intent on **expansion and aggrandizement** /exaggeration) is one associated in modern politics with the **New Right**.
- 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 / insistent growth** in the role or responsibilities of the state itself.
- **New Right** thinkers therefore argue that towards state intervention reflected **not popular pressure for**

D. The Patriarchal/male controlled/ State

- **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.
- A more critical and negative view of the state has been developed by **radical feminists**, who argue that state power reflects a deeper structure of oppression in the form of **patriarchy**.
- There are a number of similarities between **Marxist and radical feminist** views of state power.
- **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 latter.
- Quite simply, in this view, the state is run **by men**, and **for men**.

Role of the state

- There is profound disagreement about the exact role the state
- Among the **different state forms** that have developed are the following:

i. Minimal States

- The minimal state is the ideal of **classical liberals**, whose aim is to ensure that **individuals enjoy the widest possible realm of freedom.**
- This view is rooted in **social-contract** theory, but it nevertheless advances an essentially '**negative**' view of the state.
- The cause of the minimal state has been taken up in modern political debate by **the New Right** which define state's economic role by:
 1. Creating a stable means of **exchange or 'sound money'** (low or

ii. Developmental States

- ♣ The best historical examples were UK & USA 19thc .
- ♣ It is one that **intervenes** in economic life with the specific purpose of promoting industrial growth and economic development
- ♣ The **classic example** of a developmental state is Japan. During the Meiji Period (1868–1912), the Japanese state forged a close relationship with the **Zaibutsu**, the **great family-run** business empires that dominated the economy till W W II
- ♣ More recently, economic globalization has fostered the emergence of 'competition states', examples of which are found amongst the **tiger economies** of **East Asia**.

iii. Social Democratic (Welfare) States

- ♣ It practice **intervention** with a view to bringing about **broader social restructuring**, usually in accordance with principles such as **fairness, equality and social justice**

... conti...

- ☂ In Austria and Sweden, state **intervention** has been guided by both developmental and social democratic priorities.
- ☂ The **social-democratic** state is thus the ideal of both **modern liberals (Neo)** and democratic socialists.
- ☂ The social-democratic state is an active participant; in particular, helping **to correct the imbalances and injustices of** a market economy.
- ☂ In practice, is an attempt to **eradicate poverty** and **reduce social inequality**.
- ☂ The twin features of this theory are **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.

iv. Collectivized States

- ✂ It brings the entirety of economic life under **state control**.
- ✂ The best examples were in **orthodox communist countries** such as the USSR and throughout Eastern Europe.
- ✂ These sought to **abolish private enterprise** and set up centrally **planned** economies
- ✂ So-called '**command economies**' by Marx and Engels

V. Totalitarian States

- The most extreme and extensive form of **interventionism** is found in totalitarian states.
- Its essence is the construction of an **all-embracing** state, the influence of which penetrates **every aspect of human existence**.
- The state also brings **education, culture, religion, family life** and so on under direct state control

... Cont...

- ✂ The best examples are **Hitler's Germany** and **Stalin's USSR**, & modern regimes such as **Saddam Hussein's Iraq**
- ✂ Totalitarian states effectively extinguish **civil society** and abolish the **private** sphere of life

Vi. Religious States

- 🧙 a religious state is a contradiction in terms.
- 🧙 The **modern state** emerged largely through the triumph of **civil authority** over **religious authority**
- 🧙 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**

Understanding Government

What is Government?

- 👤 government is one of the most essential components and also an administrative wing of the state.
- 👤 Government can also refer to political organization comprising individuals and institutions authorized to **formulate public policies** and conduct **affairs of state**.
- 👤 Any form of government, to be stable and effective, must possess two essential attributes: **authority and legitimacy**.
- 👤 **Authority:** implies the ability to compel obedience. It can simply be defined as '**legitimate power**.'
- 👤 **Legitimacy:** The term legitimacy (from the Latin word *legitimare*, meaning 'to **declare lawful**') broadly means **rightfulness**
- 👤 **Legitimacy** is the popular acceptance of a governing regime or

Purposes and Functions of

Government

- ☁ **Self-Preservation:** governments are responsible to prevail order, predictability, internal security, and external defense
- ☁ **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

Defining Citizenship

👉 **Citizen** refers to the person who is a legal member of a particular State

👉 **Citizenship** simply denotes to the network of **relationships between the State and the citizen**

👉 **Citizenship** refers to the rules regulating the legal/formal relations between the State

i) Citizenship as a Status of Rights: Marshall 1998, distinguishes **three** types

- ***The civil:*** individual liberty
- ***Political rights:*** right to vote & to be elected
- ***Social rights:*** public safety, health, the right to

... cont...

👉 Hohfeld (1978), discovered **four components of rights** known as '**the Hohfeldian incidents**'

- **A) Liberty Right:** is a freedom given for the right-holder to do something and there are no obligations on other parties. Example (art. 25, 34)
- **B) Claim Rights:** are the inverse of liberty rights since it entails responsibility upon another person or body.
- social rights such as unemployment and public service benefits are *claims* that directly depend on taxes paid by others.
- **C) Powers Rights:** are cooperative controls that are imposed on others.
- For example, Article 40(1) of the FDRE constitution, the rights to the ownership of private property and to modify, sale, donate or transfer their property to a third party.

Theorizing Citizenship

A. Citizenship in Liberal Thought

- ☞ it gives a strong emphasis to the **individual liberty** of the citizen, and rights that adhere to each and every person
- ☞ **John Locke (1689)**, viewed **individuals** as endowed with **reasoning** skills which dictates of divinely given **natural law**
- ☞ **John Stuart Mill** regarded **individuality** and **self-interest** as the **source** of **social**, not just personal, progress and well-being.
- ☞ There **are three fundamental principles** which a **liberal gov't** must provide and protect:
 - **(1) equality**, **(2) due process** gov't is required to treat individuals over whom it **exercises power fairly**; and **(3) mutual consent** b/n the **individual and the state**.

B. Citizenship in Communitarian Thought

- ☞ The approach emphasizes on the importance of **society** as the **good**.
- ☞ They **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**.
- ☞ Hence, **good of the community** is much above individual rights.
- ☞ **citizenship** comes from the community identity
- ☞ All in all, the **two defining** features of communitarian are:
 - 1st** No individual is entirely self-created; instead the citizen and his/her identity is deeply constructed by the society

C. Citizenship in Republican Thought

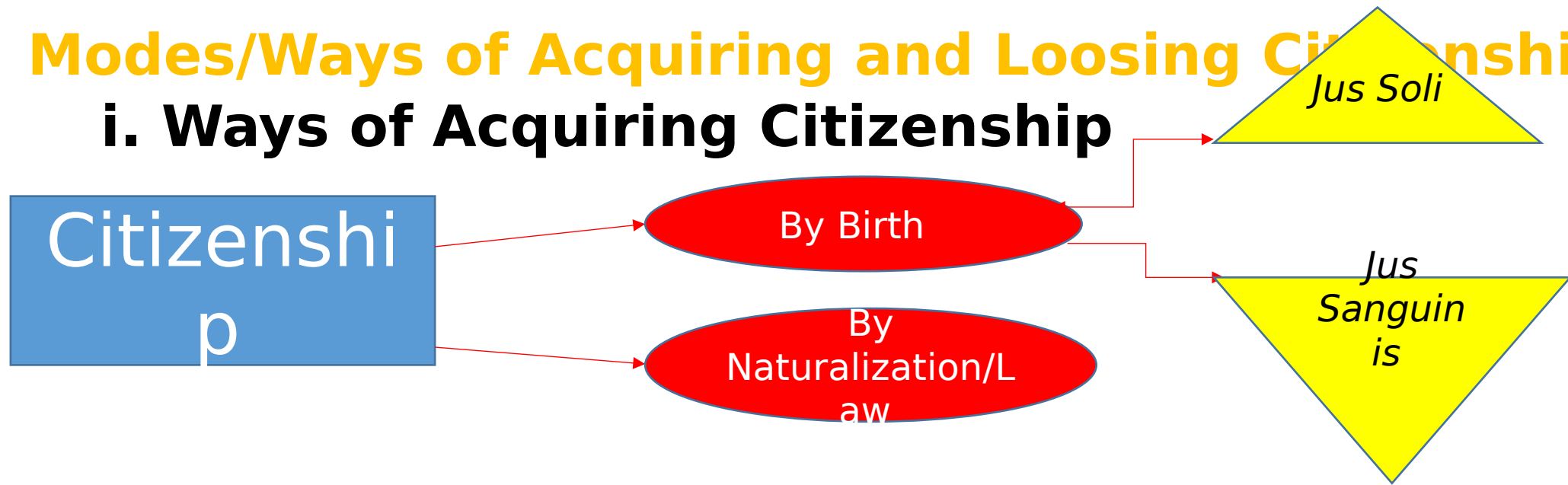
- ☀ Republican citizenship theory put emphasis on **both individual** (liberal notion) **and group** (communitarian framework) rights.
- ☀ In view of that, there are **two essential** elements: **publicity and self-government.**

D. Multicultural Citizenship

- ➔ The **ethnic revitalization** movements demanding recognition of group rights as well as individual rights; the structural exclusion of racial, gender, ethnic, and language groups
- ➔ the conception of citizenship in a modern State expanded to include **cultural rights and group rights** within a democratic framework.
- ➔ There is a need to move towards a new type of multicultural citizenship appropriate to highly diverse societies and

Modes/Ways of Acquiring and Loosing Citizenship

i. Ways of Acquiring Citizenship



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.

- **Citizenship by Naturalization/Law**: is the legal process by which foreigners become citizens of another country. Political case (secession, merger and subjugation), grant on application, marriage, legitimatization/adoption, and reintegration/restoration.

The Modes of Acquiring Ethiopian Citizenship

☞ **Acquisition by Descent**: any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian

☞ **Acquisition by Law (Naturalization)**:

a) Grant on Application (registration): by fulfilling criteria

b) Cases of Marriage: an alien who is married to an Ethiopian citizen have the possibility of acquiring Ethiopian citizenship.

c) Cases of Adoption (Legitimizing): this process whereby

d) Citizenship by Special Cases: an alien who has made an outstanding contribution in the interest of Ethiopia

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

Dual Citizenship

- Dual citizenship is the condition of being a citizen of two nations
- Ethiopia prohibits its citizens to have dual citizenship.

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
- **Lapse/expiration** is a mode whereby a person loses his/her citizenship because of long term residence abroad beyond the number of years permitted by the country in question.

• is another way of losing citizenship which is not applicable to

- **Renunciation** is the voluntary way of losing citizenship
- **Substitution:** citizenship may be **lost** when the original citizenship is substituted by another state, where it is acquired through naturalization

Statelessness

- ❖ 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 Rights

Constitution

- is the fundamental or basic law of a state
- is a blue print placed on top the hierarchy of laws
- collection of principles according to which the powers of the government, the rights of the governed, and the relation between the two are adjusted
- A body of rules and laws, (written or unwritten) that determine the organization of government and the distribution of powers and functions to various organs of government
- is the mothers of all laws
- is supreme law of a land

Peculiar Features of 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:** is made for undefined period of time.
- **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.

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:**

Classification of Constitutions

- For instance, taking the criteria, form, amendment procedure and degree of implementation/practice,

Constitution based on form

1 written and unwritten constitutions

Written constitution

- A written constitution is one in which most of the provisions are embodied in a **single formal written instrument** or instruments.
- For example, India, Kenya, Ethiopia, USA, Germany, Brazil, Indonesia, Jordan, Venezuela and Nigeria have written form of constitution.

What are the merits and Demerits of written constitution?

Unwritten Constitution

- is basically means that the fundamental principles and powers of the government are not written down in any single document.
- It consists of customs, conventions, traditions, and some written laws bearing different dates.
- Example the British constitution

What are the merits and Demerits of unwritten constitution?

Constitution based on complexity of amending process

Rigid Constitution

- the process of amendment is difficult.
- A special procedure is followed to make a change in any rule of the constitution.

Flexible Constitution

- is the constitution which set up simple amendment procedure
- is as such no special required procedure for amending a constitution

Constitution based on degree of practice

Effective Constitution: is a situation in which government/citizens practices correspond to the provisions of the co

Nominal constitution: it describes government'/citizens' limits yet in practice either or both fail to behave accordingly

Based on the kind of state structure

- 1 unitary and
- 2 federal constitution respectively

Constitutionalism

- Constitutionalism refers to a doctrine that governments should be faithful to their constitutions.
- It is citizens and governments operate in accordance with the general rules and laws rather than arbitrary.

The Constitutional Experience of Ethiopia

Traditional Constitution (Pre- 1931)

• Fetha Negest

- The Fetha Negest (The Law of Kings) was a religious and secular legal provision
- written in Arabic by the Coptic Egyptian writer Abu-l Fada'il Ibn al-Assal (commonly known as Ibn al-Assal) (1235-1243).
- It was used as the sources of constitutional, civil, and criminal laws.
- It was compiled from the Old Testament, the New Testament, and the Roman law.
- The throne was hereditary, the king was thought to be appointed divinely that is derives his power directly

Cont..

Kibre Negest

- means glory of king.
- The Kebra Nagast was written to document for the first time the mythical origins of **the royal house**.
- This document was written by **six Tigrean clerics** and completed in the early 14th Century.
- It determine the **succession of the throne** in Ethiopia.
- It was the principal sources of legitimacy for the **kings**.
- This document takes the Ethiopian history back to the **Solomonic dynasty** or must have such **blood relationship** with the dynasty.

Cont..

Ser'ate Mengist

- The *ser'ate Mengist* was provided certain administrative protocol and directives in the 19th century.
- It is the first document known to have been used for allocating power among the **Crown**, its **dignitaries** and the Church

The 1931 First Written Constitution

- ❖ With promulgation of first written form of constitution on July 16, 1931 by Emperor Haile Selassie, the era of unwritten form of constitution came to an end.
- ❖ The constitution reinforced the traditional position of the emperor as '*Siyume Egziabiher, Niguse Negast Za Ethiopia*' which literally means: Elect of God, King of Kings of Ethiopia'
- ❖ both internal and external factors forced the development of the 1931 constitution. Externally, , particularly the western European countries.
- The 1931 constitution was failed to achieve external goals as intended by the emperor.
- Internally, it was intended to provide a legal framework for the suppression of the powerful traditional nobilities to the emperor.
- The emperor has a deep interest of centralizing the state power

The Revised Constitution of 1955

- The Revised Constitution continued the process of centralization.
- The Constitution spent one chapter settling the issue of succession on the rule of male primogeniture.
- Interestingly enough it also contained an elaborate regime of civil, human rights and political rights for the subjects.
- In theory, the Constitution was the supreme law of the land governing even the Emperor.
- Little change was introduced regarding the position of the Emperor.
- The revision of the 1931 constitution was urged by both internal and external factors.
- Internally, to cope up with the social and political dynamics of the then period, global politics,

• Externally, Ethnic Federalism

The 1987 Constitution of People's Democratic Republic Ethiopia (PDRE)

- Dergue setup the Provisional Military Administrative Council (PMAC) type of temporary government.
- The PMAC presented itself for elections through a new **WPE**
- The party became the **vanguard communist party**.
- issued a series of decrees and proclamations nationalization of rural and urban land, extra urban houses...
- The PDRE constitution (1987) was different from the 1931 & 1955 in that:
- State and religion were separated (**issue of secularism**) for the first time;
- 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;

Contin...

- recognized cultural identities and the equality of Nation and Nationalities;
- Introduced a party system by giving recognition to the WPE
- 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/shengo.
- Practically, however, the 1987 constitution was not different from the 1931 and 1955 constitutions.

The 1995 (FDRE) Constitution

- It has a wider coverage of both human and democratic rights.
- About **one third** is devoted to the discussion of **rights**.
- It has some salient features. “**introduction of a federal form** of governance and the assignment of the competence of determining constitutionality to the second chamber of the parliament”
- It embeds many of the core egalitarian principles: **self-determination of collectivities, rule of law, democracy, development, fundamental rights and freedoms, equality and non-discrimination, sustainable peace and affirmative action** in its preamble
- The constitution gives recognition to **five fundamental principles**;
 - 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).

Democracy and Democratization

Defining Democracy

- means the government of the people or government of the majority
- *the government of the people, by the people and for the people", by former US President Abraham Lincoln.*
- Democracy can also be conceived as the institutionalization of freedom.
- Two broad ways of exercising democracy: **direct and indirect democracy**
- **Direct democracy** is form of government in which the right to make political decisions is exercised directly by the whole body of citizens under procedures of majority rule.
- It is also known as **pure/classical** democracy. These include **referendum, recall, initiative and plebiscite**.
- **Indirect democracy:** refers to a form of government in which citizens exercise their rights and freedoms and discharge their obligations not in person but through **representatives**

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**.

Liberty:

- **personal freedom- free from arbitrary arrest, detention..**
- **political freedom**
- **economic freedom**

Justice

- **distributive Justice**
- **corrective Justice**
- **procedural justice**

Equality

- **political equality, social equality and economic equality**

Fundamental principles of democracy.

- **Popular Sovereignty**
- **Constitutional Supremacy**
- **Rule of Law**
- **Secularism**
- **Separation of Powers**
- **Free, Fair and Periodic Election**
- **Majority Rule Minority Right**
- **Protection and Promotion of Human Rights**
- **Multiparty System**

Democratization

- It simply we refer to the institutionalization and routinization of democratic ideals and principles and their effective functioning.

Actors of Democratization

- Political Parties
- Media
- Civic Societies
- Interest groups
- NGOs

Human Rights: Concepts and Theories

What Are Human Rights?

- Human rights are basic to humanity.
- They apply to all people everywhere.
- is an important part of our individual status as human beings and of our collective status as members of the global community of humankind.
- It is also common to call them ‘natural’ rights,
- UDHR, Article 2, stipulates that human rights belong to every human being “without distinction of any kind, such as **race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status**” (Art. 2).
- Human rights are established upon some main principles including **universality, inalienability, indivisibility and interdependence, equality and non-discrimination.**

Human Rights and Responsibilities

- Human rights involve responsibility and duties toward other people and the community.
- This is clearly states in various human rights instruments and resolutions issued by the UN including the UN Charter, Universal Declaration of Human Rights (UDHR),
- International Covenant on Civil and Political Rights (ICCPR),
- International Covenant on Economic, Social and Cultural Rights (ICESC),
Convention on the Rights of Children (CRC),
Convention on all forms Discrimination against Women (CEDAW) and the Paris Principles.

Landmarks in Development of Human Rights

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

Rights Holders and Duty Bearers

- Rights become rights when the job of identifying the two main actors is done. These are ***right holders*** and ***duty bearers***.

Categories of Human Rights

- **Civil and political rights**, freedom of speech and freedom from torture.
- **Economic and social rights**, rights to health and education.
- **individual rights.** apply to individuals, ex. a fair trial.
- **collective rights.** apply to groups of people, ex. right to a healthy environment.
- There are various ways used by different scholars to categories human rights. Human Rights into three: **First, Second and Third generation rights.**

1 Civil and Political Rights

- ❖ Civil and political rights are **the first generation rights**
- ❖ include such rights as the right to life, liberty and personal security, equality before the law, protection from arbitrary arrest and the right to religious freedom and worship.
- ❖ are seen as an immediately realizable rights
- ❖ They have also been called as 'negative' rights to indicate the fact that they simply entail the **absence of their violation** in order to be upheld.

2. Social and Economic Rights

The **second generation** (social, economic, and cultural) rights.

Social and economic rights include such rights as

the right to education, health and wellbeing, work and fair remuneration/salary, form trade unions and free associations, leisure time, and the right to social security

- ✓ are called '**positive**' rights to indicate that whose realization is **highly subjected to the economic capability of states**.
- ✓ Second generation rights are considered as "**less fundamental**" or **unrealistic rights** because of the issues of justiciability.

3. Peace, Development and Environmental Rights

- ✓ Third generation (solidarity) rights are aimed to guarantee that **all individuals and groups have the right to share**
- ✓ Many of these rights are **transnational in nature**
- ✓ are still considered as an **emerging rights**,

Derogations and Limitations on Human Rights

Limitations are lawful infringements/breaches of rights during the normal times.

- Limitations can take the form of restrictions and/or derogation.

Derogation means a temporary non-application and suspension of rights by the state in **abnormal or emergency** (natural/artificial) situations

- Regional states can declare in two conditions: **natural disaster and epidemics**.
- Federal Government can declare a State of Emergency

Non-derogability of Human Rights

- There are also certain unique and inherent human rights, which can **never be suspended** under any circumstances
- The FDRE Constitution (art. 93(4[c])) states that rights under Articles 1, 18, 25, and sub-Articles 1 and 2 of Article 39 of the Constitution are non-derogable rights.