

CITIZENSHIP AND MORAL EDUCATION (CMED 1011)

MCIE1012 DDU

Teaching Module PPT

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Chapter One: Understanding of Citizenship and Ethics / morality

- **Defining Civics, Ethics, Morality**
- good citizens are made not born.
- **Civic Education**
- Studies about the rights and responsibilities of citizens of a politically organized group of people. There are d/f defin...
- Patrick (1986) defines civic education as the knowledge of the constitutions, the principles, values, history and application to contemporary life.
- Can be understood as the knowledge, means, and activities designed to encourage students to participate actively in democratic life, accepting and exercising their rights and responsibilities.

- (UNDP, 2004) defines civic education as a way of learning for effective participation in a democratic and development process.
- There are two concepts of civic education
- A. **Minimal**=is content-led, teacher-based, whole-class teaching and examination-based assessment.
- B. **Maximal** =is comprised of knowledge, values and skills, and aims to prepare students for active, responsible participation.
- **What Ethics is?**
- A branch of philosophy that attempts to understand people's moral beliefs and actions.
- 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.

- Explores the meaning and the ranking of different ethical values, such as honesty, autonomy, equality and justice.
- Ethics refers to the philosophical study of values and of what constitute good and bad human conduct.
- Critical examination and evaluation of what is good, evil, right and wrong in human conduct.
- A specific set of principles, values and guidelines for a particular group or organization.
- is 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
- **Is** philosophical study of the code, standards or norm of human conduct and it is more theoretical and general one.

- **Morality**
- Refers to the degree to which an action conforms to a standard or norm of human conduct.
- Morality from a dictionary definition (from Latin *moralitas* “manner, character, proper behavior”)
- Is concept of human action which pertains to matters of right and wrong – also referred to as “good and evil”.
- **Generally** accepted code of conduct in a society, or within a sub-group of society.
- Is moral conduct
- Principles and values that actually guide, for better or worse, an individual’s personal conduct.

- Is the informal system of rational beings by which they govern their behavior in order to lesson harm or evil and do good.
- It is different in every society.
- Refers to the code of conduct one follows
- Is the conformity of human behavior to the established code of conduct
- **The R/ship between Morality / Ethics and Law**
- As against morals and ethics, laws are norms, formally approved by state, power or national or international political bodies.
- Ethics is not law. B/C.
- **1. Some actions that are illegal may not be unethical.** Speeding/foot moving is illegal, but one

- **2. Some actions that are unethical may not be illegal.** Most people would agree that lying is unethical but lying is only illegal under certain conditions, e.g. lying on an income tax return, lying when giving sworn testimony, etc.
- **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.
- the main function of a legal system is to enforce a society's moral and ethical consensus.
- **4.** We use different kinds of mechanisms to express, teach, inculcate, and enforce laws and ethics. **Laws** are expressed publicly in statutes, penal codes, court rulings, government regulations, and so forth. Although **ethics** and **morals** are sometimes made explicit in religious texts, professional codes of conduct, or philosophical writings, many ethical and moral standards are implicit.

- **5. we use the coercive power of government to enforce laws.** People who break certain laws can be fined, imprisoned, or executed. People who violate **ethical** or moral standards do not face these kinds of punishments unless their actions also violate laws.
- **The Importance/Goal of Moral and Citizenship Education**
- **1. *Teaching citizens about their rights and duties:*** two sides of the same coin.
- Acc to Sastry et al. (2011) there are four issues related to the interplay/r/nship between rights and duties.
- **A. one's right implies the other's duty.** This means every right of an individual automatically imposes a

- **B. One's right implies one's duty to recognize similar rights of others.** This implies that every exercise of right is subject to restrictions.
- **C. One should exercise his rights for the promotion of social good.** If any person tries to misuse the rights, which affect the rights of others or of the society or state, the Government has a duty to take appropriate legal action to prevent such acts.
- **D. State being a nucleus organ needs to take care of the social and legal interests of all its individuals.** State has the obligation to discharge duties towards its citizens.
- **2. *The Need for Participant Political Culture:***
- **Is** the set of attitudes, beliefs, and sentiments which give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political system.

- Is the roles which an individual may play in the political process.
- **Almond and Verba (1963) construct three political cultures:**
- **There are three political cultures:**
- **I. Parochial cultures**
- Citizens have low **cognitive**, **affective**, and **evaluative** orientation regarding the political systems, government powers and functions and even their privileges and duties.
- The role of citizens in the political sphere of their countries is **insignificant** since individuals thinks of their families advantage as the only goal to pursue.
- **II. 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**.

- Orientation towards the system and its outputs is channeled via a **relatively detached**, passive relationship on the part of the citizen.
- **Subject** cultures are most compatible with centralized, authoritarian political structures.
- **III. Participant cultures.**
- Members of society have high cognitive, affective, and evaluative orientation to the political system, the input objects, the policy outputs, and recognize the self as an active participant in the polity.
- Largely, they are **most compatible with democratic political structures** .
- Participation is not restricted simply to the political dimension rather it also includes socio-cultural and environmental activities.

● ***3.The Need for Relevant Knowledge, Skills and Positive Attitudes:***

- Relevant knowledge is a type of knowledge which is useful in dealing with a particular problem at a period of time.
- Relevant knowledge +Skill + Positive Attitude= Development in a given state.

● ***4. The issue of fostering intercultural societies:***

- Need for relationship, dialogue, reciprocity and interdependence in cultural diversified societies.

● ***5. The issue of inclusiveness:***

- Civics and ethics as a subject is thought to inclusiveness in public and private about gender and all people of the country in the issue of the state.

● ***6. The issue of peace-building:***

- It is obvious that civics and ethics alone cannot bring peace to our

- A peace-oriented citizenship education can foster the development of values, attitudes and skills to nurture peace within ourselves and in our personal relationships, and to create the conditions for peace in our own communities and in the global community.
- Citizenship and Moral 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

● **Chapter Two: Approaches to Morality / Ethics**

● **Normative Ethics**

- Focus on outcomes or duties or motivation as a means of justifying human conduct.
 - It refers to guideline or norm, is a part of culture w/h comprises a societies beliefs correct and incorrect behaviors.
 - It is concerned with developing rational rules, guidelines w/h help us to live in a good manner.
 - It is about the practical means of determining a moral course of action.
 - Includes ethical theories or approaches such as utilitarianism, deontology, virtue ethics, principlism, narrative ethics and feminist ethics.

- Are there general principles or rules that we could follow which distinguish between right and wrong? Or:
 - Are there virtues and/or relationships that we can nurture, in order to behave well?
- In identifying good and bad moral philosophers have offered us a variety of alternative standards.
- **1. Teleological Ethics (Consequentialist)**
 - Referred as “the end justifies the means”.
 - It believes in purpose, ends or goals of an action.
 - The word teleological is derived from two Greek terms “Teleo” & “Logos” w/h means end result and theory respectively. Literally it refers the “theory of end or purpose”.
 - According to this view, morality is conditional & targeted a certain “end”.

- It stress consequences of an action determines the morality or immorality of a given action.
- Which means an action is judged as right or wrong, moral or immoral depending on what happens because of it.
- Basic or ultimate criterion or standard of what is morally right, wrong, obligatory, etc., is the non-moral value that is brought into being.
- The center of value here is the outcome or consequences of the act.
- An act is *right* if and only if it or the rule under which it falls produces, will probably produce, or is intended to produce *at least as great a balance of good over evil* as any available alternative. An act is *wrong* if and only if it does not do so.

- An act *ought to be done* if and only if it or the rule under which it falls produces, will probably produce, or is intended to produce *a greater balance of good over evil* than any available alternative.
- **Moral quality** or value of actions, persons, or traits of character, is dependent on the comparative non-moral value of what they bring about or try to bring about.
- **Egoism:-**
 - It is doctrine that the pursuit and production of one's own pleasure is the highest good and right action.
 - It believes in the calculations of pleasure and pain from personal angle

Ethical egoism

- Holds that one is always to do what will promote his own greatest good -- that an act or rule of action is right if and only if it promotes at least as great a balance of good over evil for him in the long run as any alternative would, and wrong if it does not.
- Selfishness is assumed to be unacceptable attitude.
- There is only one rule. *Look after yourself* you have no business stopping for anybody on the freeway; indeed, the ethical egoist would say, if you do stop you are throwing your life away.
- It implies that we ought to be self-interested.

- Ethical egoism is a theory that advocates egoism as a moral rule.
- The claim that it makes good sense to look after yourself, and morality is a result of that self-interest. If I mistreat others, they mistreat me, so I resolve to behave myself.
- Do unto others as you would have them do unto you
- The reason we should treat others the way we would like to be treated is that it gives us a good chance of receiving just such treatment; we do it for ourselves, not for others.
- Ethical egoism tells you that it is perfectly all right to treat others in a way that is to your advantage and not to theirs as long as you can be certain that you will get away with it.

- Some method to apply the principle of ethical egoism to a particular situation.
 - 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
- **Psychological Egoism**
- It is said, that one always seeks one's own advantage or welfare, or always does what he thinks will give him the greatest balance of good over evil.
- "Self-love" is the only basic "principle" in human nature.
- "Ego-satisfaction" is the final aim of all activity or that "the pleasure principle" is the basic "drive" in every individual.
- Basic ethical principle must be that of self-love, albeit cool self-love.

- **Psychological egoist** say, "Yes, we 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.
- Even in doing 'altruistic' things for others, like taking them to see the ocean, we are seeking our own good."
- **Generally**, Egoistic and particularistic consequentialism only takes into consideration how the consequences of an act will affect oneself or a given group .
- **Moral rightness** depends on the consequences for an individual agent or a limited group.
- Ethical egoism, utilitarianism is a universal teleological system. It calls for the maximization of goodness in society—that is, the greatest goodness for the greatest number—and not merely the good of the agent.

Ethical universalism/utilitarianism=Producing the best consequences.

- Greatest happiness for the greatest numbers.
 - An action is morally right if the consequences of that action are more favorable than unfavorable for every one (society).
 - It is based on the greatest pleasure for the greatest number.
- The ultimate end is the greatest general good -- that an act or rule of action is right if and only if it is, or probably is, conducive to at least as great a balance of good over evil in the universe as a whole as any alternative would be, wrong if it is not, and obligatory if it is or probably is conducive to the greatest possible balance of good over evil in the universe.

- **Classic Utilitarianism**
- Acc to **Epicurus** “pleasure is the goal that nature has ordained for us; it is also the standard by which we judge everything good.” According to this view, rightness and wrongness are determined by pleasure or pain that something produces.
- His theory focused largely on the individual’s personal experience of pleasure and pain.
- 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).
- **Jeremy Bentham: Quantity over Quality**
- Two main features of utilitarianism, both of which Bentham articulated:

1. 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.

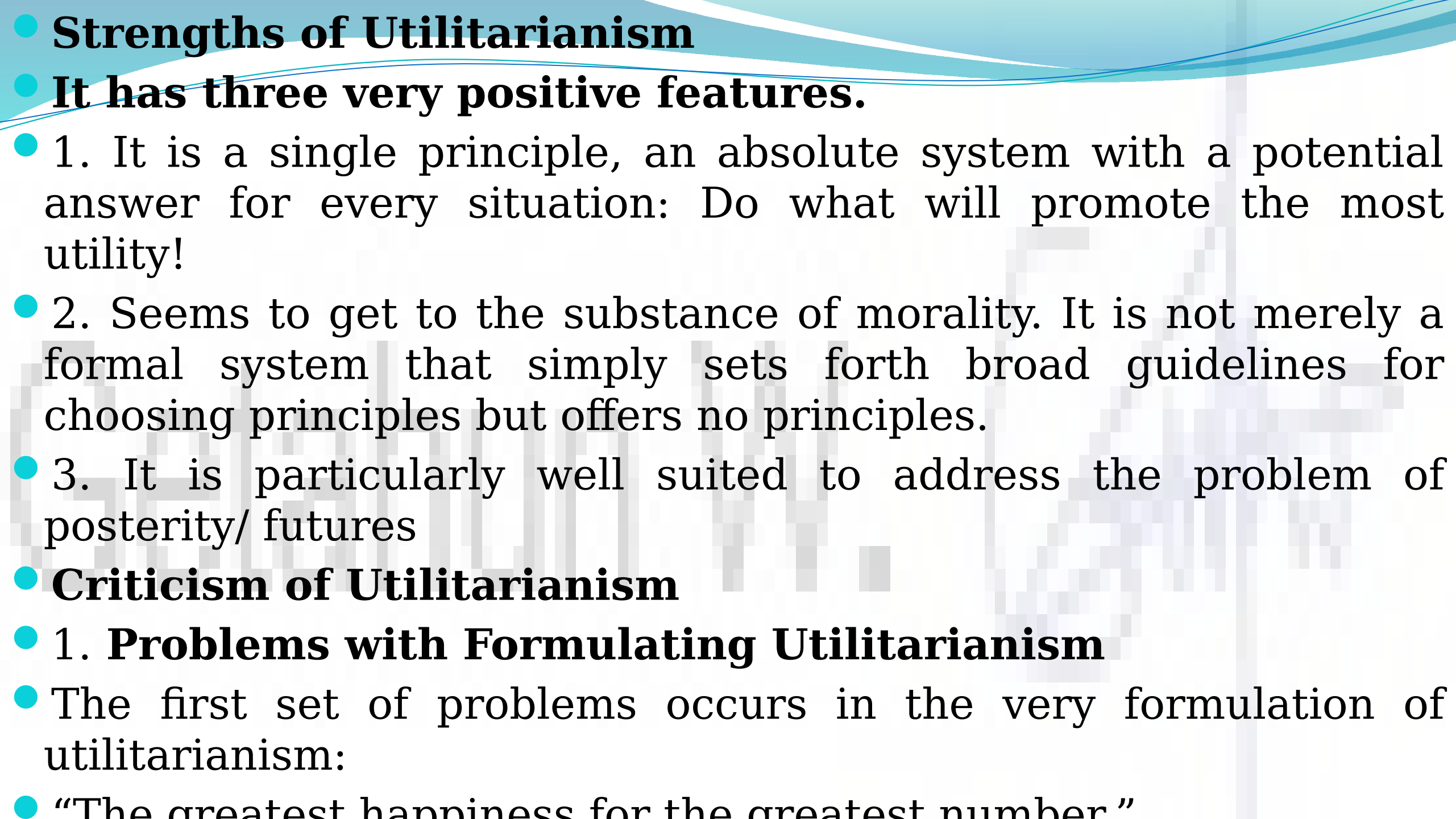
2. Utility principle (or its hedonic aspect):

- Only thing that is good in itself is some specific type of state (for example, pleasure, happiness, welfare).
- **Hedonistic utilitarianism**
 - Pleasure as the sole good and pain as the only evil.
 - An act is right if it either brings about more pleasure than pain or prevents pain, and
 - An act is wrong if it either brings about more pain than pleasure or prevents pleasure from occurring.

- He invented a scheme for measuring pleasure and pain that he called the **hedonic calculus**:
- The quantitative score for any pleasure or pain experience is obtained by summing the **seven aspects of a pleasurable or painful experience**: its
 - 1. Intensity, 2. Duration,
 - 3. Certainty, 4. Nearness,
 - 5. Fruitfulness, 6. Purity 7. Extent.
- Adding up the amounts of pleasure and pain for each possible act and then comparing the scores would enable us to decide which act to perform.
- There is something appealing about Bentham's utilitarianism. It is simple in that there is only one principle to apply: **Maximize pleasure and minimize suffering.**

- **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 or satisfactions such as intellectual, aesthetic, and social enjoyments, as well as in terms of minimal suffering.
- **There are two types of pleasures.**
- 1. The **lower, or elementary**, include eating, drinking, sexuality, resting, and sensuous titillation.
- 2. The **higher include** high culture, scientific knowledge, intellectuality, and creativity.
- **Lower** pleasures are more intensely gratifying, they also lead to pain when overindulged in.
- **Higher** pleasures tend to be more long term, continuous, and gradual.

- He 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.”
- **Two types of classical utilitarianism**
- **1. Act Utilitarianism**
 - An act is right if and only if it results in as much good as any available alternative.
 - A persons act is morally right if and only if it produces the best possible results.
- **2. Rule-utilitarianism:**
 - 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.
 - Human beings are rule-following creatures.
 - An action is right as it conforms to **a rule that leads to the greatest** good or that the rightness or wrongness of particular action is a function of the correctness of rule of w/h it is an instance.



- **Strengths of Utilitarianism**
- **It has three very positive features.**
- 1. It is a single principle, an absolute system with a potential answer for every situation: Do what will promote the most utility!
- 2. Seems to get to the substance of morality. It is not merely a formal system that simply sets forth broad guidelines for choosing principles but offers no principles.
- 3. It is particularly well suited to address the problem of posterity/ futures
- **Criticism of Utilitarianism**
- **1. Problems with Formulating Utilitarianism**
- The first set of problems occurs in the very formulation of utilitarianism:
- “The greatest happiness for the greatest number”

● **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.

● **3. The Consistency Objection to Rule-Utilitarianism**

- When pushed to its logical limits, it must either become a deontological system or transform itself into act-utilitarianism.

● **4. The No-Rest Objection**

- One should always do that act that promises to promote the most utility.
- But there is usually an infinite set of possible acts to choose from.

● **5. The Publicity Objection**

- Moral principles must be known to all so that all may freely obey the principles.
- But utilitarian's usually hesitate to recommend that everyone act as a utilitarian.

● **6. The Relativism Objection**

- It seems to endorse different rules in different societies.

- **7. Criticism of the Ends Justifying Immoral Means**
- Chief among the criticisms of utilitarianism is that utilitarian ends might justify immoral means.
- **8. The Lying Objection**
- It leads to the counterintuitive/contrary endorsement of lying when it serves the greater good.
- E.g. Consider two acts, A and B, that will both result in 100 hedons (units of pleasure or utility). The only difference is that A involves telling a lie and B involves telling the truth.
- **9. The Justice Objection**
- Whether truth telling and personal integrity are values that should never be compromised.
- Possibility of sacrificing innocent people for the greater good of humanity.
- Wouldn't we all agree that it would be right to sacrifice one innocent person to prevent an enormous evil?

- ***Three-Step Action Formula:***

- **Utilitarianism might be construed/interpreted as offering a three-step action formula for action:**

- 1. On the basis of what I know, I must project the consequences of each alternative option open to me (e.g., taking different kinds of actions or taking no action).
- 2. Calculate how much happiness, or balance of happiness over unhappiness, is likely to be produced by anticipated consequences of each action or none.
- 3. Select that action which, on balance, will produce the greatest amount of happiness for the greatest number of people affected.
- **Generally**, utilitarianism is a moral theory which takes into account how the consequences of an act will affect all the parties involved.
- Moral rightness depends on the consequences for all affected people or sentient beings.
- The fundamental principle of utilitarianism is the principle of utility:

- ***The principle of utility***
- 1 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.
- 2. 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.
- **Altruism**
- An action is right if the consequences of that action are favorable to all except the actor.
- 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.

- A pure ***ethical altruist*** might even contend that the right act or rule is the one that most promotes the good of *other* people. It means putting other people's interests ahead of our own.
- **Deontological Ethics (Non- Consequentialist)**
 - ❑ What makes a 'right' act right?
 - ❑ "The means justifies the end".
 - ❑ **Rightness** or wrongness of moral action is determined, at least partly with reference to formal rules of conduct.
 - ❑ Its emphasis is on the intentions, motives, moral principles or performance of duty rather than results, as the sign of right action/morality and immorality.
 - ❑ **It** is a duty based theory.
 - ❑ Performance of One's own Duty

- Certain features of the act itself other than the *value* it brings into existence, for example, the fact that it keeps a promise, is just, or is commanded by God or by the state.
- Etymology of deontology is derived from two Greek: Deon=duty & Logos=theory then literally it refers to theory of duty.
- Is an approach to ethics that determines goodness or rightness from examining acts, rather than consequences.
- Deontologists look at rules and duties
- **“One should do unto others as they would have done unto them”,**
- **Center** of value is the act or kind of act; certain features in the act itself have intrinsic value.

- It is possible for an action or rule of action to be the morally right or obligatory one even if it does not promote the greatest possible balance of good over evil for self, society, or universe. It may be right or obligatory simply because of some other fact about it or because of its own nature.
- The 17th century German philosopher **Samuel Pufendorf**, classified dozens of duties under three headings:
- **1. Duties to God: two kinds:**
 - 1 a theoretical duty to know the existence and nature of God, and
 - 2 a practical duty to both inwardly and outwardly worship God.

- **2. Duties to oneself:** two sorts:
 - 1. **Duties of the soul**, which involve developing one's skills and talents, and
 - 2. **Duties of the body**, which involve not harming our bodies, as we might through gluttony or drunkenness, and not killing oneself.
- **3. Duties to others:** divides these between:
 - 1. **absolute duties**, which are universally binding on people:
three sorts:
 - 1. Avoid wronging others;
 - 2. Treat people as equals, and
 - 3. Promote the good of others.
 - 2. **Conditional duties**, which are the result of contracts between people.
 - Involve various types of agreements, the principal one of which is the duty is to keep one's promises.

● **The Divine Command Theory(DCT)**

- ❖ Ethical principles are simply the commands of God.
- ❖ They derive their validity from God's commanding them, and they mean "commanded by God." Without God, there would be no universally valid morality.
- We can analyze the DCT into three separate theses:
 - 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.

- **Four propositions:**

- 1. Act A is wrong if and only if it is contrary to the command of God.
- 2. Act A is right (required) if and only if it is commanded by God.
- 3. Act A is morally permissible if and only if it is permitted by the command of God.
- 4. If there is no God, then nothing is ethically wrong, required, or permitted.

- **Problems with the Divine Command Theory**

1. DCT would seem to make the attribution of “goodness” to God redundant.
2. It seems to make morality into some-thing arbitrary.

- ❖ Most generally, a "right" is a justified claim against another person's behavior- such as my right to not be harmed by you.
- ❖ There are four features traditionally associated with moral rights.
 - ❖ 1. *natural* 3. *equal*
 - ❖ 2. *universal* 4. *inalienable*
- ❖ **Kant's Categorical Imperative**
 - ❖ It is based on a belief that the reason is the final authority for any morality.
 - ❖ Any action must be undertaken from a sense of duty dictated by reason.

- ❖ A Kant's duty-based theory is emphasizes a single principle of duty.
- ❖ He agreed that we have moral duties to oneself and others, such as developing one's talents, and keeping our promises to others.
- ❖ It is a single, self-evident principle of reason that he calls the "categorical imperative."
 - "You ought to do X."
 - Kant believed that *nothing was good in itself except a "**good will**."*
 - By will Kant means *the uniquely human capacity to act according to the concepts behind laws*, that is, principles presumably operating in nature.

- *It is based on the idea that there are **certain objective ethical rules** in the world.*
- *Acc to him all people are fundamentally capable of reasoning in the same manner and on the same level.*
- Focuses more on intent and action in itself.
- **Hypothetical imperatives**= tell us which *means* best achieve our ends.
- Reason, separate from all empirical experience, can determine the principle according to which all ends can be determined as moral.
- It is this **fundamental principle of moral reason that** is known as the categorical imperative.
- He believe that there is universal morality/ **moral universalism**. because morality is determined by pure practical reason rather than particular empirical or sensuous factors that morality is universally valid.

- ***Kant's theory is hinged** 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. Autonomy is one's own beliefs, independence, and government: acting without regard for anyone else.
- Conversely, **heteronomy** is acting under the influence of someone else and allows for an individual to consistently place blame outside of self.
- **Kant believed** that each individual is rational and capable of making free choices; thereby relies on autonomous thinking.
- Kant concludes that **a moral proposition** that is true must be one that is not tied to any particular conditions, including the identity of the person making the moral deliberation.

- A moral maxim must imply *absolute necessity*, which is to say that it must be disconnected from the particular physical details surrounding the proposition, and could be applied to any rational being.
- **Kant gives at least *three versions or formulations* of the categorical imperative.**
- **A. The Principle of Universality**
- The **first maxim/general rule** states that we should choose our 'codes of conduct' only if they serve perfect/imperfect duty and are good for all. "Act only according to that maxim whereby you can at the same time will that it should become a universal law without contradiction."
- **Kant divides the duties imposed by this formulation into two subsets:**
- **1. *Perfect duties***
- Are blameworthy if not met and are the basic requirements for a human being.

- We first have a ***perfect duty*** not to act by maxims that result in logical contradictions when we attempt to universalize them.
- **An example** of **perfect** duty is the avoidance of suicide.
- ***2. Imperfect duties***
- Are those that do **not achieve blame**, rather they receive praise if completed; they are circumstantial duties such as cultivating talent.
- This **duty is not as strong** as a perfect duty, but it is still morally binding.
- You do not attract blame should you not complete an imperfect duty but you shall receive praise for it should you complete it
- Imperfect duties are circumstantial, meaning simply that you could not reasonably exist in a constant state of performing that duty.
- **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**

- The **second maxim** states that we should not use humanity of ourselves or others as a means to an end.
- “Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end.”
- Every rational action must set before itself not only a principle, but also an end.
- People, as rational beings, are ends in themselves and should never be used merely as means to other ends.
- The free will is the source of all rational action. But to treat it as a subjective end is to deny the possibility of freedom in general. Because the autonomous will is the one and only source of moral action.
- **An example** of the second maxim would be that of slavery.

● C. The Principle of Autonomy

- The *third maxim* 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.***
- Because a truly autonomous will would not be subjugated to any interest, it would only be subject to those laws it makes for itself - but it must also regard those laws as if they would be bound to others, or they would not be universalizable, and hence they would not be laws of conduct at all.
- The main problem with the categorical imperative is its rigidity.

- **Ross's Prima Facie Duties or Moral Guidelines**
- On first appearance or based on the impression.
- These are duties we ought to perform, in and of themselves.
- The term ***prima facie*** means “at a first sight” or “on the surface.”
- By prima facie duties, Ross means duties that dictate what we should do when other moral factors are not considered.
- Are duties that generally obligate us; that is, they ordinarily impose a moral obligation but may not in a particular case because of circumstances.
- An **actual duty** is the action that one ought to perform after considering and weighing/considering 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

- "duty" in "prima facie duty" is not like a rule.
- They are understood as ***guidelines***, not rules without exception.
- Ross argues that our duties are “part of the fundamental nature of the universe.”
- Ross’s list of the following categories of prima facie duties is much shorter, which he believes reflects our actual moral convictions:
 - 1. ***Duties of Fidelity***:
 - The duty to keep promises and the obligation not to lie.
 - 2. ***Duties of Reparation***:
 - This is a duty to make up for the injuries one has done to others.
 - It is the duty to compensate others when we harm them.
 - 3. ***Duties of Gratitude***:
 - The duty to be grateful to those who have done good for us.

- **5. *Duties of Beneficence:***
 - The duty to improve the conditions of others.
 - The duty to do good to others: to foster their health, security, wisdom, moral goodness, or happiness.
- **6. *Duties of Self-improvement:***
 - Is to act so as to promote one's own good, i.e., one's own health, security, wisdom, moral goodness, virtue, intelligence and happiness.
- **7. *Duties of Non-maleficence:***
 - The duty of non-injury (also known as non-maleficence) is the duty not to harm others physically or psychologically: to avoid harming their health, security, intelligence, character, or happiness.
- When faced with a situation that presents **conflicting prima facie** duties Ross tells us the **more obligatory**

- **Virtue Ethics: Challenging the adequacy of rule-based theories.**
- **Virtue=**
 - Ø behavior showing high moral standards.
 - Ø a quality considered morally good or desirable.
 - Ø a good or useful quality of a thing.
- A deontologist= acting in accordance with a moral rule or principle
- A consequentialist will point out that the consequences of helping will maximize well-being
- a virtue ethicist will emphasize the fact that providing help would be charitable or benevolent – charity and benevolence being virtues.
- **Aristotle's Ethics**
 - 'Virtus' he understood as strength.
 - specific virtues are seen as strengths of character.

- **Key questions which virtue ethical systems ask include:**
 - What sort of person do I want to be?
 - What virtues are characteristic of the person I want to be?
 - What actions will cultivate the virtues I want to possess?
 - What actions will be characteristic of the sort of person I want to be?
- A. Good is that which all things aim. Something is good if it performs its proper function. *E.g.*, a good coffee cup. *E.g.* 2. the function of knife is to cut. It is good when it cut well.
 - A right action is that which is conducive to the good, and different goods correspond to the differing sciences and arts.
 - "The good" or best good is that which is desired for its own sake and for the sake which we desire all other ends or goods.
- B. The good of human beings cannot be answered with the exactitude of a mathematical problem since mathematics starts with general principles and argues to conclusions.

- Ethics starts with actual moral judgments before the formulation of general principles.
- Aristotle presupposes natural tendencies in people.

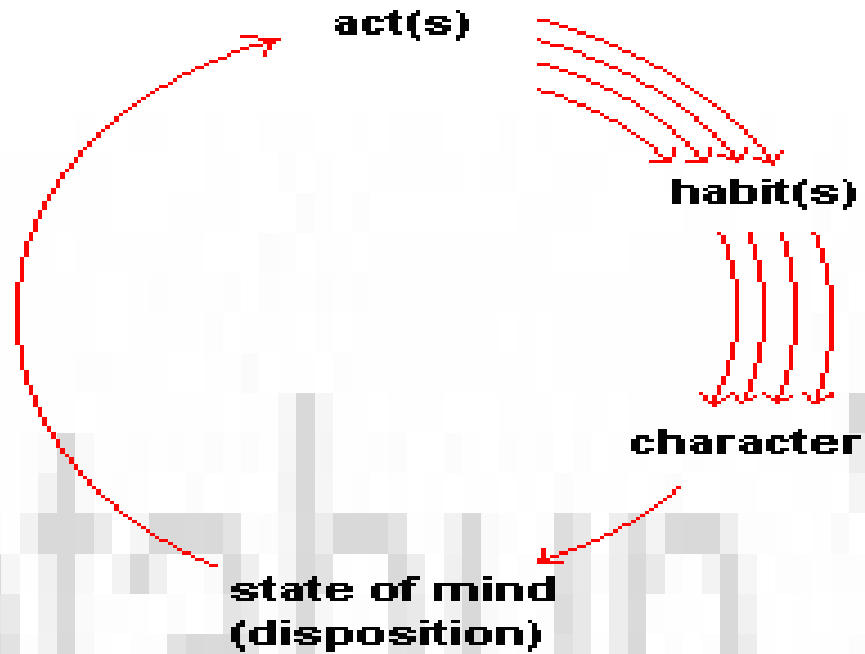
C. Aristotle distinguishes between happiness (*eudaimonia*) and moral virtue:

- **Moral virtue** is not the end of life and it can go with inactivity, misery, and unhappiness
- **Happiness**, the end of life, that to which all aims, is activity in accordance with reason (reason is the *arete* or peculiar excellence of persons).
 - 1. Happiness is an activity involving both moral and intellectual *arete*.
 - 2. Some external goods are necessary in order to exercise that activity.

• **The Good Character**

- People have a natural capacity for good character, and it is developed through practice.

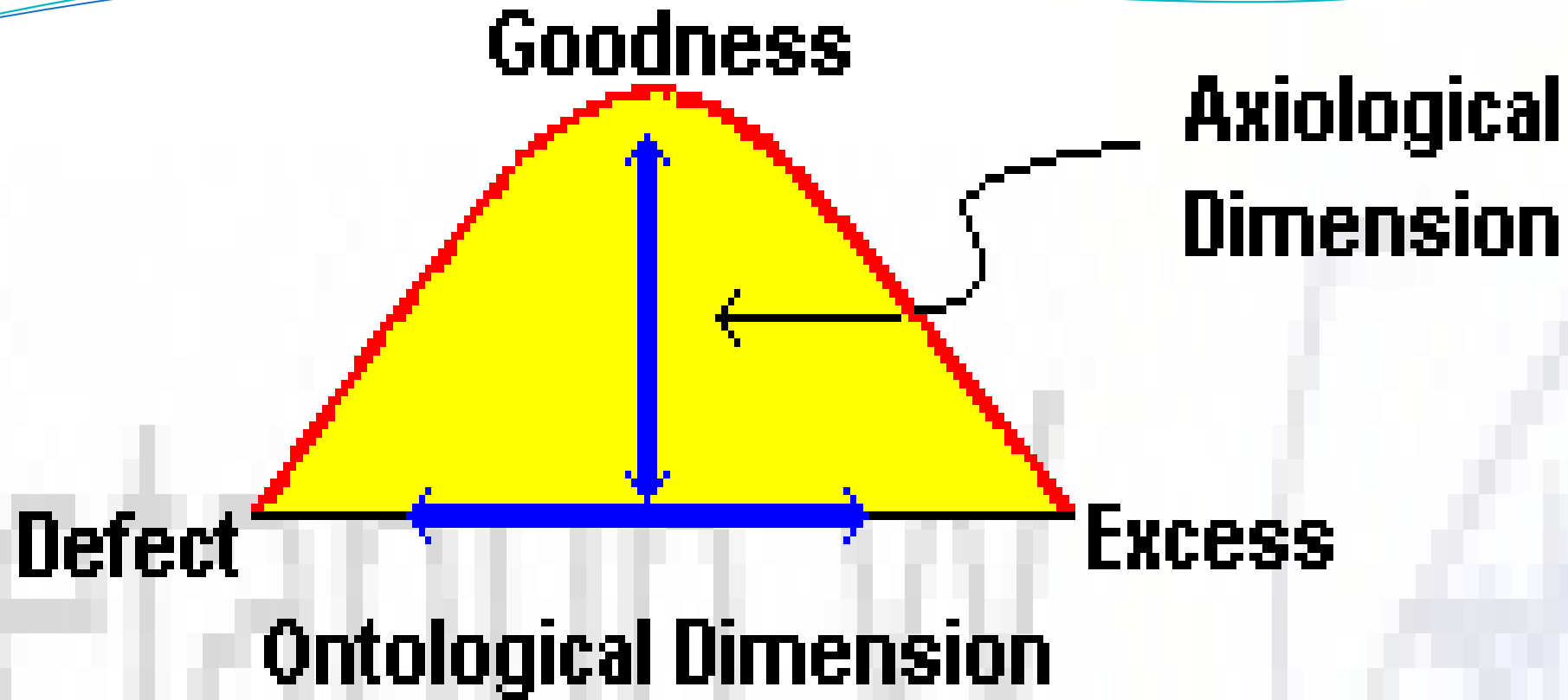
- The capacity does not come first--it's developed through practice.



- The sequence of human behavior raises the question of which is preeminent--acts or dispositions. Their interaction is broken by Aristotle's distinction between acts which create good dispositions and acts which flow from the good disposition once it has been created.

- **Arête** is a disposition developed out of a capacity by the proper exercise of that capacity.
- **Habits** are developed through acting; a person's character is the structure of habits and is formed by what we do.
- B. **Virtue, arete, or excellence** is defined as a mean between two extremes of **excess** and **defect** in regard to a feeling or action as the practically wise person would determine it.
- The **mean** is relative to the individual and circumstances. For example, consider the following traits:

1. Self-Expression	Self-deprecating	Truthfulness	boastfulness
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- **Phronesis** or practical wisdom is the ability to see the right thing to do in the circumstances.
- In the **ontological** dimension, virtue is a **mean**; in the **axiological** dimension, it is an **extreme or excellence**.



- ❖ Pleasure and pain are powerful determinants of our actions.

- **Pleasure** is the natural accompaniment of unimpeded activity. Pleasure, as such, is neither good nor bad.
 - A. pleasure is something positive and its effect is to perfect the exercise of activity.
 - B. Pleasure cannot be directly sought--it is the side-product of activity. It is only an element of happiness.
 - C. The good person, the one who has attained *eudaimonia*, is the standard as to what is truly pleasant or unpleasant.
- **Friendship**: a person's relationship to a friend is the same as the relation to oneself. The friend can be thought of as a **second self**.
 - 1. In friendship a person loves himself (egoism) not as one seeks money for himself, but as he gives his money away to receive honor.
 - 2. The kinds of friendship:
 - 1. Utility
 - 2. Pleasure
 - 3. The Good--endures as long as both retain their character.

• **The Contemplative Faculty**--the exercise of perfect happiness in intellectual or philosophic activity.

- 1. Reason is the highest faculty of human beings. We can engage in it longer than other activities.
- 2. Philosophy is loved as an end-in-itself, and so *eudaimonia* implies leisure and self-sufficiency as an environment for contemplation.
- **Aristotle's** ethical doctrine is avoiding extremes of allsorts and seeking moderation in all things.

• **Non-Normative Ethics/Meta-ethics**

• **What is Meta-ethics?**

• Meta-ethics tries to answer question, such as:

- What does “good,” “right,” or “justice” mean?
- What makes something good or right?
- Is moral realism true?
- Is morality irreducible, cognitive, or overriding?
- Do intrinsic values exist?

• **Meta-ethics, rather, concerned with questions about the following:**

- 1. **Meaning:** what is the *semantic function* of moral discourse?
- 2. **Metaphysics:** do moral facts (or properties) exist?
- 3. **Epistemology and justification:** is there such a thing as moral knowledge?
- 4. **Phenomenology:** how are moral qualities represented in the experience of an agent making a moral judgement? Do they appear to be

- **5. Moral psychology:** what can we say about the motivational state of someone making a moral judgement?
- **6. Objectivity:** can moral judgements really be correct or incorrect? Can we work towards finding out the moral truth?
- **Metaethics** *is not about what people ought to do. It is about what they are doing when they talk about what they ought to do.*
- Some examples of metaethical theories are moral realism, non-cognitivism, error-theory and moral anti-realism.
- **Cognitivism and Non-Cognitivism**
- **1. Cognitivists** think that moral judgements are capable of being true or false. E.g. Consider a particular moral judgement, such as the judgement that murder is wrong.
- **2. Non-cognitivists** think that moral judgements express non-cognitive states such as emotions or desires. Desires and emotions are not truth- apt/ appropriate .

- **Strong Cognitivism: Naturalism**
- A *strong cognitivist* theory is one which holds that moral judgements.
 - 1. Are apt for evaluation in terms of truth and falsity.
 - 2. Can be the upshot of cognitively accessing the facts which render them true.
- **Strong cognitivist theories can be either *naturalist* or *non-naturalist*.**
- **Naturalist**, a moral judgement is rendered true or false by a natural state of affairs, and it is this natural state of affairs to which a true moral judgement affords us access.
 - A **natural state of affairs** is simply a state of affairs that consists in the instantiation of a natural property.
 - Moral properties are identical to (or reducible to) natural properties.

- **Naturalist reductionists** (e.g. Richard that moral properties are **reducible** to the other natural properties that are the subject matter of the natural sciences and psychology.
- Both the **Cornell realists** and the **naturalist reductionists** are moral realists: they think that there are **really moral** facts and **moral properties**, and existence of these moral facts and instantiation of these moral properties is constitutively independent of human opinion.
- **Strong Cognitivism: Non-Naturalism**
- Moral properties are not identical to or reducible to natural properties.
- There are really moral facts and moral properties, and that the existence of these moral facts and instantiation of these moral properties is constitutively **independent of human opinion**.
- Two types of strong cognitivist non-naturalism:
- **1. Ethical non-naturalism**
 - The property of moral goodness is non-natural, simple, and unanalyzable.

- **Strong Cognitivism without Moral Realism: Mackie's 'Error-Theory'**
- Moral judgements are apt to be true or false, and that moral judgements, if true, would afford us cognitive access to moral facts.
- Moral judgements are in fact always *false*. Because there are simply no moral facts or properties in the world of the sort required to render our moral judgements true:
- There are no moral properties or moral facts, so that (positive, atomic) moral judgements are uniformly false: our moral thinking involves us in a radical *error*.
- **Weak Cognitivism about Morals without Moral Realism: 'Best Opinion' Theories**
- A *weak cognitivist* theory is one which holds that moral judgements
 1. Are apt for evaluation in terms of truth and falsity.
 2. Cannot be the upshot of cognitive access to moral properties and states of affairs.Weak cognitivism thus agrees with strong cognitivism on (1), but disagrees on (2).

- Our best judgements about morals *determine* the extensions of moral predicates. rather than being based upon some faculty which *tracks*, *detects* or *cognitively accesses* facts about the instantiation of moral properties.
- Rejects that those facts are constitutively independent of human opinion.
- This view rejects moral realism, not by denying the existence of moral facts
- Moral judgements are thus capable of being true or false, even though they are not based on a faculty with a tracking, accessing or detecting role.
- **Non-Cognitivism**
- deny that moral judgements are even apt to be true or false.
- disagree with both weak and strong cognitivism.
- moral judgements cannot express beliefs.
- If moral judgements cannot express beliefs, ***what do they express?***
 - Moral judgements express emotions, or sentiments of approval or disapproval
 - Moral judgements express our dispositions to form sentiments of approval or disapproval

- oral judgements express our acceptance of norms.

• **Internalism and Externalism, Humeanism and Anti-Humeanism**

• **Internalism**

- Claim that there is an internal and necessary connection between sincerely making a moral judgement and being motivated to act in the manner prescribed by that judgement.
- There is an *internal* or *conceptual* connection between moral judgement and motivation.

• **Externalism**

- Claim that the connection between *judgement* and *motivation* is only external and contingent.

• **Humeanism**

- Claim that motivation always involves the presence of *both* beliefs and desires

Chapter Three Ethical Decision Making and Moral Development

How Can We Make Ethical Decisions And Actions?

- The ethical nature of our action and decision, is very much dependent upon our notion of ``Good' and ``Bad, `` Right and `` wrong``.
- There are two types of Good Things.
- **1. Instrumental good of things**
 - Goodness of these things lies in their being instruments towards the attainment of the other things which are considered good not simply as instruments.
- **2. Intrinsic good**
 - They are good not for what they lead to but for what they are.
- There are things which are instrumentally bad and intrinsically bad. In our country things such as Female Genital Mutilation, early marriage, kidnapping, abduction, Ignorance, poverty, corruption, murder etc. are bad by themselves.

- One of the key tasks of ethical reasoning, generally, is to analyze and critically consider the values we hold and the claims we make in relation to the perceived obligations that we might have towards one another.
- A second key task of ethics is to evaluate the adequacy of reasons that we give for our actions: it considers, for example, whether the reasons offered to support a particular course of action are based on sound evidence and/or logical argument.
- It is very difficult to measure and judge Ethical values.
- Ethical problems are often not as clear as other kinds of problems and resolving ethical problems as definitively is not always possible.
- The aim of ethics to offer tools for thinking about difficult problems.
- Good ethical thinking purposefully seeks out the grey in questions and concerns in order to acknowledge the diversity and complexity of roles, situations and circumstances that arise in human life and relationships.

● **Ethical Principles and Values of Moral Judgments**

- Branch of philosophical study that focuses on 'ethics' is concerned with studying and/or building up a coherent set of 'rules' or principles by which people ought to live.
- The theoretical study of ethics is not normally something that many people would regard as being necessary in order for them to conduct their everyday activities.
- Most people instead carry around a useful set of day-to-day 'rules of thumb' that influence and govern their behavior
- Sometimes the vicissitudes and complexities of life mean that these simple rules are sometimes put to the test.
- **Consider** Is killing in self-defence wrong? Is the termination of pregnancy wrong? Is euthanasia wrong? If we try to apply our everyday notions of right and wrong to these questions, straightforward answers are not always forthcoming.
- The need for examined theoretical study issues is very impertinent.

- How did you arrive at your decision? Was your decision based explicitly on ideas of what was right and wrong? Try to examine and record precisely the justifications for your decision. Can you identify any underlying principles or rules which you used to reach your decision?
- Examples of such underlying principles or rules might include:
- ‘I should do the best thing for my career in the long run.’
- ‘It is OK to tell someone a lie if it prevents someone from being hurt by the truth.’
- ‘I should always help someone in difficulty.’
- **Moral intuitions and Critical Reasoning**
- The study of ethics involves reasoning about our feelings.
- Almost all people, to a greater or lesser extent, are capable of experiencing feelings of empathy towards others.
- Empathy provides us with a sense of what others are feeling and may thereby allow us to identify with other people.

- Empathy refers to as our moral sentiments; and ethical reasoning.
- Empathy therefore gives us moral sentiments and ethical reasoning.
- These sentiments gives us our moral principles.
- The integration of **moral sentiments** and **principles**, is our conscience.
- Our moral conscience, then, is based on emotions, but should also be supported by reason.
- All societies are characterised by their own ethical ideas – expressed in terms of attitudes and beliefs – and their own customs.
- **Rationalisation**
- Studying ethics, then, involves attempting to find valid reasons for the moral arguments that we make.
- Most people already have general ideas – or what philosophers call ‘intuitions’ or ‘presumptions’ – about what they think is ‘right’ or ‘wrong’.
- a philosophical approach to ethics requires people to think critically about the moral ideas that they hold.

- In moral philosophy, an argument is not simply about our beliefs or opinions; instead, it is about the reasons underlying those beliefs or opinions.
- The real value of discussing and debating ethical questions is not to 'win the argument' or to 'score points' against the other person! It is more important to provide carefully considered arguments to support our ideas, and to allow for rational – and deeper – understanding of the reasons underlying our beliefs, ideas and attitudes.
- A **rationalisation** occurs when we use what at first glance seem to be rational or credible motives to cover up our true (and perhaps unconscious) motives.
- For example, if a landowner seeks to build a plastic recycling plant and states that this is driven by a desire to create local employment opportunities – whereas in fact their true motive is to make a profit – then this is a rationalisation.

- **Types of reasoning**
- Three forms of critical reasoning:
 - **1. Reasoning by analogy**= explains one thing by comparing it to something else that is similar, although also different.
 - **For instance**, animals are like and unlike humans, as humans are also animals.
 - **2. Deductive reasoning** =applies a principle to a situation.
 - **For instance**, if every person has human rights, and you are a person, then you have human rights like every person.'
 - **Inductive reasoning** =involves providing evidence to support a hypothesis. The greater the evidence for a hypothesis, the more we may rely on it.' The fact that there is mounting evidence that the burning of fossil fuels is having a detrimental effect on global climate, for example, is used to substantiate the argument that we have a moral duty to reduce carbon emissions.

- **Ethics and Religious Faith**
- People use religious faith when making ethical arguments.
- For many people, 'morality and religious faith go hand in hand.
- Some moral philosophers do not view arguments based on religious faith as being rationally defensible. we are able to know what is right or wrong without relying on any divine commandments, as we can use rational reflection.
- Faith-based arguments are relevant to moral philosophy for several reasons.
- Arguments should not be excluded from the study of ethics.
- **Testing moral arguments**
- Three ways to test a moral argument:
- **1. Factual accuracy.**
- The 18th century philosopher David Hume (1711—1776) argued that we should not derive an 'ought' from an 'is'.
- This means that we cannot say that something is wrong or right simply based on how things are.

- Ethical discussion should be divorced from fact; the accuracy of the factual content of a discussion is very important.
- **2. Consistency.** Arguments need to be consistent.
- **3) Good will.** This one is the most difficult criterion to quantify.
- **Thinking Ethically: A framework for Moral Decision Making**
- The first step in analyzing moral issues is : **Get the facts.**
- Having the facts is not enough. Facts by themselves only tell us what is; they do not tell us what ought to be.
- Resolving an ethical issue also requires an appeal to values.
- To avoid difficulties and controversies ethical issues philosophers, religious teachers and other thinkers have shaped various approaches to ethical decision-making.
- The five different approaches to values to deal with moral issues are:

● 1. Fairness and Justice Approach

- Its roots in the teachings of the ancient Greek philosopher Aristotle who said that “equals should be treated equally and unequal’s unequally”.
- The basic moral question in this approach is:
- How fair is an action?
- Does it treat everyone in the same way, or does it show favoritism and discrimination?
- Favoritism gives benefits to some people without a justifiable reason for singling them out; discrimination imposes burdens on people who are no different from those on whom the burdens are not imposed.
- Both favoritism and discrimination are unjust and wrong.
- Aristotle believed that ethical knowledge is not precise knowledge, like logic and mathematics, but general knowledge like knowledge of nutrition and exercise.
- **Generally**, this approach focuses on how fairly or unfairly our actions distribute benefits and burdens among the members of a group.

● 2. The Common Good Approach

- Acc to **Aristotle** life in community is a good in itself and our actions should contribute to that life.
- Interlocking relationships of society are the basis of ethical reasoning and that respect and compassion for all others especially the vulnerable are requirements of such reasoning.
- Calls attention to the common conditions that are important to the welfare of everyone.
- This approach to ethics assumes a society comprising individuals whose own good is inextricably linked to the good of the community. Community members are bound by the pursuit of common values and goals.
- It states that “**What is ethical is what advances the common good.**”
- 3. The Rights Approach:

- Acc to philosophers, what makes human beings different from mere things is that people have dignity based on their ability to choose freely what they will do with their lives, and they have a fundamental moral right to have these choices respected.
- People are not objects to be manipulated; it is a violation of human dignity to use people in ways they do not freely choose.
- Many different but related rights exist besides this basic one.
 - **1. The Right to the Truth:** We have a right to be told the truth and to be informed about matters that significantly affect choices.
 - **2. The Right of Privacy:** We have the right to do, believe, and say whatever we choose in our personal lives so long as we do not violate the rights of others.
 - **3. The Right not to be injured:** We have the right not to be harmed or injured unless we freely and knowingly do

- 4. The Right to what is agreed: We have the right to what has been promised those with whom we have freely entered into a contract or agreement.
- In deciding whether an action is moral or immoral using this approach, we must ask, *does the action respect the moral rights of everyone?*
- Each person has a fundamental right to be respected and treated as free and equal rational person capable of making his or her own decisions.
- **Generally, in Ethical Problem Solving;**
- Once facts have been ascertained, consider five questions when trying to resolve a moral issue:
- 1. What benefits and what harms will each course of action produce, and which alternative will lead to the best overall consequences?

- 3. Which course of action treats everyone the same, except where there is a morally justifiable reason not to, and does not show favoritism or discrimination?
- 4. Which course of action advances the common good?
- 5. Which course of action develops moral virtues?
- **4. To Whom or What Does Morality Apply?**
- In discussing the application of morality, four aspects may be considered: religious morality, morality and nature, individual morality, and social morality.
- **A. Religious Morality**
- Refers to a human being in relationship to a supernatural being or beings.
- In the Jewish and Christian traditions, for example, the first three of the Ten Commandments pertain to this kind of morality.

● **The Ten Commandments**

- 1. I am the Lord, Your God; do not worship false gods.
- 2. Do not take the name of God in vain.
- 3. Keep holy the Sabbath Day.
- 4. Honor your father and your mother.
- 5. Do not kill.
- 6. Do not commit adultery.
- 7. Do not steal.
- 8. Do not bear false witness against your neighbor.
- 9. Do not covet your neighbor's spouse.
- 10. Do not covet your neighbor's belongings.
- (Exod. 20:1-17)

- **B. Morality and Nature**
- refers to a human being in relationship to nature.
- Natural morality has been prevalent in all primitive cultures.
- **C. Individual Morality**
- refers to individuals in relation to themselves and to an individual code of morality that may or may not be sanctioned by any society or religion.
- It allows for a “higher morality,” which can be found within the individual rather than beyond this world in some supernatural realm.
- One may have his own morality in addition to others with societies.
- **D. Social Morality**
- Concerns to the human beings relation to the other human beings.
- Most important aspect of morality

● **Who is Morally/Ethically Responsible?**

- Only human beings can be moral or immoral, and therefore only human beings should be held morally responsible for their actions and behavior.
- Therefore, when we use the terms *moral* and *ethical*, we are using them in reference only to human beings.
- Recent experimentation with the teaching of language to animals suggests that they are at least minimally capable of developing some thought processes similar to those of humans. It is even possible that they might be taught morality in the future, as humans are now.

● **Moral Judgments**

- Refer to *deciding what is right and what is wrong in human relations*.
- It always have to do with the actions of human beings and, in

- They are **evaluative** because they place value on things or relation or human actions; determine what is right or wrong, good or bad.
- It is **normative** because they evaluate or assess the moral worth of something based on some **norms or standards**.
- In judging conduct or action we have to consider **motives, means, and consequences** and sometimes the **situation**.
- **1. Motives:** refers to the *intention or why an action is done*.
 - A good motive is a prerequisite to conduct that we approve without qualification.
- **2. Means**
 - defined as an agency, instrument, or method used to attain an end.
 - we expect people to use the best available means to carry out their purposes
- **3. Consequences:** are the effects or results of *a moral decision* based on a value.
- **4. The Moral Situation**

- **What Makes an Action Moral?**
- we think of —moral|| means morally good.
- But, philosophically, it refers to an action which comes within the scope of morality, that is, an action which is morally significant either in positive way (because it is good or right) or in a negative way (because the action is good or bad).
- Not all actions have a moral sense.
- E.g.1 putting on a raincoat, sharpening a pencil, or counting apples, standing on your head, are not in themselves either good or bad acts. Such actions are morally **neutral or non-moral**.
- **E.g.2** stealing from your libraries, punching people or helping the disadvantage are considered as morally significant actions.
- The following are features that make an action moral:
- **A. A moral act involves an agent:**

- Humans can be moral agents, or any creatures that can freely and thoughtfully choose its actions will count as a moral agent.
- **B. A moral act involves intention:**
- Here intention refers to our motives that are important to determine the rightness or wrongness of an action.
- If an action is done accidentally, it may be counted as a morally neutral action. However, some unintentional acts, such as those done through negligence, can be moral.
- **C. A moral act affects others:**
- To be considered as moral action it needs to affect others (those we might call moral patients) in significant ways, that is, an action that has harmful (be it physical, psychological, emotional, or depriving others of happiness) or beneficial consequences for others.

- **Generally, a moral action is one which:**
- Is performed by ***agents***, creatures that are capable of free choice/ free will
- Is the result of ***intention***; the action was done on purpose with a particular motive
- Has a significant consequence on others in respect of harm or benefits it brings about.
- **Why Should Human Beings Be Moral?**
- There can be no society without moral regulation; man is man only because he lives in a society.
 - **A. Argument from Enlightened Self-Interest**
 - We should be moral because being moral is following the rules designed to overrule self-interest .
 - it is, at the very least, generally better to be good rather than bad and to create a world and society that is good rather than

- an argument is being presented that if everyone tried to do and be good and tried to avoid and prevent bad, it would be in everyone's self-interest.
- **B. Argument from Tradition and Law**
- Suggests that because traditions and laws, established over a long period of time, govern the behavior of human beings, and because these traditions and laws urge **human beings to be moral rather than immoral**, there are good reasons for being so.
- **C. Common Human Needs**
- All human beings have many needs, desires, goals, and objectives in common.
- In order to satisfy these needs, people must establish and follow moral principles that encourage them to cooperate with one another and that free them from fear that they will lose their lives, be mutilated, or be stolen from, lied to, cheated, severely restricted, or imprisoned.
- Morality exists, in part, because of human needs and through recognition of the importance of living together in a cooperative and significant way.

- In **general**, in a society wherein morality is declined, crime, death, looting, instability, social deviance, suicide, human right violation/ gross human right violation/, corruption and other socio, economic and political crises will prevail.
- **“Why be moral?” Among the more common answers are these:**
- Behaving morally is a matter of self-respect.
- People won't like us if we behave immorally.
- Society punishes immoral behavior.
- God tells us to be moral.
- Parents need to be moral role models for their children.
- There are two distinct components to the question “Why be moral?”
 - Why does society need moral rules?
 - Why should I be moral?
- From Hobbes's perspective, morality consists of a set of rules such that, if nearly everyone follows them, then nearly everyone will flourish. These rules restrict our freedom but promote greater freedom and wellbeing.

- **More specifically**, the five social benefits of establishing and following moral rules accomplish the following:
- 1. Keep society from falling apart.
- 2. Reduce human suffering.
- 3. Promote human flourishing.
- 4. Resolve conflicts of interest in just and orderly ways.
- 5. Assign praise and blame, reward and punishment, and guilt.
- All these benefits have in common the fact that morality is a social activity
- If only one person exists on an island, no morality exists.
- “Why should I be moral?” because, by occasionally allowing some disadvantage for myself, I may obtain an overall, long-term advantage.

● **Chapter Four: State, Government and Citizenship**

● **State=politically organized society**

● **There are four perspective in defining state**

- **1. Idealist perspective**=Three moments of social existence: the family, civil society and the state.
 - The idealist approach to the state is most clearly reflected in the writings of Hegel.
 - **Is an ethical community** underpinned by mutual sympathy - 'universal altruism'.
 - Drawback of idealism= 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.
- **2. Functionalist approaches**= set of institutions that maintain order and deliver social stability.
 - **Focus** on the role or purpose of state institutions.

- The **central** function of the state is the maintenance of social order.
- **State is set of institutions that uphold order and deliver social stability.**
- **Weakness** it associates any institution that maintains order (such as the family, mass media, trade unions and the church) with the state itself.
- **3. Organizational view=** apparatus of government
- **State** is the apparatus of government in its broadest sense; i.e. 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.
- **4. International approach**
- **Is** an actor on the world stage and basic 'unit' of international politics.

• **Four Features of State.**

• **1. Population: People**

- Having people. How much people constitute state? No exact number can be given to such a question. Homogeneity and heterogeneity do not matter but Homogeneity is good.

• **2. Defined Territory: Geographical area**

- A territory of its own. size of a state's territory not fixed.
- The territory of a state includes land, water, and airspace; it has maritime jurisdiction extending up to a distance of three miles.

• **3. Government: is soul of the state.**

- It implements the will of the community.
- Protects the people against conditions of insecurity.
- Is the machinery that terminates the condition of anarchy.

- **4. Sovereignty:** absolute and unlimited power state over her internal issues.

- **Internal Sovereignty**

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

- **External sovereignty** = 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 fifth essential attribute of the state.

- **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 state.

- **1. The Pluralist State**= neutral arbiter amongst the competing groups and individuals in society.
 - Has a very clear liberal lineage.
 - It stems from the belief that the state acts as an 'umpire' or 'referee' in society.
 - The state can be ignored only because it is seen as an **impartial arbiter** or **referee** that can be bent to the will of the government of the day.
 - State is thus seen as a neutral arbiter amongst the competing groups and individuals in society.
 - The state is not biased in favor of any particular interest or group, and it does not have an interest of its own that is separate from those of society.
- **State is** 'the servant of society and not its master'.
- **Two key assumptions underlie this view.**
- 1. State is effectively subordinate to government. Non-elected state bodies (the civil service, the judiciary, the police, the military and so on) are strictly impartial and are subject to the authority of their political masters.

- 2. 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.
- State is only a **weather vane** that is blown in whichever direction the public-at-large dictates.
- Modern pluralists, adopted a more critical view of the state=**neo-pluralist** theory of the state.
- Theorists have come to accept modern industrialized states are both more complex and less responsive to popular pressures than classical pluralism suggested.

• **2.Capitalist State**

- Marxists have typically argued that the state cannot be understood separately from the economic structure of society.
- State is nothing but an instrument of class oppression.

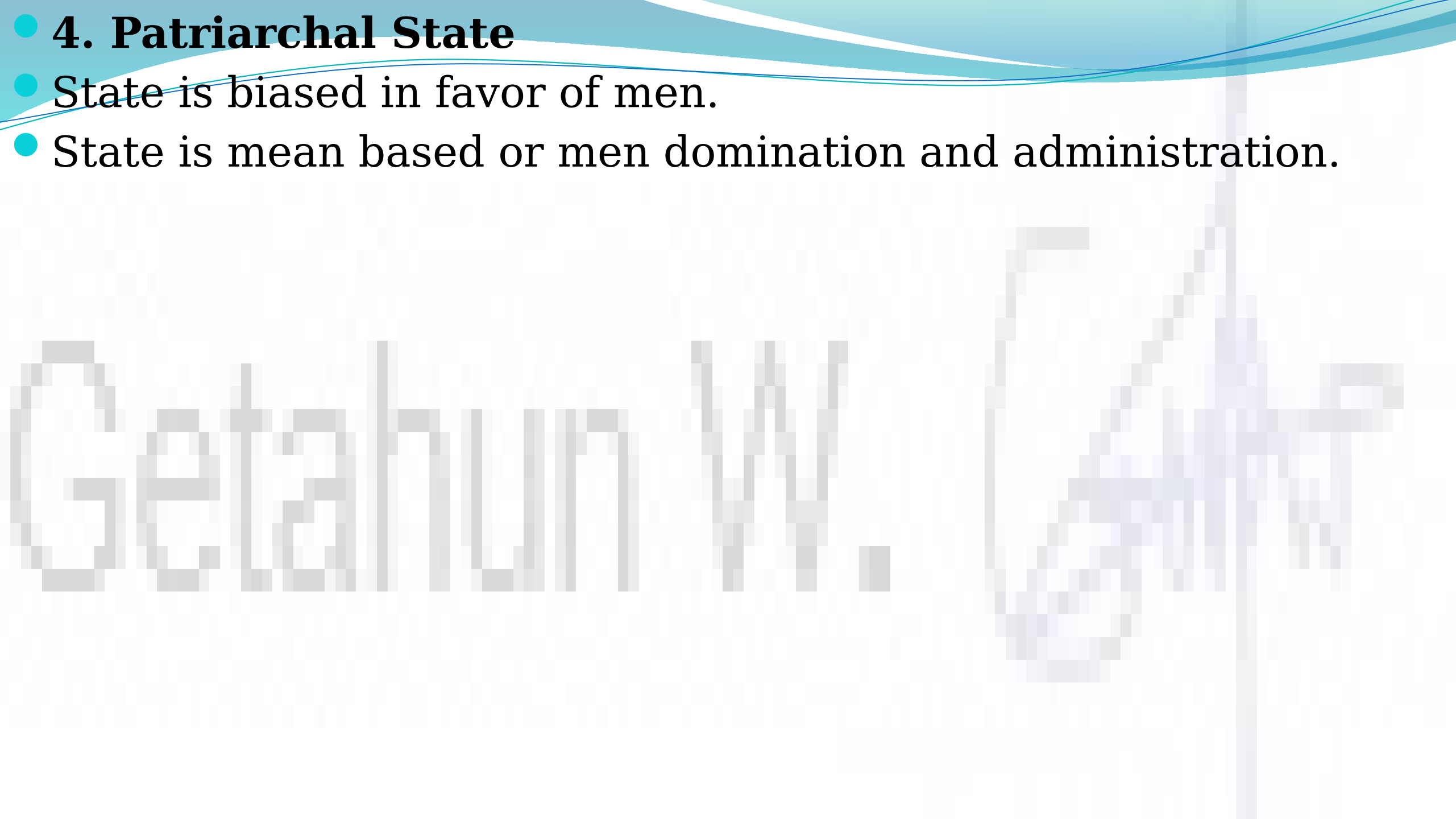
- In a general sense, he believed that the state is part of a 'superstructure' that is determined or conditioned by the economic 'base', which can be seen as the real foundation of social life.
- **Two theories of the state can be identified in Marx's writings.**
 - 1. 'The executive of the modern state is a **committee for managing the common affairs of the whole bourgeoisie**'.
 - From this perspective, the state is clearly dependent on society and entirely dependent on its economically dominant class, which in capitalism is the bourgeoisie.
 - 2. Marx suggested that the state could enjoy what has come to be seen as 'relative autonomy' from the class system.
 - He argued that the state could be used constructively during the transition from capitalism to communism in the form of the 'revolutionary dictatorship of the proletariat'

- State is a product of the social division of labor.
- In short Private property causes men to form civil society.
- Neo-Marxists have increasingly seen the state as the terrain on which the struggle amongst interests, groups and classes is conducted.
- State is thus a dynamic entity that reflects the balance of power within society at any given time, and the ongoing struggle for hegemony.
- Acc. neo-Marxist domination of the ruling class is achieved by ideological manipulation, rather than just open coercion.

3. Leviathan State

- **It is 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.

- The New Right, or at least its neoliberal wing, is distinguished by a strong antipathy towards state intervention in economic and social life, born out of the belief that the state is parasitic growth that threatens both individual liberty and economic security.
- image of the state as a 'leviathan' (in effect, a self-serving monster intent on expansion and aggrandizement)
- **Right thinkers** argue that the twentieth century tendency towards state intervention not popular pressure for economic and social security, or the need to stabilize capitalism by ameliorating class tensions but, rather, the **internal dynamics of the state**.
- They explain the expansionist dynamics of state power by reference to both **demand-side**=society itself, usually through the mechanism of electoral democracy.
supply-side =internal to the state. pressures.



- **4. Patriarchal State**
- State is biased in favor of men.
- State is mean based or men domination and administration.

Gitanjali W.

● **The Role of the State**

- 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.
- There is profound disagreement about the exact role the state should play, and proper balance between state and civil society.

● **Among the different state forms that have developed are the following:**

- **A. Minimal States**= a protective body
- Is the ideal of classical liberals whose aim is to ensure that individuals enjoy the widest possible realm of freedom.
- Is rooted in social-contract theory
- Its value is to constrain human behavior and to prevent individuals encroaching on the rights and liberties of others.
- **The state** is merely a protective body, its core function being to provide a framework of peace and social order within which citizens can conduct their lives as they think best.

- The **institutional apparatus** 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.
- Free-market economists such as Friedrich von Haye and Milton Friedman, **state intervention is seen as a 'dead hand'** that reduces competition, efficiency and productivity.
- **New Right** perspective, the state's economic role should be confined to two functions:
 - 1. maintenance of a stable means of exchange or 'sound money' (low or zero inflation)
 - 2. pro motion of competition through controls on monopoly power, price fixing

● **B. Developmental States=state intervention in selective areas**

- State intervenes in economic life with the specific purpose of promoting industrial growth and economic development.
- The classic example of a developmental state is Japan.
- Economic globalization fostered emergence of '**competition states**', examples of which are found amongst the tiger economies of East Asia.
- **Competition states** are distinguished by their recognition of the need to strengthen education and training as the principal guaranteeing economic success in a context of intensifying transnational competition.
- **State** intervention is in order to stimulate economic progress

● **C. Social Democratic (Welfare) States**

- **States** intervene to bring 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.

- Is ideal of both modern liberals and democratic socialists.
- Key to understanding the social-democratic state is that there is a shift from a 'negative' view of the state.
- **State is an active participant**; in particular, helping to rectify the imbalances and injustices of a market economy.
- Focus less upon the generation of wealth and more upon what is seen as the equitable or just distribution of wealth.
- Its twin features are Keynesianism and social welfare=well-being.
- Aim of Keynesian economic policies is to '**manage**' or '**regulate**' **capitalism** with a view to promoting growth and maintaining full employment.

D. Collectivized States= economic life under state control

- Developmental and social-democratic states intervene in economic life with a view to guiding or supporting a largely private economy. But this **bring the entirety of economic life under state control.**

- The best examples of such states were in orthodox communist countries such as the USSR and throughout Eastern Europe
- It attempts to abolish private enterprise and set up centrally planned economies called 'command economies'.
- The common ownership over private property is its base.

D. Totalitarian States=All under state control

- The most extreme and extensive form of interventionism is found in totalitarian states.
- Its aim is construction of an all-embracing state, the influence of which penetrates every aspect of human existence.
- State brings not only the economy, but also education, culture, religion, family life and so on under direct state control.
- Acc to it the advance of human civilization can clearly be linked to the aggrandizement of the state and the widening of its responsibilities.
- Best examples are Hitler's Germany and Stalin's USSR.

- **F. Religious States**= Religion used as the basis of politics.
 - Triumph/ victory of religious authority over civil authority
 - Religion used as the basis of politics.
 - Religious states are founded on the basis of religious principles.
- **Government= Element of state**
 - In its broadest sense, to govern means to rule or control others.
 - Any mechanism through which ordered rule is maintained, its central features being the ability to make collective decisions and the capacity to enforce them.
 - **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.
 - Most essential components and an administrative wing of the state.

- In other words, 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:** 'legitimate power'
 - In politics, the word authority implies the ability to compel obedience.
 - Power is the ability to influence the behavior of others, authority is the right to do so.
 - Authority is therefore, based on an acknowledged duty to obey.
 - Is the legitimacy, justification and right to exercise that power.
 - Authority can be expressed as naked force
- **B. Legitimacy:** broadly means rightfulness.
 - Legitimacy is the attribute of government that prompts the governed to comply willingly with its authority.

- Is the popular acceptance of a governing regime or law as an authority.
- Considered as a basic condition to rule.
- Is gained through the acquisition of power in accordance with recognized or accepted standards or principles.
- Main purpose of the state is to protect rights and to preserve justice.

• **Purposes and Functions of Government**

- Government as the most active force vehicle in the political, social, and economic developments in contemporary world.
- **The major purposes and functions of government include**
- **1. Self-Preservation**
- Nearly all governments claim to establish an order that permits predictability, which in turn promotes a sense of security among the governed.
- First and primary purpose and function, governments are responsible to prevail order, predictability, internal security, and external defense.

● **2. Distribution and Regulation of Resources**

- All gov.t play the role of distributing resources in their societies.
- It is only institutions that determine whether resources are going to be controlled by the public or private sector.

● **3. Management of Conflicts**

- It develop and consolidate institutions and procedures for the management of conflicts.

● **4. Fulfillment of Social or Group Aspirations**

- It strive to fulfill the goals and interests of the society as a whole and of various groups within the society.
- Include the promotion of human rights, common good, and international peace.

● **5. Protection of Rights of Citizens**

- Are established for the protection of every citizen's human,

- **6. Protection of Property**

- It provide means such as police and the court systems that protect private and public property.

- **7. Implementations of Moral Conditions**

- Attempts to improve the moral conditions of their citizens that is why, in all countries, laws and institutions are designed to shape citizens character in accordance with some standard of morality.

- **8. Provision of Goods and Services**

- Especially those of the poor countries, participate heavily in the provision of goods and services for the public.

• Understanding Citizenship

• Citizenship

- **Citizen** refers to the person who is a legal member of a particular State and one who owes allegiance to that State.
- Citizen is a person who is legally recognized as member of a particular, officially sovereign political community, entitled to all rights and duties.
- C.ship is relationships between the State and the citizen.
- C.ship is means by which we determine whether a person is legal member of a particular State or otherwise.
- Refers to the rules regulating the legal/formal relations between the State and the individual with respect to the acquisition and loss of a given country's nationality.
- From political and social perspectives and at a substantive level, citizenship is beyond a legal status.

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

• ***A. Citizenship as a Status of Rights***

- The mere fact of being a citizen makes the person a creditor of a series of rights.
- Current political discourse often tends to identify citizenship with rights.
- Marshall 1998, distinguishes three types of rights that historically have been established in succession:
 - **1. civil rights** = necessary for the development of individual liberty.
 - **2. political right** = participate in the exercise of political power, as an

- Hohfeld (1978), for instance, discovered four components of rights known as 'the Hohfeldian incidents'
- **Liberty** (privilege)=
 - 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.
- **Claim**=
 - **It is** right enjoyed by individuals when others discharge their obligations.
 - It is inverse of liberty rights.
 - E.g. social rights such as unemployment and public service benefits are *claims* that directly depend on taxes paid by others.
 - Liberty and claim rights termed as primary rules, rules requiring that people perform or refrain from doing particular action.
- **Power**=are rights regarding the modification of first-order rights.
 - They are cooperative controls that are imposed on others.

● **Immunity.**

- Allow bearers escape from controls and thus they are the opposite of power rights.
- It entail the absence of a power in other party to alter the right-holder's normative situation in some way. For instance, civil servants have a right not to be dismissed from their job after a new government comes to power.

● ***B. Membership and Identity:***

- Citizenship is associated with membership of a political community, which implies integration into that community with a specific identity that is common to all members who belongs to it.
- It based on territory, common culture, ethnic characteristics, history, etc.

● ***C. Participation***

- Occupies a key position in citizen ship. Two approaches
- 1. A minimalist approach to citizenship characterized by a kind of basic passive compliance with the rules of a particular community/State.

● ***D. Inclusion and Exclusion***

- All individuals living in a particular state do not necessarily mean that all are citizens.
- For instance, there are non-citizens visiting, working and living in Ethiopia branded as foreigners/aliens.
- 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.
- Citizenship status, however, is not only restricted to persons. Organizations and [endemic] animals could also be considered as citizens.

● **Theorizing Citizenship**

- Four approaches: liberal, communitarian, republican and multicultural citizenship.

- **1. Citizenship in Liberal Thought=Individual first**
- Citizenship begins with the individual person (the self).
- Self exists as the true symbol of liberal theory.
- It gives a strong emphasis to the individual liberty of the citizen, and rights that adhere to each and every person.
- In liberalism the primary political unit as well as the initial focus of all fundamental political inquiry is the individual person.
- There are three fundamental principles which a liberal government must provide and protect:
 - 1. **Equality**, government has to treat individuals who are similarly situated in the same way and afford them the same rights;
 - 2. **Due process**, 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.

- **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.
- ***Critics of Liberal Theory of Citizenship***
 - 1. How can individuals be/prevented from destroying each other and from destroying the basis of their mutually beneficial interaction?
 - The most common problems related with advocating individualism are **free-riders 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. and the **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. .

- 2. Liberalists affirmatively valorize/gives the privatization of personality, commitment, and activity.
- 3. 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.
- 4. Justify that inequalities arise out of differences in individual talents, values, and choices.
- 5. A State that maintains substantial normative neutrality. State should be numeral.

• **2. Citizenship in Communitarian Thought= Society first**

- Emphasizes on the importance of society in articulating the

- 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.
- Deny that the interests of communities can be reduced to the interests of their individual members.
- Privileging individual autonomy is seen as destructive of communities.
- A healthy community maintains a balance between individual choice and protection of the communal way of life and seeks to limit the extent to which the former can erode the latter.
- Good of the community is much above than individual rights and citizenship comes from the community identity, enabling people to participate.
- The State must provide a policy for the common good, according to the way of life of the community.

- **For liberalists**, citizenship rests on the individual and it is the individual that determines its aspects.
- **For Communitarians** citizenship is rooted and lies with the people who surround the individual. It claims that an individual's sense of identity is produced only through relations with others in the community that nourish him/her.
- **Two defining features of communitarian perspective are:**
 - 1. First, no individual is entirely self-created; citizen and his/her identity is deeply constructed by the society where he/she is a member.
 - 2. Consequence of assimilation, a meaningful bond is said to occur between the individual person and his/her community.
- **Criticisms**
 - 1. Hostile towards individual rights and autonomy. Forces individuals into the society.

- **2.** Dominated by power elites or that one group within a community will force others to abide by its values.

- Emphasize the communal construction of social individuals and social formations, and of values and practices.

- **3. Citizenship in Republican Thought=** individual and group right together

- Put emphasis on both individual and group rights.
- Like communitarian thought, it emphasizes on what bind citizens together in to a particular community.
- Citizenship should be understood as a common civic identity, shaped by a common public culture.
- It requires citizens to bring together the facets of their individual lives as best they can and helps them to find unity in the midst of diversity.
- Republicans don't pressurize individuals to surrender their particular identities like the communitarian thought.
- It encourages people to look for the common ground on which they stand, despite their differences, as citizens.

- Advocate self-government. But individuals must overcome their personal inclinations and set aside their private interests when necessary to do what is best for the public.
- Acknowledge the value of public life.
- **Two essential elements of the republican citizenship:**
 - **1. publicity**
 - It basically refers to the condition of being open and public.
 - The public is not a mere collection of people but a sphere of life where people joined by common concerns that takes them beyond their private lives.
 - **2. 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.
- **Critics**
 - **1.** The first is that the republican conception of citizenship is no longer realistic.
 - **2.** The conception poses a threat to an open, egalitarian, and pluralistic society.

- E.g. search for common ground serves to justify the dominance of a particular – and typically male – group.
- 3. Citizenship involves a false ideal of impartiality.
- **4. Multicultural Citizenship= recognizing differences**
- A modern State should be expanded to include cultural rights and group rights within a democratic framework.
- Basically the focus of it is on four principles of multicultural citizenship.
 - *1. Taking equality of citizenship rights as a starting point.*
 - *2. Recognizing that Formal equality of rights does not necessarily lead to equality of respect, resources, opportunities or welfare.*
 - *3. Establishing mechanisms for group representation and participation.*
 - *4. Differential treatment for people with different characteristics, needs and wants.*

- **Modes/Ways of Acquiring and Loosing Citizenship**

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

- **Ways of Acquiring Citizenship**

- **A. *Citizenship from birth/of Origin:***

- getting citizenship status of a particular State either because he/she is born in the territorial administration of that or his/her mother and/or father are citizens of the State in question.

- **IN** two principles

- 1. *Jus Soli* (law/right of the soil)
 - jus soli could not apply to children born from diplomats and refugees live in a host State.
- 2. *Jus Sanguinis* (law/right of blood).

- **B. *Citizenship by Naturalization/Law:***
 - is the legal process by which foreigners become citizens of another country.
 - common sub-principles of acquiring citizenship through naturalization are the following.
 - I. Political case (secession, merger and subjugation),
 - II. Grant on application,
 - III. Marriage,
 - IV. Legitimatization/adoption, and
 - V. Reintegration/restoration.
- **The Modes of Acquiring Ethiopian Citizenship**
 - Before the 1930, there wasn't officially inscribed legal document that deals with citizenship.

- **1. Acquisition by Descent**
- **2. Acquisition by Law (Naturalization)**

- Under naturalization, there are various ways of acquiring Ethiopian citizenship

- **A. Grant on Application /registration**=happens when an alien requests a host state to be granted citizenship status of the country in question. **Article 5** of the 2003 Ethiopian nationality proclamation
- **B. Cases of Marriage:** an alien who is married to an Ethiopian citizen have the possibility of acquiring Ethiopian citizenship. **Article 6** of the proclamation
- **C. Cases of Adoption (Legitimizing):** an illegitimate child get citizenship status of his/her caretaker's nationality. **Article 7** of the nationality proclamation
- **D. Citizenship by Special Cases**= outstanding contribution

- **Article 8**, an alien who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian nationality by law without undergoing the pre-conditions stated in Article 5 (sub-articles 2 and 3) of the 2003 Ethiopian nationality proclamation.
- ***E. Re-Admission to Ethiopian Nationality (Reintegration/Restoration):***
 - a person acquires his/her lost citizenship.
 - 2003 Ethiopian nationality proclamation acknowledges this principle in its Article 22.
- **Dual Citizenship**
 - condition of being a citizen of two nations.
 - a person may acquire more than two States which is called multiple citizenship.

- Duality/multiplicity arises because of the clash among the *Jus Soli*, *Jus Sanguini* and naturalization.
- For example, a baby born to a French family visiting the United States would acquire U.S. citizenship by *Jus Soli* and French citizenship by *Jus Sanguinis*.
- A child born from a mother and father of two different countries could acquire dual citizenship through decent.
- **Ethiopia** prohibits its citizens to have dual citizenship.

• **Ways of Loosing Citizenship**

- 1. **Deprivation** is an involuntary loss of citizenship which arises while government authorities or court take a decision to nullify an individual's citizenship.
- 2. **Lapse/expiration** =long term residence abroad beyond the number of years permitted by the country in question. not applicable to **Ethiopia**.
- 3. **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 according to Article 33(3) of the FDRE constitution and Article 19 of the 2003 Ethiopian nationality proclamations.

- **4. Substitution:** original citizenship is substituted by another state, where it is acquired through naturalization.
- **Statelessness**
 - stateless person is a person who is not considered as a national by any state under the operation of its law.
 - It is lack of legal membership in any country

● Chapter Five: Constitution, Democracy and Human Rights

● Constitution

- Is figuratively defined as the fundamental or basic law of a state which sets out the structure of the state and also lists the rights of citizens alongside the limits on the power exercise of a government.
- It is a blue print placed on top the hierarchy of laws on constitutional governments.
- Refers to A collection of principles according to which the powers of the government, the rights of the governed, and the relation between the two are adjusted.
 - Body of rules and laws, (written or unwritten)
 - Determine the organization of government,
 - Distribution of powers and functions to various organs of government is listed.

- Regulate the relationship among various branch and between the state and its individuals through general principles on which these powers are to be exercised.
- Is the mothers of all laws
- Is supreme law of a land, any other law contradicted with the provisions of the constitution becomes void or invalid.

● **Peculiar Features of Constitution**

- **A. Generality**=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. That means constitution serve for a long lap of ages.
- **C. Supremacy**: supreme laws of the country

- **D. Codified document:** written down; often in a single document that presents the constitution in a systematic manner.
- **E. Allocation of powers:** outline the proper relations between institutions and offices of the state, and between government and citizens.
- **Major Purposes and Functions of Constitution**
- **1. It serves as a framework for Government**=is a plan /guideline
- **2. It Limits the Powers of Government**
- **3. It protects individual and collective rights of citizens**
- **4. It serves as the Supreme (Highest) Law of a Country**
- **5. It provides Government legitimacy/stability**
- **6. Constitution Blue Prints for establishing Values and Goals**
- **Classification of Constitution**
- **A. based on form**

- **1. Written Constitution**
- Is one whose provisions are written in detail.
- Is one in which most of the provisions are embodied in a single formal written instrument or instruments.
- All provisions are compiled/ codified in one single document.
- E.g. India, Kenya, Ethiopia, USA, Germany, Brazil, Indonesia, Jordan, Venezuela and Nigeria etc.
- **Merits of Written Constitution**
- It is **easily accessible to citizens** that enable them to monitor the behavior of their government thus preventing the emergency of dictatorship
- Citizens can **easily learn about their rights and duties** and the basic laws governing the patterns of political processes of their nation
- It is full of **clarity and definiteness** because the provisions are written in detail.
- It has the **quality of stability**, since people know the nature of constitutional provisions , they feel a sense of satisfaction

● **Demerits of written constitution**

- It creates a situation of rigidity.
- It becomes difficult to change it easily quickly as per the requirements of time.
- Becomes a play thing in the hands of the lawyers and the courts.
- Is not easily adapted to a new situation or changing circumstances. It needs be continuously amended to be adapted to a new situation

2. Unwritten Constitution

- Fundamental principles and powers of the government are not written down in any single document.
- Is one whose written provisions are very brief and most of the rules of the constitution exist in the form of usages and customs.
- It consists of customs, conventions, traditions, and some written laws bearing different dates. E.g. UK

- **Merits of Unwritten Constitution**
- It has the quality of elasticity and adaptability.
- It is dynamic that it prevents the chances of popular uprisings.
- Can absorb and also recover from shocks that may destroy a written constitution. It looks like a natural outgrowth of a national life.
- **Demerits of Unwritten Constitution**
- It is not easily accessible to the public to determine which aspects of the constitution are violated and when it is violated.
- It is difficult to create awareness through education on the fundamental constitutional rights and duties of citizens because it is not easily accessible to citizens
- It leads to situations of instability.
- It leads to the state of confusion. Controversies often arise over different provisions of the constitution having their place in the

- Suitable to a monarchical or aristocratic system. It certainly does not suit a democracy where people are always conscious and suspicious of constitutional provisions
- **2. Constitution based on complexity of amending process**
- **A. Rigid Constitution**
 - Process of amendment is difficult
 - A special procedure is followed to make a change in any rule of the constitution.
 - Rigid constitution is one that does not adapt itself to changing circumstances immediately and quickly or simply one whose amendment procedures are relatively complex or difficult.
 - Countries like USA, Australia, Denmark and Switzerland are known to have rigid constitutions.

- **B. Flexible Constitution**
 - **Simple to amend it**
 - is the constitution which set up simple amendment procedure and there is as such no special required procedure for amending a constitution.
 - The simplest and commonest amendment procedure is the one which requires an absolute majority (two thirds support) in the parliament.
 - is one that adapts easily and immediately to changing circumstances or simply one whose amendment procedures are relatively simple.
 - E.g. United Kingdom and New Zealand, may be altered by a simple majority vote in the legislature.
- **3. Constitution based on degree of practice**
 - **A. Effective Constitution=When** government/citizens

- **B. Nominal constitution:** When the constitution only remains to have paper value or when there is absence of constitutionalism.
- **4. Based on the kind of state structure**
 - **A. Federal Constitution:** is one that distributes power among the different units of a state administration.
 - **B. Unitary Constitution:** in unitary constitution state power is concentrated in the hands of the central government.
- **Constitutionalism**
 - refers to a doctrine that governments should be faithful to their constitutions because the rules and laws so provided are all that can protect citizens' rights from arbitrary actions and decisions of the government.
 - It is being subject to limitations and that citizens and governments operate in accordance with the general rules and

- It is another name for the concept of a limited and civilised government.
- **The Constitutional Experience of Ethiopia: Pre and Post 1931**
- **Traditional Constitution (Pre- 1931)**
 - Ethiopia has a very little experience with a written constitution in spite of its long history of state formation.
 - Beginning in the 13th Century until the early 20th Century the Ethiopian Orthodox Church was the chief legitimator of monarchical rule.
 - Documents like the *Kebra Nagast*, the *Fatha Nagast* and *serate mengest* from the 13th Century until the early 20th Century were the precursors to the formal written Ethiopian national constitutions of the modern era.
 - **Fetha Negest/Law of Kings**
 - was a religious and secular legal provision than being a definite constitution.
 - Law of the Kings, is a collection of laws which in use in Christian Ethiopia for many centuries.

- It was designed by monks in the Church
- It set out the laws and regulations that were used to govern all activities of the Ethiopia society in the late middle age.
- 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.
- It serves as both religious laws and legal provisions of state.
- **Kibre Negest**=glory of king.
 - was another traditional document that has constitutional relevance.
 - 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 was the most important traditional document that even

- It was the principal sources of legitimacy for the kings.
- **Ser'ate Mengist**
 - was another traditional document that had been used as constitution by the traditional rulers before 1931.
 - was one of the traditional documents of the nineteenth century that provided certain **administrative protocol and directives** in the 19th century.
 - It is the first document known to have been used for allocating power
- **The 1931 First Written Constitution**
 - 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**, growing interaction between Ethiopia and the external world, particularly the western European countries.
- Emperor Haile Silassie developed strong aspiration to view Ethiopia as a modern state to the rest of the world.
- **Internally**, the 1931 constitution was intended to provide a legal framework for the suppression of the powerful traditional nobilities to the emperor.
 - It was designed to unify and centralize all state power in the hands of the monarch.
- **The Revised Constitution of 1955**
 - It was revised because of **internal** and **external** factors mainly to cope up with the social and political dynamics of the then period, global politics, and Ethio-Eritrean federation.
 - Comes with a slight modification in the structure of the system of governance, limiting the power of the emperor to a certain extent and a relatively better recognition of rights and freedoms.

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

- Immediately after came to power, the Dergue setup the Provisional Military Administrative Council (PMAC) type of temporary government.
- Dergue issued a series of decrees and proclamations that was used as legal rules until the adoption of 1987 constitution.
- It took sweeping measures through series of decrees and proclamations that includes nationalization of rural and urban land, extra urban houses, private schools and factories by passing series.
- The time from 1974-1987 was a period of constitutional vacuum in Ethiopia.
- PDRE (1987) was different from the 1931 and the 1955 imperial constitutions in that constitution:

- State and religion were separated
- States the political power and sovereignty were declared to be the preserve of the working people of Ethiopia.
- Contains provisions on democratic and human rights;
- Recognized the different cultural identities and the equality of Nation and Nationalities;
- Introduced a party system by giving recognition to the workers party of Ethiopia.
- Aimed at the principles of Marxist and Leninist ideology;
- Aimed at giving power to the peoples so that they exercise through referendum, local and national assembly.
- Practically, however, the 1987 constitution was not different from the 1931 and 1955 constitutions.

• The 1995 (FDRE) Constitution

- Has a wider coverage of both human and democratic rights.
- 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 brings principle of self-determination of collectivises, rule of law, democracy, development, fundamental rights and freedoms, equality and non-discrimination, sustainable peace and affirmative action in its preamble part.
- In the second chapter, gives recognition to **five fundamental principles**; to be precise the principles of popular sovereignty (art. 8), constitutionalism and constitutional supremacy (art. 9), sanctity of human rights (art. 10), secularism (art. 11) and accountability and transparency of government (Art.12).

• **Democracy and Democratization**

• Democracy

- Literally means the government of the people or government of the majority.
- Rule by the people or government by the people.
- Most common definition of democracy: “*the government of the people, by the people and for the people*”, given by former US President Abraham Lincoln.
- A government comes from the people; it is exercised by the people, and for the purpose of the people’s own interests.
- Is a state of government in which people hold the ruling power either directly or indirectly through their elected representatives.
- A government system in which supreme power is vested in and exercised by people

- There are two broad ways of exercising it

- **A. Direct democracy**

- Implies a form of government in which the right to make political decisions is exercised directly by the whole body of citizens acting under procedures of majority rule.
- It is pure/classical democracy.
- This kind of democracy was mainly practiced in Ancient Greece city states.
- In modern times it lost validity but there are some cases that governments applied direct democracy. These include **referendum, recall, initiative** and **plebiscite**.

- **B. 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 chosen by themselves.

- The overall concept of modern democracy constitutes three key portions: democracy, constitutionalism, and respect for human rights.
- Minimal conditions must be fulfilled for modern political democracy to be existent.
 - Control over government decisions about policy is constitutionally vested in elected officials.
 - Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.
 - Practically all adults have the right to vote in the election of officials.
 - Practically all adults have the right to run for elective offices.
 - Citizens have a right to express themselves without the danger of severe punishment on political matters broadly defined.

- Citizens also have the right to form relatively independent associations or organizations, including independent political parties and interest groups.

• **Values and Principles of Democracy**

- There are three core values that are central in the discussion of the concept of democracy.
 - 1. **Liberty:** personal freedom, political freedom & economic freedom
 - 2. **Justice:** understood in three general senses of fairness.
 - **A. distributive Justice**=sense of distributing benefits and burdens in society via agreed up on standards of fairness
 - **B. Corrective Justice** =the sense that a proportional response should be in place to correct wrongs and injuries
 - **C. Procedural justice**=the idea that procedures used for gathering information and making decisions should be guided by such principles as impartiality and openness of proceedings.

- **3. Equality: political equality, social equality & economic equality**

- **Fundamental principles of democracy. These are;**

- **1. Popular Sovereignty** = is associated with power and legitimacy.
 - Implies the power to have a final say on an issue.
 - Citizen as a whole is the sovereign of the state and holds the ultimate authority over public officials and their policies.
 - Citizens are sources of power.
- **2. Constitutional Supremacy**
 - puts the constitution at the highest level in the hierarchy of laws.
- **3. Rule of Law=**
 - There are two aspects of the rule of law that are important. First, the law should govern the people and the people should obey the law. And second, the law must be capable of being obeyed ('good' laws).

- 4. **Secularism**=separation of religion and politics/
separation of state and religion.
- 5. **Separation of Powers**
 - refers to the idea that political power should be divided among several bodies or officers of the state.
- 6. **Free, Fair and Periodic Election**
 - **free** means all interested parties to the election should get the chance to participate in the election.
 - **fair** means after giving the chance of participation all of them should be treated equally without discrimination.
 - election should be conducted **periodically** with fixed duration.
- 7. **Majority Rule Minority Right**
- 8. **Protection and Promotion of Human Rights**

- **9. Multiparty System**
 - Democracy also requires having several political parties working together in one political system.
- **Democratization**
 - is the process of transitions from nondemocratic to democratic regimes that occur within a specified period of time.
 - It is not a simple process and will take an extend period of time to complete, if it wishes to be prosperous.
 - **Three** main elements in democratization
 - Removal of the authoritarian regime,
 - Installation of a democratic regime, and
 - Consolidation, or long-term sustainability of the democratic regime.
 - Refer to the institutionalization and routinization of democratic ideals and principles and their effective functioning.

- involves the full-scale transition from authoritarian regime and its replacement by democratically elected regime.
- **Actors of Democratization**
 - **1. Political Parties**
 - They are central for modern democracy
 - parties are —endemic to democracy, an unavoidable part of democracy.
 - In a democratic system, political parties provide the proper mode of functioning for the government.
 - In fact, political parties represent an essential and important tool that **acts as a bridge between** a society and its government.
 - The existence of a strong and viable opposition keeps the ruling party alert.
 - **2. Media**

- Media is a mirror of the society and how democratic a society is, can be represented through media.
- Media has an influential role in strengthening democracy.
- Media and democracy have strong association. Countries which are strong democracies always have strong and free media.
- The free media serve as watchdogs, monitoring those in power and provide citizens with the information they need to be free and self-governing and to hold governments accountable for their actions.

• **3. Civic Societies**

- Civil society is the set of civil rights, including primarily everyone's right to participate in public life. Civil society forms the backbone of democracy
- Are "The realm of organized social life that is open, voluntary, bound by a legal order or set of shared rules".

- Civil societies have a potential of playing numerous momentous roles for democratic development and consolidation.
- To mention some: limiting the power of the state more generally, including challenging the abuses of authority; monitoring human rights and strengthening the rule of law; monitoring elections and enhancing the overall quality and credibility of the democratic process; educating citizens about their rights and responsibilities; building a culture of tolerance and civic involvement; incorporating marginal groups into the political process and enhancing the latter's responsiveness to societal interest and need; providing alternative means, outside the state, for communities to raise their level of material development; opening and pluralizing the flows of information; and building a constituency for economic as well as political reforms
- **Human Rights: Concepts and Theories**
 - **What is Human Rights?**
 - **Is** privileges someone can claim just because he/she is a human being without any discrimination based on condition.

- Is natural' rights, that are natural entitlements to everyone
- It is derived from fundamental human dignity and worth.
- UDHR in its 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).
- The only criteria someone must fulfil to enjoy these rights is being a human.
- Human rights are established upon some main principles including
 - **Universality**= worldwide applicability. This means all rights are expected to be applied equally everywhere, every-time and to everyone in this world.
 - **Inalienability**= cannot lose these rights any more than you can stop to be a human being.
 - **Indivisibility**=
 - **Interdependence**= mean that all rights have equal weight/importance and it is not possible for one to fully enjoy any of his/her right without the others.
 - **Equality and non-discrimination**= all individuals are equal as human beings and by virtue of the inherent dignity of each human person.

● **Human Rights and Responsibilities**

- It involve responsibility and duties toward other people and the community.
- Individuals often have a responsibility to ensure that they exercise their rights with due regard for the rights of others.

● **Landmarks in Development of Human Rights**

- The modern human rights notions are the result of extended tussles to end many forms of oppressions; including slavery, genocide, discrimination, and government tyranny, in history of world societies.
 - 1. The Magna Carta (1215)
 - 2. The English Bill Of Rights (1689)
 - 3. The U.S. Bill of Rights (1791)
 - 4. The French Declaration of the Rights of Man and Of the Citizen (1789)

- 5. Declaration of International Rights of Man (1929)
- 6. The UN Charter (1945)
- 7. The Universal Declaration of Human Rights (1948)
- 8. Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- 9. Convention Relating to the Status of Refugees (1951)
- 10. Labour Organisation Discrimination (Employment and Occupation) Convention (No. 111) (1960)
- 11. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1966)
- 12. International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)
- 13. International Covenant on Civil and Political Rights (ICCPR) (1966)
- Convention of the Elimination of All forms of Discrimination against Women (CEDAW) (1979)

- 14. Convention against Torture and Other Cruel, Inhuman or other Degrading Treatment of Punishment (CAT) (1984)
- 15. Convention on the Rights of the Child (CRC) (1989)
- 16. International Labour Organisation Indigenous and Tribal Peoples Convention (No. 169) (1989)
- 17. Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- 18. Convention on the Rights of Persons with Disabilities (2006)
- 19. Declaration on the Rights of Indigenous Peoples (2007)
 - Source: UN, 2017

• **Rights Holders and Duty Bearers**

- Right holders are those who are entitled to enjoy, possess or claim a given right.
- Human rights provisions usually started by mentioning the right holder using terms like “every human being, all children, women, people with disability...” from that we can simple know for whom is a given right intended

- Duty bearers are those who carry the obligation of promoting, protecting, and fulfilling these right to the right holders.
- There must be always someone you will claim the protection, provision and fulfillment of your rights from and become accountable for any failures to do so.
- The primary (not the only) duty bearer for almost all of our rights is the state.
- Individuals and other non-state actors may be named as duty bearers depending on the nature of the right.

• **Duty-bearers**

- **(State, NGOs, Community, Individuals)**

- Promoting, protecting, providing and fulfilling rights of rights holders

• **Right-holders**

- **(Individuals or groups)**

- Claim their rights from duty bearers

• Categories of Human Rights

- Human rights cover virtually every area of human activity.
- They include civil and political rights, such as freedom of speech and freedom from torture.
- They also include economic and social rights, such as the rights to health and education.
- Some rights apply to individuals, such as the right to a fair trial: these are called individual rights. Others apply to groups of people, such as the right to a healthy environment or to native title: these are called collective rights.
- The common way of categorization is the one developed by **Karl Vasak** (1982) who have classified Human Rights into three:
 - First generation rights=**Civil and Political Rights**
 - Civil rights include right to life, liberty and personal security, equality before the law, protection from arbitrary arrest and the right to religious freedom and worship.

- Political rights include such rights as the right to speech and expression, assembly and association, vote and political participation.
- Civil and political rights are seen as an immediately realizable rights.
- No precondition could be acceptable for any violations of civil and political rights.
- They have also been called as 'negative' rights
- **Second generation (social, economic, and cultural) rights**
 - Are an aspirational and programmatic set of rights that national governments ought to strive to achieve through progressive implementation.
 - **Include** right to education, health and wellbeing, work and fair remuneration, form trade unions and free associations, leisure time, and the right to social security.

- Cultural rights include such rights as the right to the benefits of culture, indigenous land, rituals, and shared cultural practices, and speak one's own language and 'mother tongue' education.
- This category are called '**positive**' rights to indicate that whose realization is highly subjected to the economic capability of states.
- Are considered as "less fundamental" or unrealistic rights because of the issues of justiciability.

• Third generation rights = **Peace, Development and Environmental Rights**

- Third generation (solidarity) rights are aimed to guarantee that all individuals and groups have the right to share in the benefits of the earth's natural resources, as well as those goods and products that are made through processes of economic growth, expansion, and innovation.
- Many of these rights are transnational in nature.
- **Third Generation** (solidarity) rights include rights to public goods such as the right to development, the environment and peace.
- Considered as an emerging rights

• **Derogations and Limitations on Human Rights**

- Two conditions under which human rights can be restricted:

- **1. Limitations**

- are lawful infringements of rights.
- **Restrictions** are acceptable or justifiable limits of human rights during the normal times.
- Made on the enjoyment of human rights for the sake of: safeguarding of national security or public peace; the prevention of crimes; the protection of health, public morality; the protection of the rights and freedom of others; and safeguarding democratic institutions.
- Enjoyment of human rights is subject to limitations and these limitations are normally found in constitutional human rights and international human rights treaties.

- **2. Derogation**

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

● **Non-derogability of Human Rights**

- ICCPR, which also allows states to suspend some of the rights under specific conditions, clearly mentions that some of the articles are non-derogable.
- They are: right against arbitrary deprivation of life (art. 6); freedom from torture or cruel, inhuman and degrading treatment or punishment; and freedom from medical or scientific experimentation without consent (art. 7); freedom from slavery and servitude (art. 8); freedom from imprisonment for inability to fulfill a contractual obligation (art. 11); prohibition against the retrospective operation of criminal laws (art. 15); right to recognition before the law (art. 16); and freedom of thought, conscience and religion (art. 18).
- The FDRE Constitution (art. 93(3[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.

- **Implementation and Enforcement of Human Rights**
- **International Mechanisms and the International Bill of Human Rights**
 - **Developing international rule and regulations by organizing international institutions like UDHR, UN**
- the main objectives of the international law and its institutions is in one way or another related with the protection of human rights.
- The Universal Declaration of Human Rights (UDHR) is a human rights instruments considered as the groundwork of most of the post-1945 codification of human rights. It is the basis for human rights protection and promotion around the world and has been endorsed by all countries.
- The UDHR is not a binding instrument, but claimed to have great moral weight and popularity. It is a declaration

- **Regional Mechanisms**
 - In addition to the international human rights regime functioned under the UN umbrella, there are regional human rights systems which cover three parts of the world; Africa, the Americas and Europe.
 - , regional human rights systems are currently established only in Europe, Africa and American regions.
 - In African, this system is established under the African Union (AU) structure;
 - In the Americas it is part of the Organization of American States (OAS); and
 - In Europe it is embedded in the European Union's (EU) organizational structure.

- **The Ethiopian Human Rights System**
 - The foundation of the observance of the human rights in Ethiopia is the FDRE Constitution, which was ratified in 1994.
 - The FDRE Constitution classifies human rights as one of its five fundamental principles and declares that human rights and freedoms,

- The constitution gives responsibilities for all levels of government to protect it.
- The FDRE Constitution has established a national human rights regimes by recognizing most of the human rights entitlements acknowledged by the core international and regional human rights instruments.
- **Established** institutions with the specific and prominent mandate of respect and promotions of human rights and the main organizations in this respect are: the Ethiopian Human Rights Commission (**EHRC**) and the Ethiopian Institution of the Ombudsman (**EIO**).
- Additionally, the Federal and Regional Ethics and Anti-Corruption Commissions and the Chief Auditor's Office are agencies that consolidate transparency and accountability. The National Election Board was established on the basis of the Constitution's dictum that state power can be assumed only