

Chapter Four
State, Government And Citizenship
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CHAPTER FOUR

STATE, GOVERNMENT AND CITIZENSHIP

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4.1. Understanding State

- The term '*state*' has been used to refer to a bewildering range of things:
 - ✓ a collection of institutions
 - ✓ a territorial unit
 - ✓ a philosophical idea
 - ✓ an instrument of coercion or oppression, and so on.
- This confusion stems, in part, from the fact that the state has been understood in 4 quite different ways; from:
 - *Idealist perspective*
 - *Functionalist perspective*
 - *Organizational perspective* and

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❑ ***The idealist approach***

:- is most clearly reflected in the writings of ***Hegel***.

✚ Hegel identified 3 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.
- ✓ 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**

- ✓ 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*;

- as the 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

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➤ The international approach

- ✓ views state 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,
 - *looking outwards and looking inwards*
- ❖ Unlike the previous definitions which are concerned with ***the state's inward-looking face*** -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
- According to Article 1 of the Montevideo Convention, the state has 4 features:
 - a) Permanent **population**
 - b) Defined **territory**
 - c) An effective **government** - the soul of the state
 - d) **Sovereignty** - is the highest power of the state that distinguishes it from all other associations of human beings

- Sovereignty has two aspects - *Internal and External Sovereignty*

- ✓ ***Internal Sovereignty***

- o implies that inside the state there can be no other authority that may claim equality with it.
- o The state is the final source of all laws internally.

- ✓ ***External sovereignty***

- o implies that the state should be free from foreign control of any kind.

- In addition to the essential attributes of the state agreed in the 1933, the contemporary political theorists and the UN considered **recognition** as the 5th essential attribute of the state.
 - o 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

4.2. Rival Theories of State

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✚ What is the nature of state power, and whose interests does the state represent?

- ✓ 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:
 - i. The pluralist state
 - ii. The capitalist state
 - iii. The leviathan state
 - iv. The patriarchal state

i. 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/ impartial arbiter'** in society
- It indicates *state neutrality*- 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.

- 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***
- In Hobbes' view, stability and order could be secured only through the establishment of an absolute and ***unlimited state***, with power that could be neither challenged, nor questioned
- Locke, on the other hand, developed a more typically liberal defense of the ***limited state***. In his view, the purpose of the state is very specific: it

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As Schwarzmantel (1994) put it, the state is '***the servant of society and not its master***'

- Two key assumptions underlie this view.
 - The 1st is that *the state is effectively subordinate to government*. The state apparatus is therefore thought to conform to the principles of public service and political accountability.
 - The 2nd 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
- **Modern pluralists**, however, have often adopted a more critical view of the state, termed the **neo-pluralist** theory of the state
- *Neo-pluralists*, for instance, have acknowledged that business enjoys a '**privileged position**' in relation to government that other groups clearly cannot rival

- The **Marxist notion of a capitalist state** offers a clear alternative to the *pluralist image of the state as a neutral arbiter or umpire*
- **Marxists** have typically argued that the *state cannot be understood separately from the economic structure of society*
- This view has usually been understood in terms of the classic formulation that the **state is nothing but an instrument of class oppression**: the state emerges out of, and in a sense reflects, the class system
- Marx **did not** develop a systematic or coherent theory of the state
- In a general sense, he believed that:
 - **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
 - **All states**, from this perspective, **are class dictatorships**.
- According to Marx, Since the state emerged out of the class system, once the class

iii. The Leviathan State

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- 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
- 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 Rights argue that **state intervention** reflected:-
 - not popular pressure for economic and social security (Pluralist 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
 - *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
- While *Marxists argue* that the state reflects broader class and other social interests, the New Right portrays the state as an independent or

- Modern thinking about the state must, finally, take account of the implications of feminist theory
- **Feminist theory** encompasses a range of traditions and perspectives, and has thus generated a range of very different attitudes towards state power.
- Moreover, feminists have usually *not regarded the nature of state power as a central political issue*, preferring *instead* to concentrate on the *deeper structure of male power centered on institutions* such as the family and the economic system
- **Liberal feminists**, who believe that sexual or gender equality can be brought about through incremental reform, have tended to accept an essentially pluralist view of the state
- They 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

- **Radical feminists-** *negative view of the state*, who argue that state power reflects a deeper structure of oppression in the form of patriarchy
- There are a number of similarities between *Marxist and radical feminist views of state power*
- Both groups, for example, *deny that the state is an autonomous entity bent on the pursuit of its own interests.* Instead, the *state* is understood, and its biases are explained, by reference to a '*deep structure*' of power in society at large
- Whereas **Marxists** place the *state* in an *economic context*, **Radical feminists** place it in a context of *gender inequality*, and insist that it is essentially an institution of male power

- In common with Marxism, distinctive instrumentalist and structuralist versions of this feminist position have been developed
- The *instrumentalist argument* views the state as little more than an agent or 'tool' used by men to defend their own interests and uphold the structures of patriarchy
- 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.

4.3. The Role of the State

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- ✦ What should states do? What functions or responsibilities should the state fulfill, and which ones should be left in the hands of private individuals?
- With the exception of ***anarchists***, who dismiss the state as fundamentally evil and unnecessary, all political thinkers have regarded the state as, in some sense, worthwhile
- Among the different state forms that have developed are the following:
 - ❖ Minimal states
 - ❖ Developmental states
 - ❖ Social-democratic states
 - ❖ Collectivized 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 *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 (the state acts as a night watchman)
- ✓ This nevertheless leaves the *'minimal' or 'night watchman' state with three core functions*.
 - 1st and foremost**, the state exists to maintain domestic order.
 - 2nd**, it ensures that contracts or voluntary agreements made between private citizens are enforced,
 - 3rd** , 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
- 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

B. Developmental States

- ✓ A developmental state is one that ***intervenes in economic life with the specific purpose of promoting industrial growth and economic development***
- ✓ This does not amount to an attempt to replace the market with a 'socialist' system of planning and control but, rather, to an ***attempt to construct a partnership between the state and major economic interests***, often underpinned by conservative and nationalist priorities
- ✓ The classic example of a developmental state is Japan, then, more recently, economic globalization has fostered the emergence of 'competition states', examples of which are found amongst the tiger economies of East Asia.

C. Social Democratic (Welfare) States

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- ❑ 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
- ❑ **Example:** although the UK state was significantly extended in the period immediately after World War II along social-democratic lines, it failed to evolve into a developmental state.

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- The key to understanding the social-democratic state is that there is a shift from a 'negative' view of the state, to a positive view of the state, in which it is seen as a means of enlarging liberty and promoting justice
- 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 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:-

- Keynesianism –

- The advocacy of monetary and fiscal programs by government to increase employment and spending.
- The aim of Keynesian economic policies is to ‘manage’ or ‘regulate’ capitalism with a view to promoting growth and maintaining full employment

- Social welfare.-

- ‘welfare states’- 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

D. Collectivized States

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- *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.*
- 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'
- The best examples of such states were in orthodox communist countries such as the USSR and throughout Eastern Europe.

- 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 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
- ✓ Nevertheless, the period since the 1980s has witnessed the rise of the **religious state**, driven by the *tendency within religious fundamentalism to reject the public/private divide and to view religion as the basis of politics*
- ✓ Far from regarding political realm as inherently corrupt, fundamentalist movements have typically looked to seize control of the state and to use it as an instrument of moral and spiritual regeneration.

✓ This was evident, for instance, in the process of:

- '*Islamization*' introduced in Pakistan under General Zia-ul-Haq after 1978
- the establishment of an '*Islamic state*' in Iran as a result of the 1979 revolution, and,
- the close links between the *Sri Lankan state and Sinhala Buddhism*

✓ Although, religious states are founded on the basis of religious principles, *except the Iranian model which contain explicitly theocratic features*, in other cases religiously-orientated governments operate in a context of constitutional secularism.

4.4 Understanding Government

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4.4.1. Defining Government

☑What is government? What are the functions of government?

- In its broadest sense, to govern means to rule or control others.
- It 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
- 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*

- In other words, 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**
- a) **Authority:** In politics, the word authority implies the ability to compel obedience.
 - ✓ It can simply be defined as '*legitimate power.*'
 - ✓ Authority is therefore, based on an acknowledged duty to obey rather than on any form of coercion or manipulation
 - ✓ While **power** is the ability to influence the behavior of others, **authority** is the right to do so.

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- Thus, authority is the legitimacy, justification and right to exercise that power
- **Authority** can be expressed as *naked force and terror as was the case in many undemocratic governments* or through a series of more or less transparent public hearings as in the case of most democratic states

b) Legitimacy:

- The term legitimacy (from the Latin word *legitimare*, meaning 'to declare lawful') broadly means *rightfulness*.
- Thus, legitimacy is the attribute of government that prompts the governed to comply willingly with its authority

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- 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
- It is considered as a basic condition to rule; without at least a minimal amount of legitimacy, a government will deadlock or collapse
- Thus, as long as legitimacy stays at a certain level, stability is maintained, if it falls below this level it is endangered

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- Therefore, legitimacy is gained through the acquisition of power in accordance with recognized or accepted standards or principles
- That is to say that a legitimate government will 'do the right thing' and therefore deserves to be respected and obeyed
- The *concept legitimacy differs from legality* in the sense that the term *legality does not necessarily guarantee* that a government is respected or that its citizens acknowledge a duty of obedience.

4.4.2. Purposes and Functions of Government

- The *major purposes and functions of government* include, among other things, the following:

- ❖ **Self-Preservation:**

- ✓ 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

- ❖ **Management of Conflicts:**

- ✓ Governments usually develop and consolidate institutions and procedures for the management of conflicts

- ❖ **Fulfillment of Social or Group Aspirations:**

- ✓ 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

❖ **Protection of Property:**

- ✓ States or governments provide means such as police and the court systems that protect private and public property

❖ **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

4.5. Understanding Citizenship

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Defining citizen and citizenship

- In simplest terms, ***citizen*** refers to:
 - the person who is a *legal member of a particular State and one who owes allegiance to that State.*
 - a person who is *legally recognized as member of a particular, officially sovereign political community, entitled to whatever prerogatives and encumbered with responsibilities*
- ***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

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- Citizenship refers to:
 - *the means by which we determine whether a person is legal member of a particular State or otherwise*
 - *the network of relationships between the State and the citizen (at the formal level)*
 - *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

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- Generally, *the concept of citizenship varies from society to society, depending on the place, the historical moment and political organization*
- Although differences may exist, ***there are common elements*** such as *rights, duties, belonging, identity and participation* one can find in definitions of the term

i) Citizenship as a Status of Rights:

- The mere fact of being a citizen makes the person a creditor of a series of rights
- Marshall 1998, distinguishes *three types of rights* that historically have been established in succession:
 - **Civil right**, or the rights necessary for the development of individual liberty;
 - **Political right**, i.e. the right to participate in the exercise of political power, as an elected member or as a voter
 - **Social rights**, which are those that guarantee the right to public safety, health, the right to education, etc., that is the right to a decent life

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➤ Hohfeld (1978), for instance, discovered *4 components of rights* known as '**the Hohfeldian incidents**' namely,

- a) Liberty (privilege),
- b) Claim,
- c) Power &
- d) Immunity.

a) Liberty Right:

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

b) Claim Rights:

- are the inverse of liberty rights since it entails responsibility upon another person or body
- The *duty bearer* has to accomplish something that is indispensable for *right holders* to enjoy the claim rights
- *Claim rights* are rights enjoyed by individuals when others discharge their obligations.
- For instance, *social rights* such as unemployment and public service benefits are *claims* that directly depend on taxes paid by others
- Article 41 of the FDRE constitution underlines the responsibility of the

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- *Liberty and claim rights* termed as primary rules, rules requiring that people perform or refrain from doing particular action
- There are *two other rights termed as secondary rules*, according to Hohfeldian incidents.
- These secondary rules specify *how agents/beholders can introduce, change and alter the primary rules (liberty and claim rights)*

c) Powers Rights:

- ✓ are rights regarding the modification of first-order rights.
- ✓ They are cooperative controls that are imposed on others.
- ✓ The *holder of a power*, be it a government or a citizen, *can change or*

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- ✓ 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
- ✓ 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.

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■ For instance, civil servants have a right not to be dismissed from their job

ii) Membership and Identity:

- o 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
- o The criteria for membership have been linked to shared territory, common culture, ethnic characteristics, history, etc

iii) Participation:

- Participation occupies a key position in citizenship.
- 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
 - 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
 - A *maximalist approach* imply active, broad participation of citizens

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
- 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

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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.*

- *Besides*, citizenship status, however, is not only restricted to persons. Organizations and [endemic] animals could also be considered as citizens
- Moreover, in the era of globalization, it has become increasingly customary to use 'citizen' in a different way to indicate membership of a person beyond a particular political community, the State.
 - Terms like '*global citizen*' or '*cosmopolitan citizen*' are commonly used to refer to every human living in the earth planet

4.5.1. Theorizing Citizenship

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- ❖ Citizenship is *not an eternal essence* rather a *cultural artifact* mold by people through time and that is why the notion of citizenship and the meaning attached to it changes with the change in political thoughts, ideologies, policies and government
- ❖ Therefore, to realize the notion of citizenship, what it is and what it could become, understanding its theoretical explanations come out to be the crucial one.

- Though there are different approaches to citizenship, most contemporary works that address the issue of citizenship speak of the following ***four*** approaches:



1. Citizenship in Liberal Thought

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- Liberal theory of citizenship begins with the individual person (the self).
- The self exists as the true symbol of liberal theory.
- Accordingly, it gives a strong emphasis to the *individual liberty of the citizen, and rights that adhere to each and every person.*
- Hence, in liberalism the primary political unit as well as the initial focus of all fundamental political inquiry is the *individual person*
- 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 thought like John Locke (1960), argue that individual citizens act rationally, corresponding to the constitutions and laws of the State, to advance their own interests.

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- Thus, the individual is morally prior to the community: the community matters only because it contributes to the well-being of the individuals who compose it.
- If those individuals no longer find it worthwhile to maintain existing cultural practices, then the community has no independent interest in preserving those practices, and no right to prevent individuals from modifying or rejecting them
- Likewise, liberals deem internal factors as the primary reasons that determine personal identity.
- They provide little consideration to the environmental factors in the process of shaping the self. Beyond this, liberalists claims that the individual person shapes all other social aggregations, including the state.
- Therefore, citizenship and other political institutions in a given State are means that are accepted only conditionally – i.e., as long as they, in the individual's calculations, foster the maximization of the citizen's preferences/benefits.

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- Under this thought, the role of the State is to protect and create convenient environment to help citizens enjoy and exercise of their rights; the State has an instrumental function
- There are *three fundamental principles which a liberal government must provide and protect*:
 1. equality, whereby the government has to treat individuals who are similarly situated in the same way and afford them the same rights;
 2. due process, such that the government is required to treat individuals over whom it exercises power fairly;
 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.

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- Generally, *the bedrock principles of liberal theory of citizenship are*:
 - individuals are free to form their own opinions,
 - pursue their own projects, and
 - transact their own business untrammelled by the State's political agenda and coercive power, *except* in so far as individual actions implicate the interests of other members of society
- Citizenship cannot be defined based on shared identity or a common culture; the individual chooses his own affections, and any identification with other individuals is rather a *product of their legal status* as citizens
- This *does not* imply the complete rejection of culture and identity as such, but identity and culture are not *a priori* foundations for citizenship.

Critics of Liberal Theory of Citizenship

- The most common problems related with advocating *individualism* are:-
 - free-raiders problem and
 - tragedy of the commons
- ***Free raiders problem*** occurs
 - when those who benefit from resource or service do not pay for it, which results in an under provision of the resource/service. Particularly it occurs when property rights are not clearly defined and imposed.
- ***Tragedy of the commons***
 - is a dilemma arises when individuals act independently and rationally consulting their own self-interest ultimately deplete shared limited environmental resources.
 - Since no one owns the commons e.g. atmosphere and grazing lands each

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- Second, liberalists affirmatively valorize the privatization of personality, commitment, and activity. Hence, the problem has to do with is the ways in which individuals and their ideas are framed.
- Third, as we have seen in the above, individuals have absolute freedom either to actively engage in politics or ignore at all.
- All in all, if many citizens are not willing to devote time or give attention to politics, power will become an instrument of the few rather than of the many, and polity's very survival in a democratic form will be endangered.
- Fourth, liberalists justify that inequalities arise out of differences in individual talents, values, and choices

2. Citizenship in Communitarian Thought

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- 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.

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- The State must provide a policy for the common good, according to the way of life of the community
- “Whether citizenship as membership of a political community rests on the individual or a prior cultural or moral community is what divides the protagonists, the liberal and communitarian theories of citizenship”
- For liberalists, citizenship rests on the individual and it is the individual that determines its aspects, but for Communitarians citizenship is rooted and lies with the people who surround the individual
- Communitarianism claims that an individual's sense of identity is

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- An individual person cannot escape from the control of his/her culture and thus the self/individuality is culturally constructed, socially-embedded.
- whatever individuality the citizen has is derived from and circumscribed by the community
- All in all, the two defining features of communitarian perspective are:
 - *First*, no individual is entirely self-created; instead the citizen and his/her identity is deeply constructed by the society where he/she is a member

Critics of Communitarian Theory of Citizenship

- Communitarianism is hostile towards individual rights and autonomy – even that it is authoritarian since it melts the self into the society
- Other critics argue that communities are dominated by power elites or that one group within a community will force others to abide by its values ...etc

3. Citizenship in Republican Thought

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

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- 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
- ❑ 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, advocates *absolute freedom of individuals* and gives *insignificant consideration towards nurturing the public virtues that lead people to do their duties as citizens.*

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- 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.
- In view of that, there ***are two essential elements of the republican citizenship:***
 - Publicity and
 - Self-government.
- The citizens and governments in a republican State shall not act arbitrary, impulsively, or recklessly but according to the *laws of the State*.

4. Multicultural Citizenship

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- 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*

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- ***The 4 principles of multicultural citizenship*** are:

i. Taking equality of citizenship rights as a starting point

- 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

- Theorists within this school of thought envisage the need for *additional rights for vulnerable minority groups*, in order for such groups to sustain themselves amidst the dominant culture(s).

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iii. Establishing mechanisms for group representation and participation

- -It is necessary to make arrangements to ensure the participation of people directly affected, wherever important decisions are made (participating disadvantaged groups)

iv. Differential treatment for people with different characteristics needs and wants

- ✓ Treating people equally, despite the fact that past actions have made them unequal, can perpetuate inequality
- ✓ In this view, multicultural citizenship *allows for marginalized voices to be heard*. A *differentiated* conception of citizenship is needed to help marginalized groups attain civic equality and recognition in multicultural democratic nations.

 **What is the citizenship theory that fits to Ethiopia?**

4.5.2 Modes/Ways of Acquiring and Loosing Citizenship

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4.5.2.1. Ways of Acquiring Citizenship

- The means of acquiring a particular State's citizenship vary from country to country
- However, ***the common ways of acquiring citizenship can be grouped in to two:***
 - 1) Citizenship by birth
 - 2) Citizenship through naturalization/law.

1) Citizenship from birth/of Origin:

- ✓ individuals can get citizenship status of a particular State either

- ✓ There are ***two principles of citizenship from birth*** commonly known as
 - ***Jus Soli*** (law/right of the soil)- 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*** (law/right of blood)- is a norm where citizenship *acquired claiming one's parents citizenship status*
- ✓ However, *jus soli could not apply to children born from diplomats and*

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:
 - ✓ Political case (secession, merger and subjugation),
 - ✓ grant on application,
 - ✓ marriage,
 - ✓ legitimatization/adoption, and

4.5.2.2. The Modes of Acquiring Ethiopian Citizenship

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- 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)- means that*

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. These are:

a) Grant on Application (registration

b) Cases of Marriage

c) Cases of Adoption (Legitimizing

d) Citizenship by Special Cases

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

Dual Citizenship

- is the condition of being a citizen of two nations.
- Of course, a person may acquire more than two States which is called multiple citizenship.
- Duality/multiplicity arises because of the clash among the *Jus Soli*, *Jus Sanguini* and naturalization
- Ethiopia prohibits its citizens to have dual citizenship.

4.5.2.3. Ways of Loosing Citizenship

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One can imagine a number of reasons why a nation might want to terminate citizenship of individuals.

Aleinikoff put denationalization grounds into *three categories*:

- **Allegiance**-lack of allegiance which could be explained through what we called active disloyalty
- **Punishment**-violation of laws against subversion, draft evasion, and desertion from the armed forces in time of war
- **Public order**- the time that a citizen deemed to be a threat to public order, dangerous to national security or who embroil the state in foreign controversies, the State may denationalize the

- Generally, the commonly discussed *ways of losing citizenship are*
 - ✓ *Deprivation*
 - ✓ *Renunciation*
 - ✓ *Lapse/expiration and*
 - ✓ *Substitution*

❖ Deprivation

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

- The citizen may be deprived of his/her citizenship for reasons of:
 - ✓ uncovering national secrets,
 - ✓ non-compliance with citizenship duties (duty of loyalty),
 - ✓ loss of genuine link with his/her state,
 - ✓ flawed acquisition of citizenship,
 - ✓ promising loyalty to and/or serving in armed force of another country,
 - ✓ trying to overthrow the government by force

o But, the 1995 FDRE constitution asserts that *“no Ethiopian national shall be deprived of his or her Ethiopian nationality against his or her will.”*

❖ **Lapse/expiration:**

- is another way of losing citizenship which is not applicable to Ethiopia.

- It 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*
- Example: If an **Indian citizen** stays outside his/her country continuously for more than seven years, he/she automatically loses his/her Indian

❖ **Renunciation:** is the voluntary way of losing citizenship

- An Ethiopian national has the full right to renounce his/her Ethiopian nationality if he/she wishes
- However, the person who has renounced a country's nationality may not be actually released from that status until he/she has discharged his/her obligations towards that particular State or accused of a crime. This situation is called ***indelible allegiance***

❖ **Substitution:** citizenship may be lost when the original citizenship is substituted by another state, where it is acquired through naturalization.

4.5.2.4. Statelessness

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❖ 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 from their home country*
- Individuals could also become stateless persons *because of deprivation and when renouncing their citizenship without gaining nationality in another State*

Thank you!