

CHAPTER ONE

Understanding Civics and Ethics

1.1. Defining Civics, Citizenship, Ethics and Morality

1.1.1 What is Civics?

Civics is understood and analyzed in different countries differently depending on the distinct realities and challenges of states and societies. Given this, civics is separate fields of academic study in the social sciences dealing with citizenship. More specifically, civics is devoted to the study of the legal and political rules and values governing the relations between the individual and the state.

Civics, as a separate field of study, is defined in terms of citizens. As a result it has the following definitions:

- ☞ It is a branch of social sciences which deals with the rights and duties of citizens;
- ☞ It is a science which deals with the theory and practice of free and open democratic society;
- ☞ It is a branch of social sciences that deals with international and domestic socio-economic and political conditions
- ☞ It is a science that studies the purpose, function and systems of government and state structure, the nature of the law, and the way private behavior affect public order and the political system;
- ☞ It is also an intensive study and understanding of political institutions which includes the law making, executive and law interpreting institutions, political parties,

1.1.2 What is Citizenship?

Citizenship: is a relationship between an individual and a state, defined by the law of that state, with corresponding duties and rights in that state. Nationality, although often synonymous with

citizenship, includes the relationship of an individual to a state but suggests other privileges, especially protection aboard.

Citizenship: is full membership in a state or in some other unit of government. Almost all people have citizenship in at least one country. Not all the people in a nation are citizens of that country. For example, many countries have **noncitizen nationals**. The word national is often used as another word for citizen. In some cases, however, nonnational means a person who owes loyalty to a country **but lacks full membership in it**. Noncitizen nationals of the United States include the people of American Samoa, a group of pacific islands controlled by the United States. The people of American Samoa have the protection of the U.S government but lack some of the special rights of citizens.

1.1.3 What is Ethics?

Ethics as a separate academic field can be limited to a study of the meaning of moral language basing itself in another broad field known as Moral philosophy- the study of moral choices and the arguments that spring from them. From this we can also say that ethics is about the art of living – seeing our life through the choices we make and gradually we construct a work of art. In other words, we human beings are more than flesh, bones and mortgages. We cannot solely be defined by our financial, work, social or political status. We are not simply consumers, nor unthinking slaves in society. We are not automata, programmed by genetic, environmental and social factors instead we have feelings, intuitions, dreams, and ambitions. Hence, our lives are continually being shaped by the choices we make, and by the convictions and values that underline them. In this way, our lives are like works of art: they are what we make of them, and they ‘say’ what we are. In line with thinking, Ethics is therefore concerned with what is right or wrong, just or unjust and good or bad about peoples’ ideas and then dictates how people should/should not live accordingly. It examines the choices people make and the values and reasoning that lie behind them.

The study of ethics can thus offer two things.

1. It helps to appreciate the choices that others make, and evaluate the justification they give for those choices.

2. It involves a reflective sharpening of one's own moral awareness – a conscious examination of values and choices, of how these have shaped one's life so far, and (more importantly) of how they can be used to shape the future.

In practice ethics tends to start by observing the moral choices people make and the reasons they give for them. From these it produces theories about what is, or should be, the bases for moral choice. It then returns to actual situations, to see whether the theories help to make sense of the moral issues and to come to conclusions about matters of right and wrong. In doing this, ethics follows scientific method, for scientific hypothesis are framed as a result of observations, but are then tested out against subsequent evidence to see if they are adequate. For instance, you do not have to know the term 'utilitarian' in order to see the sense in wanting to choose what promises to give the greatest benefit to the to the greatest number of people .

1.1.3 What is Morality?

The term morality is derived from the Latin word "moralitas" which means "manner, character and proper behavior". It is the belief or recognition that certain behaviors are either 'good' or 'bad'. It is the conformity of human behavior to the established code of conduct. Morality is concerned with principles and practices of morals such as:

- ♣ What ought or ought not to be done in a given situation?
- ♣ What is right or wrong about the handling of a situation?

Therefore, morals are the welfare principles enunciated/articulated by the society/ the wise people, based on their own their experience and wisdom. However, it can be changed, modified or edited in accordance development of science and technology, human development and time.

1.2. Similarities and differences of Civics and Ethics

Generally speaking, civics studies the political and legal aspect of the life of an individual citizen where as ethics is focused with the study of the cultural aspect of his/her life. Although strictly

speaking civics and ethics are separate academic fields of study they however share certain commonalities. The followings are some examples of the common features between civics (citizenship) and ethics (morality).

A. The issue of *membership*

Membership to a certain groupings is the very essence of both citizenship and morality. In the absence of the concept of membership both lose their fundamental meanings and status as subject matters to be studied. In citizenship study membership is meant that of individual citizen to a political and legal community of the highest order(the state) whereas in morality study it largely denotes to that of a cultural community tied up by common moral and value bonds whether there is government or not. In other words, Citizenship basically needs two parties and their relations for its existence under minimum conditions—the state and the individual citizen, while morality needs the relation between the individual and the larger social group as well as the state directly and indirectly as a rule maker and protector. As such, civics tends to focus on the vertical and artificial relation of the individual while ethics studies the horizontal and natural relations. Put differently, citizenship needs some kind of political and legal arrangement to determine who is a member of the state and who is not. Similarly, morality is a value arrangement that describes and prescribes the conditions for the individual member to be accepted as a ‘good’ element as judged and rated by the society itself which is the biological and cultural breeding ground of its members. However, under both conditions member ship to a certain grouping and community is an established common factor shared by citizenship and morality. The reason is, as Aristotle also holds it, that humanity is destined by its exceptional nature to be a social creature with an inherent duty to tie itself to a political company.

B. The issue of *rights and obligations*

Human beings are social animals under inherent trend to live together in a social gathering. But this social gathering is not any where a haphazard and accidental aggregation of individuals without some kind of systematized organization and common orientation. There are rather certain unavoidable rules and procedures with lists of privileges and concomitant obligations attached to the individual person as a condition of social attachment with the vast social surrounding. For instance, Citizenship entails a set of rights and obligations for individual members thus the violation or respect of which results in some arrangement of punishment or reward by the group as well as the state. Morality on its part is nothing but a list of values standardizing bad and good behaviors and dispositions of the individual by the larger mass or group. Both underscore the fact that the individual person is accountable to two sets of rights and obligations mostly set and protected by social forces out of his control.

C. The issue of *institutionalized protection*

Both citizenship and morality are founded on institutionalized origin, development, operation, supervision and protection within the community. An institution here signifies a sociological establishment and organization of people formed strictly with a degree of executive right to exercise coercive power on the individual in the name of the community. It bases itself on certain sets of rules and procedures accepted by the majority of the people in the community and practices hierarchic structures to apply its control over the behavior of the individual. The institution obtains and maintains its legitimacy to rule over the behaviors of the individual member of the group from majority approval and its capacity to transcend itself to across generations. With the major differences in the authority of the institution, it is commonly responsible to protect civic and moral sets of rights and obligations by applying formal and informal supervisory mechanisms over the individual. The state through the government and all agencies under it regulate and administer citizenship on day-today basis while such social institutions like the church, family, neighborhood and others inspect morality and ethical standards more informally. This institutional protection of citizenship and morality helps to make individual relations and actions within the community predictable and subject to proportional rewards and punishments.

D. The issue of *interactive duality*

Although Citizenship differs from morality in that it is formal, official, predominantly rational, highly authoritative and regular in its operation because it finds its strength from the legitimacy of the government and its formalized authority, both categories of social formulations have a strong tendency to reinforce each other in application which leads to some sort of interactive duality. In other words, the list of rights and duties in citizenship are officially communicated, documented, and guarded by full time public institutions in the name of the well being and peace of the state, the people and the nation. Morality on the other hand, lists recommended prescriptions of good behavior and denounces a long list of bad actions within the community but it lacks formality, regularity and immediacy unlike citizenship or legal rule. Despite this duality, however, both citizenship and morality reinforce each other as the political community of citizens is at the same time the cultural community of human beings. Most legal rules, restrictions and controls over the behaviors of the citizen get their origin from the moral traditions and thoughts of the people over its individual member. For instance, homicide is as seriously punishable crime by the law of citizenship as it is unacceptable and denounced by the moral rule of cultural community. This implies that most legal-political rules are formalizations of moral standards and derive their justifications for their authoritative application from them. Similarly, moral rules function with a state back for formalization though not all the time. This gives them a dual existence with a high level of positive interaction.

E. The relative nature of the fields

Both citizenship and morality bear a degree of relativity with morality tending to be even more relative due to its nature. There following factors, among others, supply the reason for their relative nature.

1. The relative nature of existing philosophy/outlook of the government

Based on sources of legitimacy of rulers and in the context of citizenship and morality governments' outlooks could be generally classified as authoritarian or democratic .Given this, the conduct of governments makes citizenship to be a relative politico-legal concept and practice. I.e. some states are excessively authoritarian thus in their politico-legal arrangements they give individuals the status of “subject” with only obligation to respect the expectations and orders of the rulers but with no privileges. Besides, under such government systems, the personal and group beliefs, religions, cultures, values and attitudes of rulers become equated with national values and moral standards with a wide coverage on the media and the national education system. At present, this outlook of governments is under pressure from global standards of behavior and norms and hence is in transformation towards democracy though exceptions are always there. This in turn gave rise to a relatively modern citizenship and humane moral standards of political rules. The same trend of relativity also applies to the conceptualization and practice of morality.

2. The relative nature of levels of Civic and Moral Awareness of the citizens at large

Citizens' level of awareness about fundamental civic and moral values also shapes the relative nature of citizenship and morality. This gives us the relative nature of the two concepts not among different societies but among citizens within the same society and state. In the strict sense, citizenship and morality are meaningless without some kind of bottom up participation by citizens on state's affairs; its policies and rule philosophy. This participation also depends on how far civic awareness is there among the people on political processes and ethical aspects of citizen-state relations. Civic awareness is probably the most relative issue in the study of civics and ethics, for there are always background factors that affect it. For example, citizens' awareness level is affected among others by the following notable factors;

Level of Income

In the analysis of why there is difference in the level of awareness among citizens regarding their politico-legal relations with the state and moral ties with their people, it is widely believed that their level of income really matters. i.e wealth/ income places citizens of the same state at different

positions in their access and concern about the state, government policies and the rest of the society. Accordingly, the *upper class society* which consists of few citizens commanding the largest concentration of wealth and thus are stable/ comfortable in their life styles due to their privileged economic positions in the society tend to be conservative in their political and moral dispositions with a strong need to see only little or no change of the statuesque in the political, moral, legal and social setting. They heavily need a great degree of national stability and political predictability in order to maintain their unchallenged advantages. They also tend to be remarkably nationalistic with maximum loyalty to the state and the constitution as they guarantee them peace and protection for their property and wealth. These citizens are close to politics and government with keen interest areas of government policy that would greatly affect their civic and moral positions within the state. The most important issues of interest for them are policies of taxation, inflation, labor, environment and foreign relations in general.

The *Middle class society* which includes section of the society that economically stand next to the upper income group on the other hand is highly dynamic and with the best opportunity to uninterrupted rise of income as it works hard tends to be vibrant, participatory and active social group for it consists of probably young, professional, ambitious and liberal section of the society. It was this social group that successfully led the bourgeois revolutions in Western Europe that transformed society in to a capitalist socio-economic and political community. The political efficiency and determination of this group comes from its very middle position between the richest upper income groups which seek it to effect policy changes to its advantages. It equally tends to master the support of the lower income group which believes that this group understands more about the life conditions across the ordinary and helpless people. Finally, the *Lower class society* which constitutes those large elements of society whose annual income is extremely low and with little opportunities to leave the group tends to be scarcely interested at what is going on at the national and regional governments. They are hardly tuned to the media nor do they seek to access almost all information sources though they generally tend to be law abiding citizens. The lower income group gets alerted occasionally by particular domestic and foreign political developments and unusual events that captivate their interest and influence their hopes for better life in the

negative or the positive. Politics is too complex, elusive, and unmanageable for them hence they want to maintain a long distance from it and strongly feel to reject elections as meaningless to change conditions by the vote of poor people. Generally, low income groups are grossly marginalized from the main stream of politics and moral debates worrying little about rights and the nature of their relation with the state.

Civic Culture

Civic culture is generally defined as a trend (of behaviors, attitudes and orientations) among citizens to be concerned about political processes and being efficacious in the political climate. Based on this definition, residents of a given state usually demonstrate *participatory*, *passive/subject or parochial* civic culture and each affects the level of awareness they develop.

For instance, *participant citizens* are those with good general knowledge and understanding about policies and government activities and thus are assertive on civic participations. This in turn implies that in states with a proportional size of participant citizens politics has been found to be stable, civilized and predictable though dynamic. Besides, economic progress would be consistent/uninterrupted and also with little or no massive report of violent conflict.

In contrast, *subjects (citizens with passive civic culture)* are those with inconsistent interest in politics may be because they feel their private conditions are too good to be concerned about politics(say join national elections) or they have largely poor general knowledge and understanding about national politics. At any rate, this group of citizens tends to be passive in its civic participation.

The worst case is, however, that of *parochial civic culture* in which we have citizens with neither the knowledge about political developments at national level nor the interest to participate at any level and agenda of discussion. They strongly believe that they have no power to change or affect things even at local levels but simply observe political developments only that are local and close to them. In other words, Parochials are largely self- marginalized from politics unusually due their day to day concern to win their daily bread which they feel has no relations with what the radio or the television may say. They lack all the means to divert their attentions to politics and may go to the extent of having no information about who rules the country or wins in a hotly contested national election. They virtually have no record of visiting the polling station at all.

The general lesson to be derived from the above is thus the stability of the state and its socio-economic developments are largely dependent on how reasonably it maintains the balance among these three gradations of civic cultures. More ever, a society dominated by a majority of Parochials is more likely to face even dangers of national disintegration and fragmentation.

1.3. Why study Civics and Ethics? /Goals of Civics and Ethics

There are several and complex real life problems that make the need to study civics and Ethics highly imperative and hence justifiable for its problem solving profession nature. Although the degree of their severity vary from state/society to state/society, the following challenging societal problems can be identified as the most crucial ones demanding an effective and constructive study of citizenship and morality to be solved. The problem areas can be classified as legal-politico-cultural and socio-economic related ones.

A. Civic/political culture related problems

Although the desired civic culture is the one with a good level of civic consciousness in which citizens' posses a tendency to be reasonably concerned with the conduct of politics and to get actively participated. The following are still seen prevailing as the most frequent cultural problems in many states/society today;

Large Imbalance between Rights and Duties

This undesired civic culture manifests itself interalia in the following ways:

1. A good number of citizens regardless of differences of age, sex, religion, profession, etc, are usually observed to be more concerned and conscious about their civic rights, while they tend to forget their civic duties recognized by the constitution. An even clearer example here is that a lot of citizens demand and guard the right to safe, peaceful and predictable life. They weight the efficiency of the state solely on its capability to ensure a day – to – day safe life for the individual citizen. These citizens, however, tend to forget their civic duty to co-operate with the law by often cooperating with illegal citizens, not

reporting crimes of all kind to the police or not fighting crime and initiating the society for the prevention or control of crimes etc.

2. The other group of citizens is those standing at the opposite pole of the above. These citizens feel that they are weak and helpless to protect their rights even when their rights are arbitrarily violated against constitutional limits. These citizens are more sensitive to discharging duties at the price of their rights because they regard the state as all powerful, unquestioned, unaccountable and naturally rightful to do all its wishes upon citizens. For these citizens, complete submission to the state without an equal or parallel concern and assertiveness about their constitutional rights benefits, advantages and official entitlements is the most reliable guarantee for their individual safety and security. They have a strong tendency to distant themselves from visiting public institutions, like kebel administrations, courts etc, and regard them as sources of unexpected danger to one's safety. This extreme imbalance in the form of sacrificing legal rights (benefits) in excess of civic duties adversely affects positive civic culture.
3. The other group of citizens, which is said to be dominant, by researchers, in many societies particularly of the developing world, is the one lacking a good understanding about the general list of civic rights and civic duties. The level of their consciousness about what is going on in the society and the state is at best, inadequate and blurred, and at worst, they are ignorant and devoid of any relevant information. Thus, with regard to their relation with the state on the protection of their rights and discharging their civic duties, these groups of citizens tend to do as per the instruction of others without self civic skill, in a passive and uncritical manner. On the other hand, when they are asked why they violated the rights of others and failed to discharge their civic duties, they innocently and intuitively say that they know little or nothing that their action was illegal. Under civic conditions where such group of citizens is a majority, leave a lone the development in the life of the society, the existence of the state is at foreseeable danger. These citizens negatively contribute for the growth of a civic culture that cultivates societal peace and security.

In sum, the consequences of the above civic culture problems can be;

- Incivility, self – centeredness and bad – faith at societal level;

- Passive, non patriotic and unresponsive citizenship which in turn negatively affects social transformation;
- Ignorance, unprincipled citizenship and civic immobilization;
- Weak, Irregular and uncritical participation in the political process etc

B. Virtue/Ethicate of socio-economic life related problems

Civic mindedness is a highly desirable quality/virtue of a citizen due to its positive contribution for the development and transformation of society. i.e when the mentality of civic –mindedness becomes a dominant national spirit, citizens develop a strong tendency to be committed to and concerned daily with the well – being of the general public. As a result, they do things often voluntarily as far as their service provides some benefit for the good life of their people.

Moreover, civic – minded citizens have a clear understanding and awareness about the strategic importance of public infrastructures, common natural resources and properties and thus they never hesitate to guard and preserve such public utilities and infrastructures as roads, bridges, school buildings, hospitals, water pipelines, electric poles and cables, etc. against any damage and misuse. Despite all theses, however, there still are several evident problems regarding the virtue of socio-economic lives of both governments and societies manifested mostly in the form of repeated and uninterrupted records of ‘‘abuses and careless treatment’’ by citizens and government of ‘common goods’. This can be seen from three recognizable angles. One is a virtue of **Vandalism** in which citizens tend to intentionally and illegally destroy public infrastructures, utilities and properties like wild animals, forests, water, electric and communication facilities. Secondly, citizens usually demonstrate a virtue of public good abuse/misuse (a behavior of using public goods and wealth illegally and unethically for one’s computed benefits) either via **Patron – client relations (clientalism)** mechanism - a situation where a few government officials abuse their political decision – making power to divert public resources for sectional benefit of themselves and their supporters or through **Prebendalism**- a concept denoting the use of state office as an instruments for the gains of individuals and their ethnic brethren. The point here is that such behavior systematically undermines civic duty when citizens begin to regard it as normal, unavoidable and

at times, an established and rightful quality of being a political leader. Prebendalism is also called ‘rent seeking’ behavior – gathering wealth, not as a reward to one’s labor and innovation, but exploiting public resources. The third way citizens display their non-civic minded virtue is via engaging in *Kleptocracy* –a behavior in which the entire government system, relations between citizens and the state, citizens with each other, etc. become dominated by official and proactive attitudes of corruption.

In conclusion, the study of civics and ethics which examines and analyzes undesirable civic cultures and virtues of social life manifested in the above discussed different features thus becomes justifiable against its cruciality to save us from their derived negative consequences. This is so because the study of civics and ethics enables citizens to fully understand and internalize among others the following fundamental elements of civic and ethical virtues:

Elements of Civic and ethical dispositions: Such as Civility, Duty-boundedness (both individual and collective), Self – discipline, Civic –mindedness, Open-mindedness, Compromization, Tolerance, Compassion/generosity and Loyalty to the Nation and its Constitution; and

Elements of civic and ethical commitments: such active and all inclusive engagements/participation on political/ electoral processes, an overall influencing and monitoring of public policies and also societies’ values and standards of life.k2

1.4 Competences of Good Citizen/ Characteristics of Good Citizenship

Legality: virtuous citizens freely adhere to the fundamental rules required for the maintenance of a system of constitutional government without requiring the imposition of external authority. In all situations, there are some rules and regulations to be observed. This means individuals should be prepared to follow rules and regulations without violating their personal freedoms.

Patriotism: Is love, devotion and commitment to one’s country. It was said that a true patriot should respect and adore his country’s symbols.

Responsibility: Citizens have various obligations in their society. These can be of moral, ethical, and legal origins. Good citizens maintain the moral and ethical values of their society. They have

also the duty to uphold the constitutional principles and values and observe other laws. Every member of the society has the duty to respect individual rights and freedoms. Citizens are expected to actively participate in civic associations established for various purposes. Another way by which responsibilities shall be discharged is through paying fair tax and protecting public property from embezzlement and misappropriation. Moreover, citizens have the responsibility to protect and preserve natural resources, environment, and historical heritage. The other issue in which citizens are strongly expected to feel responsible is the threat posed by HIV/AIDS. Fighting this killing disease, which threatens the existence of human race, is the major responsibility of each and every citizen.

Industriousness: work, being necessary for the survival of the human race and civilization, is the main concern of human beings. Ethical work conduct thus enables workers to possess proper behavior and so as to develop proper relationship with other workers and help them create good industrial environment.

Self-reliance: is a remarkable level of dependency on one's power, resources and judgment. It is an attribute shared by both individuals and communities. Individuals or communities that lack a self-reliant character are dependent on others to satisfy their needs.

Active community participation: Community participation means active involvement of citizens in the socio-economic and political spheres. The participation may take place at different levels having different forms. It might take place at school, at community, regional, national or international levels. It might also have different forms based on the purpose of the participation. Community participation may include: political participation & civic participation.

Generally as it is mentioned above the goals of teaching civics and ethics at any level of educational institutions it to produce or create competent and responsible citizens that can ask and use their rights and fulfill their responsibilities or obligations in accordance with the laws of their respective country. In addition teaching civics and ethics can make citizen to fill responsible at any works they are engaged in and within the community they are living in.

Chapter Two

Understanding Society, State and Government

State, government and society are common terminologies and concepts to the study of civics and ethics. Thus, they are given wide coverage in this material for they have the most identifiable influence on each other and this mutual influence in turn affects the individual citizen in many ways such as providing him/her opportunities and challenges of development and stability/ peace. Moreover, the triangular relations among these three institutions determine the level of states' general socio-economic development and their influence in international relations. Given this, the meanings, origins /historical evolutions and the nature of systematic interaction of particularly two of these institutions- State and Government- would be discussed in some detail in the subsequent sections.

2.1. Society

The term society may refer to different things and concepts among different scholars specializing in different fields of studies. For instance, the term and concept of society mean differently between sociologists and anthropologists, and at the same time it may also mean differently between political scientists and lawyers, etc.

From its etymological source, the English word society emerged since the 14th century and is derived from the French word "societe". This French word, in turn had its origin in the Latin word "socius" that means a friend association with others, earning companion, associate comrade, or business partner. Thus, the meaning of society is closely related to what is considered to be social.

In its broad sense, society, compared to other composition of individuals, is the largest community of people living together. The term society refers to the collective existence of human beings in varying forms of organization and relationships over a period of time in a defined place. In this sense, society is broad grouping of people who live in a common environment and have common traditions, institutions, activities, and interests. In other words, society denotes the totality of modes of human life, interactions, norms of behavior and underlying structures.

Furthermore, society can be explained by emphasizing two important perspectives, namely the perspective of relationship and that of person. Viewed from the perspective of relationships, society in the widest sense includes every kind of relationships entered in to by people, both men and women. To be human is to interact with other human beings in everyday lives. When people interact with each other, they affect others and are affected by others in one way or another. The forms of relationships can vary from simple relations between individuals, such as friendship, membership to a club, etc, to those complex interactions that occur at the level of large communities leading to statehood, and by extension, to membership of world organizations, for example the United Nations, the African Union, etc. social relationship can be conscious or unconscious, organized or unorganized, direct or indirect, and cooperation or conflicting. Thus, social life includes the whole issues of human relations without any boundary. It comprises the web of societal relationships that are numerous, diverse, overlapping and dynamic.

In other ways, society can also be explained from the perspective of persons. In this sense, society refers to a system of collective or group life within which men and women of all ages live a shared life. As such all persons in a given society pursue their lives in terms their relationships with other people such as their parents, teachers, friends, neighbors, supporters, opponents and so on. In short, society is made up of individuals in societal relationships as interconnected and overlapping groups.

A society can also be defined as a self-perpetuating grouping of individuals occupying a particular territory, which may have its own distinctive culture and institutions. The term is most commonly

used to describe human societies, although it may be used to describe animal societies. The term may also refer to a particular people such as the nation or to a nation state such as Ethiopia. In political science, the term is often used to mean the totality of human relationships general in contrast to the state.

The social scientists generally use the term society to mean a group of people that form a semi closed social system in which most interactions are with other individuals belonging to the group. More are with abstractly; a society is defined as a network of relationships between social entities. A society is also sometimes defined as an inter-dependent community. An important feature of society is social structure, aspects of which include roles and social ranking.

Generally the term society commonly refers to the following:

Society as

- ☞ Persons as an organized body; community, people, public.
- ☞ The totality of social relationships among humans.
- ☞ A group of humans broadly distinguished from other groups by mutual interests, participation in characteristic relationships, shared institutions, and a common culture.
- ☞ A group of people united in a relationship and having some interest, activity or purpose in common such as association, club, organization, fraternity, order, union, etc.
- The institutions and culture of a distinct self- perpetuating group.

2.1.1 Attributes/ elements of Society

A. Common Geographical Area/Defined Territory: A particular society has been demarcated by the other with natural or artificial boundaries. For example, the natural boundaries such as the rivers, mountain ranges or forests, canals, and etc. The artificial boundaries are there demarcated by political settlements. The people of the area share the resources in common and participate to reach the common goals of population. The people develop unity, common feeling, and integrity (oneness) and collection consciousness.

B. Variety of Interactions: The society is full of interactions and the different social processes and going on in the society. The people come face to face and interact among themselves. People share certain interests, attitudes, aptitudes/abilities/skills, traditions, customs, values, objectives and mores/civilizations. The people of the society depend upon each other for their survival. The division of labor among the individuals exists and the functions assigned to them are performed. This develops functional inter- relationship among the members of the society.

C. Feeling of Solidarity: Since individuals of the society occupy a common territory, common customs and traditions common values, common history, common cultures, self-contained interdependence on each other obviously causes oneness and feelings of development and solidarity among themselves. Though occasionally interact with other societies, they never lose their identity and remains united as long as their society survives.

D. Total Culture/Common Culture: Each society has its own culture and the individual relationships are organized and structured by the culture. Because of commonness in culture content and tradition of the society unite together. The society will be differentiated by the other society because of its unique culture/tradition/custom. Culture is present in human society and the same is absent in animal society.

E. Social/Political Organization/Structure: Members of a society are socially organized. Society itself has a structure and the important components/elements of social structure which includes; norms, rules, status, power, authority, groups, associations and institutions. The norms are important which give it stability, order and structure to human society that without them social interaction would be difficult and chaotic/disorder. Organization of human society is maintained with the help of norms and institutions that make the society peaceful. That is social organization helps maintain society in social equilibrium.

F. Functional Differentiation: All the individuals in human society never perform similar activities and functions. They perform different functions depending upon their sex, age, interest, abilities, skills and other qualifications. There is more and more specialization in each work and

are expected to do their work allotted to them. Thus several persons work on a single activity. Therefore, there is division of labor depending upon sex and age.

2.1.2 Contending Theories of Society

Sociologists view society in different ways. Some see the world basically as a stable and ongoing entity. They are impressed with the endurance of the family, organized religion, and other social institutions. Some sociologists see society as composed of many groups in conflict, competing for scarce resources. To other sociologists, the most fascinating aspects of the social world are the everyday routine interactions among individuals that we sometimes take for granted. These three views, the once most widely used by sociologists, are the functionalist, conflict, and interactions perspective.

A. Functionalism

Think of society as a living organism in which each part of the organism contributes to its survival. This view is the functionalist perspective, which emphasizes the way that part of society is structured to maintain its stability.

The proponents of the functionalist theory see any society as a vast network of connected parts, each of which helps to maintain the system as a whole. The functionalist approach holds that if an aspect of social life does not contribute to a society's stability or survival—if does not serve some identifiably useful function or promote value consensus among members of a society—it will not be passed on from one generation to the next. Society is seen as a resulting from agreement (consensus) about what is important (Values), and how we should behave (norms) in particular situation (roles).

B. Conflict Theory

In contrast to functionalists' on stability and consensus, conflict theorists see the social world in continual struggle. The conflict perspective assumes that social behavior is best understood in terms of conflict or tension between competing groups. Such conflict need not be violent; it can

take the form of labour negotiations, party politics, competition between religious groups for members, or disputes over the governmental budget.

Throughout the 1900s, the functionalist perspective had the upper hand in sociology throughout the world. However, the conflict approach has become increasingly persuasive since the late 1960s. The widespread social unrest resulting from battles over civil rights, bitter divisions over the war in the World, the rise of the feminist and gay liberation movements, urban riots, and confrontations at abortion clinics offered support for the conflict approach –the view that our social world is characterized by continual struggle between competing groups. Currently, the discipline of sociology accepts conflict theory as one valid way to gain insight into a society.

C. Inter-actionist Theory

Workers interacting of job, encounters in public places like bus stops and parks, behavior in small groups–these are all aspects of micro sociology that catch the attention of interactionists. Whereas functionalist and conflict theorists both analyze large scale society wide pattern of behavior, the interactions perspective generalizes about every day forms of social interaction in order to understand society as a whole. Interactionism is a sociological framework for viewing human beings as living in a world of meaningful objects. These ‘objects’ may include material things, actions, other people, relationships and even symbols.

The interactionists perspective is sometimes referred to as the symbolic interactions perspective, because interactionists see symbols as an especially important part of human communication. Members of a society share the social meanings of symbols. In the United States, for example, a salute symbolizes respect, while a clenched fist signifies defiance. However, another culture might use different gestures to convey a feeling of respect or defiance.

Consider the different ways; various societies portray suicide without the use of words. People in United States point a finger at the head (Shooting); urban Japanese bring a fist against the stomach

(stabbing); and so forth. These types of symbolic interaction are classified as forms of nonverbal communication, which can include other gestures, facial expressions, and postures.

2.2 State

The conceptions about the state show differences in the expression of political scientists, political philosophers and Lawyers. In addition, definitions of the state are almost as numerous as the authority who wrote about it. One scholar, Jacobsen Kidman, remarked the difference where historians may regard the state as a concrete reality, philosophers may regard it as an abstraction and lawyers regard it as a juristic person of formulating single definition that would fit variety of state existence.

The concept of state is central to traditional approaches in political science. Different scholars have various conceptions about the state. There are numerous philosophical explanations about the state.

- ❖ The state is organized machinery of the making and carrying out of political decisions and for the enforcing of the laws and rules of government.
- ❖ A state is a society politically organized and is more than a mere collection of families or an agglomeration of occupational organizations.
- ❖ A state is the fundamental association for the maintenance and development of social order and to this and its central institution is endowed with the united power of the community.
- ❖ The state is the institution or sets of institutions, which serve certain elementary common purposes and conditions of life, unites under a single authority the inhabitants of a clearly marked territorial area. The ‘united power of the community’ and ‘single authority’ expresses the power authority to make law.

As part of its technical expression, political theories, define the state as a human association having five essential elements –population, territory, government, sovereignty and recognition. While the first & second two elements are taken as its physical elements, the rest are considered as the spiritual or meta physical elements.

For the purpose of civic and ethical study here, the state is technically defined as a political association that establishes sovereign jurisdiction within a defined territorial borders and exercises authority through a set of institutions over all the members of society. This definition broadly

distinguishes the state from both Society and Government in that firstly the former is abstract while the latter two have physical existence and secondly the State tends to be broader in scope than government whereas at the same time it is narrower than society.

2.2.1 Major attributes (elements) of State

As can also be inferred from its definition at the start of this chapter, the State basically consists of at least four fundamental elements (attributes) namely *population, territory, government and recognized sovereignty* to be really called a state. A nation or a state ceases to exist if any one of these elements stops to exist. Given this, there are now nearly two hundred states or nations in the world which are qualified as independent and sovereign states. Now let us see in brief what each of these attributes means and what it consists of.

◆ Population

Nowadays, as many as approximately 6.2 billion people live curved up in about two hundred states with a lot of political, sociological, economic, cultural and socio-historical variations characterizing them. The following are some of these characteristic features:

Homogeneity: is one feature distinguishing nations and it denotes peoples' similarity or sameness in cultural-psychological identity. i.e they speak the same language, follow similar way of life, share one and adjacent territory and similar psychological make-up Germany, Iceland in Europe, Somalia and Swaziland in Africa, Korea and Japan in Asia are few examples of a relatively homogeneous states in the world today.

Heterogeneity: refers to variation in cultural identity among the populations of states in language, culture and traditions. Examples of heterogeneous states include, among others, Ethiopia (with about 85 ethnic groups), Nigeria (with some 250 ethnic groups) and India (with about 800 languages).

Socio-economic diversity: is another feature of populations in a given state with developed nations having a majority of urban, industrial and literate populations while fast developing states are

transforming from majority peasant and rural, uneducated and labor based population to that of urban and literate one.

➤ **Government**

Government in this context broadly refers to groups of people who exercise political power in all the 200 nations of the world. . All states by definition have governments of some kind that exercises sovereign power on their behalf. But there have been a lot of differences among the governments of the world due to different reasons. For instance, issue of Legitimacy (a condition for a government to be legal and acceptable in the eyes of its people and externally) in that while some states have tried to achieve legitimacy through democratic elections do this through socio-economic transformation. Governments also differ on issue of Authority (a real capacity of a government to exercise its legitimate or illegitimate political power to rule the people effectively). i.e while some states have such required authority while others lack it due to illegitimacy or political inefficiency born out of lack of either allegiance or obedience. Another area of distinction of sates is the form/system of their governments (how the government is organized and how it makes divisions of power among its different branches and institutions). i.e while some states organize through constitutional mechanisms while other states do it through force or some traditions . Similarly while some states adopt *Presidential system of government* in which ultimate authority lies under a strong president directly elected by the for a specified term to serve both as the head of state and head of government other states still adopt *Parliamentary system* in which the parliament is the most powerful organ with the ultimate decision making power. The parliament exercises its executive authority through a strong prime minister who is head of government usually supported by a president with little or only ceremonial power and acts as head of the state.

➤ **Territory**

Territory generally refers to three physical possessions over which the state and government exercise their sovereign authority- landmass, space and water body. These territorial divisions among the present states of the world are extremely irregular due to irregular political evolutions in creating the state. In general, there can be no state without a territory of its own though its boundaries might be clearly or ill-defined.

➤ **Recognized sovereignty**

Sovereignty is usually a very serious matter bothering all states due to the legal, political and diplomatic consequences it brings to third party states during the process of (no)recognition. This is so because once a certain community attains sovereignty, its rights and obligations in international relations dramatically change. For instance, such sets of rights as to make decisions on one's matters without being subjected to any outside supervision or control would come to the surface. It also equally brings duties to the state to be subjected to established norms and laws that governed interstate relations. Thus, sovereignty particularly understood in the *internal/domestic* sense, is a very sensitive right/ privilege rationed very carefully by the states of the world

2.2.2 Theories on the origin and development of State

The origin and development of state is still subject to debate because various theories on the subject supposed different factors which are often irreconcilable to justify state formation. However, for the sake of convenience in this course, only one grand /holistic theory known as *evolutionary theory* will be considered. Generally speaking, according to this theory;

- ◆ *The State is not a make but a growth; and*
- ◆ *Not one but many factors have played their part in state building.*

The implication of the above two points is that evolutionary theory underlines that the state is the result of a very long process of evolution that involved many factors each with a pivotal role in the origin and gradual development of the state

What then are some of these multiple factors? And how did each contribute?

- *Kinship:* - i.e blood relationship which naturally leads to the creation of family then to a tribe then to society eventually creates the state. In simple terms, the state is the eventual extension of the family. This thinking is specifically derived from what is known as *Genetic theory* of state formation.
- *Social contract/ Agreement:* This is taken from a *social contract theory* which argues that the authority of the ruler is based on some kind of agreement between himself/herself and his subjects which then implies that men/women had originally created the state by means of a *social contract (agreement)* to which each individual had consented.

- *Force (physical force):* - This factor is taken from *theory of force* which believes that the state is the consequence of the forcible subjugation of successive primitive groups by other groups in a long continued war-fare. I.e. the victorious become the masters and the conquered had to accept the religion and servitude of their lords. The coercive force exercised by the leader eventually developed in to political organization called the state.
- *Economics:* - According to this factor which is derived from *Marxist theory* difference in relative economic power (occupation and wealth) created economic exploitation and the domination of one class by another. Therefore, the state arose as a matter of necessity when society was divided in to hostile classes, each having its own interest as an instrument of defense for the economic power holder class. The implication here is that in *primitive society* where there was no private property and then no class there was no state either. So, as the state had not always existed it may not always exist also. It had come into being with the rise of class contradictions, so it will wither away with the end of class antagonisms.

2.2.3: State structure: unitary versus federalism

The classification of forms of state structure is fundamentally based on criteria of state power distribution. Accordingly, there are so far three recognized forms of state structure namely; unitarism, federalism and confederalism. However, only the first two will be discussed here as they are the historically commonly practiced forms.

A. Unitarism

Unitarism is a form of state structure characterized by power centralization and indivisibility of sovereignty. i.e the national government is legally supreme over sub-national territorial bodies or units. At a more extreme case, a unitary state is even one in which no other governmental body but the central government has any areas of public control. In a unitary state, sub national bodies may be over ruled by the central government in any political decision they make. In most case local units are merely agencies of the central government established for its convenience in local

administration. They owe their legal existence to it. Eg. Britain, the Netherlands, Romania, Poland etc.

Key features of unitarism

By way of a summary presentation, the followings can be listed as some *essential features characterizing unitary State structure*:

- *Supremacy of the Central Legislature (Parliament)*. There is only one (unicameral) legislature which is always absolutely supreme and hence it alone enacts and monitors the law. Other bodies (sub-national bodies) are predominantly to implement the laws made by it.
- *Absence of subsidiary sovereign bodies*: i.e Sovereignty is vested in the national /central government and hence sub national bodies are not sovereign because sovereignty in unitary form of state structure is indivisible. The implication is that subsidiary legislatures normally exist when represented by the central government but then they can also be abolished by the central government at any time.
- *Unchecked/unilateral (re) centralization of Power at the center*: i.e. power that may have been decentralized to sub-national bodies can be re-centralized at the will of the central government unilaterally. Moreover, sub national bodies (regional, provincial and local bodies) can be reshaped, reorganized and even abolished at will of the central government.

Major factors /rationales for opting unitarism: Looking to potential merits and demerits

Despite all the above features, there are still some important factors why unitarism might be opted. The following potential merits/advantages summarize the justification for opting unitarism. These are;

- Power organization in unitarism is relatively simple
- Conflict of jurisdiction is easily avoidable or manageable
- Services/functions duplication is comparatively rare because powers and functions are centralized at the center /National government.
- There is big room for uniformity of laws, policy and administration throughout

the whole state. etc

Because of all the above unitarism is advantageous especially countries with relatively small area and homogenous population. However, there are some potential demerits/disadvantages that make unitarism relatively non-opt able. These are summarized as follows;

- It overburdens the national legislature with numerous local matters. Particularly, in this fast changing world, the central authority cannot cope all with the issues prevailing.
- It leaves distant authorities and may lack adequate knowledge of local conditions to the determination of policies and the regulation of matters, which may concern only the localities affected. Hence, it is relatively less responsible to local needs and interests.
- Tends to responsive local initiatives and interests in public affairs and impairs the vitality of local government.
- It restrains the self-governance and self-determination of sub-national bodies/units.
- It facilitates the development of central bureaucracy.

B. federalism

Federalism is a form of state structure in which power is formally (constitutionally) divided or shared between the federal /national/ central government and sub-National (regional/ provincial) governments, each of which is supreme in its own sphere. In federal state, the legislative, executive and judicial powers are divided between central and sub national governments. In this sense, it is a direct opposite of unitary structure. Today, federalism is becoming the basis of the political organization of several states though its nature varies from one to another. Egs. Ethiopia, Nigeria, India, Brazil, USA, Canada, Australia, Germany etc.

Key features of Federalism

By way of a summary presentation, the followings can be listed as some *essential features characterizing federal state structure*:

- *The existence of dual polities*: i.e two relatively autonomous levels of governments- the central and the regional- exist each possessing a constitutionally entrenched (unilaterally non-encroach able) ranges of powers and functions.
- *Written constitution*: A federal state has most of the time but not necessarily always a written (codified) constitution that stipulates formal (constitutional) division of authority between the

central government and sub national governments. Therefore, the relationship between the government levels is conducted within a formal legal framework.

- *Supremacy of federal Government and Constitution:* this implies that in federalism the federal government and constitution is usually superior and supreme over the sub national governments and constitutions in conducting key issues and activities of the country.
 - *Absence of unilateral re-centralization of powers and authority by the central/federal government at its will.*
 - *Absence of unilateral amendment of the federal constitution or some of its provisions by either government level.* That is to say that the consent or agreement of the sub national/regional governments is needed in the amendment process.
 - *Constitutional Arbiter.* The formal provisions of the constitution are interpreted by a supreme court (the judiciary) at the federal level, which there by arbitrates in case of conflict (disputes) between federal and regional government. The respective fields of jurisdiction of each level, the judiciary in a federal level (system) is constitutionally empowered to determine. However, in Ethiopia, the House of Federation (HF) is in charge of this power.
 - *Linking institutions:* In order to foster or develop cooperation, partnership and understandings between the federal and regional (sub national) governments, federalism normally offers the regional (sub national) governments representation through a bi-cameral legislature.

Processes of Federalism

Two processes of federalism may be identified.

1. 'Holding Together Federations' (Federalism by Disaggregation)

- They develop from unitary state, as government's response to alleviate threats of secession by territorially clustered minorities.
- Such federations often grant some sub-units particular domains of sovereignty.

- ✓ For example, Over language and cultural rights in an asymmetric federation, while maintaining broad scope of action for central government and majorities. Examples include Ethiopia, India, Belgium, Canada and Spain.

2. ‘Coming Together Federations’ (Federalism by Aggregation)

Independent states may come together by ceding/giving up or pooling sovereign powers in certain domain for the sake of goods otherwise unattainable, such federations are typically arranged to constrain the center and prevent majorities form overriding a sub –unit. Examples include the present USA, Switzerland, and Australia.

Power Distribution in Federal Form of State

The power distribution in federal form of state is categorized in *Exclusive power*, *concurrent power* and *reserved powers* (residuary powers to federal authority and federating units). How these power distributions do is practiced? Let see the practice of exclusive and concurrent power distribution in Ethiopia.

1. Exclusive power: Exclusive powers refer to powers not shared powers, only exercised by federal authority or federal units. Let's take the Ethiopian federal practice as an example. The following are exclusive powers by the federal authority

- ♣ To enact laws and constitutional laws and follows its application, to keep the country's constitutional system, Foreign Affairs, Defense, and printing and circulating of money

2. Concurrent powers: This refers to the powers exercised commonly by federal authority and federal units.

- ♣ Social sectors (like education, health, labor and social affairs, culture and information, civil service), Planning, Transport and communication, internal security, Agriculture, Industry, Trade, Tourism, Finance , Justice, etc.

Major factors /rationales for opting federalism: Looking to potential merits ak2nd demerits

There are some important factors why federalism might be opted over unitarism. The following potential merits/advantages summarize the justification for opting federalism. These are;

- Federal orders may increase the opportunities for citizen participation in public decision–making; through deliberation and offices in both sub-unit and central

bodies;

- Local and regional governments are usually closer to the people and sensitive to their needs. This ensures that government responds not merely to the overall interest of society, but also to the specific needs of particular communities. In this regard, federalism facilitates efficient preference maximization more generally and specifically in the area of economic/ fiscal management.
- Local decisions prevent decision-making from becoming overloaded in the central government and, thus, federalism may also minimize inefficiency and bureaucratic chaos.
- Federalism tends to combine national unity and local autonomy and the rights of self-government and thus maintains balance between centrifugal (unifying) and centripetal (integrating) forces in a state.

Despite all the above merits that make it relatively advantageous particularly for large and multi-cultural states, federalism, however, have the following potential disadvantages/demerits;

- The division of power between the central and federal government may lead to conflicts of jurisdiction between national and local officials and thus a sort of 'No Man's Land' in which neither authority takes decisive action might be created.
- There is duplication of activities and services, which results in expense. It is not always easy to deal with a specific situation.

2.3 Government

2.3.1 Definition and functions of government

Working definition: Although *Government* can also be expressively defined as the administrative wing of the state, technically it refers to group of people and set of institutions that make laws (the legislative body), implement (executive body) and interpret them (the judiciary body).

In its broadest sense, to govern refers to rule or control others. Government can therefore be taken to include any mechanism through which ordained rule is maintained, its central features being the ability to make collective decisions and the capacity to enforce them.

A form of government can thus be identified in almost all social institutions like families, school, businesses, all social institutions like families, schools, businesses, trade unions and so on. However, government in this context is more commonly understood to refer to the formal and institutional processes that operate at the national level to maintain public order and facilitate collective action. It is a body or organ that make collective action. It is a body or organ that administers a country and main organization dealing with affairs of the whole country. Thus, government is one of the most essential components and also an administrative wing of the state.

In other words, government can also refer to political organization comprising individuals and institutions authorized to formulate public policies and conduct affairs of state. Governments are empowered to establish and regulate the interrelationships of the people within their territorial confines, the relations of the people with community as a whole, and the dealings of the community with other political entities. Thus, government applies both to the governments of national states such as the federal government of Ethiopia and t the governments of subdivisions of national states such as the regional states, provinces, and municipal governments, etc of Ethiopia.

Simply, government can refer to either of the following.

- The act or process of governing, especially the control and administration of public policy in a political unit.
- The office, function, or authority of a governing individual or body.
- Exercise of authority in a political unit, rule
- The agency or apparatus through which a governing individual or body functions and exercises authority.
- A governing body or organization as

- a) The ruling political party or coalition of political parties in a parliamentary system.
 - b) The cabinet in a parliamentary system
 - c) The persons who make up a governing body.
- A system or a policy by which a political unit is governed.
 - The organization that is the governing authority of a political unit.
 - A body that has the authority to make and the power to enforce laws within a civil, corporate, religious, academic, or other organization or group.

Broadly speaking, government is different from all other organizations because it possesses the following features which others do not. These are;

- *Comprehensive Authority*: i.e rules made by any social organization other than government are intended to apply to members of respective organizations. On the other hand, the rules of the government are intended to apply to all members of society. Governmental authority is acknowledged (recognized) power to make all binding decisions and issue obligatory commands.
- *Involuntary Membership*: Membership in most social organizations is voluntary and based on conscious choices. However, membership in a nation is largely involuntary, i.e. most people initially become citizens of a nation and subject to its rules without their deliberate/ conscious act/choice.
- *Legitimate monopoly and use of force*: all members of any society do not always obey all government rules. All organizations impose sanctions on rule breakers but government differs from other organizations in the kind of sanctions it is authorized to impose. i.e Government can also impose two additional sanctions forbidden to other organizations namely; imprisonment and death penalty.

Purposes/ functions of Government

In a modern state, government functions have greatly expanded given the fact that the institution has evolved to be an active force in political, social and economic developments. Thus given, some of the major purposes and functions of government include:

- **Self-preservation:** any government must by maintaining law and order ensure predictability. To this end, government must in turn defend (using its police, defense and court institutions) its citizens and territory from internal and external security threats.
- **Conflict management:** This function of the government also involves conflict management and resolution. i.e it builds institutions for resolving and managing conflict which is inevitable because of resource scarcity and humanity's selfish behavior. Moreover, protection of citizens' constitutionally enshrined fundamental human and democratic rights is part of this function of a government.
- **Distribution of Resources:** all governments invariably play the role of distributing resources in their societies. In addition, governments are the only institutions that determine whether recourses are going to be controlled by the public or private sector. Some governments may decide that the resources should be controlled by the public, which commonly known as socialist states and others mates. In addition, other states may lie in between, that is the resources cold be controlled by both the public and private sector.
- **Fulfillment of Social or Group Aspirations:** in addition to the aforementioned purposes and functions, governments also strive to fulfill the goals and interests of the society as a whole and of various groups within the society. These aspirations may include the promotion of human rights, common good and international peace.
- **Protection of Rights of Citizens:** some governments, especially those of constitutional and democratic governments, are established for the protections of every citizen's human, democratic, political, social, economic and cultural rights. Constitutionals and democratic governments are created to serve and protect every citizen's rights, not to dominate them.

- **Protection of Property:** states /governments provide means such as police and the court systems that protect private and public property.
- **Regulation of the Economy:** This function of the government consists of the role of controlling the distribution of resources among societies. This might be done via government's tax and expenditure policies. Moreover, regulation of the economy signifies determining which resources are to be publicly controlled and which to be in private hands as well as provision of necessary Goods and/or services that cannot be privately provided to the public. Such goods and services include: education, health care, water supply, electricity, telecommunication etc.

2.3.2 Government structure: vertical arrangement & horizontal arrangement

2.3.2.1 vertical Arrangement /organization

The vertical arrangement or organization of government specifically shows the relationship between the central /national government and sub –national bodies or institutions (such as the regional, provincial or local bodies).

A. the Central /National Government: the central/national government refers to the levels/ of government that control the overall affairs of the state. This means, in most cases, that central government assumes overall control of the state's economic life, and supervises matters such as internal trade, transport and communications. Accordingly, the central /national government is the level of government that situated at the top of the governmental structure of any state.

Thus, the central /national government is the level of government that is responsible to enable the state to function as an actor on the international or world state. It would possess the machinery for entering into strategic alliance, negotiating trade agreements, gaining representation at international summit meetings, or becoming a member of supranational bodies. This is why central government is invariably responsible for a state's external relations, as demonstrated by this control of the foreign, diplomatic and defense policy. Moreover, some form of central government is necessary to mediate between sub national bodies to ensure cooperation in areas of mutual interest.

B. The Sub –National /local governments: local or regional government, in its simplest sense, is government that is specific to a particular region or locality, for example a region, village, district,

town, city or country. More particularly, it is a form of government that has no share in sovereignty, and is thus entirely subordinate to central authority, or in a federal system, to state or regional authority. This level of government is in fact universal, being found in federal and nonfederal systems as well as in unitary ones.

2.3.2.2 Horizontal arrangement

In today's world, government is horizontally arranged in to the legislative, executive and Judiciary bodies/organs. What does each branch primarily do?

(I) The Legislative Body

Generally speaking, the legislative body is responsible for the formulation of laws, policies and strategies. It also provides a link between government and the people hence serves as a channel of communication. But specifically, the organ undertakes the following functions:

Statue making: Statute literally means parliament made law. From this it becomes obvious that legislative body's one major function is statute making.

Representation: This is Assemblies' /Parliaments' role of linking the government with the people hence smoothing the communication/relationship between the two.

Controlling the administration: This involves the legislative body's role of supervising/scrutinizing the executive that administers by implementing the laws and decisions passed by the legislature itself. In this sense, the legislative body has the power to check and balance the executive body and thereby to deliver responsible/ accountable government.

Constitutional making/ Amending: The legislative body also performs the function of constitutional making/amending. This may, however, vary from country to country depending on the nature of state structure they have. For example, in a federal form of state structure, the constitutional amending or modification is usually carried by a joint agreement between the federal and regional /state government following certain set of procedures where as in unitary state structure the same function is normally done unilaterally by the central government.

Electoral and disposing functions: This function includes electing of the council of ministers (also the Prime minister), voting on motion of "no confidence" to reelect or remove the incumbent

executive(prime minister) in parliamentarism and in presidentialism the role of removing the president by the principle of impeachment.

Financial functions (“power of the purse”): this is the legislative body’s function of determining the nature and amount of taxes and appropriations or simply approval of budget presented to it by, for example, each ministry.

Investigative functions: often times, legislatures through the establishment of “standing committees” such as commission of Inquiry also engage in digging up information regarding the causes, the profile and the consequences of certain conflicts in any part of the country and suggest solutions accordingly.

(II). The Executive Body

In its broadest sense, this branch of the government is responsible for the implementation of the laws, rules, policies, and decisions made by the legislature. It consists of the head of government, the head of state and other various enforcement agencies. However, it is usually divided in to two broad categories namely; the political executive and the bureaucratic executive. Whereas the political executive refers to almost all elected or appointed politicians from within or without the parliament, the bureaucratic executive on the other hand consists of professional civil servants whose job is to offer advice and administer policy subject to the requirements of political neutrality and loyalty to their ministers. This being the case some of the principal functions of the executive body include:

Enforcement functions: This is the function of enacting (implementing) all laws, rules, decisions made by the legislative body and the judiciary body (court’s decision) a country.

Formulation of administrative policy: This is the executive body’s function of making regulations (on sub- legislative powers and issues) and policies to allocate funds to various public activities. In this sense, the executive plays a policy-making leadership in that it also develops coherent economic and social programmes’ that meet the needs of society.

Control of military forces: The executive branch has the power to determine how and where troops, the military warplanes and ships may be used in period of conflict and peace.

Control of foreign relations: This is the general function of conducting foreign relations with other states which also specifically includes granting or withholding recognition to the governments of foreign state. To this end, it appoints ambassadors and other Foreign Service officers.

Bureaucratic leadership: this is particularly the task of the top management executive (ministerial ones) and revolves around overseeing the implementation of policies by the whole machinery of the government.

Crisis leadership: this is the power of political executive over the assembly/ parliament and includes its ability to take swift and decisive action when crises break out in either domestic or international.

III) The Judiciary Body

The Judiciary body is a branch of government whose primary function is undertaking adjudication / deciding on legal disputes. Besides, however, the body has also the following specific functions. These are:

Formulating case laws: Case law is judge-made law which then becomes binding on all other courts.

Protection of individual rights: The judiciary body has great role in protecting the constitutionally guaranteed rights of individuals mainly through due process of law. This function includes, for example, protection of the individual from unreasonable or arbitrary laws and procedures made by the government and its institutions at any level.

2.3.3 Forms and systems of Government

2.3.3.1 Forms of Government

1. Monarchy: It is the oldest form of government in which the ruling power invested in a single person who wear crown. In its widest sense, “any government in which the supreme and final authority is in the hands of a single person is a monarchy. There are two types of monarchy.

- ♣ **Traditional Monarchy:** the king or the queen maintain his/her position by claim of legitimate blood descent than their appeal as popular leaders. For example, Hohenzollerns in Germany, Hapsburgs in Austro-Hungary, Romania, in Russia, Solomonic in Ethiopia ...etc.

♣ **Constitutional Monarchy:** The king or the queen is ceremonial head of the state, an indispensable figure in all great official occasions and a symbol of national unity and authority of the state but lacking real power eg. Britain, Japan, etc.

2. Dictatorship (monocracy): The existence of dictatorship has its proof in the position of a person who holds extra constitutional powers and identifies himself with the state. He is the head of the state, of the government, of the party kind of opposition to his power invites mutilation. It means absolute rule of a single person who occupies his position by means of force and as such is not accountable to any popular institution.

3. Oligarchy/Aristocracy: - It is rule by few. Many of the classical conditions of oligarchic rule were found until recently in those part of Asia in which governing elites were recruited exclusively from a ruling caste a hereditary social groupings set apart from the rest of society by religion, kinship, economic status, prestige and language. In contemporary world, in some countries that have not experienced the full impact of industrialization, governing elites are still often recruited from a ruling class (a stratum of society that monopolizes the main social and economic function in the system). Such elites exercise their power in the interest of the ruling class.

4. Constitutional Government: - It is defined by the existence of a constitution that effectively controls the exercise of political power. The two major constitutional governments are:

- **The presidential system:** - It is based on the doctrine of separation of powers, which is practiced in USA, Argentina, Brazil, Costa Rica, and Mexico...etc.
- **Parliamentary system:** - It is based on the fusion of powers (legislative and executive), which is practiced in western European nations, Scandinavian countries, Japan, India, Ethiopia etc.

2.3.3.2 Systems of Government

One defining characteristic feature of modern governments is that they are all constitutional in nature. I.e. they possess a constitution that effectively controls their exercise of political power. Accordingly, in the modern world we have two major systems/forms of constitutional governments namely; the *presidential system* (as in the case of the USA, Argentina, Brazil, Costa Rica,

Mexico...etc.) and the *parliamentary system*(as in the case of western European nations, Scandinavian countries, Japan, India, Ethiopia etc.). Let us now look at the nature of each of these systems in some detail.

1. Presidential system of Government

Presidential system of government is a form of government which is chiefly characterized by strict separations of powers between the legislative and executive branches of government. Given this, the followings are some of the key distinguishing features of a presidential system of government: ***Real authority of the president:*** i.e. the leadership of the executive is in the hands of the president who is elected by the people for a constitutionally fixed period (four years in the case of the United States). He may nominate his body of ministers to form the cabinet. The president may also change the portfolios of his ministers as per his will, or may dismiss any one of them in case he loses the confidence of the "boss". He formulates national policy; orders mobilization of troops declares state of emergency and takes all necessary steps for the enforcement of law and maintenance of order in the country. In short, he is the real power holder of his country. In short, the roles of head of state and head of government (the chief executive) are combined in the offices of the president. As such, the executive authority is vested in or concentrated in the hands of the president; the cabinet and ministers being merely advisors to and responsible for the president.

Separation of the legislative from the executive: This implies that the president and his ministers cannot be members of the legislature. In case the president appoints a member of legislature as his minister, he has to leave his/her legislature membership. It is for this reason that the president and his ministers do not take part in the deliberations of the legislature. The president may go to the legislature only for delivering an important address. Even his ministers may attend a session of the legislature and may also take part in the discussion, but they have no right to vote. Moreover, the executive and the legislative organs of government are separately elected and work independently and separately. Moreover, each of the executive and legislative are vested with a range of independent constitutional powers.

Electoral terms of the president are constitutionally fixed: That is, the president is supposed to govern the state for four years or one term, for example, in USA. And, he/she can be reelected for the second term (having four years). But, he/she cannot be elected for more than two terms.

The president can neither “dissolve” the legislature nor be dismissed by the Congress /Assembly except possibly through impeachment. The process of impeachment is provided to remove the president in case he violates the Oath of office. For instance, the president is under an oath that he will defend and protect the constitution of the state. In case he does otherwise, the process of impeachment may be used to remove him from office. Usually the power of impeachment is given to the legislature.

2. Parliamentary system of Government

A Parliamentary system/form of government refers to the form of government in which the government governs in and through the parliament/assembly there by fusing the legislative and executive branch of government. In other words, it is a system that vests the political leadership in a legislative body (the parliament) which, in turn, selects the executive body (the cabinet + prime minister) entirely or largely from its membership. This being the case, the principal features of a parliamentary system/form of government include among others the following:

- Government is formed as a result of parliament/ assembly elections based on the strength of party or coalition party’s representation. Therefore, there is no separately elected political executive.
- A parliament of representatives is elected by the citizens of the state. For instance, in federal state structure like Ethiopia, the citizens directly elect representatives both to the Federal parliament and regional parliament.
- The executive power of the government (both political executives like the Prime Minister and ministers at a federal and at Regional level) is vested in the hand of group of people who are elected by the parliament.
- Most or all members of the cabinet (council of ministers) are usually members of the parliament/ assembly. And usually, the party or coalitions of parties that have majority seats take up executive responsibilities in addition to their legislative roles.

- The cabinet (council of ministers) retains executive power *only* as long as it has the “confidence” of the parliament; that is, only as long as majority vote in the parliament unseats a cabinet - a situation called “*Government falling*”.
- The government can, in most cases, dissolve the parliament. Just if the parliament holds the cabinet (council of ministers) in jeopardy, the leader of the cabinet (usually the PM) has the right to have the parliament disbanded with the consent of the majority members of the parliament.
- As the head of the government is the Prime Minister there is a separate head of the state - i.e., the constitutional monarch or non- executive president. In the Ethiopian case, for example, the head of the state is the president, who is non-political executive and hence cannot be a member of any political party. He/she is simply the figurehead of the state.
- The PM (Prime Minister), who is the head of the government, retains office as long as he/she can command majority support in parliament. In other words, electoral terms of the PM is not constitutionally fixed.

2.4 The similarities and differences between state, government and society

2.4.1 The Relationship and differences between society and State

In Society, there may have different units or structures, varying interests, and specific or general norms and values. Examples of the basic units of society include the family, the neighborhood or village, clan or ethnic group, interest groups, clubs and associations, and the state with its government. Among the organizations in society, the state is the most fundamental and influential one. In fact, both society and the state are not necessarily one and same. The state and society differ, among other things, in terms of their scope and objectives. Society embodies the highest level of social existence with all associational forms, structures and modes of human life, and thus, it is quite complex in terms of structures and organizational patterns.

Compared to society, regardless of its level of development, the state as a major political organization is the ultimate manifestation of the political life of the society to which it belongs. To this end, structures and organizations are created to facilitate this political life of the society. The structures and organizations of the state are, however, not as diverse and complex as those of the society.

Rather, they are relatively clear cut, structured and identifiable in terms of government institutions such as the parliament, the judiciary, and the executive authorities.

In general, besides the similarities shared between the society and the state, their differences can be distinguished on the following grounds.

1. In terms of time, society is prior to the state. It means that society came in to being much earlier than the state. Family and community are the oldest social institutions. Even the hunters, the root digger and the fruit gatherers had their society, but authority came much later.
2. State is just a part of the society. As stated before, society implies the general relations and associations of human beings. Since human beings are social creatures by their nature and necessity such relations are as old as humanity. Moreover these social relations have diverse forms in the religious, cultural and economic directions, of these devise forms, state is one part (political part) that has its purpose limited to the maintenance of peace, order and security to the people.
3. The two may also be distinguished in respect of their functions. The society performs a multiplicity of functions in order to meet multifold requirements of human beings. The family, the community, religion, trade unions, clubs, etc, meet different kind of requirements of people as intellectual, recreational, moral, cultural, and economic. But the function of the state is to make and enforce a legal order so that people may lead a life of peace, security and honor.
4. But the most important point of distinction is that state possesses the attribute of sovereignty whereby it may coerce and compel others by the use of force. The society has no such force and whatever force it has, it appears in the form of moral persuasion. The customs and traditions of the society are followed by the people because of the force public conscience but the laws of the state are obeyed, because their violation is visited with suitable punishment.

2.4.2 The Difference between State and Government

Though state and government are similar when strictly studied in concrete and practical terms, the two may be distinguished on a theoretical ground. These differences may include

1. The state is a bigger entity that includes all citizens, the territory sovereignty, recognition, etc; the government is a smaller unit that over only those who are employed to perform its functions and the agencies. That is, while the state is the politically organized entity for the promotion of common ends and the satisfaction of common interests, the government is a common name for the agencies, authorities, ministers, organizations through which the will of the state is formulated. The government is an essential organ or agency of the state but it is no more than the state itself.
2. The state is an abstract idea, but the government has its existence in a physical form. In a broad sense, a government includes all persons in the legislative, the executive or the judiciary branches from the president / prime minister at the top to a more ordinary citizen at the bottom. Thus, in its wider or narrower form, the government has a concrete /physical form.
3. The power of the state is original and primary, but the authority of the government is delegated and derivative. In other words, it is said that while the power of the state is absolute as being a sovereign entity, the authority of the government is limited by the provisions of the constitution.
4. The state is a permanent institution. It survives until its sovereign power is destroyed by the invasion of some other state. But governments come and go. The office holders /political elites are changed, i.e., it is quite possible that the rule of one party is changed by another party.
5. The government is an agency for the fulfillment of the purposes of the state. Hence, the people may have grievances against the government, but not against the state. They may agitate for changing their rulers, but they would not like to destroy the state.

2.5 Ethiopian Society, State and Government

Formation of Modern Ethiopian State

2.5.1 State Formation in Ethiopia

The rise and foundation of states took place in different parts of Ethiopia at different historical periods. Some of the developments took place in the north, while others were in the south, southwest, east, and south eastern parts of Ethiopia. The span of development ranges from pre – Axumite civilization to recent past. Out of the continue interrelations among them, the various states of the different parts give rise to the present form of modern Ethiopia state.

I. Development in the North

The rise of ancient states in the northern part of Ethiopia goes back to the pre –Axumite period. Even though much is not known, there are some recent evidences much is not known, there are some recent evidences that show there were stets even before the rise of the Axumite state. But there are enough facts about the Axumite state and its established political institutions as early as 100 B.C. the Axumite state was one of the most civilized few states of the ancient world. That civilization made great achievements. The monuments that are found today as Axum are the heritage of that ancient civilization. Axumite states was also well known for its commerce and trade within Ethiopia as well as out of Ethiopia with Greece, Rome, India and others. The Axumite state started to decline beginning from the 7th century and was no more in existence after the 10th century.

Following its decline, the political center shifted from, Axum to the northwestern part Wello. Then political institutions developed in Latas. This political development is called the zagwe Dynasty. Among others, king Lalibela was one of the famous kings of the Dynasty. The dynasty is also well known for its wonderful construction works. One set of their works are the Rocke Hewen Churches that are found in Lalibaela nad its surroundings. The zawe period came to an end in 1270. the Agaw people that are found today in the Amhara region were the founders of he zagwe dynasty.

After the fall of the zagwe kingdom, the political center shifted further to the south of lalibela, that was marked by the foundation of the Christian Highwand kingdom called the solomonic dynsty. Yekuno Amlak was the first king of the dynasty. The dynasty claimed descent from king Solomon of Terusalem as it is explained in the Kibre Negest. The Solomonic dynasty moved its center from shewa to Gondar in the 17th century.

Later, the political power at Gonder declined being followed by what is called as the zamene mesafint. Zemene mesfint was a period of instability, civil war and struggle for power. As the result of such chaotic political phenomena, the northern part of Ethiopia was decentralized. Thus, the nobility established their own governance in their respective regions. As a result of this, political power at the center was very weak. That situation continued up to the first half of the 19th century.

II. Developments in the South and Other Parts

While Christian states largely developed in the north, other states were also emerging in the center, south, south –west, and eastern parts of Ethiopia region. The earliest Islamic state was the sultanate of Ifat, Dawra, Bali, Fatagar, Hadiya, the Emirates of Adal and Harar. There were also states in the kingdoms of kaffa, Walayta, Janjere and Enarya. They were formed at different periods. Moreover, the various Oromo states such as Jimma, Limu – Enarya, Guma, Gima and Gera. In the east, there were the Emirates of Harar. The Kambata and Gurage political institutions were also parts of the formation of various states prior to the emergence of the modern centralized Ethiopian State.

The Formation of Modern Ethiopian State

The formation of centralized statehood in Ethiopia goes back to the end of the 19th century. However, this does not mean Ethiopia did not exist before the end of the 19th century. As a matter of fact, the existence of Ethiopia as a state is as old as no less than there thousand years. However, with its present form and extent of territory, the Ethiopian state can relatively be viewed as a recent phenomenon.

The process of building a modern centralized state in Ethiopia was significantly accomplished during the reign of Emperor Menelik II. But, the attempts to do so were started by Emperor Tewodros right after the end of the Zemene Mesafint. The efforts of building a modern centralized state in Ethiopia made by Emperor Tewodros were also extended by his successor Emperor Yohannes.

The campaigns carried out by Emperor Menelik during the second half of the 19th century incorporated the states in the southern south eastern and the eastern parts in to present –day Ethiopia. With that process of expansion from the center, the various nations, nationalities and peoples in different parts in the south, southwest and east were also brought under the Ethiopian Empire. In the mean time, the present day boundaries of Ethiopia were established based on international agreements between the Ethiopian government and the surrounding colonial powers of the time. This took place at the end of the 19th century. Therefore, it is clear to understand the fact that today's Ethiopia is shaped in to Modern centralized state hood through the political integration of the various states, nations, nationalities and peoples. They formed modern Ethiopia with their respective languages, traditions, beliefs, religions and denied autonomy to their rich historical diversities. This has been one of the major causes of the political questions for freedom, equality and self –governance throughout the 20th century in the country.

Chapter Three

Understanding Citizenship: Ethiopian Focus

3.1 Definition and Aspects/ dimensions of citizenship

Definition

States cannot be understood in the absence of citizens and citizenship. In the same way, citizenship cannot be explained without the state. Thus, the notion of citizenship is important both to the state and to individuals, since it denotes a basic relationship between the state and its individual members. In this context, citizenship thus refers to the broad study of rights and duties of citizens. It is the official recognition of an individual's integration in to the political system by denoting the status of a person as a member of a particular country. Put differently, without the status of

citizenship, a person would be “stateless” and hence would loss official recognition to exercise citizenship rights and fulfill responsibilities.

However, citizenship in all states is not the same. For instance, while non-democratic states usually reduce their people to mere subjects that have very limited or no rights but only duties in democratic states, on the other hand, people govern themselves and thus enjoy equal rights in all aspects of life. What this broadly implies is that the historical development of democracy and democratization (from Greek- Rome- Western Europe-USA- elsewhere in the world today) has very much affected the historical development of the meaning, scope and content of the concept of citizenship.

Aspects of citizenship

Despite all these walks of historical evolution, the concept citizenship has now come to be universally understood in terms of the following **three** basic aspects. These are:

The social aspects of Citizenship: this refers to the rights and duties of citizens that are directly related to social and cultural norms and values. In other words, it refers to a situation in which citizenship can be attained for example through parent’s nationality, adoption, marriage etc which are all products of social processes. That is in the case of adoption, for instance, the full rights and responsibilities of parenthood are transformed from natural to social parenthood and the child’s social and kinship position is also transformed from the biological childhood to social hood. In this case, a social person is created by appropriation and people became parents in every sense other than the genetic factor. Therefore, the social aspect of citizenship discloses that the rights and duties associated with citizenship status are socially determined and also distributed.

The legal aspects of Citizenship: this aspect can be best understood from the statement which reads “citizenship entails a relationship between an individual and a state originating under terms prescribed by the law of that state and giving rise to certain duties and rights, which such law attaches to citizenship”. What this explanation reveals is, therefore, the fact that different countries can pursue different laws in granting and denying citizenship status or even the same country can have different laws depending up on the prevailing political conditions of that state.

The political aspects of Citizenship: this implies that the political system in a country affects the citizenship status. For example, while in a dictatorial or authoritarian political system, the rights

and privileges of citizenship are enjoyed by a small group of the society but the majorities are merely required to fulfill their responsibilities or duties as members of that country, in a democratic systems, however, citizens are expected to express their allegiance to their nation and obey the laws and reciprocally they are treated equally without any discrimination.

Modes of acquiring and loosing citizenship

The process of acquiring citizenship varies from country to country depending up on the existing specific laws of each country. There is no clear cut uniformity in acquiring citizenship status as there is no common standard that govern all state of the world. Thus different states grant and deny citizenship to their citizens differently which in turn implies the fact that the idea of citizenship is left to the domestic jurisdiction of a state. However, this does not mean that the state should follow arbitrary and groundless decision in granting or denying citizenship. Some broadly shared normative and customary principles are underscored to minimize arbitrary deprivation of citizenship. In nut shell, the process of acquiring or losing citizenship involves complex issues related with the interest of states as well as the interactions of individuals. Accordingly, **three** major ways/modes of acquiring citizenship can be singled out here for a discussion. These are:

A. Citizenship by Birth

The majority of peoples in almost all countries usually acquiring citizenship at birth and hence after they do not normally change their citizenship. Citizenship by birth has **two** principles namely; *jus soil* and *jus sanguinis*. Whereas *Jus soil* (a Latin phrase for right of soil) means child born in a particular state automatically becomes a citizen of the state irrespective of his/her parent's citizenship (what matters most is the birth place of the child), *Jus-Sanguinis* (a Latin term for right of blood), on the other hand, does not consider the place of birth of the child as important rather the child enjoys the citizenship of its parents automatically (what matters most here is the citizenship of his parents). For instance, in the context of Ethiopia, it is clearly stated in proclamation No378/2003 (Article 3) that any person shall be an Ethiopian national by descent where both or either of his parents is Ethiopian.

B. Citizenship by Law

Naturalization (citizenship by law) is a mode of acquiring citizen ship after birth. It is a process by which a state confers citizenship on an individual who is originally (by birth) not a citizen as a

matter of its voluntary acts and intention of the individual. Hence, naturalization is under the authority of the state and the individual is expected to fulfill some sets of criteria set up by that particular country. More specifically, Citizenship by naturalization includes among others marriage, legitimization, option and acquisition of domicile. For instance, according to proclamation No. 378/2003 of the Ethiopian nationality law (Article 5), a foreigner who applies to acquire Ethiopian nationality by law is expected to fulfill the following conditions:

- 1) he/she has to attain the age of majority;
- 2) he/she has to establish a domicile in Ethiopia for a total of at least four year preceding the submission of his application;
- 3) he/she has to be able to communicate in any one of the languages of the nations and nationalities of the country;
- 4) he/she has to have a sufficient and lawful source of income to maintain him/her self and his/her family;
- 5) he/she has to be a person of good character;
- 6) he/she has to have no record of criminal conviction
- 7) he/she has to be able to show that he has been released from his previous nationality or the possibility of obtaining such a released up on the acquisition of Ethiopian nationality or that he is a stateless person, and
- 8) he/she is required to take the oath of allegiance stated under article 12 of the proclamation which says that “I-----, solemnly affirm that I will be a loyal national of the federal democratic republic of Ethiopia and be faithful to its constitution”. Marriage and adoption are two additional examples of mode of acquiring citizenship by law. Here is how the process practically proceeds. In the case of marriage for instance, if a woman marries a man of another country, she can have the possibility of acquiring her husband’s country citizenship. i.e, the woman has the option of choosing citizenship of her husband and deleting her own country. In the context of Ethiopia, proclamation number 378/2003 article 6 clearly states that a foreigner who is married to an Ethiopian national may acquire Ethiopian nationality by law when he/she fulfills the following requirements:

- 1) The marriage is concluded in accordance with the laws of Ethiopia or the other country where the marriage is contracted;
- 2) There is a lapse of at least two years since the conclusion of the marriage;
- 3) He/she has lived in Ethiopia for at least one year preceding the submission of the application; and
- 4) He/she has fulfilled the conditions stated under article 5 (1, 7, 8) of the above proclamation.

Similarly, in the case of adoption, any child adopted by Ethiopian national, based on proclamation No 378/2003, may obtain Ethiopian nationality by law when the following conditions are fulfilled;

- 1) He/she has not attained the age of majority,
- 2) He/she lives in Ethiopia together with his adopting parent;
- 3) Where one of his adopting parents is a foreigner and so expressed in written statement; and
- 4) The condition stated under article 5(7) of the proclamation has been fulfilled. However, the government of Ethiopia also grants citizenship rights to those foreign individuals who have made an outstanding contribution in the interest of Ethiopia irrespective of the above stated conditions. Such type of acquiring citizenship is called *special case or functional nationality*.

Legitimation and grant on application are also other mechanisms of citizenship acquiring. While the former is about citizenship by recognition- i.e an illegitimate child has the right to get his/her biological or caretaker father in accordance with Ethiopia's proclamation no 378/2003) the latter, on the other hand, refers to the possibility of obtaining an Ethiopian nationality by law via the fulfillment of certain conditions. Nevertheless, different countries pursue different requirements. For instance, according to the 1930 Ethiopian citizenship decree the requirement for naturalized Ethiopian citizenship were; having a majority (legal age), staying in Ethiopia for at least five years, being not dependant, being able to speak and write Amharic language and not being accused of crime or other related illegal matters.

Besides, citizenship can also be obtained by *political process* in which case acquisition of citizenship is by conquest or cession of territory. i.e. when the entire populations of the newly incorporated area are made citizens of the conquering state.

C. Citizenship by mixed (dual) system

There are times when a person finds himself/herself with multiple citizenship status. Dual nationality (citizenship) is when a person has citizenship status of two countries. This might be due to an overlap of countries' citizenship laws. i.e a person may have one because of his /her place of birth (jus soil) and another because of his/her parent's citizenship by blood (jus sanguinis). Similarly, when a person has citizenship status of more than two countries it is termed as multiple citizenship. Some individuals have more than two citizenship status as a result of jus soil, jus sanguinis or naturalization laws.

◆ **Modes of loosing Citizenship**

As they pursue different principles in granting citizenship status, states also adopt different principles to make citizens loss citizenship. For instance, in some states nationality may be *renounced* i.e in case states harass the person and in turn he/she dislikes the policies or politics/ ideologies pursued by the state. On the other hand, a citizen may also be *deprived* of his/her citizenship, if he/she is guilty of committing certain serious crimes against the state such as making access national secrets to alien country, siding with enemy forces in time of war and so on. Furthermore, Citizenship may be lost due to *Lapse case-* i.e in case the person stays outside of his/her country for a long and continuous period.

How about in Ethiopia?

Ethiopia also pursues different mechanisms or ways of denying citizenship rights. As clearly explained in article 19 of proclamation no 378/2003 of the Ethiopian nationality law one can loss his/ her Ethiopian nationality via renunciation if; he/she has acquired or has been guaranteed the acquisition of the nationality of another state. However, one who intends to do so shall in advance inform the concerned authority. Moreover, he/she who has declared his/her intention to renounce his nationality may not be released until he/she has discharged his/her outstanding national obligations or where he/she has been accused of convicting a crime. Thus given, dual nationality is impossible in the Ethiopian context. Article 20 of the above stated proclamation supports this stating:

- 1) Without prejudice to the provision of article 19 (4) of this proclamation, any Ethiopian who voluntarily acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality.
- 2) An Ethiopian who acquires another nationality by virtue of being born to a parent having a foreign nationality or by being born abroad shall be deemed to have voluntarily renounced his other nationality unless he has declared to the authority his option to retain it by renouncing his other nationality within one year after attaining the age of majority or unless there has been an earlier expressed renunciation of his Ethiopian nationality pursuant to Article 19(3) of this proclamation.
- 3) An Ethiopian who acquires, in the absence of his own initiative, another nationality by the operation of the law in connection with any ground other than those specified under sub-article (2) of this article shall be deemed to have voluntarily renounced his Ethiopian nationality if he starts exercising the rights conferred to such acquired nationality or fails to declare his option to the authority to retain his Ethiopian nationality by renouncing his other nationality with in a period of one year. And
- 4) A person who retains another nationality in addition to Ethiopian nationality shall be considered an Ethiopian national until the loss of his Ethiopian nationality pursuant to sub-article (2) or (3) of this Article.

Who is entitled to citizenship status?

Although it might sound surprising citizenship status is not a natural inheritance of only human beings rather it also extends to non-human entities as well. Given this, the following elements are normally entitled to citizenship status.

1. *Human beings.* All persons irrespective of religion, race, color etc directly have the right to be citizens. Here, citizenship is a right not a privilege. i.e it is not a status that is conferred by the will of government .
2. *Dehumanized elements:* These are *institutions, plants, animals and materials* that have legal status. Example, commercial organizations, registered ships and planes, endemic animals and plants etc. However, dehumanized elements cannot be categorized under direct citizenship status which refers to exercising the title of citizenship directly without the

approval or will of any political body. Rather the government has the responsibility to determine citizenship status of non-human elements. Thus, direct citizenship applies only to humanized elements although via legal status it is also possible to term dehumanized elements as nationals of a country.

Chapter Four

Constitution, Democracy and Human rights

4.1 Constitution

Definition of constitution and constitutionalism

Constitution refers to body of rules and laws,(written or unwritten) that determine the organization of government and the distribution of powers and functions to various organs of government, regulate the relationship among themselves and also between the state and its individuals through general principles on which these powers are to be exercised. Given this, a constitution is also 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.

On the other hand, *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. Put differently, it is the belief that constitution of a state is the best arrangement of things and activities in a society.

Purposes and classifications of Constitution

Purpose of constitution

Having a constitution is not an end on its own rather it is meant to serve some notable purposes. Following is, therefore, a description about some of these important purposes and functions of a constitution.

- ◆ *It serves as a framework for Government:* This means that the constitution of state is a plan for organizing the operation of government which in turn effectively guides the functions and powers of the executive, legislative and judicial bodies of government. In other words, it is a brief and a general outline of duties and rights of governments and also that of citizens.

- ◆ *It limits the powers of government:* A country has a constitution may not necessarily mean it has a constitutionally limited government. There is a difference between having a constitution and having a constitutionally limited government. Given this, in a constitutionally limited government, officials are always abided by the constitution. i.e there is no decision or action that will be undertaken arbitrarily and spontaneously rather every decision, act, or behavior is entertained according to rules and laws that originate from the constitution. This subjection to the laws and rules from the part of the government and the governed (the people) is coined as *the rule of law*. However, Constitutional Government protects the rights and a freedom of citizens doesn't mean that the government has no authority to effectively exercise its functions. A constitutional Government is neither too powerful nor too weak because If a government is excessively powerful, i.e. if it has unlimited powers, it tends to abuse the rights and freedoms of citizens. If, on the other hand, a government is too weak it can't protect citizens. Therefore, constitutions shall grant Governments enough powers to effectively and consistently undertake their functions and responsibilities but at the same time must put limits on their powers to make sure that they are not in a position to endanger the rights and freedoms of citizens.
- ◆ *It protects individual and collective rights of citizens:* To protect the individual and collective rights and freedoms of people, the constitution of a state lay down the relationship between the state and the individual by making out the respective spheres of government on the one hand, and the individual and collective rights and freedoms on the other.
- ◆ *It serves as the supreme (highest) law of a country:* this implies that constitution is *the source of and supreme over* all laws in a country. I.e. No specific law will be valid if it contradicts the constitution. All laws in a country are made to fulfill the objectives and goals clearly specified in a constitution of a given country. Because of this, the constitution of state is referred to as “the law behind other laws or “the Mother of all laws” of a country.
- ◆ *It provides government legitimacy/stability :* as they formalize and regulate relationships between political bodies and citizens and also provide mechanisms through which any potential conflicts can be adjudicated and resolved, constitution usually provide the vital

function of introducing a measure of stability, order, and predictability of government. This in turn gives governments a legitimate/legal right to rule or govern and by doing so *it serves as the weapon for legitimizing regimes.*

Classification/ Types of Constitutions

For the convenience of studying constitution of state scholars of the subject find it valuable to categorize constitutions in different categories based on criteria such as the principle they possess pertaining to distribution of political power, separation of power among branches of government, and the procedures employed for amending the constitution. Accordingly, constitutions in different political systems differ from one another. They also differ in their form, content and patterns of political arrangements as a result of variations in historical backgrounds, social traditions and political practices. i.e In some cases constitutions are products of compromises and consensus of differing social and political forces of society while in others they are drawn by power holders in government with the aim of securing their desired political and socio-economic interests.

These being the case, by *form* constitutions are generally classified as *written /codified or unwritten/ uncodified* ones. While a written constitution is one in which key constitutional provisions are found collected and compiled together in a single legal document so that it renders advantages of *stability and easy accessibility*, an unwritten constitution on the other hand refers to a set of rules, regulations, declarations and laws passed by either a parliament (the legislative body) or other competent body (ies) at different times that are not compiled in a single document containing key constitutional provision yet it renders advantages of *elasticity/adaptability* to changing circumstances or situations.

Similarly, On the basis of the complexity with which provisions of the constitution can be changed or *amending process*, constitutions are categorized as *rigid or flexible* ones. i.e whereas a 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 (For example, as in the case of the USA where it needs $\frac{2}{3}$ majorities in both Houses (the House of Representatives plus House of the Senate) and in *Ethiopia* where constitutional amendment requires a support by

majority vote of all state councils, by a two-thirds majority vote of the House of People's Representatives and by a two-thirds majority vote of the House of the Federation), flexible constitution on the other hand is one that adapts easily and immediately to changing circumstances or simply one whose amendment procedures are relatively simple as in the case of UK, and Israel in which the central legislature can easily amend the constitutions.

Constitutions are also grouped in to *effective or nominal* ones on the basis of the degree to which constitution of a state is observed in practice. i.e while the former denotes to a situation in which government/citizens practices correspond to the provisions of the constitution, the latter signifies a condition in which the constitution accurately describes government'/citizens' limits yet in practice either or both fail to behave accordingly. In short when the constitution only remains to have *paper value* or when there is absence of *Constitutionalism*. Last but not least, constitutions can also be substantially classified as either *Federal or Unitary* ones depending on the extent to which they concentrate government legislative, executive and judicial powers at the center (the former) or distribute it among the different branches and levels of government (the latter).

4.2 Democracy

Definition and ways of exercising democracy

Definition

Though democracy might be defined differently in different contexts, we can for our purpose here approach the concept from two perspectives. One is to define it etymologically as government/rule of and by the people (i.e 'demos' in Greek means people and 'kratia' rule hence democracy means peoples' rule) and the other is to give the concept a socio-cultural and politico-economic context and accordingly define it as a moral value/ethical idea that preaches about *liberty and equality* of individuals and groups and hence the need for government's/other actors' power limitation if they go against these values. Moreover, democracy signifies in the same contexts a political system of rule in which values of tolerance, cooperation, compromise, consensus, compassion, civility, pragmatism, etc. are uphold as instruments of peaceful resolution/management of conflicts and hence differences accommodation. Generally, democracy refers to a political and social process through which people to people as well as people –

government relationships are guided by principles of *popular sovereignty* (a belief that government's legitimate authority emanates from the people) and *rule of law* (a belief that government power should not be arbitrary rather its exercise must be circumscribed/limited by a set of rules).

Ways of exercising democracy

If one maintains the definition of democracy to be a government system in which supreme power is vested in and exercised by people, **two** broad ways of exercising it can be singled out namely Direct and Indirect. i.e while *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 (as in the case of referenda, local meetings/discussions) *indirect democracy* on the other hand 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.

Fundamental values and principles of Democracy

There are three core values that are central in the discussion of the concept of democracy. These are values of *liberty/freedom, justice* and *equality*. Lets us now briefly look at what each of them means.

- ◆ *Liberty*: This value includes *personal freedom* (to mean that Individuals should be free from arbitrary arrest and detention and also their homes/property should be secured from unreasonable searches and seizures), *political freedom* (to imply that people of a nation have the right to participate freely in the political process such as elections without being subject to arbitrary arrest, harassment and electoral corruption such as buying votes, intimidation and obstruction of voter) and economic freedom (to mean that citizens should have the right to acquire, use, transfer and dispose of private property without unreasonable governmental interference and more over to enjoy right to seek employment wherever one pleases, to change employment at will and to engage in any lawful labor unions or business corporations).
- ◆ *Justice*: this value of democracy can be understood in three general senses of fairness. These are *distributive Justice* (the sense of distributing benefits and burdens in society via agreed up on standards of fairness), *corrective Justice* (the sense that a proportional response should be in place to correct wrongs and injuries) and 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).

- ◆ *Equality*: three notions of equality are of particular significance here for our discussion. i.e *political equality* (implying that all people who attain the status of adult hood have equal political rights or in short one man-one vote- one value) , *social equality* (implying that there should be no social hierarchy at individual and collective level or no discrimination what so ever)and *economic equality* (implying that all peoples of a country deserve equal and fair assessment to the national resources services).

Although we can be exhaustive in our list, the followings constitute some of the fundamental principles (both in the procedural and substantial senses) of democracy. These are;

1. *The principle of popular sovereignty*: this is the idea that the only legitimate source of government authority is *the consent of the governed* which consist of the citizens of a state as a whole. Consent is given by the people through their regularly elected representatives and approval of all constitutional changes. Popular sovereignty also means that the people have the right to withdraw their consent when the government fails to fulfill its obligations under the constitution. Technically, popular sovereignty in democracy assumes the principle of majority rule which means that within some constitutional limits the majorities should have the right to make political decisions.
2. *The principle of constitutional supremacy*: This is a principle that puts the constitution at the highest level in the hierarchy of laws. According to this principle, the constitution is above all laws and organs of a state. This principle dictates all laws and governmental or non-governmental acts to be under the constitution. It also implies that if an act is found to be against the constitution, it would out of effect or void. In the Ethiopian case, Article 9 of the FDRE constitution states that the highest power and authority is vested in the nations, nationalities and peoples of Ethiopia to indicate that they are the sovereign in the land.
3. *The principle of Rule of Law*: it means that both government and the governed are and must be subject to the laws of a country when they make decisions and take actions instead of doing so arbitrarily.
4. *The principle of secularism*: this is a principle that demands strict separation of religious and political affairs and hence state and church operations basing on the philosophy that Individuals and groups in a free society should have freedom of conscience (the right to decide for themselves what to believe in which case it can be threatened if government becomes religious and supports some religions but not others). This principle is clearly upheld in Article 11 of the FDRE Constitution which states that 1) State and religion are separate 2) There shall be no state religion and 3) The state shall not interfere in religious matters and religion shall not interfere in the state affairs.
5. *The principle of accountability and transparency*: this is a principle that as the ultimate power holder is the people public officials at different levels should involve public participation in decision makings and also be

answerable for any misdoings. In fact, this principle is a natural consequence of the strict application of principles of *separation of powers* (the idea that the law making, implementation and interpretation powers of government should be separated horizontally among the legislative, executive, and judicial institutions and vertically between the central and state governments) and *checks and balance* (to mean that the powers given to the different branches of government are balanced so that no branch can completely dominate the others).

6. *The principle of civilian government and peaceful transition of political power:* This is a general principle that there must be a civilian control of the military often to be reflected in the form of making the head of government or state also the commander in chief of the armed forces and most importantly giving the parliament constitutional power to declare war. Parallel to this the principle is also about the prevalence of peaceful transition of political power first from the public via. Elections to political contestants (parties or individuals) and latter from all competitors to a winner(s). To this end, elections are expected to be *fair, free periodic, competitive* and *all inclusive*.

7. *The principle of protection and promotion of human rights:* Human rights are those naturally given values that reflect respect for human life and dignity hence their protection and promotion test the legitimacy and constitutionality of a democratic government. There are different types of human rights that seriously need government protection and promotion such as *first generation rights*(Civil and political rights), *second generation rights* (Social and Economic and cultural rights) and *third generation rights* (Environmental and developmental rights).

Democratization and actors in democratization process

Actors in Democratization Process

1. Roles of the Government in Democratization Process

It is not beyond imagination that governments, especially that of developing countries like Ethiopia, play the central roles in democratization processes. Accordingly, in this part, we shall look at the central roles and functions of government in general and Ethiopia government in particular. In line with this, the following ones are the major central roles and functions of government, especially in developing countries like Ethiopia.

A. Effective Order, Predictability, Internal Security and External Defense

Nearly all governments at least claim to have as their primary role and purpose the establishment of an order that permits predictability which in turn, promotes a sense of security among the

governed (the public). Moreover, government on behalf of state and the governed takes the primary/central role in internal security and defends its territory from external attack.

B. Fair and Just Distribution of Resources and Social Responsibilities

All governments play a role of controlling the distribution of resources in their societies fairly and persistently. These include capital, labor, and natural resources. In doing so, governments have the mandate to determine which resources will be publicly controlled, and which sectors & resources will be in private hands.

Moreover, governments have usually the responsibilities to discharge social responsibilities such as education, health (protection against the hazards of sickness), physical infrastructure, protection against unemployment and old age, etc.

C. Policy planning /formulation and implementation

Governments are usually given the mandate to formulate, implement, supervise and evaluate various public policies in many issues and sectors at different levels. In this regards government; formulates, implement and supervise various laws such as constitutional law, criminal law, civil laws, etc. Likewise, governments are vested with the power and authority to formulate economic, social, cultural, and other policies accordingly.

D. Conflict Resolution and Management

All governments develop various institutions and procedures for the effective management of conflict and political flare-ups at individual and collective level. In line with these institutions like legislative, executive, and judiciary are established accordingly. Likewise, governments may also provide other institutional and informal means of conflict management such as voting rights, majority rule, protection of minorities, and freedom of expression and discuss in conflicting ideas, beliefs, etc.

E. Good Governance /Democratic Governance

Prevalence of democratic governance requires establishing the required institutions. Needless to say that it is through those government institutions that the values of democracy and good governance are put in to practice. The two core indicators of good governance are:

1. Accountability; and
2. Transparency

- 1) **Accountability:** Refers to the system in which elected public officials are made to be responsible (answerable) to the people that elected them.
- 2) **Transparency:** Transparency refers to the ideas that the workings/procedures, decisions, and actions of the government and its officials should be clearly disclosed and known to the people. In other words, the people should be made aware of important policy decisions of the government, including how, when, where, by whom and why they are made. The rationale is that access to such information enables citizens to check the prevalence of accountability in their government, prevents a government from being corrupt and from transgressing the wishes and interests of the people.

2. The Roles of Civil Societies in Democratization Process

Civil society are associations which are separate from state and enjoy some autonomy in relations with the state, and formed voluntarily by members of society to protect or promote their interests, values, or identities.

Civil society is a broader concept encompassing all the organizations and associations that exist outside of the state (including political parties) and the market. It includes the extent of organizations, which considered as interest group [not only NGOS but also Chamber of commerce, ethnic associations, welfare group, -- etc.). It also includes religious organizations, sports club and informal community group.

From the above explanations, we can easily understand that civil societies are formed by the free will of their members, voluntarily not by force, but by their own. Thus, for an individual to voluntarily participate in civil societies or civic group, he/she should believe that there is a cause to promote through participation.

It goes without saying that civil societies deliver a lot of benefits and advantages in building and consolidation of democracy and democratization.

Democracy is about creating and consolidating an enabling environment and fertile ground for people's participation in the public affairs. Therefore, if democracy is to be successful and effective, devoted and persistent participation of citizens in the affairs of the public is conspicuous. *This is because of the fact that democracy is not like a machine that goes by itself once it is*

inserted; rather, it needs the devoted and persistent participation on the realization and achievement of democracy and democratization process. Therefore, it is evolutionary process that requires time and a myriad of requirements. Due to this fact the realization of the ideals of democracy demands the reasonable intervention of civil societies. They promote citizen's participation in decision-making on various issues directly or indirectly. Civil societies can go as they usually do, to the extent that of influencing and monitoring the government in drafting, ratification and implementation of public policies and lawmaking.

As a result of the above mentioned justifications civil societies are usually viewed as an important vehicles or organs in framing public agendas, developing public opinions, and mobilizing local populations for awareness development, and looking for solutions and come up with suggestions.

Trade Unions

Trade unions have protecting workers' economic rights as their main responsibility. They have, inter alia, to make sure that workers are paid reasonably in a workers-friendly working environment. It is however not canonical that trade union should only stick to this role especially under a circumstance where public policies are silent about workers interests. In this context, a political role is in escapable as these unions have to go beyond economism and struggle to democratize the state.

Professional Bodies

Organizations representing professionals bring to the table of governance the views and experiences of those groups of people who oil the machinery of governance on a day to day basis and without whose active input there would be little governance to speak of. Lawyers' guilds, medical practitioners' associations, accountants' bodies and others, play a crucial role in ensuring that their adherents perform their duties diligently and with probity and in checking professional misconduct and sanctioning fraud. They are of special importance in promoting self-regulation in areas in which governmental bodies lack specialized competence.

Academic Organizations

At this time of profound change, academia, including universities, research institutes and public policy centers, has taken on increased importance in world affairs by helping to uncover the dimensions of change and to construct an intellectual platform upon which future efforts may be

built. By expanding the flow of ideas, academia has become increasingly powerful in encouraging public participation in national and international dialogue on the future and, more importantly, in shaping that dialogue. Thus, by its very nature, academia also contributes to democratization. At the same time, academia is providing important new evidence on the complementarities among peace, development and democracy, and on the contribution of international organizations to all three.

The Media

The media are a powerful force for democratization. Responsible and independent communications media can engage the governments and people in different affairs and enable them to be informed, to discuss and debate, and to express positions on the issues of the day. In this way, the media and democratization are mutually re-enforcing: a free press is a vehicle for democratization; democratization promotes the open society in which a free press can flourish.

The media can help keep national politics open, responsive and accountable. The media, especially through the immensely powerful imagery of television and film, have the ability to set the terms of debate and to shape public opinion.

The media can be used to mobilize political support or to undermine opponents. This can be done by communicating negative propaganda or news about opponents or simply not making their views public. Governments also use the media to communicate their ideas in a particular way that suits their interests. This largely accounts for the determination by governments, the world over, but especially those that suffer from a crisis of legitimacy, to control the media. The mass media are crucial in political life because they are the means by which citizens, groups and leaders acquire political information and try to influence each other.

Access to information is essential to the health of democracy for at least two reasons. First, it ensures that citizens make responsible, informed choices rather than acting out of ignorance or misinformation. Second, information serves a “checking function” by ensuring that elected representatives uphold their oaths of office and carry out the wishes of those who elected them. Free and fair elections conducted through transparent processes require a media sector which gives candidates equal access, and reports the relevant issues in a timely, objective manner.

The media can also help build peace and social consensus, without which democracy is threatened. The media can provide warring groups mechanisms for mediation, representation and voice so they can settle their differences peacefully. The media also serve as a conduit between governors and the governed and as an arena for public debate that leads to more intelligent policy- and decision-making.

3. The Roles of Political Parties in Democratization Process

Political parties usually play their role in an all-out endeavor of democratization process and building and consolidation of democracy. Before we shall see how they play their role in democratization process, let's look at the comprehensive definition of political party and basic characteristics that distinguishes them from other groups.

Political party refers to a formally organized group of people that performs the function of educating the public, recruits and promotes individuals for public offices and that provides a comprehensive linkage of functions between the public and government decision making having its known particular policy. This indicates that the definition of political party has the following three essential ingredients:

- A. It is an organization of persons who are more or less agreed on some important matters of public policy
- B. It is an organization whose main aim is to take part in the struggle for power; and
- C. It is a body whose members make concerted efforts to implement their policies and programs by constitutional (democratic) means.

Distinct characteristics of political parties that differentiate them from any other groups

With regard to some major features of a political party that distinguishes political parties from any other groups; we can identify the following characteristics:

- i. Parties aim to exercise government power by winning political office
- ii. Parties are organized bodies with a formal “card caring” membership. This distinguishes them from broader and more diffuse social movement.

- iii. Parties typically adopt a broad issues focus, addressing each of the major areas of government policy; and
- iv. To varying degree, parties are united by shared political preferences and a general ideological identity.

Constitutional parties operating in a context of electoral competition tend to be portrayed as defenders of democracy; indeed, the existence of such parties is often the **litmus test of a healthy democratic system**. As such, political parties can play their pivotal role in the process of democratization.

Political parties can, as they often do, play several pivotal roles for building and effective consolidation of democracy and democratization process. The major indispensable roles and imperatives of political parties in democratization and democracy, among others, are the following:

1. *It is important to organize and coordinate individual interest.* Needless to say, individuals or citizens have different political views and interests though in the meantime the interest of some individuals are the same. In some cases, political party is important to sum up or to organize those people who have the same or similar political views. Organizing individual's interests is important to handle contradicting views of development.
2. *It is important to create political awareness among the citizens.* Political parties perform the job of political mobilization, and recruitment. In a democratic system, the people have the right to know about what is going on in their government offices. So, the presences of such parties are important to expose the doings of government. Besides, it also educates the people about the democratic measures that should be taken.
3. *Political parties are important to widen the base of popular participation.* Political parties are one of the most important attributes of democratic system. In order to implement the very concept of democracy, effective and persistent participation of people in their affairs is must.
4. *Political parties are important to serve the interest of the people.* The very concept of democracy is the rule of law. In democratic processes, the people are in charge and the government is expected to implement the interest of the people. After completion, for example

one of the parties will hold power in such a way that the party serves the interest of the majority in order to be successful in their completion.

Business Associations

This category encompasses a wide range of actors, mainly involved in for-profit pursuits in commercial, trading, contracting, farming, mining, and other areas; and they are outside the realms of civil society organizations. Its importance has grown dramatically since the economic liberalization processes that have taken place across the world, especially with the marked withdrawal of the state from many of its former economic interventions. It ranges from large corporate entities to small and medium entrepreneurial actors providing a variety of services to the community. It is also a sector that, on a very basic level, provides gainful employment for a huge number of citizens, thereby helping to reduce the size of armies of unemployed youth, and includes peasants, artisans, petty traders, vendors and hawkers.

Therefore, they can play an important role in economic governance, including advising their governments on how to help them grow their industries in equilibrium with the interests of other sectors of society, as well as in the promotion of self-regulation. The importance of these associations arises out of their centrality in the productive sectors.

4.3 Human Rights

4.3.1 Definition, Nature and Classification of Human Rights

Different scholars have different definitions of human rights. However, for our purpose here, Human rights are generally defined as rights enjoyed only by human beings simply because they are humans and with no further requirements what so ever attached. Because of even alternatively called as natural rights which are equally possessed by all human beings everywhere. Human rights are understood to represent individual and group demands for shaping and sharing of power, wealth, enlightenment and other values (like-respect and its constituent elements of reciprocal tolerance, mutual clemency). Unlike Moral rights that emanate from the consensus of two or more groups and Legal rights which are exercised as per the legal permission of certain bodies and thus are accordingly amendable /violable human rights are natural rights that do not emanate from government will or from individuals conventions. Given this, human

rights possess the following salient features that distinguish them from other variants of right like democratic rights.

Universalism: Human rights are universal both in conception and practice in the sense that they are not bound by space and time differences. All people across all places and times enjoy them without any form of discrimination.

Naturalism: Human rights are inborn/innate rights endowed to all humanity by nature. Hence, they are not given to individuals by the will of government or any other body and similarly they are not subjected to the permission of anybody to be enjoyed or denied.

Eternality: The only time individuals stop enjoying their human rights is at the time of natural death otherwise these rights are in principle eternal.

Inalienability: Human rights are inalienable from their natural beholders (human beings). i.e. to imply that delinking/detaching these rights from human beings is senseless because one naturally exists in the existence of the other.

Inviolability: human rights by their very nature are expected not to be violated or even restricted by any one. In some countries where democracy is well consolidated this inviolability logic extends to even at times of crisis/emergency.

Human Rights Instruments

United Nations: Universal Declaration of Human Rights (UDHR) contains 30 articles, which includes different types of rights that are civil, political, social and cultural rights. It was formulated by the General Assembly on 10 December 1948. Ethiopia is one of the signatory of this treaty and the United Nations charter states all member states are expected to promote and respect human rights. Therefore, UDHR has been important in that it has influenced the constitutions, laws, and court decisions of many countries and international organizations since its development.

European Union: The council of Europe adopted the European convention on Human Rights in 1950. The European convention has created two organs.

1. The European commission on Human Rights
2. European court of Human Rights

America: The North, South and Central American countries also formed the second regional organization for the protection of human rights in 1948. This organization was the Organization of American States (OAS). The OAS adopted the American Convention on Human Rights in 1969. This convention provides for two organs.

1. Inter-American Commission on Human Right
2. Inter-American court of Human Rights

Africa: The organization of African Unity (OAU) was set up in 1963. In 1981 the OAU adopted the African Charter on Human and Peoples' Rights.

Arab Countries: The League of Arab States was founded in 1945 and has concern about human right matters. It established an Arab Commission on Human Rights. Another related organization called the organization of the Islamic Conference was also established in 1971. The organization of the Islamic Conference adopted the Cairo Declaration on Human Rights in Islam in 1990.

Human Right instruments in Ethiopia

Ethiopia has fully accepted the human rights provision of the UDHR of the 1948. The present day constitution of Ethiopia has incorporated the fundamental and basic freedoms and rights that are defined in the UDHR. For the implementation of these rights there must be a mechanism of checking, monitoring and protecting the human rights of citizens against abuses and violations. The prominent human rights instruments include; the **Human Rights Commission** and the **Ombudsman** that operate for the protection of citizens against abuses and violations of their rights and for redressing wrong doings. Article 55 sub Article 14 and 15 of the FDRE constitution dictates that the House of Peoples Representatives responsibility to establish the Human Right Commission and the institution of Ombudsman and determine their power and functions.

The major objectives of these institutions are:

(a)To serve as public guardian for the growth of democracy and proper application of rights, and stand for the fulfillment of human and democratic rights in Ethiopia; (b)To protect Ethiopian citizens democratic and human rights as enshrined in the constitution from any violations by societal forces including government authorities, administrative personnel and

community; and (c) To assist avoid injustice, misuse of governmental powers, embezzlement and corrupt behaviors of some governmental officials.

More specifically under Proclamation No. 210/2000 Article 5 Human Right Commission was established with the objective to educate the public be aware of human rights see to it that human rights are protected, respected and fully enforced as well as to have the necessary measure taken where they are found to have been violated. Under the same Proclamation *article 6* stipulates the duties and power of Commission as to: (1) *Ensure that the human rights and freedoms provided for under the Constitution of the Federal Democratic Republic of Ethiopia are respected by all citizens, organs of state, political organizations and other associations as well as by their respective officials;* (2) *Ensure that laws, regulations and directives as well as government decisions and orders do not contravene the human rights of citizens guaranteed by the Constitution;* (3) *Educate the public, using the mass media and other means, with a view to enhancing its tradition of respect for, and demand for enforcement of, rights upon acquiring sufficient awareness regarding human rights;* (4) *Undertake investigation, upon complaint or its own initiation, in respect of human rights violations;* (5) *Make recommendations for the revision of existing laws, enactment of new laws and formulation of policies.* (6) *Provide consultancy services on matters of human rights;* (7) *Forward its opinion on human rights reports to be submitted to international organs;* (8) *Translate into local vernaculars, international human rights instruments adopted by Ethiopia and disperse same;* (9) *Participate in international human rights meeting, conferences or symposia;* (10) *Own property, enter into contracts, sue and be sued in its own name;* (11) *Perform such other activities as may be necessary to attain its objective.*

Constitution, democracy and human right experiences in Ethiopia

The 1931 First Written Constitution of Ethiopia

The 1931 constitution was the first written constitution in the Ethiopian history. The introduction of the written constitution however, doesn't mean that a new philosophy was introduced to the Ethiopian political system. Instead, it was an attempt to simply change the **unwritten dynastic claim in to a written form**, in other words; it didn't provide genuine freedom to the Ethiopian peoples. Its main aim was to give the country and the Imperial Rule an image of **modernity**. By and large, the major aim of the 1931 constitution was **guaranteeing continuity to the rule of the**

Emperor. This can be clearly seen in the constitution that the king was presented as the representative of God. In the same constitution, the king is presented as “Niguse Negest Seyume Egziabher,” which literally means king of kings elect of God. Those who were participating in the political leadership were only the noblemen. Even then, the power was absolutely in the hands of the Emperor.

The 1931 constitution was not initiated by the demand of the people and it was not also initiated for the people. That is why there was no attention to guarantee popular sovereignty, political freedoms and fundamental human rights to the Ethiopian people. And the people were considered as subjects as they used to be, without granting any kind of political and civil rights.

In general the constitution was formulated or introduced mainly to attain two basic purposes that would advance the Emperor’s authority and political control.

1. *The constitution was intended to give Ethiopia the image of “modernity” in the international community.* i.e. to achieve recognition abroad and to give Ethiopia the image of modernity. This was done in the hope of securing recognition to Ethiopia’s statehood and the Emperor’s sovereign rule in the country. During that period, Ethiopia felt pressures from the European powers that controlled colonial territories in Africa. Ethiopia was accused of being “uncivilized” to be considered as a sovereign political entity in an international atmosphere by the colonial powers. The colonial powers did that to justify their presence in Africa with a “civilizing” and “modernizing” mission. Therefore, HaileSelassie issued the constitution to impress Europeans with Ethiopia’s political modernity in search of external sovereignty for Ethiopia.
2. More significantly than the above purpose, *the constitution was introduced to strengthen, and centralize the absolute power of the Emperor HaileSelassie by extending his power over the regional rulers.* In other words the constitution was meant to create a legal framework that enabled the Emperor to subordinate the traditional nobilities. The emperor had greater desire to centralize power, thus, he used the constitution as a legal basis to extend the power of the central government over regional rulers. As the result, the emperor became the only person that could give political titles and appointments. This helped him to end any tendency of provincial autonomy by the nobility. Thus, the constitution provided him with legal framework for political legitimacy to his personal rule.

This constitution served the interests of the Emperor. Thus, the 1931 constitution can be referred as the Charter of the absolute power of the monarchy. The political and human rights, freedoms and liberties of peoples of Ethiopia were denied.

However, the 1931 constitution laid some foundations for modern practices of government in Ethiopia. These innovations can be summarized as follows:

1. Parliamentary System

One major contribution of the 1931 constitution was the creation of the parliament. The parliament was bi-cameral. Namely the Chamber of the Senate (yehigMewesegnaMeker Bet) and chamber of Deputies (YehigmemriaMiker Bet). These were the legislative body. The Emperor had the power to appoint members of the chambers of senate from the members of dignitaries (mekuwanints) who have for a long time served his empire as princes or ministers, judges or army leaders while the Chamber of Deputies (YehigmemriaMeker Bet) were to be elected through an indirect voting system in which only the nobility participated until the people are capable of electing them themselves. Their term of office was not limited. The primary function of the deliberative chambers was advisory. It was not an institution that decides on laws because the chambers could neither refuse to deliberate on proposal sent to them nor initiate legislation themselves. The law making power was vested on the emperor and the parliament was merely meant to rubber stamp the legislation of the Emperor.

2. Annual Budget

The 1931 constitution introduced the idea of providing fixed annual budget for government. In principle, Annual budget was meant to be proposed by minister of finance during deliberations in the Chamber of Deputies and in the Senate, whose resolutions shall be submitted for the approval of the Emperor. In practice, however, the assignment of budget as indicated in the constitution had not been properly implemented.

3. Ministerial System

The constitution also provided the institutional framework for the ministerial system. While the Emperor remained with the most important executive power, the ministerial system of government was completely subordinate to the Emperor. The ministers both individually and collectively were

responsible to the Emperor. There was no prime minister; the ministry of pen acted as the first among equals. Thus, the executive branch of government was heavily dominated by the Emperor.

4. Judicial Branches

The traditional courts of law were formally institutionalized by the 1931 constitution. According to the constitution, there were two separate systems of courts, known as, **Regular Courts**; and **Administrative tribunals**. The former deals with civil and criminal cases. The Administrative Tribunals handle civil cases that affect the government. At the top of the court system was **Emperor's Chilot (YenigusChilot)** where the emperor in person reviewed cases, and if necessary, change judicial decisions. The highest judicial power was in the hands of the Emperor.

The Revised Constitution of 1955

After nearly 25-year experiment of written constitution, Ethiopia entered in to the second phase of its constitutional development. The political principles and objectives of the 1955 constitution were much clearer in pronouncing the powers and functions of the Imperial government than its predecessor. It included some provisions bearing advanced democratic ideas compared to the previous written constitution.

Like the constitution of 1931, however, the revised constitution did not involve popular process for ratification. Indeed it was “gift” from the Emperor to his subjects on the occasion of celebrating his twenty –five years in power, i.e. silver jubilee.

In terms of enhancing popular sovereignty, the principles and manners of implementing the revised constitution made little or no progress.

There were major historical and political processes that forced the revised constitution to come into being. One of the essential prerequisites for constitutional revision was the act of federation of Eritrea with Ethiopia in 1952. Eritrea that had been under Italian colonial rule for decades, and latter under the British protectorate, was federated with Ethiopia following the decision made by United Nations (UN) General Assembly.

Under the supervision of the United Nations, the Eritrean constitution of 1952 was drafted providing a separate system of government for Eritrea under the sovereignty of Ethiopian crown.

The federation of Eritrea, therefore, created abnormal political situation. **Firstly**, *the federal act was not strictly federal in its nature; Ethiopia remained a unitary state with absolute rule of an Emperor, while Eritrea obtained an entirely different government.* In other words, there emerged two separate governments, based on entirely different principles i.e. elected government in Eritrea and an absolute monarch in Ethiopia. Thus, both were exercising different powers over the same territory. **Secondly**, *in its nature, the Eritrean constitution implied a more liberal government that incorporated some element of democratic society.* Thus the Emperor saw it necessary to settle this political anomaly by granting the revised constitution of 1955. Moreover, it was also required to redress the inadequacies of the 1931 constitution to cope up with the social and political dynamics of the period.

As far as the content and issues addressed are concerned, the revised constitution maintained some of the basic principles of the 1931 constitution. However, it incorporated some new concepts, and it was much more elaborated than its predecessor. It has 131 articles divided in to eight chapters. The first two chapters, comprising nearly one third of the articles, were concerned with defining the power and authority of the Emperor and privileges of the imperial family. Only one chapter was reserved to deal with some rights and duties of the people. Its undemocratic character can simply be inferred from the Emphasis given to the Authority of the Emperor. It further developed the centralizing and “modernizing” themes of the 1931 constitution.

The Revised Constitution more strongly established the Absolute power of the monarch. It declares the “inviolability of the emperor’s dignity”. He could appoint and dismiss the prime minister and other ministers, judges, diplomats, and other government officials in all branches of government as he wished. The emperor also had the power to dissolve the parliament. Any law could not come in to effect unless he approved it. He was also provided with co-legislative functions. Besides members of the parliament, only the emperor had the right to submit proposals; and proposals approved by both house of parliament were not law unless and until signed by him. Thus, the emperor has veto power on legislation and when parliament was not in session the government issued imperial decrees. The emperor was not only commander in chief of the army forces but was constitutionally empowered to meet threats to the defense or integrity of the empire. The emperor

exercised supreme direction in the foreign relations of the empire and alone conferred and withdrew titles of prince and other honors and instituted new orders. Moreover, his power also extended to the extent of determining the administrative affairs of the church itself. In short, the 1955 revised constitution made the powers and authority of the Emperor absolute and complete in the Ethiopian state and society. In contrast, little significance was attached to the need to guarantee political and human rights of the Ethiopian people through protecting individual rights in terms of property, life and private affairs. However, in practice the mechanisms for implementing these limited rights were largely absent. There were no effective means for representing and reflecting the needs and interests of the people in the government. In the practical sense, Ethiopian people were still considered as merely subjects of the Emperor. Although the revised constitution of 1955 was a step forward in the history of constitutional development in Ethiopia, in effect it failed to lay down a democratic tradition in the Ethiopian political process.

In the end, it is possible to identify some progressive elements, which were included in the Revised Constitution of 1955. These were the following:

1. It gave at least textual recognition to rights and liberties of citizens, which included rights such as freedom of speech, freedom of press, freedom of assembly, and people's participation in election of the members of chamber of Deputies. But, there was no observance (enforcement) of these provisions of rights and freedoms of individuals in practice at all. It was only paper value to ordinary Ethiopians.
2. The Chamber of Deputies was made to have the power, at least in textual sense, to question the ministers with the view to hold the government accountable.

The Constitution of Peoples Democratic Republic of Ethiopia (PDRE) (1987-1991)

By the mid-1970s, the undemocratic system of the Imperial government came under socio-political challenges and crises that led to its ultimate collapse. The continued social, economic and political crises led to the outbreak of the Ethiopian revolution in 1974 which has resulted in the deposition of Emperor Haile Selassie from power.

In order to deepen its power, the Derg established its single party, the Workers' Party of Ethiopia (WPE) in 1987. This has marked the transition from no party system to the one party system in

Ethiopia. Nevertheless, this did not give rise to democratic orders. Through eliminating or weakening internal opposition, the Derg moved on establishing the Peoples' Democratic Republic of Ethiopia (PDRE).

The PDRE constitution differed from the previous constitutions in some ways. **It was drafted by a constitutional commission** through a program of public "consultation". **It was later on ratified by the name of a popular referendum** to provide it pretext of broad participation. However, the discussions were not effective as planned because the public was in the state of insecurity and intimidation. Discussions were carried out on matters of peripheral importance and nobody dared to express his/her opinion on issues of central importance such as political and ideological matters. The overall objective of the 1987 constitution was the establishment of a proletarian dictatorship under the WPE. Following that the constitution put all three branches of the government under the strict control of the party.

Under the 1987 constitution there was no separation of powers but unity of power following one of the basic principles of socialist constitutionalism. In the PDRE years power was totally in the hands of Mengistu Hailemariam and/or the WPE but allowing separation of functions only. In other words, what is desirable in a socialist set up is the delineation of the competence and practical activities of the different state organs and not separation of powers used in the capitalist political system.

The PDRE constitution has divided the unified state power among the National Shengo, the Council of State, and the President of the Republic and Shengos of the Administrative Autonomous Regions. Theoretically, the National Shengo was the most important organ exercising the most significant functions of the state of the PDRE. Accordingly, the working people exercise their power through the National Shengo and Local Shengos they established through election. The authority of other organs of the state shall derive from these organs of state power. Thus, the National Shengo was the supreme organ of state power through which the sovereignty of the working people would be manifested.

The council of state was meant to be an organ of state power functioning as a standing body of the shengo. The council was given the power, *inter alia* to ensure the interpretation and implementation of the constitution including other laws; ratify and denounce international treaties; grant amnesty, citizenship, and political asylum; and to issue special decrees between sessions of the National Shengo. *The President of the Republic was to be elected by the National Shengo*, and vested with broad powers. He was the head of state representing the Republic at home and abroad as well as the commander in chief of the Armed forces.

Matters pertaining to citizenship and fundamental freedom, rights and duties of citizens were given better coverage in the 1987 PDRE constitution compared to the way they were treated under the previous constitutions. To mention but few of the concerns, irrespective of their nationality, sex, religion, occupation, social or other status the constitution has provided that Ethiopians are equal before the law. This equality was to be manifested through equal participation in political, economic, social and cultural affairs. Moreover, the constitution came up with women's rights which until then had never been reflected in Ethiopian constitution. It also set the duty to provide women with special support particularly in education, training, and employment so that they participate in political, economic, social, and cultural affairs on equal basis with men.

Contrary to the previous constitution, the 1987 PDRE constitution explicitly states the separation of state and religion. So it appeared to be a meaningful solution to problem related to inequalities among nationalities in Ethiopia. The establishment of the Institute of Nationalities was assumed by many as a prelude and by the Derg to ending the civil wars. However, the most the Derg could offer was **regional autonomy**, as is unable to implement genuine decentralization of governance.

The 1995 Constitution of FDRE

The constitution affirms that the peoples of Ethiopia are the source of sovereignty and that this sovereignty is expressed through this constitution. It explicitly states the rights and duties of the federal government as well as the prerogatives and obligations of the regional states. It clearly declares the areas that purely fall under the jurisdiction of the federal government and that of the

regional states as well as their concurrent powers. It also states the political power shall be held through periodic, fair and free elections, which entitles the Ethiopian citizens to exercise their human, democratic, political, social and economic rights and freedoms. For this it recognizes and affirms fundamental human rights and freedoms in conformity with the United Nations Universal Declaration of Human Rights and other international human right instruments.

The constitution dictates that any official or governmental body shall not exercise power arbitrarily. Officials and governments at all levels are to be held accountable to their people and responsible for their actions and decisions. If the people lose confidence on their elected representatives they have a constitutional right to recall them at any time.

The constitution established a parliamentary system of government and divides the legislative, executive and judicial powers among the parliament, council of Ministers and the independent Judiciary. Let us now examine the structure of the Ethiopian government under the Federal Constitution. But, before that let's spend some time on the stages the FDRE Constitution goes through in its formulation and the major objectives, of the constitution and other related issues and more points about the FDRE Constitution.

Principles of the 1995 FDRE Constitution

- ♣ The Principle of the full respect of the fundamental democratic and Human rights of the Citizens at individual and collective levels; and
- ♣ The principle of living together. i.e. the principle of peaceful co-existence on the basis of equality and without any ethnic, cultural, political, religions, gender, social status, or any other form of discrimination.

Features:

The 1995 FDRE constitution has the following features:

1. System of Federalism

2. Recognition of diversity - Ethiopia is a home of various Nations, Nationalities and peoples; and hence unity is to be conspicuously and essentially founded on this diversity.

3. Provisions of Basic /fundamental Democratic and Human Rights.

4. The Principle of Unity based diversity to be based on Equality Justice and rules of law.

5. Ethnicity as a major component is officially empowered- Utmost Significance is given to the Ethno-linguistic components of the Ethiopia Society.

6. Parliamentary Democracy- The use of parliamentary democracy assumes the exercise of freely and fairly contested, periodic elections and representative assembly or assemblies.

7. The Right to Self-determination up to Secession

8. State Ownership of Land- the right to ownership of rural and urban land is exclusively vested up on the state and up on the peoples of Ethiopia. *“Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or other means of transfer.”*

9. Equality of languages and their practical application in government- *“all Ethiopian Languages shall enjoy equal state recognition.”*

10. Constitutional Interpretation- i.e. the highest authority, of interpreting the Constitution is vested up on the House of Federation

Chapter Five

5.1. Over view of Ethics and Ethical theories/school of thoughts

Within the broad categories of deontological and teleological ethics, philosophers have developed five basic approaches to values to deal with moral issues. **Teleological** theories give priority to the *good over the right and evaluate actions by the goal or consequences that they attain*. The term “teleological” is derived from the Greek word “telos” which means *end or goal*. Thus, right actions are those that produce the most or optimize the consequences of one’s choices, whereas wrong actions are those that do not contribute to the good. **Deontological theories** argue for the priority of the right over the good or the independence of the right from the good. “Deontological” is also derived from the Greek word, “deon”, which **means obligation**. Actions are intrinsically right or wrong regardless of the consequences which they produce. The “right” or ethically proper action might be deduced from a duty or a basic human right, but it is never contingent on the outcome or the consequences of the action. Deontological theories include both duty-based and rights-based approaches to ethical reasoning. These are sometimes referred to as pluralism and contractarianism.

This section will describe some of the competing ethical theories and frameworks and how they might be applied to solve certain practical moral problems:

1) The Utilitarian Approach

Utilitarianism - maximizing good for the greatest number of people - was conceived in the 19th century by Jeremy Bentham and John Stuart Mill *to help legislators determine which laws were morally best*. Both Bentham and Mill suggested that ethical actions are those that provide the *greatest balance of good over evil*. The ethical choice is the one that produces the *greatest excess of benefits over harm*. **An action or policy is right if it produce the greatest net benefits or the lowest net costs**. “Utility”– refers to the net benefits (of good) created by an action. **Moral principle of utilitarianism is persons ought to act in a way that promotes the maximum net expectable utility, i.e., the greatest net benefits or the lowest net costs, for the broadest community affection by their actions.**

Utilitarianism argues that the consequences of an action make that action either moral or immoral. An action that leads to beneficial consequences is right or moral; one that leads to harmful consequences is wrong or immoral. Utilitarianism is known as a **consequentiality theory**.

To analyze an issue using the utilitarian approach, we **first** identify the various courses of action available to us. **Second**, we ask who will be affected by each action and what benefits or harms will be derived from each action. And **third**, we choose the action that will produce the greatest benefits and the least harm. The ethical action is the one that provides the greatest good for the greatest number.

2.The Rights Approach

The second important approach to ethics has its roots in the philosophy of the 18th-century thinker Immanuel Kant and others like him, who focused on the individual's right to choose for herself or himself. According to these 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. These rights may include free choice, dignity, equality, truth, privacy and the right**

not to be injured. Ethical behavior ground in a rights approach protects people from having their rights harmed by the actions of others.

Of course, many different, but related, rights exist besides this basic one. These other rights (an incomplete list below) can be thought of as different aspects of the basic right to be treated as we choose.

- The right to the *truth*: We have a right to be told the truth and to be informed about matters that significantly affect our choices.
- 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.
- The right *not to be injured*: We have the right not to be harmed or injured unless we freely and knowingly do something to deserve punishment or we freely and knowingly choose to risk such injuries.
- The right to what is *agreed*: We have a right to what has been promised by those with whom we have freely entered into a contract or agreement.

In deciding whether an action is moral or immoral using this second approach, then, we must ask, 'Does the action respect the moral rights of everyone?' Actions are wrong to the extent that they violate the rights of individuals; the more serious the violation, the more wrongful the action.

3. The Fairness or Justice Approach

The fairness or justice approach to ethics has its roots in the teachings of the ancient Greek philosopher Aristotle, who said that "**equals should be treated equally and unequal should be treated 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 shows **favoritism and discrimination**? Favoritism gives benefits to some people without a justifiable reason for **singling** them out; discrimination imposes burdens on people who are not different from those on whom burdens are not imposed. Both favoritism and discrimination are unjust and wrong. The ethical choice is the one that treats everyone the same and does not show favoritism or discrimination.

Aristotle, an ancient Greek philosopher, divided the concept of justice into three types: 1) distributive justice, 2) retributive justice, and 3) compensatory justice. **Distributive justice**, perhaps the most basic kind, concerns the division of benefits and burdens among individuals. These must be distributed fairly. **Retributive justice** concerns what form of "retribution," or punishment, should be imposed on someone who has done wrong. When we say, the punishment must fit the crime; we are calling for retributive justice. **Compensatory justice** refers to what kind and amount of compensation someone should receive if they have been *wronged*. Again, we tend to think that compensation should in some way be *proportional to the degree of damage* that has been done to them. **The greater the wrong or the greater the damage, the greater should be the compensation.**

The principle of fair equality of opportunity obviously means that all forms of racial, sexual, nationality and other forms of discrimination are unjust. It also means that everyone must be provided the same opportunities to **qualify** for the best jobs and positions. Everybody must be given access to the training and education necessary for success in any competition for favored employment. The principle of fair equality of opportunity, states that everyone has to get an equal opportunity to obtain the most privileged positions and offices in society or in a just institution of that group.

4. The Common-Good Approach

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.** The common good is a notion that originated more than 2,000 years ago in the writings of Plato, Aristotle, and Cicero. More recently, contemporary ethicist John Rawls defined the common good as "certain general conditions that are...equally to everyone's advantage."

The Common Good Approach believes that all actions / decisions should benefit the life of the community. In this approach, we focus on ensuring that the social policies, social systems, institutions, and environments on which we depend are beneficial to all. Examples of goods

common to all include affordable health care, effective public safety, peace among nations, a just legal system, and an unpolluted environment. Appeals to the common good urge us to view ourselves as members of the same community, reflecting on broad questions concerning the kind of society we want to become and how we are to achieve that society. While respecting and valuing the freedom of individuals to pursue their own goals, the common-good approach challenges us also to recognize and further those goals we share in common. When acting from a common good point of view you need to be aware of how your actions will effect or benefit the community at large.

5. The Virtue Approach

The virtue approach to ethics assumes that there are certain ideals toward which we should strive, which provide for the full development of our humanity. These ideals are discovered through thoughtful reflection on what kind of people we have the potential to become.

Virtues are attitudes or character traits that enable us to be and to act in ways that develop our highest potential. They enable us to pursue the ideals we have adopted. Honesty, courage, compassion, generosity, fidelity, integrity, fairness, self-control, and prudence are all examples of virtues. Virtues are like habit; that is, once acquired, they become characteristic of a person. Moreover, a person who has developed virtues will be naturally disposed to act in ways consistent with moral principles. The virtuous person is the ethical person. The ethical choice is the one that best reflects moral virtues in us and our community.

In dealing with an ethical problem using the virtue approach, we might ask, what kind of person should I be? What will promote the development of character within myself and my community?

5.2. Selected issues in Applied Ethics

➤ Development Ethics

The notion of “Development” is as equally a moral issue/concept as it is political, legal and economic. Therefore, from the point of view of the study of ethics/morality, there are a number

of development related questions /issues that are worth of discussion and analysis. For instance, one might legitimately ask questions like;

- In what direction and by what means should a society 'develop'?
- Who is morally responsible for beneficial change?
- What are the moral obligations, if any, of rich societies to poor societies? Etc. In fact , if some is a development ethicist, he /she might even go as far as asking the following more deeper and wider questions;
- What should be counted as good or bad development?
- What controversial moral issues might emerge in development policymaking and practice and how should they be resolved?
- How should the burdens and benefits of development be distributed?
- What are the most serious local, national and international impediments to good development? And the like.

At the heart of all the above questions is therefore a moral concern to find out sources for moral assessment of theories and practices of development that exist today and thereby prescribing a morally better way outs for future development. This being the case, studying development ethics would be extremely crucial to identify major areas of moral consensus and controversy on practicing and defining development and eventually develop shared general parameters for ethically based development. As their points of convergence, almost all development ethicists first underline that development practices and theories have **ethical and value dimensions** hence they must be approached accordingly during analysis of support and criticism. Second, although development is multidisciplinary lacking precise definition they tend to agree on its minimum understanding **as reducing human deprivation and misery** particularly in the material sense. Third, a consensus exists also on the fact that development planners should seek **strategies in which both human well-being and a healthy environment jointly exist** (i.e. the issue of sustainable development). A fourth and recently evolving area of agreement is that development strategies must **be contextually sensitive**. This is so because what constitutes the best means of development depends on a society's history and stage of social change as well as on regional and

global forces. For instance, some might prefer state provisioning while others market mechanisms. Neither could be absolutely bad or good.

Despite all the above points of agreement, however, there **are several controversies and unsettled issues** on conceptualization and practice of development. This controversy starts with **scope of development ethics itself**. Development ethics' initial concern was assessing the development ends and means of poor societies (third world societies). The question is should it now go beyond this, there is no consensus. The same trend of controversy exists on how to deal with **kinds of currently existing North-South(and South-South) relations and their effects on economic and political power gaps**. Development ethicists also are divided the moral norms that they seek to justify and apply. Three positions have emerged in this regard. *Universalists*, such as utilitarians and Kantians, argue that development goals and principles are valid for all societies. *Particularists*, especially communitarians and postmodern relativists, however argue that universalism masks ethnocentrism and (Northern) cultural imperialism. Instead, particularists support what can be called procedural principle which asserts that each nation or society should grow only on its own traditions and decide its own development ethic and path. The third approach in this respect tries to avoid the extremism between the first two positions stating that development ethics should forge *a cross-cultural consensus* in which a society's own freedom to make development choices is one among a plurality of fundamental norms and in which these norms are of sufficient generality so as not only to permit but also to require sensitivity to societal differences. The above debate in short was on issue of procedure of development-how is it to be brought about? How about on its contents? There is also an ongoing debate about how development's benefits, burdens and responsibilities should be distributed within poor countries and between rich and poor countries. Utilitarian's prescribe simple aggregation and maximization of individual utilities. Rawlsians advocate that income and wealth be maximized for the least well-off (individuals or nations). Libertarians contend that a society should guarantee no form of equality apart from equal freedom from the interference of government and other people. Capability ethicists defend governmental responsibility to enable everyone to be able to advance to a level of sufficiency.

Development ethicists also differ with respect to whether (good) societal development should have- as an ultimate goal—the promotion of values other than the present and future human good. Some development ethicists ascribe intrinsic value, equal to or even superior to the good of individual human beings, to human communities of various kinds, for instance, family, nation or cultural group. Others argue that nonhuman individuals and species, as well as ecological communities, have equal and even superior value to human individuals. Those committed to 'eco-development' or 'sustainable development' do not yet agree on what should be sustained as an end in itself and what should be maintained as an indispensable or merely helpful means. Nor do they agree on how to surmount conflicts among intrinsic values.

In sum, it is the existence of all the above complicated development oriented ethical issues that directly or indirectly and positively or negatively affect the life of every one of us that justifies studying development ethics via interdisciplinary and cross-cultural dialogue so that we all could deepen and widen the current consensus and then apply ethical wisdom to enhance human well-being and international development.

➤ **Environmental Ethics**

Environmental ethics is the discipline that broadly studies the moral relationship of human beings to the environment. From the perspective of morality study it covers the challenge of environmental ethics to the anthropocentrism (i.e., human-centeredness) and vice versa. More specifically, there are many ethical decisions that human beings make with respect to the environment. For example:

- Should individuals continue clearing forests for various consumption purposes?
- Should individuals continue making gasoline powered vehicles?
- What environmental obligations do individuals need to bear for future generations?

Is it right for humans to knowingly cause the extinction of other species for their own convenience? etc. With a view to develop answers to the above moral questions on environment, three general ethical approaches have emerged over the last 20 years. The following technical terms can be used to describe the approaches: *Libertarian Extension*,

Ecologic Extension and Conservation Ethics. According to *libertarian extension* approach, the value of liberty must be echoed when we deal with environment to. (i.e. a commitment to extend equal rights to all members of a community). The approach defined community as consist of both non-humans and humans. In view of *ecologic extension* approach, however, emphasis must not be placed on human rights on the recognition of the fundamental interdependence of all biological and abiological entities. The point here is that as planet is unified entity the human race alone is of no particular significance in the long run. Finally, supporters of *conservation ethics approach* on the other hand tend to look at the worth of the environment in terms of its utility or usefulness to humans .i.e the approach argues for the preservation of the environment as long as it has extrinsic value to humans (it is instrumental to the welfare of human beings).In other words, conservation must be understood as a means to an end and purely concerned with mankind and intergenerational considerations. It is this ethic that has been also widely pronounced at the Kyoto environment summit of 1997 and the three agreements reached in Rio in 1992. How about in Copenhagen and the coming Cancun conference? What are the main agendas? What are the main arguments and counterarguments? Etc. (issues for discussion).

➤ **Professional ethics**

Profession has now become a very popular term in almost all world countries/societies including Ethiopia partly due to new developments in the relations between citizens and government as well as citizens and citizens in the ethical sphere. What then are profession and professional ethics? The concept profession, though it may mean different things under different contexts, can be generally defined as a systematic way of acquiring and continuous development of a balanced combination of 1) *Training* (here to mean a formal, rational, systematized and scheduled activity to transfer knowledge from the trainer and the environment to the trainee), 2) *Specialty/expertise* (here refers to a situation in which the trainee ends up with being an almost irreplaceable one/a referent point in a specific field), and 3) *Full time activity and source of livelihood* (to mean that the individual now becomes fully engaged in the application of the knowledge so gained on full time arrangement and that has to be the major source of his/her

income). This definition in turn provides us with the following distinguishing features of a profession;

- *Technicality/specialty/particularity*: which refers to having a knowledge and skill about parts of a whole regarding specific procedures in the operations of things, the specific rules governing operations and relations that should be kept along the general process;
- *Service delivery/relationality*: any profession has the ultimate purpose of rendering some sets of services for individuals, groups or the state;
- *Decision making*: This feature follows from the above because every service delivered to the people is directly or indirectly a decision made by a professional. For instance, a patient who goes to the hospital may be told by the nurse that he will undergo medical operation. This is a professional decision made by the doctor as a professional and hence cannot be shared by any other people inside or outside. Similarly, to give some professional advice to a political leader at any level of government is by itself a decision because it involves influence over the options before the leader. In precise terms, the professional is there to give decisions and decisions are the integral part of service delivery. Any professional decision is an official response of the government to the demand of a citizen who needs the service. It may be a decision to give the service on demand or it may be a rejection due to some failure in the process or it may be a post-phoning until some preconditions are met by the service seeker; And

Complementarities: specialty and particularity cannot be the end points of a profession in this dynamic and interconnected world requiring vast knowledge and skill in order to resolve a long list of social problems widening ever and ever. As such, there can never be an encyclopedic type of profession which contains all needed professional services by the people. This is so because an average citizen may demand a dozen of services at one time as a matter of right. For example, a man who wants to build his house may need service from a planner, then an architect, then a consultant, then a banker then a designer and so on. It is thus becomes clear that all these services cannot be full field at one instant and

location as they are fragmented and naturally belong to different professionals. This necessitates for the Complementarity of all professions.

From all the above discussions about profession and its salient features one can safely argue that if someone does not possess a combination of the above defined elements of profession in their right balance and with the stated distinguishing features then he/she is better considered as having been engaged not in profession but rather amateurism - a condition in which someone might earn life by engaging in activities where he/she has no formal/regular training and clearly defined area of expertise. Furthermore, it can be generally argued that a good profession is a whole time self-education once the fundamental knowledge are gained from formal educational institutions because these are beginnings for a more tiresome and difficult development of personality by one's own continued efforts.

Building on the definition of profession, professional ethics can also be generally defined as ethics that enables professionals of different fields to distinguish what is right from what is wrong using morality as standard of evaluation and thus judge on their actions and behaviors. It follows that Professionals are expected to behave and act in accordance with the codes of conduct each profession demands. In other words, professional ethics is concerned with the moral issues that arise because of the specialized knowledge that professionals attain, and how the use of this knowledge should be governed when providing a service to the public. What this in turn implies is that a meaningful discussion of professional ethics is almost impossible in the absence of the concept of professional responsibility attached to it. i.e. a professional carries additional moral responsibilities to those held by the population in general. This is because professionals are capable of making and acting on an informed decision in situations that the general public cannot as the latter have not received the relevant training. For example, a layman member of the public could not be held responsible for failing to act to save a car crash victim because he/she could not give an emergency medical treatment. This is because he/she does not have the relevant knowledge. In contrast, a fully trained doctor with the correct equipment and thus capable of making the correct diagnosis and carrying out the procedure did wrong if he/she stood by and failed to help in this situation. On the other side, this additional knowledge comes to the professional with authority

and power. i.e. the clients places trust in the professional on the assumption that the service provided will be of benefit to them though. It is also quite possible for the professional to use this authority to exploit the client. An example here can be the case with a medical professional who undertakes unnecessary treatment on his patients in order to gain more money. It is likely that the patient will not have sufficient knowledge to question what is being done, and so will undergo and pay for the treatment. It is situations like this that make the study of professional ethics-professional responsibilities nexus justifiable and valuable.

As in all areas of human life, there are values of good and bad in the professional world too. A professional is first and for most never an angel simply because he/she is of a specialty of the most desired type. A professional is a human being as anyone with all human strengths and weaknesses though with a strong tendency to modify them through rational thinking which the training he/she supplied. Secondly, a professional is a citizen with a set of specified rights and obligations shared with all other citizens regardless of educational standing and income level. This brings additional duty to the professional to be integrated in to his mission and goal as a professional. Thirdly, a professional is a member of one of the cultural groups of the society with he/she shares commonality in language, religion, culture, and psychological make-up and thus it is natural for him/her to develop tendency to have some kind of bondage. i.e. he/ or she feels what other members of his/her cultural group members feel and strongly tempted to respond somehow to pressures from the groupings. Fourthly, a professional is a citizen with an exceptional knowledge and capacity which is not shared with all citizens and cultural groups.

Therefore, a professional is over stretched by a long list of socio-economic, cultural and political factors nationally and internationally. For example, since all professional are either male or female in their sex varied experiences are encountered every day simply because there is a difference in sex. Similarly, a professional might be born in to low income families, urban business or state servant family or from a farmer which has a great bearing on his/her psychological set up and on later professional activities. Because of all the above settings, a professional is then probably the most vulnerable citizen to morality and moral rules due to the especial multiple roles he/she is expected to play among the society. Therefore, an in-depth study and understanding of

professional ethics and the universal as well as profession specific principles with in the field becomes imperative. Otherwise, professions which are basically creations of a need to give public service would be inefficient and ineffective in doing so once they are deficient of knowledge and practice of some established standards of Professionalism.

Some Selected Fundamental Codes / Principles of Professional Ethics

Although different professions may have different codes of ethics (example, the Hippocrates oath in the case of Medicine profession) by which respective professionals' actions and behaviors are judged as right or wrong, there are also common codes of ethics applicable across professions. The followings are therefore some of the fundamental codes of ethics universally applicable for all professions:

Punctuality: a state of being strictly observant of an appointed or regular time. It is a belief that across all professions a worker must always be on time both to come to work place and during the entire work process.

Honesty and Integrity: refers to the art of telling the truth. Employers/ institutions expect their workers to be honest. Thus, when someone is employed somewhere for a certain job of a given profession, he/she has already entered agreement to his time, knowledge and skill to an institution and hence his/her time, skill and knowledge do not solely belong to him/her but also the institution. So, there is a need to be honest on how to use these resources.

Confidentiality: a desired tendency of a professional to keep some information that should be kept secret. For example, in the case of medical profession this would entail that a nurse/doctor has to keep secret all the information regarding patients.

Impartiality (Non-Partiality): an ethical condition in which a professional is expected to treat all clients equally during service delivery without any forms of discrimination. Example a teacher (an instructor) should treat his/her students equally on the basic of their academic performance or achievement regardless of their respective sexual, ethnic, religious etc. grounds.

5.3. Overview of civic virtue: Civic disposition and Civic commitments

It is viewed that the citizen committed to civic virtue as one who watches both sets of values-those of the public good and those of freedom, diversity, and individual rights and who acts on the basis

of the best informed judgment that profoundly study and active participation can be provided. It is believed that civic virtue embraces rational thinking and acting in such a way that individual rights are viewed in light of the public good and that the public good includes the protection of individual rights. Whether one prefers to stress balance, equilibrium, or tension between these traditions, or views them as a blend, mixture, or tapestry it is believed that the effort to identify and understand their ingredients is the first major step toward the practice of civic virtue which is described in terms of civic dispositions and civic commitments which are two important characteristics required from citizens in democratic society.

1. Civic Disposition: refers to habits or characters of citizens that are conducive or helpful to healthy functioning and common good of democratic system. It includes all the behaviors and actions that are good, desirable and acceptable. Such behaviors and habits are expected from responsible citizens. Some of civic dispositions are the following:

- **Civility:** is a polite way of acting or behaving towards others. It is the need to respect others. Civility includes respect and politeness to those with whom one may disagree. Civility requires you to respect the rights of those who are in dispute with you. It is a way of peaceful living and co-existence with others.
- **Self-Discipline:** acting and behaving according to some acceptable standards without external controls and impositions.
- **Individual Responsibility:** fulfilling duties or obligations of citizenship. As we would like to demand and enjoy our rights and benefits, we should also be ready to discharge the responsibility that is expected from us.
- **Civic Mindedness:** It is readiness and desire to give concern to public interest. Civic mindedness is a commitment to give priority to the common good than our private interest. It is unselfish behavior that enables us to do good and make sacrifice ourselves to the society and to our nations.
- **Open mindedness:** It refers to our willingness to listen to the ideas, views, and arguments of others. It is the tolerance we show to carefully examine what others say or suggest. It is also our ability to express what we feel what is in our mind.

- **Compromise:** It is one form of behavior that should be observed in settling conflict peacefully. It involves the readiness and willingness to spare something on both sides of the conflict in favor of the peaceful resolution of the problem and its outcomes. It requires giving up some of our position or interests. However, compromise never allows abandoning basic principles and interests.
- **Tolerance:** it is the ability and willingness to accommodate differences in ideas, out looks, views, etc. Tolerance is the heart of peaceful co-existence in diversity. The first important step in tolerance is to positively accept diversity itself as it is. Tolerance involves recognizing, appreciating, and being patient with, others views, ideas, languages, beliefs, etc.
- **Honesty:** It is the behavior and attitude of not telling and not accepting lies. It is a habit of not cheating or stealing. Honesty is being free from corruption and dishonesty.
- **Patriotism:** patriotism is one of the most valuable responsibilities expected from competent and responsible citizens. The attributes of patriotism includes:
 - Constitutional patriotism
 - Tolerance and culture of peace
 - Respect for national symbols and a search for true history
 - Safeguarding the country's security
 - Conscientious objectors- this refers to persons who refuse to participate in active military activities for reasons of morality, religion and other forms of personal beliefs and opinions.
 - Keeping states secrets
 - The case of whistle blowers- whistle blowers are people who expose wrong doings, unethical activities or criminal acts happenings in their companies, government, neighborhoods and other forms of organizations without identifying themselves as a source.

2. Civic Commitment: is an active participation of citizens for their personal as well as the common good in a democracy. It is the expressed devotion of citizens for the implementation of the fundamental principles of democracy.

