

HAWASSA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE
DEPARTMENT OF CIVICS AND ETHICAL STUDIES
COURSE MATERIAL FOR MORAL AND CIVICS EDUCATION

COURSE TITLE – MORAL AND CIVICS EDUCATION

COURSE CODE - MCED – 1011

CREDIT HOUR – 2 HOURS

PROGRAM – REGULAR

INSTRUCTOR – KEDIR ABDALLA (MA IN PEACE AND CONFLICT STUDIES)

- Tel – 0916469355 - Email – kedirabdalla@yahoo.com

COURSE DESCRIPTION

This module is organized into five chapters. The first chapter deals with the definition of concepts and terms, differences between civics and ethics, goals of civics and ethics as well as competences of a good citizen. The second chapter presents the major rival theories and perspectives on ethics and morality. The third chapter dwells with ethical decision making and the justification behind the moral judgments, while chapter four contains about the concepts of citizenship, state and government particularly the state structures and theories of state, systems of government, theories of citizenship, ways of acquiring and losing citizenship and the interplay between citizens, state and government and final fifth chapter deals with constitution, human rights and democracy.

COURSE OBJECTIVES

After the successfully completing of this course, a student teacher will be able to:

- Conceptualize what morality, ethics and civics mean.
- Comprehend the goals of civics and ethics as well as the competences of a good citizen.
- Discuss the relations between society, state and government.
- Differentiate federal state structure from unitary and discuss the advantages and disadvantages of the state structures.
- Discuss the processes of modern Ethiopian state formation and nation building.
- Comprehend the features of Ethiopian federalism.
- Conceptualize constitution, its classification and unique features.
- Define the term human rights, the unique features and its classifications.
- Differentiate the teleological, deontological and virtue theories.

COURSE CONTENTS

1. CHAPTER ONE: UNDERSTANDING CIVICS AND ETHICS

⇒ Defining Civics, Ethics, Morality

- ⇒ Civic Education
- ⇒ Nature of Ethics and Morality
- ⇒ Ethics and Law

2. CHAPTER TWO: APPROACHES TO ETHICS

- ⇒ Normative Ethics
- ⇒ Non-Normative Ethics/Meta-ethics

3. CHAPTER THREE: ETHICAL DECISION MAKING AND MORAL JUDGMENTS

- ⇒ How Can We Make Ethical Decisions And Actions?
- ⇒ To Whom or What Does Morality Apply?
- ⇒ Who is Morally/Ethically Responsible?
- ⇒ Why Should Human Beings Be Moral?

4. CHAPTER FOUR: STATE, GOVERNMENT AND CITIZENSHIP

- ⇒ Understanding State
- ⇒ Rival Theories of State
- ⇒ The Role of the State
- ⇒ Understanding Government
- ⇒ Understanding Citizenship

5. CHAPTER FIVE: CONSTITUTION, DEMOCRACY AND HUMAN RIGHTS

- ⇒ Constitution
- ⇒ Constitutionalism
- ⇒ The Constitutional Experience of Ethiopia: Pre and Post 1931
- ⇒ Democracy and Democratization
- ⇒ Human Rights: Concepts and Theories

CHAPTER ONE: UNDERSTANDING CIVICS AND ETHICS

A Seed will only become a flower if it gets sun and water.

- *Louis Gottschalk.*

1.1. Defining Civics, Ethics, Morality

⇒ Civic Education

- The subject assumed different names and purposes based on countries' ideologies & definitions vary across States.
- Hence, it is Right Education in RSA, Citizenship Education in USA & Germany, Character Education in Singapore and Civics and Ethical Education in Ethiopia).
- In most, civic education studies about rights and responsibilities of citizens or politically organized group of people.
- It is learning for effective participation in a democratic and development process.
- It is the process of helping young people to be competent and responsible citizens.

⇒ Ethics

- ❑ **Ethics** is a branch of philosophy that attempts to understand people's moral beliefs and actions.
- ❑ **Ethics, or moral philosophy**, considers theories about what human beings are capable of doing and what they ought to do for living ethically good life.
- ❑ Ethics also explores the meaning and the ranking of different ethical values, such as honesty, autonomy, equality and justice.
- ❑ Ethics share commonality with law, religious belief, popular opinion and professional codes but it is broader and offers tools of its appropriateness can be evaluated.
- ❑ Occasionally, the term ethics is used interchangeably with morals. Business or medical ethics, for example, is generally synonymous with morals.
- ❑ In short, morality refers to the degree to which an action conforms to a standard of human conduct.
- ❑ Ethics refers to the study of values and what constitute good and bad human conduct. Hence, ethics is scientific study of morality.
- ❑ For purposes of understanding, though, we can view ethics as divided into two fields; normative ethics and non-normative ethics.

Generally, Ethics is:

1. The critical examination and evaluation of what is good, evil, right and wrong in human conduct (Guy, 2001).
 2. A specific set of principles, values and guidelines for a particular group or organization (Guy, 2001).
 3. Ethics is the study of goodness, right action and moral responsibility, it asks what choices
-

and ends we ought to pursue and what moral principles should govern our pursuits and choices (Madden, 2000).

⇒ **Morality**

- Of course, morality is a complex concept. Though it is one of most frequently used terms, it can mean different things to different people.
- Morality can be viewed from different perspectives and let us start with the simple definition of the word itself.
- Morality derived from Latin ***moralitas*** “manner, character, proper behavior”) refers to the concept of human action which pertains to matters of right and wrong.
- It can be used as generally accepted code of conduct in a society, or within a subgroup of society.
- Morality has been a topic of discussion for a very long time.
- **According to Socrates** “We are discussing no small matter, but how we ought to live” when issues of morality are discussed.
- Socrates is rightly asserted that morality is not a small matter. In Socrates’ words it’s “how we ought to live”.
- However, living in a multicultural Ethiopia, how we ought to live can be very complicated because of the diversity of culture that is vast and unique.
- Morality is the effort to guide one’s conduct by reason that is, to do what there are the best reasons for doing while giving equal weight to others interest who will be affected.
- It is important that in countries like Ethiopia, morality is shared as a common goal to ensure harmony and integrity.
- Morality is a more general term referring to the character of individuals and community.
- In other words, Morality is used to refer to what we would call moral conduct while ethics is used to refer to the formal study of moral conduct.
- It can be claimed that morality is related to praxis, but ethics is related to theory.

Morality is:

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

Ethics	Morality
It is the study of the code, standards or norm of human conduct and it is more theoretical and general one.	refers to the code of conduct one follows while ethics is the study of moral conduct or the study of the code that one follows
Ethics establish standards, norms, or codes to be followed by human beings are the study of morality, moral principles, and moral decision making.	is the conformity of human behavior to the established code of conduct .If an action conform to the established code, it is called moral ,if not immoral
Is the development of reasonable standards and procedures for ethical decision-making?	refers to the effort to guide one's conduct by reason while giving equal weight to the interests of each individual who will be affected by one's conduct
Is a set of rules of conduct, a code, a standard that govern what one ought to do.	Has to do with what one should do, all things considered, not what, in fact, any of us <i>will</i> so in a particular instance

⇒ Ethics and Law

- ✓ As against morals and ethics, laws are norms, formally approved by state, power or national or international political bodies.
- ✓ Many laws are instituted in order to promote well-being, resolve conflicts of interest, and promote social harmony.
- ✓ **However, there are several reasons why ethics is not law.**
 - **First**, some actions that are illegal may not be unethical. **Speeding is illegal.**
 - **Second**, some actions that are unethical may not be illegal. **Lying.**
 - **Third**, laws can be unethical or immoral. US had laws permitting slavery in the 1800s.
 - **Fourth**, we use different kinds of mechanisms to express, teach, inculcate, and enforce laws and ethics.
 - **Finally**, we use the coercive power of government to enforce laws. People who break certain laws can be fined, imprisoned, or executed but not for ethics.
 - Often we “punish” people who disobey moral or ethical obligations by simply expressing our disapproval or by condemning the behavior.

⇒ Goals of Moral and Civic Education

Civic education is a discipline that deals with virtue traits rooted in values of respect and culture of

tolerance to make individuals responsible and efficient.

In higher educational institutions, it is given with the aim of educating students about democratic culture, ethical values, rule of law, rights and duties of citizens.

These elements are imperative in the process of producing self-confident citizens who decides on issues based on reason.

It is also aimed at creating a generation who has the capability to shoulder family and national responsibility.

In order to understand the importance of ethics, ethics should be placed as a course in educational system.

Generally, the necessity of delivering the course emanates from:

i. The need to instill citizens about their rights and duties:

- ❖ The two phrases rights and duties co-exist with each other. For instance, the State has obligation to provide health care because citizens have the right to access.
- ❖ However, the State will be unable to ensure that citizens led a healthy life unless citizens themselves act responsibly with respect to their own health.
- ❖ Sastry et al. (2011) presented **four issues** to look the interplay between rights and duties.
 - **First, one's right implies the other's duty.** This means every right of an individual automatically imposes a duty on others.
For example, the right to freedom of movement imposes a duty on others not to interfere with the right of movement of any body, except regulated by law.
 - **Second, one's right implies one's duty to recognize similar rights of others.** This implies that every exercise of right is subject to restrictions.
For example, one has the freedom of speech and expression, but, at the same time, the exercise of free speech and expression in no way affects the rights of others.
 - **Third, one should exercise his rights for promoting social good.** If any person tries to misuse the rights, government has a duty to take appropriate legal action to prevent.
For example, if a person tries to abuse his right to freedom of speech and expression, the State can take legal action.
 - **Fourth, the State needs to take care of social and legal interests of all its individuals.**
As the State guarantees and protects the rights of everybody, one has a duty to support the State in its legal endeavors.
Therefore, there is no doubt that there must be a balance between citizenship rights and obligations.

ii. The Need for Participant Political Culture:

➤ **Political culture** is the set of attitudes, beliefs, and sentiments which give order and meaning to a political process.

- It is the norms of conduct both of and between the various political actors operating in society, together with their expectations and understandings of rights and duties.
- Political culture shapes what people expect of their political system and what they see as possibilities for their own action.
- Generally, political culture defines the roles which an individual may play in the political process.
- Almond and Verba (1963) construct three political cultures: **parochial cultures, subject cultures, and participant cultures.**
- **In parochial cultures**, citizens have low cognitive, affective, and evaluative orientation of political systems, government functions and even their privileges and duties.
In such culture, the role of citizens is insignificant since individuals think of their families advantage as the only goal to pursue.
- **In subject cultures**, there is high cognitive, affective, and evaluative orientation towards the political system and policy outputs, but orientations towards input objects (like political parties) and the self as active participants are minimal.
Thus, orientation towards the system and its outputs is channeled via a relatively detached, passive relationship on the part of the citizen.
Subject cultures are most compatible with centralized, authoritarian political structures.
- **In participant cultures**, members of society have high cognitive, affective, and evaluative orientation to the political system, input objects, policy outputs, and recognize the self as an active participant in the polity.
Largely, it is most compatible with democratic systems because the qualities and attitudes of citizens determine the stability of country's democracy.
- Democracy can only thrive when citizens understand and participate actively in civic and political life but informed and educated participation is more important.
- However, there are many factors challenging the democracy and democratization process of countries including Ethiopia.
- Without citizens who possess these qualities, democracies become difficult to govern, even unstable.
- For this reason, civics and ethics has been given to inculcate these competencies upon learners and, in turn, advance and strengthen the democratization process.
- In active citizenship, also, participation is not restricted simply to the political dimension rather it also includes socio-cultural and environmental activities.
- Generally, the subject plays undeniable role in democratization process through solving societal problems, socializing and re-socializing individuals.

iii. The Need for Relevant Knowledge, Skills and Positive Attitudes:

- ♣ **Relevant knowledge** is a type of knowledge which is useful in dealing with a particular problem at a

period of time.

- ♣ However, knowledge would remain inert knowledge unless it is functional or put into practice to achieve a certain goal.
- ♣ Still knowledge would remain infirm if the person is not equipped with right attitudes and requisite skills to perform his/her role as a credible member of a society.
- ♣ Right attitudes are very essential ingredients needed to ensure harmony and peaceful co-existence among people.
- ♣ It is reasonable to claim that skillful manpower is a pre-requisite for every nation that wishes to develop.
- ♣ But skillful manpower without positive attitudes is result in counter production because vices like corruption, lateness and absenteeism will pop their ugly heads.
- ♣ For this reason, civics and ethics is acknowledged as an essential subject as useful cure for the 'social ills' often associated with young people.
- ♣ At the local community level, it is assumed that social and environmental problems can best be resolved through an understanding of what it means to be a citizen.

iv. The issue of fostering intercultural societies:

- ❑ The recognition of cultural diversity is certainly meritorious, but civics and ethics education could move a step forward by appealing to the notion of inter-culturalism.
- ❑ Beyond differences of semantics, civics is a useful instrument towards tolerating each other and nurturing dynamic exchanges based on openness and effective solidarity.
- ❑ ***The issue of inclusiveness:*** Civics is thought to nurture inclusive relations and practices in both public and private spaces while ensuring inclusiveness and equity.
- ❑ It should also go beyond the idea of quotas for women in formal politics, or strategies to empower women to play male politics.
- ❑ Hence, promoting democracy and inclusiveness in public spaces as well as in families, workplaces, unions, and other institutions become the area of focus of civics and ethics.

v. The issue of peace-building:

- In an environment with high militarization, terrorism, civil wars and genocidal acts, citizenship education has to advance strategies to promote cooperation, dialogue, and a sustainable peace that is based on justice.
- It is obvious that civics and ethics alone cannot bring peace to our planet, yet it can make a valuable contribution to create subjective conditions for more peaceful situations.
- This includes the development of competencies for peacemaking, conflict resolution, healing, reconciliation and reconstruction.
- A peace-oriented citizenship education can foster the development of values, attitudes and skills

to nurture peace within ourselves and in our personal relationships.

- The aim of moral/ethical and civic education is to provide people to make decisions by their free wills.
- Therefore, teaching ethics has an important and necessary place in education.
- Students who graduated from universities may be well educated persons in their professions but it is not enough.
- Aristotle also says, "Educating the mind without educating the heart is no education at all."

Moral and Civics Education is based on and seeks to promote in students core moral, ethical, democratic, and educational values, such as:

- o Respect for life
- o Respect for reasoning
- o Fairness
- o Concern for the welfare of others
- o Respect for diversity
- o Peaceful resolution of conflict

In sum, the goal of teaching civics and ethics is to produce competent, high moral standard society and responsible citizens.

Democracy doesn't deserve its name without citizens' participation. Citizens' involvement

Chapter Summary

- ✎ Civic education is an education that studies about the rights and responsibilities of citizens of a politically organized group of people.
- ✎ Ethics is a branch of philosophy that deals with the rightness and wrongness of human actions. In this regard, Ethics is the study of morality.
- ✎ Morality is a set of personal and social values, rules, beliefs, laws, emotions, and ideologies collectively governing the rightness and wrongness of human actions.
- ✎ In higher institutions of Ethiopia, civics is given with the aim of educating students about democratic culture, ethical values, rule of law, rights and duties of citizens.
- ✎ The major goal of civics and ethics is producing good citizens, citizens who obey the law; respect the authority; contribute to society; love their country and the like.
- ✎ It is also aimed at creating a generation who has the capability to shoulder family and national responsibility.

END OF CHAPTER ONE!

CHAPTER TWO: APPROACHES TO ETHICS

There are two major approaches of ethics namely: normative and non-normative ethics.

2.1. Normative Ethics

- ❑ Its ultimate concern is to guide us in the making of decisions and judgments about actions in particular situations.
- ❑ It is to guide us in our capacity as agents to decide what we should do in some case.
- ❑ It offers theories or accounts of the best way to live. These theories evaluate actions in a systematic way.
- ❑ It includes ethical theories or approaches such as utilitarianism, deontology, virtue ethics, principalism, and feminist ethics.

2.1.1. Teleological Ethics (Consequentialist)

- It is referred as **"the end justifies the means"**. It believes in purpose, ends or goals of an action. The consequences of action determine its morality or immorality.
- One may have the best intention or follow the highest moral principles but if the result, moral act is harmful, or bad it must be judged as morally or ethically wrong act.
- A teleological theory says that the basic or ultimate criterion or standard of what is morally right or wrong, is the comparative balance of good over evil produced.
- Thus, an act is *right* if and only if it will probably produce a *great balance of good over evil* and an act is *wrong* if and only if it does not do so.
- For a teleologist, the quality or value of actions, persons, or traits of character, is dependent on the comparative nonmoral value of what they bring about.
- In order to know whether something is right, one must first know what is good in the nonmoral sense.
- There is one and only one basic or ultimate right-making characteristic, namely, the comparative value (nonmoral) of what is, to be brought into being.
- Hence, a person shall make cost benefit analysis before doing a given action. However, there are further theories in relation to the good for whom by the action.

2.1.1.1. Egoism: (Ethical and Psychological Egoism)

i. Ethical Egoism

- ✓ As to egoism, *humans are not built to look out for other people's interests*. Besides, proper moral

conduct consists of "*looking out for number one*".

- ✓ The theory implies that we ought to be selfish. Or, to put it more gently, we ought to be self-interested.
- ✓ Calling the theory "ethical" does not suggest that there might be a decent way to be selfish; it means that ethical egoism is a theory that advocates egoism as a moral rule.

⇒ **You should look after yourself**

- ✓ If you don't take advantage of a situation, you are foolish. The claim is that it makes good sense to look after yourself, and morality is a result of that self-interest.
- ✓ If I mistreat others, they mistreat me, so I resolve to behave myself. It is twisted because we should treat others since it gives us a good chance of receiving such treatment.
- ✓ If you might advance your own interests by helping others, then by all means help others but only if you are the main beneficiary.
- ✓ It is fine to help your children get a head in school, because you love them and this love is a rationale for you.
- ✓ One should do what will be of long term benefit to one self, such as exercising, eating healthy food,
- ✓ **Some of the methods to apply the principles of ethical egoism are:**
 - List the possible acts
 - For each act, see how much net good it would do for you.
 - Identify the act that does the most net good for you

Some important things to notice about ethical egoism:

- ✓ It just say that from the moral point of view, only one's own welfare counts, and others' does not, when one is making a moral decision about how to act.
- ✓ Ethical egoism does not forbid one to help others, or require one to harm others.
- ✓ It does not say one ought always to do what is most pleasurable, or enjoyable.

ii. **Psychological Egoism**

It is said; that one always seeks one's own advantage or always does what he thinks will give him the greatest good over evil.

In Butler's terms, this means that "self-love" is the only basic "principle" in human nature.

It means that "ego-satisfaction" is the final aim of all activity or that "the pleasure principle" is the basic "drive" in every individual.

If this is so, the argument continues, we must recognize this fact in our moral theory and infer that our basic ethical principle must be that of self-love, albeit cool self-love. To hold anything else is to fly in the face of the facts.

One cannot logically infer an ethical conclusion from a psychological premise in this way.

It is simply unrealistic and even unreasonable to propose that we ought do anything but what is for our own greatest good.

We cannot do anything except by mistake, and, as a famous dictum has it. “Ought” implies “can”. Thus, the argument for ethical egoism is at least reasonable.

2.1.1.2. Utilitarianism: Producing the Best Consequences

According to utilitarianism, **an action is best, which procures the greatest happiness for the greatest numbers.**

Activity:

Suppose you are at Jigjiga with a dying millionaire. With his final words, he begs you for one final favor: “I’ve dedicated my whole life to football and for fifty years have gotten endless pleasure rooting for the Ethiopian Coffee Club. Now that I am dying, I want to give all my assets, \$2 million, to the Ethiopian Coffee Club.” Pointing to a box containing money in large bills, he continues: “Would you take this money back to Addis Ababa and give it to the Ethiopian Coffee Club’ owner so that they can buy better players?” You agree to carry out his wish, at which point a huge smile of relief and gratitude breaks out on his face as he expires in your arms. After traveling to Addis Ababa, you see a newspaper advertisement placed by your favorite charity, the Ethiopian Red Cross Society (ERCS) (whose integrity you do not doubt), pleading for \$2 million to be used to save 100,000 people dying of starvation. Not only will the \$2 million save their lives, but it will also purchase equipment and the kinds of fertilizers necessary to build a sustainable economy. You decide to reconsider your promise to the dying Ethiopian Coffee Club fan, in light of this advertisement.

What is the right thing to do in this case?

You can consider some traditional moral principles if they help us to a decision.

- “Let your conscience be your guide.”
- “Do whatever is most loving”;
- Golden Rule: “Do to others as you would have them do to you.”
- “Always keep your promise.”

Unlike egoism, utilitarianism is a maximization of goodness with the greatest goodness for greatest number and not merely the good of the agent.

1. Classic Utilitarianism

- ❖ It developed by Greek philosopher Epicurus (342–270 BC), who stated that “pleasure is the goal nature ordained for us; it is standard by which we judge everything good.”
- ❖ According to this view, rightness and wrongness are determined by pleasure or pain that something produces.
- ❖ Epicurus’s theory focused largely on the individual’s personal experience of pleasure and pain, and to that extent he advocated a version of ethical egoism.
- ❖ Nevertheless, Epicurus inspired the notion of general happiness—that is, the pleasing consequences of actions that impact others and not just the individual.
- ❖ Classical utilitarianism appear in the writings of two English philosophers and social reformers

Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873).

- ❖ They were secular humanists, optimistic about human nature and our ability to solve our problems without recourse to God.
- ❖ They struggled for legal as well as moral reform, which led Great Britain to make the law serve human needs and interests.

2. Jeremy Bentham: Quantity over Quality

There are two main features of utilitarianism, both of which Bentham articulated:

- ***The consequentialist principle (or its teleological aspect):*** stated that the rightness or wrongness of an act is determined by the goodness or badness of the results. It is the end, not the means that counts; the end justifies the means. and
- ***The utility principle (or its hedonic aspect):*** states that the only thing that is good in itself is some specific type of state (for example, pleasure, happiness, welfare).

Hedonistic utilitarianism views pleasure as the sole good and pain as the only evil. An act is right if it either brings about more pleasure than pain or prevents pain. Bentham invented a scheme for measuring pleasure and pain that he called the hedonic calculus: The quantitative score for any pleasure or pain experience is obtained by summing the seven aspects of a pleasurable or painful experience: its intensity, duration, certainty, nearness, fruitfulness, purity, and extent.

Adding up the amounts of pleasure and pain for each possible act and then comparing the scores would enable us to decide which act to perform.

There is something appealing about Bentham's utilitarianism. It is simple in that there is only one principle to apply: Maximize pleasure and minimize suffering.

It is scientific: Simply make quantitative measurements and apply impartially, giving no special treatment to ourselves or to anyone else because of race, gender, personal relationship, or religion.

3. John Stuart Mill: Quality over Quantity

- ⇒ Bentham's successor, John Stuart Mill, sought to distinguish happiness from mere sensual pleasure. His theory is **eudaimonistic utilitarianism** (in Greek: happiness").
- ⇒ He defines happiness in terms of certain types of higher-order pleasures such as intellectual, aesthetic, and social enjoyments, as well as minimal suffering.
- ⇒ There are two types of pleasures. The lower, or elementary, include eating, drinking, sexuality, resting, and sensuous titillation. Higher include high culture, scientific knowledge, intellectuality, and creativity.
- ⇒ Although lower pleasures are more gratifying, they lead to pain when overindulged in. The higher pleasures tend to be more long term, continuous, and gradual.
- ⇒ Mill argued that the higher, or more refined, pleasures are superior to the lower ones: ***"It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied."***
- ⇒ Humans want to be truly happy. They want lower pleasures, but also deep friendship, intellectual

ability, & culture, to create & appreciate art, knowledge, & wisdom.

- ⇒ Hence, the quality of higher pleasures is better. But what is better pleasure? The formula comes is: Happiness ... [is] not life of rapture; but moments made by pains & pleasures.
- ⇒ Mill is clearly pushing the boundaries of the concept of “pleasure” by emphasizing higher qualities such as knowledge, intelligence, freedom, friendship, love, and health.
- ⇒ In fact, one might say that his litmus test for happiness really has little to do with actual pleasure and more to do with a non-hedonic cultivated state of mind.

4. Act- and Rule-Utilitarianism

- There are two types of utilitarianism: act- and rule-utilitarianism. In applying the principle of act-utilitarians, Bentham, say we ought to apply the principle to all alternatives.
- **Act-utilitarianism** argues that an act is right if and only if it results in as much good as any available alternative.
- One problem of act-utilitarianism is that ***we cannot do necessary calculations to determine which act is the correct one in each case***, for often we must act and quickly.
- So, rules of thumb are practical example, “don’t lie,” and “keep your promises.” However, right act is still that alternative which results in most utility.
- A second problem with act-utilitarianism is that ***it seems to fly in the face of fundamental intuitions about minimally correct behavior***.
- **Rule-utilitarianism**: An act is right if and only if it is required by a rule whose acceptance would lead to greater utility for society than any available alternative.
- Human beings are rule-following creatures. We learn by adhering to the rules of a given subject, whether it is speaking a language, driving a car, dancing, etc.
- We want to have a set of action guiding rules by which to live. The act-utilitarian rule, to do the act that maximizes utility, is too general for most purposes.
- Often, we need specific rule prescribing truthfulness that passes the test of rational scrutiny.

The Strengths of Utilitarianism

- Utilitarianism has three very positive features. **The first attraction or strength** is that it is a single principle, an absolute system with a potential answer for every situation:
- It’s good to have a simple, action-guiding principle that is applicable to every occasion—even if it may be difficult to apply (life’s not simple).
- **Its second strength** is that utilitarianism seems to get to substance of morality. It is not merely formal system that simply sets broad guidelines but offers no principles.
- As such, utilitarianism seems commonsensical.
- A third strength is that it is particularly well suited to address the problem of posterity—namely, preserving resource scarcity for the betterment of future.

The Criticisms of Utilitarianism

Utilitarianism has been around for several centuries, but so too have been its critics, and we need to address a series of standard objections to utilitarianism before we can give it a “philosophically clean bill of health.”

⇒ Problems with Formulating Utilitarianism

- The first set of problems occurs in the very formulation of utilitarianism: “The greatest happiness for the greatest number.”
- Notice that we have two “greatest” things in this formula: “happiness” and “number.”
- Whenever we have two variables, we invite problems of determining which of the variables to rank first when they seem to conflict.

Dear Students:

Suppose that I am offering a \$1,000 prize to the person who runs the longest distance in the shortest amount of time. Three people participate: Abebe runs 5 km in 31 minutes, Kelbesa runs 7 km in 50 minutes, and Obang runs 1 km in 6 minutes. *Who should get the prize?* Abebe has fulfilled one part of the requirement (run the longest distance), but Obang has fulfilled the other requirement (run the shortest amount of time).

Hence, we might concern ourselves with spreading happiness to greatest number and also concerned to greatest happiness in society.

⇒ Comparative Consequences Objection

- Another crucial problem is that it seems to require a superhuman ability to look into the future and survey array of consequences of actions.
- Of course, we normally do not know the long-term consequences of our actions because life is too complex and the consequences go on into the indefinite future.

⇒ Consistency Objection to Rule-Utilitarianism

- When pushed to its logical limits, it must either become a deontological system or transform itself into act-utilitarianism.
- As such, it is an inconsistent theory that offers no truly independent standard for making moral judgments.
- It would seem that we could always improve on any version of rule-utilitarianism by breaking the set of rules if we could bring more utility.

⇒ The No-Rest Objection

According to utilitarianism, one should always do an act that promotes the most utility. But there is usually infinite set of possible acts to choose from even if I can be excused.

⇒ The Publicity Objection

- It is usually thought that moral principles must be known to all so that all may freely obey the principles.
- But utilitarians hesitate to recommend that everyone act as a utilitarian, especially an act-utilitarian, because it takes great deal to work out the likely consequences of action.
- It would be better if most people acted simply as deontologists. Thus, utilitarianism seems to contradict our requirement of publicity.

⇒ Relativism Objection

- Sometimes people accuse rule-utilitarianism of being relativistic because it seems to endorse different rules in different societies.
- In one society, it may uphold polygamy, whereas in our society it defends monogamy.
- In a desert society, it upholds a rule “Don’t waste water,” whereas in a community where water is plentiful no such rule exists.
- But this is not really conventional relativism because the rule is not made valid by the community’s choosing it but by the actual situation.

⇒ Criticism of the Ends Justifying Immoral Means

- Chief among criticisms of utilitarianism is that utilitarian ends might justify immoral means. There are many things we can do in the name of maximizing general happiness.
- As long as the larger populace benefits, these actions might be justified. The general problem can be laid out in this argument:
- If a moral theory justifies actions that we universally deem impermissible, then that moral theory must be rejected. Therefore, utilitarianism must be rejected.

⇒ The Lying Objection

William D. Ross has argued that utilitarianism is to be rejected because it leads to the counterintuitive endorsement of lying when it serves the greater good.

But where lying will clearly promote utility without undermining the general adherence to the rule, we simply ought to lie.

Three-Step Action Formula:

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

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

- Moral rightness depends on the consequences for all affected people or sentient beings. The fundamental principle of utilitarianism is the principle of utility:
- ***The principle of utility***
 - ✓ The morally right action is the one that produces the best overall consequences with regard to the utility or welfare of all the affected parties.
 - ✓ Jeremy Bentham's slogan: The right act or policy is the one that causes 'the greatest happiness of the greatest number'.

5. Altruism

- ✎ In altruism, an action is right if the consequences of that action are favorable to all except the actor.
- ✎ As to Butler, we have an inherent psychological capacity to show benevolence to others which is called as "*psychological altruism*".
- ✎ It maintains that at least some of our actions are motivated by instinctive benevolence.
- ✎ Psychological altruism holds that all human action is necessarily other centered and other motivated. It results in opposing conclusions to psychological egoism.
- ✎ Altruists are people who act so to increase other people's pleasure. They will act for the sake of someone else even if it decreases their own pleasure and causes themselves pain.
- ✎ Hence, one's desire is *egoistic* if it concerns the benefit of oneself and not anyone else and if *altruistic*, it concerns the benefit of at least someone other than oneself.
- ✎ Altruists reject the theory of psychological egoism and argue instead that humans are instinctively benevolent.
- ✎ Thus, instinctive benevolence, is the feature of our human nature which is the basis of our altruistic moral obligations

2.1.2. Deontological Ethics (Non- Consequentialist)

Deontology: What duty asks of us?

- What makes a 'right' act right? The utilitarian or consequentialist answer to this question is that it is the good outcome of an act which makes it right.
- Moral rightness or wrongness is calculated by determining the extent to which the action promotes values such as pleasure, well-being, happiness, etc.
- To this extent, the end justifies the means. In many respects, deontological moral theory is diametrically the opposite of utilitarianism.
- It is referred as "the means justifies the end". It is coined as "**deontics**".
- The rightness or wrongness of moral action is determined with reference to formal rules of conduct rather than consequences or result of an action.
- It is an emphasis on the intentions, motives, moral principles or performance of duty rather than results, as the sign of right action.

- It is a duty based and according to this theory, the consequences or results of our action have nothing to do with their rightness or wrongness.

2.1.2.1. Samuel Pufendorf - Performance of One's own Duty

- ❖ The 17th century German philosopher Samuel Pufendorf, who classified dozens of duties *under three headings*: duties to God, duties to oneself and duties to others!
- ❖ **Concerning our duties towards God**, he argued that there are two kinds: (1) a theoretical duty to know the existence and nature of God, and (2) a practical duty to both inwardly and outwardly worship God.
- ❖ **Concerning our duties towards oneself**, these are also of two sorts: (1) duties of the soul, which involve developing one's skills and talents, and (2) duties of the body, which involve not harming our bodies, through gluttony or drunkenness, and not killing oneself.
- ❖ **Concerning our duties towards others**, Pufendorf divides these between absolute duties, which are universally binding on people, and conditional duties, which are the result of contracts between people.

Absolute duties are of three sorts: (1) avoid wronging others; (2) treat people as equals, and (3) promote the good of others. **Conditional duties** involve various types of agreements, the principal one of which is the duty is to keep one's promises.

2.1.2.2. The Divine Command Theory

According to DCT, ethical principles are simply the commands of God. They derive their validity from God's commanding them, and they mean "commanded by God."

Without God, there would be no universally valid morality. We can analyze the DCT into three separate theses:

1. Morality (that is, rightness and wrongness) originates with God.
2. Moral rightness simply means "willed by God," and moral wrongness means "being against the will of God."
3. Because morality essentially is based on divine will, not on independently existing reasons for action, no further reasons for action are necessary.

We can summarize the DCT this way: Morality not only originates with God, but moral rightness means "willed by God" & wrongness means "being against the will of God".

So we may ask, "If God doesn't exist, everything is permissible?" If so, nothing is forbidden or required. Without God, we have moral nihilism. If there is no God, then nothing is ethically wrong, required, or permitted.

Problems with the Divine Command Theory

There are two problems with the DCT that need to be faced by those who hold it.

1. DCT would seem to make the attribution of "goodness" to God redundant. The statement "God commands us to do what is good" merely is the logically empty statement.
2. DCT seems to make morality into some-thing arbitrary. If God's decree is the sole arbiter of right

and wrong, it would seem to be logically possible for such heinous acts as rape, killing innocent, and gratuitous cruelty to become good if God suddenly decided to command us to do these things.

2.1.2.3. Rights Theory

- Most generally, "right" is a justified claim against another person's behavior - such as my right to not be harmed by you.
- Rights and duties are related in such a way that the rights of one person imply the duties of another person.
- For example, if I have a right to payment of \$10 by Smith, then Smith has a duty to pay me \$10. This is called the correlativity of rights and duties.
- British philosopher John Locke, argued that the laws of nature mandate that we should not harm anyone's life, health, liberty or possessions. For Locke, these are natural rights.
- Following Locke, the Declaration of Independence authored by Thomas Jefferson recognizes three foundational rights: life, liberty, and the pursuit of happiness.
- Jefferson and others rights theorists maintained that we deduce other more specific rights from these, including the rights of property, movement, speech, and religious expression.
- **There are four features traditionally associated with moral rights.**
 - ✓ First, rights are *natural* as they are not invented or created by governments.
 - ✓ Second, they are *universal* as they do not change from country to country.
 - ✓ Third, they are *equal* or the same for all people, irrespective of gender, race, or handicap.
 - ✓ Fourth, they are *inalienable* which means that I cannot hand over my rights to another person, such as by selling myself into slavery.

2.1.2.4. Kant's Categorical Imperative

- German philosopher, Immanuel Kant (1724-1804) is identified with moral theory of deontology. Kant opposed that the outcome of an action determine its moral worth.
- For deontologists, it is not consequences which determine the rightness or wrongness of an act, but, rather, the intention of the person who carries out the act.
- The emphasis is on the correctness of the action, regardless of the possible benefits or harm it might produce.
- Deontologists maintain that there are some moral obligations which are absolutely binding, no matter what consequences are produced.

The Categorical Imperative

- ⇒ A Kant's duty-based theory is emphasizes a single principle of duty. We have moral duties to oneself and others, such as developing one's talents, and keeping our promises.
- ⇒ However, Kant argued that there is a more foundational principle of duty that encompasses our

particular duties.

⇒ It is a single, self-evident principle of reason that he calls the **"categorical imperative."**

↳ A ***categorical imperative***, he argued, is different from *hypothetical imperatives* that hinge on some personal desire that we have. For example, "If you want to get a good job, then you ought to go to college." By contrast, **categorical imperative** simply mandates an action, irrespective of personal desires, such as "You ought to do X."

- ❑ Kant believed: there was just one command or imperative that was categorical, that presented an action as necessary of itself, without regard to any other end.
- ❑ He believed that from this one categorical imperative, this universal command, all commands of duty could be derived.
- ❑ His categorical imperative is ***based on the idea that there are certain objective ethical rules in the world.***
- ❑ Kant's version is most well-known, & relies on his idea that ***all people are fundamentally capable of reasoning in the same manner and on the same level.***
- ❑ **Hypothetical imperatives** tell us which *means* best achieve our ends. They do not, however, tell us which ends we should choose.
- ❑ The typical dichotomy in choosing ends is between ends that are "right" (e.g., helping someone) and those that are "good" (e.g., enriching oneself).
- ❑ Kant considered the "right" superior to the "good". In Kant's view, a person cannot decide whether conduct is "right," or moral, through empirical means.
- ❑ Such judgments must be reached *a priori*, using pure practical reason. Reason, can determine the principle according to which all ends can be determined as moral.
- ❑ It is this fundamental principle of moral reason that is known as the categorical imperative.
- ❑ ***Kant's theory is hinged on autonomy and his formulation of categorical imperatives.*** Unless a person freely and willingly makes a choice, their action has no meaning.
- ❑ ***Autonomy*** is one's own beliefs, independence, and government: acting without regard for anyone else. Conversely, ***heteronomy*** is acting under the influence of others.
- ❑ Kant believed that each individual is rational and capable of making free choices; thereby relies on autonomous thinking.
- ❑ Kant concludes that a true moral proposition must be not tied to any particular conditions, including the identity of person making moral deliberation.

- **The Principle of Universality**

The **first maxim** states that we should choose our 'codes of conduct' only if they serve perfect/imperfect duty and are good for all. ***Perfect duties*** are blameworthy if not met Ex: avoidance of suicide. ***Imperfect duties*** do not achieve blame, rather they receive praise if completed; Ex: cultivating talent.

- **The Principle of Humanity as an End, Never as Merely a Means**

The **second maxim** states that we should not use humanity of ourselves or others as a means to an end. Every rational action must set not only a principle, but also an end.

- **The Principle of Autonomy**

The **third maxim** states that we should consider ourselves to be members in the universal realm of ends. Therefore, ***every rational being must so act as if he were through his maxim always a legislating member in the universal kingdom of ends.***

2.1.2.5. Ross's Prima Facie Duties or Moral Guidelines

- ↻ A **fourth** and more recent duty-based theory is that by British philosopher W.D. Ross, which emphasizes *prima facie* duties.
- ↻ Prima facie duties are duties that generally obligate us; that is, they ordinarily impose a moral obligation but may not in a particular case because of circumstances.
- ↻ An **actual duty** is the action that one ought to perform after considering and weighing all the prima facie duties involved.
- ↻ According to W. D. Ross (1877-1971), there are several *prima facie duties* that we can use to determine ***what, concretely, we ought to do.***
- ↻ The term "duty" in "prima facie duty" is slightly misleading. The prima facie duties are understood as ***guidelines***, not rules without exception.
- ↻ If an action does not correspond to a specific guideline, one is not necessarily violating a rule that one ought to follow.
- ↻ Ross argues that our duties are "part of the fundamental nature of the universe" and include the followings:
 - ***Duties of Fidelity***: the duty to keep promises & obligation not to lie. Duties of fidelity are duties to keep one's promises and contracts and not to engage in deception.
 - ***Duties of Reparation***: This is a duty to make up for the injuries one has done to others. Ross describes this duty as "resting on a previous wrongful act". It is the duty to compensate others when we harm them. If, for example, I damage something that belongs to someone else, I have an obligation to make restitution.
 - ***Duties of Gratitude***: the duty to thank those who help us. Suppose, for example, an especially good friend is suddenly in need of assistance, I am duty bound to do all I can help this individual, who in the past had acted so selflessly toward me.
 - ***Duties of Justice***: The duty of justice requires that one act in such a way that one distributes benefits and burdens fairly. Thus, the duty of justice includes the duty to prevent unjust distribution of benefits or burdens.
 - ***Duties of Beneficence***: the duty to improve the conditions of others. The duty to do good to others: to foster their health, security, wisdom, goodness, or happiness.
 - ***Duties of Self-improvement***: is to act so as to promote one's own good, i.e., one's own health,

security, wisdom, moral goodness, virtue, intelligence and happiness.

- ***Duties of Non-maleficance:*** The duty of non-injury, not to harm others: to avoid harming their health, security, intelligence, character, or happiness. We are obliged to avoid hurting others physically, emotionally and psychologically.

In summary, Ross presents seven categories of prima facie duties, although there may be more categories.

When faced conflicting situation, the more obligatory, our actual duty. The actual duty has the greatest amount of prima facie rightness over wrongness.

2.1.3. Virtue Ethics

Virtue Ethics: Challenging the adequacy of rule-based theories

“Virtue ethics” is a technical term in contemporary Western analytical moral philosophy.

2.1.3.1. Aristotle’s Ethics

- Ancient Greek philosopher, Aristotle, (384-322 B.C.) first wrote a detailed discussion of virtue morality in the Nichomachean Ethics. ‘Virtues’ he understood as **strength**.
- But, many years after Aristotle’s death, virtue theory came to be over-shadowed by the development of utilitarianism and deontology.
- In the past fifty years, virtue theory has resurfaced as a major moral theory. It has been restated and reinvigorated by philosophers like Philippa, MacIntyre & Elizabeth.
- They argue that how we ought to live could be much more adequately answered by a virtue-based theory than in terms of calculating consequences or obeying rules.
- Aristotle distinguishes between happiness (*eudaemonia*) and moral virtue: Moral virtue is not the end of life for it can go with inactivity, misery, and unhappiness
- Happiness, the end of life, that to which all aims, is activity in accordance with reason.

The Good Character

- ❖ People have a natural capacity for good character, and it does not come first rather developed through practice.
- ❖ *Arete* is a disposition come out of a capacity by proper exercise. Habits are developed via acting; a person's character is the structure of habits and formed by what we do.
- ❖ Virtue, *arete*, or excellence is defined as a mean between two extremes of excess and defect in regard to a feeling or action as the practically wise person would determine it.
- ❖ **Pleasure and pain are powerful determinants of our actions.**
- ❖ **Pleasure** is the natural event of unimpeded activity which is neither good nor bad. Even so, pleasure is something positive and its effect is to perfect the exercise of activity.
- ❖ **Friendship:** a person's relationship to a friend is the same as the relation to oneself. The friend can be thought of as a second self.
- ❖ In friendship, a person loves himself (egoism) not as one seeks money for himself, but as he gives

his money away to receive honor.

2.2. Non-Normative Ethics/Meta-ethics

2.2.1. What is Meta-ethics?

In Meta ethics, we are concerned with questions on the meanings of ethical terms

Meta-ethics tries to answer question, such as:

What does "good," "right," or "justice" mean?

What makes something good or right?

Is moral realism true?

Is morality irreducible, cognitive, or overriding?

Do intrinsic values exist?

'Should we give to famine relief?'

In normative ethics, we do not just look for an answer to the question rather some insight into *why* the right answer is right.

It is in their answers to 'why?' question that the classic theories in normative ethics disagree.

Examples of such theories include:

- ☞ **act-utilitarianism** (one ought to give to famine relief because that particular action, of those possible, contributes most to the greater happiness of the greatest number);
- ☞ **rule-utilitarianism** (one ought to give to famine relief because giving to famine relief is prescribed by a rule which contributes most to the greater happiness of the greatest number); and
- ☞ **Kantianism** (one ought to give to famine relief because universal refusal to give to famine relief would generate some kind of inconsistency).

[Meta ethics] is not about what people ought to do. It is about what they are doing when they talk about what they ought to do.

Some examples of meta ethical theories are moral realism, non-cognitivism, error-theory and moral anti-realism.

i. Cognitivism and Non-Cognitivism

- In considering a particular moral judgment, such as murder is wrong. What sort of psychological state does this express?
- Some philosophers, called cognitivists, think that a moral judgment such as this expresses a belief.
- Beliefs can be true or false: they are truth-apt, or apt to be assessed in terms of truth and falsity. So they think that moral judgments are capable of being true or false.
- On the other hand, non-cognitivists think that moral judgments express non-cognitive states such as emotions or desires.
- Desires and emotions are not truth-apt. So, moral judgments are not capable of being true or false.

Non-cognitivists deny that moral judgments are even apt to be true or false.

- Suppose that moral judgments can express beliefs, as the cognitivist claims. Being motivated to do something or to pursue a course of action is always a matter of having a belief and a desire.
- For example, I am motivated to reach for the fridge because I believe that it contains water and I have a desire for water.
- But it is an internal and necessary fact about an agent that, if she sincerely judges that X is good, she is motivated to pursue the course of action X.
- So if a moral judgment expressed a belief, it would have to be a belief which sustained an internal and necessary connection to a desire.
- It would have to be a necessary truth that an agent who possessed the belief would *inter alia* possess the desire.

iii. Internalism and Externalism

- One of the premises in the argument is the claim that there is an internal and necessary connection between making a moral judgment and being motivated to act.
- This claim is known as **internalism**, because it says that there is an *internal* or *conceptual* connection between moral judgment and motivation.
- Some cognitivist philosophers respond to the argument from moral psychology by denying internalism.
- They claim that the connection between **judgment and motivation** is only external and contingent. Such philosophers are known as **externalists**.
- Other cognitivists respond by the claim that motivation always involves the presence of *both* beliefs and desires. This premise is known as the **Human theory of motivation**.
- Later, **anti-Human theory of motivation** developed with the claim of beliefs themselves can be intrinsically motivating.

Generally, Meta-ethics:

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

Meta-ethics also poses questions of the following kind:

- ✓ What do we mean by the claim, 'life is sacred'?
- ✓ Are moral claims a matter of personal view, religious belief or social standard, or, are they objective in some sense?
- ✓ If they are objective, what make them so?

- ✓ Is there a link between human psychology and the moral claims that humans make?
-

CHAPTER SUMMARY

- ❑ Ethics is one of the most important disciplines that need to be thought to the students to adopt ethical behavior with respect to good life. It promotes healthy society and fulfilling experience for individual.
- ❑ In the globalized era, we find that “Ethics will be one of the enablers of competitiveness.” Stressing the centrality of ethics in the human experience can be a greater favor to humankind in general, and to our society in particular, to be growing and prosper by qualities that are essentially and absolutely ethical.
- ❑ Morality Concerned about habits, customs, ways of life, especially when these are assessed as good or bad, right or wrong. Moral values help to regulate the behavior as a standard. Such values help to maintain the society and act uniformly.
- ❑ They bring about peace and stability. So individuals have a moral responsibility to respect and maintain the value of their society and refrain from committing things that disturb its stability and peace.
- ❑ While utilitarianism, deontology, and virtue theory have been in place in the canon of moral philosophy for centuries, they have not remained fixed and static as theories. Volumes have been written which critique elements of these theories, sharpening them for greater clarity and, attuning them more to the fullness of human living.
- ❑ In addition, insights into moral living come in fresh forms, breathing new life into the traditional moral canon. This is the case with contemporary ethical theories such as principlism, narrative ethics and feminist ethics.
- ❑ In these we find new insights that attempt a number of tasks: to offer developments of, and improvements on, essential features of traditional theories, to fill in the dimensions of human living that were often omitted or understated in traditional theorizing and to acknowledge that the challenges of moral development require that we move from a realm of moral abstractions to concrete situations. This allows us to see whether or how much the resources of moral theory help to guide our decision-making and moral judgments.

END OF CHAPTER TWO OF MCED – 1011!

CHAPTER THREE: ETHICAL DECISION MAKING AND MORAL JUDGMENTS

Introduction

One has to make decisions with desire to satisfy, to give up or postpone. How to make a right or correct decision and by what standard is always a puzzle. One of the functions of morality is to give guidance in dealing with these puzzles. On the other hand, there are always conflicts among people.

Another function of morality is to provide principles and rules that are acceptable to everyone and encourage people to live together peacefully and cooperatively. Many problems will arise in people's lives and in society. It is better to go back to the ethical theories and see what kind of principles can be a guide in taking action or in making moral judgments.

3.1. How Can We Make Ethical Decisions and Actions?

- In real life conditions, we may get difficulties to do the right thing. What we considered as right and correct might put us in difficult condition and affect our social relation.
- We often claim that we make right decision and actions and we regret when we make wrong decision and action.
- The ethical nature of our action and decision, however, is very much dependent upon our notion of ``Good' and ``Bad, `` Right and`` wrong``.
- There are things which we consider good or **desirable for their result**. There are also things which we consider good because of their own **intrinsic nature**.
- The first kind of good is called **instrumental good** because the goodness of these things lies in their being instruments towards the attainment of the other things.
- The second category of good is called **intrinsic good** because we value these things (whatever they may turn out to be) not for what they lead to but for what they are.
- Have you ever think of the opposite. Yes, there are things which are instrumentally good and intrinsically bad. Some things can fulfill both qualities.
- In our country, things such as FGM, early marriage, kidnapping, abduction, Ignorance, poverty, corruption, murder, etc are considered to be unethical or bad or evil.
- One of the key tasks of ethical reasoning is **to critically consider the values we hold and the claims we make in relation to obligations** towards one another.
- A second key task of ethics is **to evaluate the adequacy of reasons** we give for actions: it considers, whether the reasons are based on sound evidence and logical argument.
- The tasks of weighing ethical values and evaluating different ethical arguments are unlike many other kinds of human tasks.
- Ethical values are not easy to understand as other kinds of values, In turn, it is easier to test a person's blood pressure than it is to determine whether or not they are virtuous.
- Moreover, ethical problems are often not clear as other kinds of problems and resolving ethical problems is not always possible.
- The aim of ethics then, is not to take the high moral ground and tell people what to do, but, rather, to offer tools for thinking about difficult problems.
- Good ethical thinking purposefully concerned to acknowledge the diversity and complexity of situations and circumstances that arise in human relationships.

3.2. Ethical Principles and Values of Moral Judgments

- ❖ The branch of philosophical study that focuses on 'ethics' is concerned with studying and building up a coherent set of 'rules' or principles by which people ought to live.
- ❖ The theoretical study of ethics is not normally something that many people would regard as being necessary in order for them to conduct their everyday activities.
- ❖ In place of examined ethical frameworks, most people instead carry around a useful 'rules of thumb' that influence and govern their behavior; commonly, these include rules such as 'it is wrong to steal', 'it is right to help people in need', and so on.
- ❖ But sometimes the vicissitudes and complexities of life mean that these simple rules are sometimes put to the test. Consider the idea that it is wrong to kill.
- ❖ Does this mean that capital punishment is wrong? Is it wrong to kill animals? Is killing in self-defense wrong? Is the termination of pregnancy wrong? Is euthanasia wrong?
- ❖ If we try to apply our everyday notions of right and wrong to these questions, straightforward answers are not always forthcoming.
- ❖ We need to examine these questions to analyze complex problems and find rational, coherent solutions to those problems.
- ❖ Whilst some people attempt to do this work individually, for themselves, philosophers attempt to find general answers that can be used by everyone in society.

3.3. Moral Intuitions and Critical Reasoning

- ✓ The study of ethics involves reasoning about our feelings. In other words, it involves making sense of and rationalizing our intuitions about what is 'right' or 'good'.
- ✓ Almost all people are capable of experiencing feelings of empathy towards others. Empathy provides us with a sense of what others are feeling. It gives us moral sentiments; and ethical reasoning about these sentiments gives our moral principles.
- ✓ The integration of these moral sentiments and principles is our conscience. Our moral conscience, then, is based on emotions, but should also be supported by reason.
- ✓ All societies are characterized by their own ethical ideas expressed in terms of attitudes and beliefs and their own customs.
- ✓ Some of those ethics are formalized in the laws and regulations of a society.
- ✓ Philosophical ethics, however, asks us to take a step back from these influences and instead to reflect critically on our sentiments and attitudes.

3.3.1. Rationalization

- Studying ethics, involves attempting to find valid reasons for the moral arguments that we make. It requires thinking about moral ideas, to explain reasons and assumptions.
- In moral philosophy, an argument is not simply about our beliefs or opinions; instead, it is about the reasons underlying those beliefs or opinions.

- This means that the real value of discussing and debating ethical questions is not to 'win the argument' or to 'score points' against the other person!
- It is more important to provide carefully considered arguments to support our ideas, and to allow for rational and deeper understanding of the reasons.
- Crucially, this requires careful listening to, analysis of and learning from the arguments that others make.
- One common fault with many arguments about what is 'right' or 'wrong' and involves what is known as a rationalization.
- A rationalization occurs when we use what at first glance seem to be rational or credible motives to cover up our true (and perhaps unconscious) motives.
- For example, if landowner builds a plastic recycling plant and stated as if to create job opportunities whereas their true motive is to make a profit, this is a **rationalization**.
- The landowner is not giving their true reasons. If, they argue that they want to make personal profit and create jobs, then it may be two true reasons for its motives.

Types of Reasoning

Three Forms Of Critical Reasoning:

'Reasoning by analogy explains one thing by comparing it to something else that is similar, although also different. In a good analogy, the similarity outweighs the dissimilarity and is clarifying. For instance, animals are like and unlike humans, as humans are also animals. Is the similarity sufficiently strong to support the argument that we should ascribe rights to nonhuman animals as we do to humans? Deductive reasoning applies a principle to a situation. For instance, if every person has human rights, and you are a person, then you have human rights like every person. Inductive reasoning involves providing evidence to support a hypothesis. The greater the evidence for a hypothesis, the more we may rely on it.' The fact that there is mounting evidence that the burning of fossil fuels is having a detrimental effect on global climate, for example, is used to substantiate the argument that we have a moral duty to reduce carbon emissions.

3.3.2. Ethics and Religious Faith

- There is another important argument that people use when making ethical arguments: religious faith. For many people, 'morality and religious faith go hand in hand'.
- Some people view actions as right or wrong whether they commanded by God. Philosophers do not view arguments based on religious faith. We can determine via rational reflection.
- If only God commands what is right, this makes divine commands unnecessary; we are able to know without any divine commandments by using rational reflection.
- However, faith-based arguments are relevant to moral philosophy for several reasons. For a start, people do not always agree on what is right or wrong.
- It is not therefore clear that we can determine what is right and wrong simply through rational reflection.

- Additionally, many people look to religion and we should not underestimate the ability of moral teachings of religion in persuading public to embrace higher moral standard’.
- While we may insist that moral principles and decisions should be justified by rational arguments, and thus consideration of religious arguments should not be excluded.

3.3.3. Testing Moral Arguments

- Critical reasoning is about asking questions whenever anyone gives us a reason to support an argument. What kind of reasoning are they using?
- If they are using a principle to support their argument (deductive reasoning), then what kind of principle is it? Is the principle rational?
- If they are providing evidence to support their argument (inductive reasoning) then is the evidence reliable?
- Have any motives that might be behind their arguments been clarified (ie are they giving rationalizations, not reasons)?
- All of these questions seem off-putting. With such criteria, some people may feel that they don't want to make any argument, as they bound to make mistakes in their reasoning!
- However, most people already use critical reasoning when they make arguments and question other people's arguments.
- If what we think is right based on our experience (our ethical presumptions), and we explain those ideas to other people based on our feelings (intuitions) and reasons.
- It is important to develop the ability to test your arguments and those of others, to address the dilemmas occur in your lives, communities & organizations we work.
- There are three main ways of testing a moral argument. These are outlined in below;

Three ways to test a moral argument:

(1) **Factual accuracy.** The 18th century philosopher David Hume (1711–1776) argued that we should not derive an ‘ought’ from an ‘is’. This means that we cannot say that something is wrong or right simply based on how things are. This is reasonable, but it does not mean that ethical discussion should be divorced from fact; the accuracy of the factual content of a discussion is very important. Consider the example – of someone who maintains that giving aid to charities working in Africa is wrong because they believes that 90% of the money donated in fact goes to paying wealthy consultants and NGO workers, and only 10% goes to alleviate poverty. If this person were shown that this was factually incorrect, and that in fact 90% of all donations were used to alleviate poverty, then their moral argument would lose its force.

(2) **Consistency.** Arguments need to be consistent. One can only argue that it is morally wrong to kill one person and yet morally acceptable to kill another, if one can demonstrate that there is a morally relevant difference between the two individuals. For example, the moral argument that debts owed by poorer nations to international lenders should be cancelled. Does this therefore mean that all

poor people who owe money to banks should also have their debts cancelled? If you don't think that all individual debts should be cancelled but you do think that poorer countries' debts should be cancelled, then you have to show that there is a moral difference between the two. Otherwise your arguments are inconsistent.

(3) Good will. This one is the most difficult criterion to quantify. While arguments may be factually correct and consistent, they also need to 'exemplify good will'. This involves resorting to our intuitions and emotions, which are notoriously difficult to integrate with rigorous theoretical debate.

3.4. Thinking Ethically: A framework for Moral Decision Making

- The first step in analyzing moral issues is obvious but not always easy: **Get the facts**. Some moral issues create controversies because we do not bother to check facts.
- This first step, although obvious is also among the most important and the most frequently overlooked. But having the facts is not enough.
- Facts by themselves only tell us what is; they do not tell us what ought to be. In addition to getting the facts, resolving an ethical issue also requires an appeal to values.
- Although ethics deals with right and wrong, it is not a discipline that always leads everyone to the same conclusions.
- Deciding an ethical issue can be equally difficult for conservatives and liberals. Of course, there are situations that are wrong by any standard.
- To guide our reflection on such difficult questions, philosophers, religious teachers and other thinkers have shaped various approaches to ethical decision-making.
- **The five different approaches to values to deal with moral issues are:**

3.4.1. Fairness and Justice Approach

- ✓ Fairness or justice approach to ethics has its roots in the teachings of Aristotle who said that **"equals should be treated equally and unequal's unequally"**.
- ✓ The basic moral question in this approach is:
 - How fair is an action?
 - Does it treat everyone in same way, or show favoritism and discrimination?
- ✓ Favoritism gives benefits to some people without a justifiable reason for singling them out; discrimination imposes burdens on people who are no differences.
- ✓ Both favoritism and discrimination are unjust and wrong. Aristotle; ethical knowledge is not precise knowledge, like mathematics, but general like nutrition and exercise.
- ✓ Also, as it is a practical discipline rather than a theoretical one; he thought that in order to become "good", one could not simply study virtue; one must actually be virtuous.
- ✓ Analogously, in order to become good at a sport like football, one does not simply study but also practices. Aristotle first establishes what was virtuous.

- ✓ He began by determining that everything was done with some goal in mind and that goal is 'good.' The ultimate goal he called the Highest Good: happiness.
- ✓ Aristotle contended that happiness could not be found only in pleasure or only in fame and honor. He finally finds happiness "by ascertaining the specific function of man".
- ✓ A human's function is to do what makes it human, to be good at what sets it apart from everything else: the ability to reason or logos. A person that does this is the happiest because he is fulfilling his purpose or nature as found in the rational soul.
- ✓ Depending on how well he did this, Aristotle said humans belonged to one of four categories: the virtuous, the continent, the incontinent and the vicious.
- ✓ Generally, this approach focuses on how fairly or unfairly our actions distribute benefits and burdens among the members of a group.
- ✓ This approach asks what is fair for all stakeholders, or people who have an interest in the outcome."
- ✓ Fairness requires consistency in the way people are treated. The principle states: "Treat people the same unless there are morally relevant differences between them."

3.4.2. The Common Good Approach

As Greek philosophers, life in community is good in itself and our actions should contribute to that life. Here, interlocking relationships of society are the basis of ethical reasoning.

It calls attention to the common conditions that are important to the welfare. This may be system of laws, effective police, fire departments, health care, education, etc.

This approach 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 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."

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.

While respecting the freedom of individuals to pursue their own goals, the common good approach challenges us also to recognize and further those goals. It presents a vision of society whose members are joined in pursuit of values and goals they hold in common.

The principle of the common good approach states; "What is ethical is what advances the common good."

3.4.3. The Rights Approach:

- It roots in the philosophy of the 18th c thinker Immanuel Kant and others like him who focused on the individual's right to choose for her or himself.
- According to them, human beings different from mere things is because people have dignity to choose freely, & have a fundamental moral right to have these choices respected.
- People are not objects to be manipulated; it is a violation of human dignity to use people in ways they do not freely choose.
- Many different but related rights exist besides this basic one. These other rights can be thought of as different aspects of the basic right to be treated as we choose.
- **Among these rights are:**
 - **The Right to the Truth:** We have a right to be told the truth and to be informed about matters that significantly affect 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 the right to what has been promised those with whom we have freely entered into a contract or agreement.
- In deciding whether an action is moral or immoral, we must ask, ***does the action respect the moral rights of everyone?***
- Actions are wrong to the extent they violate the rights of individuals; the more serious the violation, the more wrongful the action.
- Rights Approach identifies certain interest tests that our behavior must respect, especially those areas that are of such value to us that they merit protection from others.
- Each person has a fundamental right to be respected and treated as free and equal rational person capable of making his or her own decisions.
- This implies other rights (e.g. privacy free consent, freedom of conscience, etc.) that must be protected if a person is to have the freedom to direct his or her own life.

Generally, in Ethical Problem Solving:

- ☞ Once facts have been ascertained, consider five questions when trying to resolve a moral issue:
- 1) What benefits and what harms will each course of action produce, and which alternative will lead to the best overall consequences?
 - 2) What moral rights do the affected parties have, and which course of action best respects those rights?
 - 3) Which course of action treats everyone the same, except where there is a morally justifiable reason not to, and does not show favoritism or discrimination?

- 4) Which course of action advances the common good?
- 5) Which course of action develops moral virtues?

3.5. To Whom or What Does Morality Apply?

In discussing the application of morality, four aspects may be considered: religious morality, morality and nature, individual morality, and social morality.

3.5.1. Religious Morality

- **Religious morality** - refers to a human being in relationship to a supernatural being or beings. The first three of the Ten Commandments pertain to this kind of morality.
- These commandments deal with a person's relationship with God, not with any other human beings.
- By violating any of these three commandments, a person could, according to this particular code of ethics, act immorally toward God without acting immorally toward anyone else.

The Ten Commandments

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

(Exod. 20:1–17)

3.5.2. Morality and Nature

- ❖ **"Morality and nature"** - refers to a human being in relationship to nature. Natural morality has been prevalent in all primitive cultures, such as that of the Native American, and in cultures of the Far East.
- ❖ More recently, the Western tradition has also become aware of the significance of dealing with nature in a moral manner.
- ❖ Some see nature as being valuable only for the good of humanity, but many others have come to see it as a good in itself, worthy of moral consideration.
- ❖ With this viewpoint there is no question about whether a Robinson Crusoe would be capable of moral or immoral actions on a desert island by himself.
- ❖ In the morality and nature aspect, he could be considered either moral or immoral, depending upon

his actions toward the natural things around him.

3.5.3. Individual Morality

- ✓ **Individual morality** - refers to individuals in relation to themselves and to an individual code of morality that may or may not be sanctioned by any society or religion.
- ✓ It allows for a "higher morality," which can be found within the individual rather than beyond this world in some supernatural realm.
- ✓ A person may or may not perform some act, not because society, law, or religion says he may or may not, but because he himself thinks it is right or wrong from his conscience.

3.5.4. Social Morality

- ✓ **Social morality** - concerns a human being in relation to other human beings. It is probably the most important aspect of morality, in that it cuts across all of the other aspects and is found in more ethical systems than any of the others.
- ✓ Returning briefly to the desert-island example, most ethicists state that Robinson Crusoe is incapable of any really moral or immoral action except toward himself and nature.
- ✓ Such action would be minimal if compared with the potential for morality or immorality if there were nine other people on the island whom he could subjugate, torture, or destroy.
- ✓ Many ethical systems would allow that what he would do to himself is strictly his business, "as long as it doesn't harm anyone else."

3.6. Who is Morally/Ethically Responsible?

- Morality pertains to human beings and only to human beings; all else is speculation. If one wants to attribute morality to supernatural beings, one has to do so solely on **faith**.
- If one wants to hold animals or plants morally responsible for destructive acts, then one has to ignore most evidence given on instinctual behavior of such beings & observations.
- Recent experimentation with teaching of language to animals suggests that they are at least minimally capable of developing some thought processes similar with humans.
- It is even possible that they might be taught morality in the future, as humans are now. If this were to occur, then animals could be held morally responsible for their actions.
- Currently, evidence seems animals and plants, should be classified as either non-moral or amoral. Therefore, when we use *moral* and *ethical*, in reference only to human beings.
- We do not hold a wolf morally responsible for killing a sheep, or an eagle. We may kill the wolf or fox for having done because we don't want our sheep or chickens to be killed.
- At this point, only human beings can be moral or immoral, and therefore only human beings should be held morally responsible for their actions and behavior.

3.6.1. Moral Judgments

Moral judgments - refer to *deciding what is right and what is wrong in human relations*. Individuals are continually judging their own conduct and that of their fellows.

They approve of some acts and call them right or good. They condemn other acts and call them wrong or evil or bad.

Moral judgments always have to do with the actions of human beings and, in particular, with **voluntary actions**-those actions freely chosen.

Involuntary actions-those over which people have no control are rarely open to moral judgment and not held responsible for an action that she or he did not initiate.

Moral judgments are **evaluative** because they place value on things or relation or human actions; determine what is right or wrong, good or bad.

They are also **normative** because they evaluate or assess the moral worth of something based on some **norms or standards**.

Finding the right course of action, choosing the right alternative, is not always simple. We can have no algorithm for judgment, since every application of a rule would itself need supplementing with further rules.

Onora O'Neill argues that moral principles do not provide us with an auto-pilot for life and that judgment is always needed in using or following and in flouting rules or principles.

When conflicts of interest arise, the solution may require greatest sensitivity, experience, discernment, intelligence and goodwill, and even we may doubt acted rightly.

However, in judging conduct or action we have to consider **motives, means, and consequences** and sometimes the **situation**.

1. **Motives:** Motives, as Jesus, Kant, and others have pointed out, are basic for a determination of morality. The motive refers to the *intention or why an action is done*. A good motive is a prerequisite to conduct that we approve without qualification. If a good motive is present when an act, through some unforeseen factor, leads to harmful effects, we tend to disapprove less severely and to say, anyway, he meant well. Kant, for example, defined the good as the good will. Nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a good will. For Kant, a rational being strives to do what he or she *ought* to do and this is to be distinguished from an act that a person does from either *inclination or self-interest*. In other words, a person must act out of **duty to the moral law** - that is, ought what one to do. The truly moral act, for Kant, not only agrees with the moral law, but is done for the sake of the moral law - not only *as* duty requires but *because* duty requires. In Kantian thinking, the *set of moral worth is the individual's will*, and the good will acts out of a sense of duty.
2. **Means:** Just as there may be many motives for desiring something, there may be many means for achieving it. The term *means* can be defined as an agency, instrument, or method used to attain an end. Though we expect people to use the best available means to carry out their purposes, we condemn them if their choice of means impresses us as unjust, cruel, or immoral. On rare occasions we may approve of an act when means are used that under other conditions would be condemned. However, there is a danger in proposing that any means may be used,

provided the end is good, or that –the end justifies the means. Once chosen, the means become part of the general effect of an act.

3. **Consequences:** Consequences are the effects or results of *a moral decision* based on a value. We expect the consequences of an act that we call –right|| to be good. Ordinarily, when people ask, –what is right? they are thinking about the consequences of the action. This depends on what ethical principle is in operation. Kant agrees to the good motive, utilitarians to the result. In general, society judges conduct –right|| if it proceeds from a good motive, through the use of the best available means, to consequences that are good. If these conditions are not fulfilled, we condemn the action or approve it with reservations. We rarely approve an action when the results are evil or wrong.
4. **The Moral Situation:** A moral situation involves moral agents - human beings who act, are empowered to make *choices*, and consciously make decisions. As moral agents, demands are made on us and place us under obligations: we have both duties and rights. We are faced with moral *alternatives*, and we can better weigh those alternatives when we have an understanding of the ingredients of the moral situation.

3.6.2. What Makes an Action Moral?

- ✎ Sometimes we think of moral means morally good. But, philosophically, it refers to an action which comes within the scope of morality, or action morally significant.
- ✎ Not all actions have a moral sense & actions such as putting on raincoat, sharpening pencil, or counting apples, standing on your head, are not in themselves good or bad.
- ✎ Such actions are morally neutral or non-moral. By contrast, stealing from your libraries, punching people or helping the disadvantage are morally significant actions.
- ✎ But, what makes an act enter the moral arena or judge to be good or bad, right or wrong? The following are features that make an action moral:
 - i. **A moral act involves an agent:** If something is a natural event or an action performed by animals, then it is morally neutral - it does not appear on our moral radars. Humans can be moral agents, or any creatures that can freely and thoughtfully choose its actions will count as a moral agent.
 - ii. **A moral act involves intention:** An intention here refers to our motives that are important to determine the rightness or wrongness of an action. If an action is done accidentally, it may be counted as a morally neutral action. However, some unintentional acts, such as those done through negligence, can be moral. Neglecting our duties, even accidentally, make us morally culpable.
 - iii. **A moral act affects others:** A moral action needs not only an agent and to be deliberate but also needs to affect others (those we might call moral patients) in significant ways, that is, an action that has harmful (be it physical, psychological, emotional, or depriving others of happiness) or beneficial consequences for others.
- ✎ The claim that morality only governs behavior that affects others is somewhat controversial. Some claimed that morality governs behavior that affects only the agent.

- ✎ Confusion about the content of morality arises because morality is not always distinguished from religion.
- ✎ Regarding self-affecting behavior as governed by morality is supported by the idea that we are created by God and are obliged to obey his commands.
- ✎ This religious holdover might also affect the claim that some sexual practices such as homosexuality are immoral; but those who distinguish morality from religion do not regard homosexuality, per se, as a moral matter.
- ✎ **Generally, a moral action is one which:**
 - ✓ Is performed by **agents**, creatures that are capable of free choice/ free will
 - ✓ Is the result of **intention**, the action was done on purpose with a particular motive
 - ✓ Has a significant consequence on others (harm or benefits) it brings about.

3.7. Why Should Human Beings Be Moral?

There can be no society without moral regulation; man is man only because he lives in a society; take away from man all that has a social origin and nothing is left but an animal compare with other animals.

We should be moral because being moral is following the rules designed to overrule self-interest whenever it is in the interest of every one alike that everyone should set aside his interest. John Hospers

A. Argument from Enlightened Self-Interest

- One can certainly argue on a basis of enlightened self-interest that it is better to be good rather than bad and to create a world and society that is good rather than bad.
- As a matter of fact, self-interest is the sole basis of one ethical theory, ethical egoism. However, it is not being suggested that one ought to pursue one's own self-interest.
- Rather, an argument is being presented that if everyone tried to do and be good and tried to avoid and prevent bad, it would be in everyone's self-interest.
- For example, if within a group of people no one killed, stole, lied, or cheated, then each member of the group would benefit. An individual member of the group could say, it's in my self-interest to do good rather than bad because I stand to benefit if I do and also because I could be ostracized or punished if I don't. Therefore, even though it is not airtight, the argument from enlightened self-interest is compelling.

B. Argument from Tradition and Law

- ❖ Related to the foregoing argument is the argument from tradition and law. This argument suggests that because traditions and laws, established over a long period of time, govern the behavior of human beings, and urge to be moral.
- ❖ Self-interest is one reason, but another is respect for the human thought and effort that has gone into establishing such laws and traditions and transferring them from one historic period and one

culture to another.

- ❖ This can be an attractive argument, even though it tends to suppress questioning of traditions and laws - a kind of questioning that is at the core of creative moral reasoning.
- ❖ It is interesting to note that most of us probably learned morality through being confronted with this argument, the religious argument, & experiences surrounding it.
- ❖ Don't we all remember being told we should or should not do something because it was or was not in our own self-interest, because God said it was right or wrong, or because it was the way we were supposed to act in our family, school, society, and world?

C. Common Human Needs

- Are there any as to why human beings should be moral? If we examine human nature, we discover that they have many needs, desires, goals, and objectives in common.
- For example, people generally seem to need friendship, love, happiness, freedom, peace, creativity, and stability in their lives, not only for themselves but for others, too.
- In order to satisfy these needs, people must establish and follow moral principles to cooperate and free them from fear that they will lose their lives, be mutilated, or be stolen from, lied to, cheated, severely restricted, or imprisoned.

Morality is not of course identical with following self-interest. If it were, there could be no conflict between morality and self-interest and no point in having rules overriding self-interest. John Hospers

- Morality exists, in part, because of human needs and through recognition of the importance of living together in a cooperative and significant way.
- It may not be the case that all human beings can be convinced that they should be moral, or even that it will always be in each individual's self-interest to be moral.
- However, the question why should human beings be moral? generally can best be answered by the statement that adhering to moral principles enables human beings to live their lives as peacefully, happily, creatively, and meaningfully as is possible.
- In general, in a society wherein morality is declined, crime, death, looting, instability, social deviance, suicide, human right violation, corruption and other crises will prevail.
- With human self-interest, what can motivate us to always follow the rules of morality? Asked more simply, "Why be moral?" Among the more common answers are these:
 - Behaving morally is a matter of self-respect.
 - People won't like us if we behave immorally.
 - Society punishes immoral behavior.
 - God tells us to be moral.
 - Parents need to be moral role models for their children.
- These are all good answers, and each may be a powerful motivation for the right person. With religious believers, for example, having faith in God and divine judgment might prompt them to act

properly.

- With parents, the responsibility of raising another human being might force them to adopt a higher set of moral standards than they would otherwise.
- However, many of these answers won't apply to every person: nonbelievers, nonparents, people without self respect, people who think that they can escape punishment.
- There are two distinct components to the question "Why be moral?"
 - 1) Why does society need moral rules?
 - 2) Why should I be moral?
- From Hobbes's perspective, morality consists of a set of rules such that, if nearly everyone follows them, then nearly everyone will flourish. These rules restrict our freedom but promote greater freedom and wellbeing.
- **More specifically, the five social benefits of establishing and following moral rules accomplish the following:**
 - a) Keep society from falling apart.
 - b) Reduce human suffering.
 - c) Promote human flourishing.
 - d) Resolve conflicts of interest in just and orderly ways.
 - e) Assign praise and blame, reward and punishment, and guilt.
- ❖ All these benefits have in common the fact that morality is a social activity: It has to do with society, not the individual in isolation.
- ❖ If only one person exists on an island, no morality exists; indeed, some behavior would be better for that person than others—such as eating coconuts rather than sand—but there would not be morality in the full meaning of that term.
- ❖ However, as soon as a second person appears on that island, morality also appears. Morality is thus a set of rules that enable us to reach our collective goals.
- ❖ Imagine what society would be like if we did whatever without obeying moral rules. ("Why should I be moral?"). Ultimately, I should be moral because, by occasionally allowing some disadvantage for myself, I may obtain an overall, long-term advantage.
- ❖ Even when it seems as though I can break moral rules without getting caught, I still need to consistently follow them because, although an individual moral act may sometimes be at odds with my self-interest, the complete moral form of life in which the act is rooted is not against my self-interest.

Chapter Summary

Ethical reasoning ability is considered vitally important in the shared concepts and principles that guide common ethical issues. It offers a rationale that provides the impetus for elaborating on an ethical reasoning structure. Ethical theories and principles are the foundations of ethical analysis because they are the viewpoints from which guidance can be obtained along the pathway to a

decision.

A person making an ethical decision needs a procedure to follow to insure that s/he makes her/his decision with rationality and respect--a decision procedure that can insure that s/he has considered all the relevant factors and have taken into account the interests of others as well as her/him.

Thus, one has to develop a habit of pursuing justice or a disposition to be just if one wants to be a just person. What Aristotle means by saying this is that moral practice is a very important factor in being a moral person. One cannot have a moral character or become a moral person if one does not constantly practice to be moral, even though one might have correct moral ideas. This is just like a pianist who would not be a good pianist if she did not practice regularly even though she knows in her mind how to play the piano.

One often has to give up some benefits for morality and one would not do so or at least would not be willing to do so if one did not know why one should be moral or why it is good to be moral. This is like taking medicine. Nobody is willing to take medicine not knowing what is good about it. But one would if one knew that it would promote health. What Aristotle wishes to bring out is the importance of moral theory that shows the significance or the good of morality. The focus is on why one should be moral and what the moral principles that one should observe are.

END OF CHAPTER THREE FOR (MCED - 1011).

CHAPTER FOUR: STATE, GOVERNMENT AND CITIZENSHIP

4.1. Understanding State

4.1.1. Defining State

The term 'state' has been used to refer wider things such as set of institutions, territorial unit, philosophical idea, an instrument of coercion or oppression, and so on.

Besides, state has been understood in four quite different perspectives; (**idealist, functionalist, organizational** and **international** perspective).

- i. **Idealist Views** - Hegel identified three moments of social existence: the family (altruism), civil society (universal egoism) and the state (universal altruism). The drawback of idealism is that it fails to distinguish institutions under state and outside state.
- ii. **Functionalist views** - it focus on the role or purpose of state institutions. The central function of the state is maintenance of social order. The state is set of institutions that uphold order and deliver social stability.
- iii. **Organizational view** - defines the state as set of institutions that are 'public', and responsible for collective organization of social existence & funded at public expense.
- iv. **International view**- state viewed primarily as an actor on the world stage & as the basic 'unit' of international politics.

➤ **Classic definition of state in international law is found in Montevideo Convention on Rights and Duties of State (1933). As to article 1, the state has four features:**

1. **Population:** Since state is a human association, the first essential element that constitutes it is the people. No exact number can be given and mixture of its people had no effects. In short, it is to be noted that without population there can be no state.
2. **Territory:** The territory of a state includes land, water, airspace, maritime jurisdiction and embassies. As population, the size of a state's territory cannot be fixed. It is certain that the boundary lines of a state must be well marked out.
3. **Government:** Government is said to be the soul of the state. It implements the will of the community. If state is regarded as civilized, it is due to the existence of government. The government is machinery that terminates the condition of anarchy. The form of government may be monarchical, aristocratic, democratic, or dictatorial.

4. **Sovereignty**: It is the highest power of the state that distinguishes it from all other associations of human beings. It has two aspects - Internal and External. Internal Sovereignty implies the state is the final source of all laws internally. On the other hand, External sovereignty implies that the state should be free from foreign control.

In addition, theorists and the UN considered **recognition** as fifth essential attribute.

4.2. Rival Theories of State

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

4.2.1. The Pluralist State

- It stems from the belief that the state acts as an 'umpire' or 'referee' in society. Nevertheless, it based on unacknowledged assumptions about state neutrality.
- The state can be ignored only because it is seen as an **impartial arbiter** or **referee** that can be bent to the will of the government of the day.
- It traced back to social-contract thinkers such as Thomas Hobbes and John Locke.
- They argued that the state had arisen out of a voluntary agreement, or **social contract**, made by individuals to safeguard from insecurity, disorder and brutality.
- Without a state, individuals abuse, exploit and enslave one another; with a state, order and civilized existence are guaranteed and liberty is protected.
- As Locke put it, where **there is no law there is no freedom**. Here, state is a neutral arbiter; it is 'umpire' or 'referee' capable of protecting citizen from encroachments.
- In Hobbes' view, order could be secured only via establishment of state with power that could not be questioned. Citizens are under stark choice of absolutism and anarchy.
- However, Locke developed liberal defense of the limited state. In his view, the purpose of the state is very specific: it is restricted to defend 'natural' individual rights.
- These ideas developed in 20th c into the pluralist theory. Pluralism holds that the state is neutral, insofar as it is susceptible to the influence of various groups and interests.

4.2.2. The Capitalist State

- ✓ It is Marxist notion which argued that state cannot be understood separately from the economic structure of society. State is an instrument of class oppression:
- ✓ The Communist Manifesto (1848): modern state is a committee for managing the common affairs of the whole bourgeoisie'.
- ✓ State is entirely dependent on economically dominant class, which is the bourgeoisie. Lenin described state is an instrument for the oppression of the exploited class.
- ✓ If the state did articulate the interests of any class, it was not those of the bourgeoisie, but those of the most populous class in French society, the smallholding peasantry.
- ✓ The overthrow of capitalism would see the destruction of the bourgeois state and the creation of

an alternative, proletarian one.

4.2.3. The Leviathan State

- The image of the state as a 'leviathan' (in effect, a self-serving monster intent on expansion and aggrandizement) is one associated in modern politics with the New Right.
- Such a view the state as parasitic growth that threatens both individual liberty and economic security.
- The central feature is that the state pursues interests that are separate from society.
- New Right thinkers argue that state intervention reflected not by popular pressure rather, the internal dynamics of the state.

4.2.4. The Patriarchal State

- ❖ Modern thinking of state take account of the implications of feminist theory. Moreover, feminists concentrate the deeper structure of male power centered.
- ❖ They believed that gender equality brought about through incremental reform. If women are denied equality, the state is biased in favor of men.
- ❖ However, state's basic neutrality is reflected in the belief that any such bias can, and will, be overcome by a process of reform.
- ❖ In this sense, liberal feminists believe that all groups (including women) have potentially equal access to state power to promote justice and the common good.

4.3. The Role of the State

There are contrasting interpretations on the desirable roles of the state:

4.3.1. Minimal States

- Minimal state is a state aimed to ensure individuals enjoy widest realm of freedom.
- As to them, the value of the state is that it has the capacity to constrain human behavior & to prevent individuals encroaching on the rights and liberties of others.
- The state is merely a protective body, its core function being to provide a framework of peace and social order.
- Lock, state acts as night watchman, whose services called when order threatened.
- It leaves the 'minimal' or 'night watchman' state with three core functions.
- First, state exists to maintain domestic order. Second, it ensures contracts between private citizens are enforced, and third it provides protection against external attack.
- Its institutional ability is limited to police force, court system & military of some kind.
- Beside, state intervention is seen as 'dead hand' that reduces competition & productivity.
- Hence, state's economic role should be confined to two functions: maintenance of stable means of exchange or 'sound money' & promotion of competition.

4.3.2. Developmental States

- ❖ The best historical examples of minimal states were those in countries such as the UK and the USA during the period of early industrialization in 19th c.
- ❖ In later industrialize country; the more extensive will be its state's economic role. In Japan and Germany, state assumed a more active 'developmental' role from the outset.
- ❖ Developmental state is one that intervenes in economic life with the specific purpose of promoting industrial growth and economic development.
- ❖ The classic example of developmental states observed in Japan, France, Austria, Germany and in East Asia.

4.3.3. Social Democratic (Welfare) States

- ✓ Social-democratic states intervene to bringing about broader social restructuring, usually in accordance with principles such as fairness, equality and social justice.
- ✓ In countries such as Austria and Sweden, state intervention has been guided by both developmental and social democratic priorities.
- ✓ The key to understanding social-democratic state is **seen as a means of enlarging liberty and promoting justice.**
- ✓ It focuses less upon the generation of wealth and more on equitable or just distribution of wealth. In practice, it attempt to eradicate poverty and reduce social inequality.
- ✓ The adoption of welfare policies has led to the emergence of so called 'welfare states', whose responsibilities have extended to promote social well-being amongst their citizens.
- ✓ In this sense, the social-democratic state is an 'enabling state', dedicated to the principle of individual empowerment.

4.3.4. Collectivized States

- Collectivized states bring the entirety of economic life under state control. The best examples of such states were USSR.
- These sought to abolish private enterprise altogether, and set up centrally planned economies administered by a network of economic ministries and planning committees.
- Command economies' were therefore established that were organized through a system of 'directive' planning controlled by communist party.
- However, the use of the state to attain this goal suggests a more positive attitude to state power than that outlined in the classical writings of Marx and Engels (1820–95).
- Marx and Engels recognized that state control would be extended to include factories, the banks, transportation and so on.

4.3.5. Totalitarian States

- The most extreme and extensive form of interventionism is totalitarianism. It is ***the construction***

of all-embracing state, which penetrates in every aspect of human.

- The state brings not only the economy, but also education, culture, religion, family life and so on under direct state control.
- Best examples of totalitarian states are Hitler's Germany and Stalin's USSR, although modern regimes such as Saddam Hussein's Iraq arguably have similar characteristics.
- The central pillars of such regimes are a comprehensive process of surveillance and terroristic policing, and a pervasive system of ideological manipulation and control.

4.3.6. Religious States

- On the face of it, a religious state is theocratic with strong bond of state and religion.
- However, the modern state emerged by triumph of civil authority over religious authority, separation between church and state.
- The period since the 1980s has witnessed the rise of the religious state, driven by the tendency within religious fundamentalism to view religion as the basis of politics.
- This was evident in the process of 'Islamization' in Pakistan, Iran and, Sri Lanka.
- Far from regarding political realm as inherently corrupt, fundamentalist looked to seize control of the state and to use it as an instrument of moral and spiritual regeneration.
- Strictly speaking, religious states are founded on the basis of religious principles, and religiously-orientated governments operate in a context of constitutional secularism.

4.4. Understanding Government

4.4.1. What is Government?

- ❖ In its broadest sense, to govern means to rule or control others. Government can therefore be taken to include any mechanism through which ordered rule is maintained.
- ❖ It is a body or organ that administers 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 refers to political organization comprising individuals and institutions authorized to formulate policies and conduct affairs of state.

4.4.2. Purposes and Functions of Government

Accordingly, the major purposes and functions of government include:

- **Self-Preservation:** governments are responsible to ensure order, predictability, internal security, and external defense.
- **Distribution and Regulation of Resources:** All governments determine whether resources are going to be controlled by the public or private sector.
- **Management of Conflicts:** Governments usually develop and consolidate institutions (organs) and procedures for the management of conflicts.
- **Fulfillment of Social or Group Aspirations:** governments also strive to fulfill the interests like

human rights, common good and international peace of society.

- **Protecting Rights of Citizens:** Constitutional and democratic governments are created to serve and protect every citizen's rights, not to dominate them.
- **Protection of Property:** governments provide means such as police and court systems that protect private and public property.
- **Implementations of Moral Conditions:** Some governments' attempts to improve the moral conditions of their citizens.
- **Provision of Goods and Services:** common goods and services provided include, healthcare, education, public works, food, shelter, clothing for the public, etc.

4.5. Understanding Citizenship

1. Defining Citizenship

- In simplest terms, citizen refers to the person who is a legal member of a particular state.
- The means, by which we determine a person as legal member of state, is 'citizenship'.
- At the formal level, citizenship is the network of relationships between State & citizen.
- Generally, the concept of citizenship varies from society to society, depending on place, history and political organization.

4.5.2. Theorizing Citizenship

Therefore, to realize the notion of citizenship, understanding its theoretical explanations come out to be the crucial one.

4.5.2.1. Citizenship in Liberal Thought

- ✓ Liberal theory of citizenship begins with the individual person (the self). The self exists as the true symbol of liberal theory.
- ✓ Accordingly, it gives a strong emphasis to the individual liberty of the citizen. In liberalism, the initial focus of all fundamental political inquiry is the individual person.
- ✓ Liberals insist that individuals should be free to decide on their own conception of good life. Individual citizens act rationally corresponding to the laws of State.
- ✓ John Locke (1660), the individual is morally prior to the community: the community matters only because it contributes to the well-being of the individuals.
- ✓ If individuals maintain existing cultural practices, the community has no independent interest and no right to prevent individuals from modifying or rejecting them.
- ✓ Under this thought, the role of the State is to protect and create convenient environment to help citizens enjoy and exercise of their rights; the State has an instrumental function.
- ✓ According to Mill, individual liberty and State action tend to be opposed to each other. Thus, increasing the power of the State means reducing individual liberty.
- ✓ There are three fundamental principles which a liberal government must provide: (1) **equality**, (to treat individuals in same way); (2) **due process**, (to exercises power fairly); and (3) **mutual consent**

(membership in consensual relationship).

- ✓ Citizenship cannot define based on shared identity; the individual chooses his own affections, & any identification with others is a *product of their legal status* as citizens.
- ✓ Equal rights bind citizens together in community. This does not imply the complete rejection of culture and identity but they are not *a priori* foundations for citizenship.

Critics of Liberal Theory of Citizenship

- **First**, The most common problems related with advocating individualism are **free-raiders problem and the tragedy of the commons**.
- **Second**, liberals affirmatively valorize the privatization of personality, commitment, and activity.
- **Third**, it leaves **less time for public activities and diminishes the social prestige**.
- **Fourth**, liberalism may actually increase **economic and other kinds of inequalities**.

4.5.2.2. Citizenship in Communitarian Thought

- Communitarianism emerged in 1980's that emphasizes on the importance of society in articulating the good. It is also known as the nationalist) model.
- The identity of citizens cannot be understood outside their territory, culture and traditions. The basis of its rules, procedures and policy is shared common good.
- Thus, rather than viewing group practices as the product of individual choices, communitarians view **individuals as the product of social practices**.
- Moreover, communitarians deny that the interests of communities can be reduced to individual interests. Privileging individual is seen as destructive of communities.
- A healthy community maintains a balance between individual choice and protection of the communal way of life and seeks to limit the extent of one can erode the latter.
- As a result, the good of the community is much above individual rights and citizenship comes from the community identity, enabling people to participate.
- For liberals, citizenship rests on individual who determines its aspects, but for Communitarian, citizenship is rooted and lies with the people who surround individual.
- Communitarianism claims that an individual's sense of identity is produced only through relations with others in the community that nourish him/her.
- **All in all, the two defining features of communitarians are:**
 - i. **First**, no individual is entirely self-created; instead deeply constructed by the society.
 - ii. **Second**, by assimilation, meaningful bond occur between individual & community. As an individual understands what is good for the community is good for him as well.
- **Communitarian thought has been criticized for various reasons.**
- Communitarianism is **hostile towards individual rights and autonomy**
- Other critics argue that **communities are dominated by power elites**

- Communitarian emphasizes communal construction of social individuals. A problem is that these **constructive processes themselves need to be analyzed** in terms of power.

4.5.2.3.Citizenship in Republican Thought

- ❖ Republican citizenship theory put emphasis on both individual and group rights.
- ❖ **Like communitarian**, it emphasizes on what bind citizens together into a community.
- ❖ It requires citizens to bring together their individual lives to find unity in diversity. However, republicans don't pressurize individuals to surrender their identities.
- ❖ Instead, it encourages people to look for the common ground despite their differences.
- ❖ **Just like liberal**, republican advocate self-government but do not agree with all restraints that deprive people's freedom.
- ❖ In contrast to liberalism, individuals must set aside their private interests.
- ❖ There are two essential elements of republican view: **publicity and self-government**.
- ❖ Publicity basically refers to the condition of being open to public. The public is not a mere collection of people but people joined by common concerns.
- ❖ The citizens and governments in a republican State shall not act arbitrary, impulsively, or recklessly but according to the laws of the State.
- ❖ However, without active citizens to take part in government, republic State can't survive.
- ❖ **Republican citizenship has been criticized by:**
 - ✓ **The first** is that the republican conception of citizenship is **no longer realistic**. To be a citizen is to put the common interest ahead of their own – to act as true citizens.
 - ✓ **The second** is **threat to an open, egalitarian, and pluralistic society**. In practice, republicans enforced homogeneity.
 - ✓ **The third** point concerns that citizenship involves a **false ideal of impartiality**.

4.5.2.4.Multicultural Citizenship

- Factors like rise of ethnic movements; structural exclusion of racial, gender, ethnic, and language groups; and increasing immigration made States multinational.
- They raise complex and divisive questions about how States can deal effectively with the problem of constructing civic communities
- Consequently, the conception of citizenship in a modern State should be expanded to include cultural rights and group rights within a democratic framework.
- There is a need to move towards a new type of multicultural citizenship appropriate to highly diverse societies and contemporary economic trends.
- Recognition of group difference implies seeing individuals as having equal rights as individuals and different needs as members of groups.
- **Multicultural citizenship discusses four principles:**

- i) ***Taking equality of citizenship rights as a starting point.*** Just like the liberal perspective, multicultural citizenship concerns with the universal rights of members.
 - ii) ***Recognizing that Formal equality of rights does not necessarily lead to equality.*** Formal equality can mask and legitimize disadvantage and discrimination. It is necessary to consciously recognize group difference and to understand its causes.
 - iii) ***Establishing mechanisms for group representation and participation.*** Despite formal equality, disadvantaged groups are often. It is necessary to make arrangements to ensure the participation of people directly affected, wherever decisions are made.
 - iv) ***Differential treatment for people with different characteristics, needs and wants.*** Multicultural citizenship allows for marginalized voices to be heard. It is needed to help marginalized groups attain civic equality and recognition.
- **Critics of differentiated citizenship:** if groups are encouraged to focus on their 'difference', the hope of a larger fraternity of all will have to be abandoned.
 - Differentiated citizenship create a "**politics of grievance.**" If only oppressed are entitled to differentiated citizenship, leaders establish perception of disadvantage than working.

4.5.3. Modes/Ways of Acquiring and Loosing Citizenship

4.5.3.1.Ways of Acquiring Citizenship

Since the grant of citizenship remains within the discretion of the state concerned, the means of acquiring a particular State's citizenship vary from country to country.

However, the common ways of acquiring citizenship can be grouped in to two: citizenship by birth and citizenship through naturalization/law.

i) ***Citizenship from birth/of Origin:*** individuals can get citizenship status because he/she is born in the territory or blood of mother and/or father. There are two principles of citizenship from birth commonly known as ***Jus Soli (law/right of the soil)*** and ***Jus Sanguinis (law/right of blood)***. However, jus soli could not apply to children of diplomats because of extraterritoriality and inviolability principles.

ii) ***Citizenship by Naturalization/Law:*** is the legal process by which foreigners become citizens of another country. The common sub-principles of acquiring citizenship through naturalization are the following. **Political case** (secession, merger and subjugation), **grant on application**, marriage, legitimatization/adoption, and reintegration/restoration.

1. Modes of Acquiring Ethiopian Citizenship

Before 1930, there wasn't officially inscribed legal document that deals with citizenship. But in 1930 Ethiopia adopted a legal document named "*Ethiopian Nationality Law*".

Recently, this nationality law has replaced by another legal document called "*Ethiopian Nationality Proclamation NO; 378/2003*", which adopted by HPR.

It enacted as per article 6 and 33 of FDRE constitution and affirmed that a person can acquire Ethiopian citizenship either by birth or naturalization.

1) Acquisition by Descent: the 1930 Ethiopian nationality law asserted that “any person born in Ethiopia or abroad, whose father or mother is Ethiopian, is an Ethiopian subject.” In its Article 6(1), the 1995 FDRE constitution stated that “any person shall be an Ethiopian national where both or either parent is Ethiopian.” *Jus Soli no functional*.

2) Acquisition by Law (Naturalization): Article 6(2) of the 1995 FDRE constitution also avers that aliens can get Ethiopian citizenship. Under naturalization, there are various ways of acquiring Ethiopian citizenship. These are:

a) Grant on Application (registration): happens when an alien requests a host state to be granted citizenship status of the country in question. The common ones are applicant’s age, length of residence, criminal conviction, income and moral character. But the criteria vary from country to country. According to Article 5 Ethiopian nationality proclamation, an applicant shall get Ethiopian nationality if, and only if, he/she:

- (1) Reach the age of majority, 18 years;
- (2) Lived in Ethiopia for a total of at least four years;
- (3) Has sufficient and lawful source of income (economically self-reliant);
- (4) Able to communicate in any of the indigenous languages spoken in Ethiopia;
- (5) Has a good character;
- (6) Has not recorded criminal conviction;
- (7) Has been released from previous nationality or the possibility of release;
- (8) Takes the oath of allegiance indicated in article 12 of the proclamation: ***“I—, solemnly affirm that i will be a loyal national of the federal democratic republic of Ethiopia and be faithful to its constitution”***.

b) Cases of Marriage: an alien who is married to an Ethiopian citizen have the possibility of acquiring Ethiopian citizenship. Yet, there are certain preconditions set in Article 6. **One**, the marriage shall be in accordance with the laws of Ethiopia; **Second**, the marriage shall lapse at least for two years; **Third**, the alien have to live in Ethiopia for at least one year preceding the submission of the application; and **Fourth**, the alien have to reach the age of maturity, morally good person, and lastly take the oath of allegiance.

c) Cases of Adoption (Legitimizing): this process whereby an illegitimate child get citizenship status of his/her caretaker’s nationality. As to article 7, the child could get Ethiopian citizenship if not matured; lives in Ethiopia together with his/her adopting parent; and has been released from his/her previous nationality. However, where one of his/her adopting parents is a foreigner, in writing, such a parent has to express his/her agreement that his/her adopted child gain Ethiopian nationality.

d) Citizenship by Special Cases: as it is labeled in Article 8, an alien who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian nationality by law without undergoing the pre-conditions stated in Article 5 (sub-articles 2 and 3) of the 2003 Ethiopian nationality proclamation. That is, he/she is not required to live in Ethiopia for a total of four years and may lack the ability to communicate in any of the languages spoken in Ethiopia.

e) Re-Admission to Ethiopian Nationality (Reintegration/Restoration): this is a process by which a

person acquires his/her lost citizenship. As to Article 22, a person who has lost Ethiopian citizenship status may get back Ethiopian nationality. In this case, the person could be readmitted to Ethiopian nationality if he/she applies for re-admission. In addition, he/she has to return and domiciled in Ethiopia and renounces his foreign nationality.

➤ Examining and Deciding on Application

An application to obtain Ethiopian nationality by law shall be accompanied with relevant documents and shall be submitted to Security & Immigration Affairs Authority (Article 10).

Then, the application examined by Nationality Affairs Committee that comprises five members from (Immigration Affairs; Foreign Affairs; Ministry of Justice & Federal Police).

The Committee has to submit its recommendation to the Security and Refugee Affairs Authority. If recommendation got approval, the applicant shall take the oath of allegiance.

Lastly, the applicant confers certificate of naturalization & become Ethiopian national.

4.5.3.3. Dual Citizenship

- ❖ **Dual citizenship** - is the condition of being a citizen of two nations. Of course, a person may acquire more than two States which is called multiple-citizenship.
- ❖ Duality/multiplicity arises because of the clash among the *Jus Soli*, *Jus Sanguini* and naturalization. For example, a baby born to a French family visiting the United States would acquire U.S. citizenship by *Jus Soli* and French citizenship by *Jus Sanguinis*.
- ❖ A child born from a mother and father of two different countries could acquire dual citizenship through decent.
- ❖ Hence, a State may allow its naturalized citizens to keep their original citizenship, or refuse its citizen to revoke his/her citizenship for various reasons.
- ❖ People who declared that they no longer were citizens of such a country and became naturalized in another still would be claimed as citizens by the original nation.
- ❖ Most African countries still prohibit dual citizenship on paper and Ethiopia also prohibits its citizens to have dual citizenship.
- ❖ As to article 20(1), "any Ethiopian who voluntarily acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality except under legal penalty and on discharging national responsibility."
- ❖ Therefore, under this condition which is called **indelible allegiance**, the person would remain dual/multiple citizen.

4.5.4. Ways of Loosing Citizenship

- ✓ Citizenship can be lost under certain conditions, or when a citizen voluntary renounces it. The primary rational for loss of citizenship is absence of a genuine link with the state.
- ✓ Generally, the common ways of losing citizenship are:
 - i. **Deprivation**

- **Deprivation** is an involuntary loss of citizenship which arises while government authorities or court take a decision to nullify an individual's citizenship.
- It might be due to uncovering national secrets, non-compliance of duties, loss of genuine link with state, promising loyalty or serving in armed force of other country, coup, seriously prejudicial behavior, and becoming naturalized in another country.
- But, the 1995 FDRE constitution asserts that "no Ethiopian national shall be deprived of his or her Ethiopian nationality against his or her will."

ii. Lapse/expiration

- ❖ **Lapse/expiration** is another way of losing citizenship which is not apply to Ethiopia.
- ❖ Lapse is a mode whereby a person loses his/her citizenship because of his/her permanent residence or long term residence abroad beyond years permitted by law.
- ❖ For example, if an Indian citizen stays outside continuously for more than seven years, he/she automatically loses his/her Indian nationality by the principle of lapse.

iii. Renunciation

- **Renunciation** is the voluntary way of losing citizenship. The UDHR (1948) guarantees the right of a person to change his/her nationality. Loss of citizenship is voluntary only if it is intended and initiated by the individual concerned.
- An Ethiopian national has the full right to renounce his/her Ethiopian nationality if he/she wishes according to the constitution and nationality proclamations.
- However, the person may not be actually released from that status until he/she has discharged one's obligations or accused of crime. This is called indelible allegiance.
- Article 19(4) of Proclamation, an Ethiopian who renounces Ethiopian nationality may not be released until discharged national obligations or served the penalty.

iv. Substitution

- ✓ **Substitution:** citizenship may be lost when the original citizenship is substituted by another state, where it is acquired through naturalization.
- ✓ On the other side, this may also take place when a particular territory is annexed by another state; the inhabitants' citizenship within the annexed territory will be replaced by the citizenship of the subjugator.
- ✓ Generally, an Ethiopian citizen can lose his/her nationality through renunciation and upon acquisition of other country's nationality stipulated in article 19 and 20.

4.5.4.2. Statelessness

- Statelessness is the condition of having citizenship of any country and with no government from which to ask protection.
- According to the international law, stateless person is a person who is not considered as a national by any state under the operation of its law.

- Statelessness results when state failure leads people to flee due to invasion and conquest by another state, civil war, famine, or an oppressive regime – from their home country.
- Individuals could also become stateless because of deprivation and when renouncing their citizenship without gaining nationality in another State.
- To settle such conditions, the UN has adopted a convention on the protection and reduction of stateless persons.

Chapter Summary

The chapter tries to present the basic notions of state, government and citizenship. An effort has been made to clearly show the relationship of them. State is an institutions created to ease the complex relationships and interactions among individuals and groups. There are various theories and perspectives on the structure and purpose/role of the state in collective life. Government is the administrative wind of that institution which is empowered to take care of the business of the state. Citizenship refers to the rules regulating the legal/formal relation between the State and the individual with respect to the acquisition and loss of a given country's nationality. For this reason, citizenship is frequently described as a contested concept which has had different meanings depending on the historical legacies, political organization of the State, ideologies and socio-cultural context. Citizenship status, however, is not only restricted to individual persons.

END OF CHAPTER FOUR!

CHAPTER FIVE: CONSTITUTION, DEMOCRACY AND HUMAN RIGHTS

5.1. Constitution and Constitutionalism

5.1.1. Conceptualizing Constitution

- Constitution is the fundamental law which sets out the state structure, rights of citizens and limits on the power exercise of a government.
- It is a blue print placed on top the hierarchy of laws on constitutional governments. A constitution may be said to be a collection of principles.
- In other words, constitution refers to body of rules and laws (written or unwritten) that determine the organization of government and the distribution of powers.
- Constitution is the mothers of all laws; all other ordinary laws are derived from and subjected to this blue print.
- Hence, since constitution is supreme law of a land, any other law contradicted with the provisions of the constitution becomes void or invalid.

5.1.2. Peculiar Features of Constitution

The following are some of the distinctive features of a constitution:

- A. Generality:** a constitution provides the general principle of a state and carry on foundation and sets out general framework of the law and the government. As other laws provide the details, constitution is always the most general, short and brief.

- B. Permanency:** unlike other laws, constitution is made for undefined period of time. It is purposely made to be stable and permanent. On the contrary, other laws are tentative, occasional and in the nature of temporary existence.
- C. Supremacy:** Constitutions are supreme laws, taking precedence over all others, and defining how all the others should be made. As a mother of law, it is original because it is directly made by the people as the direct expression of the will of the people. All other laws are secondary or derivative being commands of representatives of the sovereign.
- D. Codified document:** Constitutions are written down; often in a single document that presents the constitution in a systematic manner. The constitutions are not intended to be perfect is evidenced by expressly stated processes for revising or amending them.
- E. Allocation of powers:** Constitutions outline the proper relations between institutions and offices of the state, and between government and citizens. This is probably the most crucial part because it specifies powers and functions to government.

5.1.3. Major Purposes and Functions of Constitution

Hence, the following are some of the major purposes and functions of constitution.

- 1. It serves as a framework for Government:** it is a brief and a general outline of duties and rights of governments and also that of citizens.
- 2. It Limits the Powers of Government:** In a constitutionally limited government, officials are always abided by the constitution. i.e there is no arbitral decision or action.
- 3. It protects individual and collective rights of citizens:** To protect rights and freedoms, the constitution lay down the relationship between state and the individual.
- 4. 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. Contradiction is invalid.
- 5. It provides government legitimacy or stability:** as it formalizes and regulates relationships of state and citizens, it introduces stability, order, and predictability.
- 6. Constitution Blue Prints for establishing Values and Goals:** In a constitution, there is also an ideological aspect of constitution making where the people truly aspired for it.

5.1.4. Classification of Constitutions

Constitutions are classified based on its form, amendment procedure and degree of implementation/practice and state structures here below.

A. Constitution Based on Form

1. Written Constitution

In simple terms, a written constitution is one whose provisions are written in detail. Thus, it is a formal document that defines constitutional principles, rules for political system and rights of citizens in a codified form. For example, India, Kenya, Ethiopia, USA, Germany, Brazil, Indonesia, Jordan, Venezuela and Nigeria have written form of constitution.

Merits of Written Constitution

- It is easily accessible to citizens & prevents the emergency of dictatorship
- Citizens can easily learn about their rights and duties.
- It is full of clarity and definiteness because the provisions are written in detail.
- It has the quality of stability & sense of satisfaction

Demerits of Written Constitution

- It creates a situation of rigidity. It leads to the development of a conservative attitude.
- It becomes difficult to change it easily quickly as per the requirements of time.
- A written constitution becomes a play thing in the hands of the lawyers and the courts.
- Written constitution is not easily adapted to a new situation or changing circumstances.

2. Unwritten Constitution

Unwritten constitution means that the fundamental principles and powers of the government are not written down in any single document. It consists of customs, conventions, traditions, and some written laws bearing different dates. Example: British, Switzerland, Israel, Saudi Arabia, Oman and Bhutan.

Merits of Unwritten Constitution

- It has the quality of elasticity and adaptability.
- It is so dynamic that it prevents the chances of popular uprisings.
- It can absorb & recover from shocks. It looks like a natural outgrowth of a national life.

Demerits of Unwritten Constitution

- Since not compiled, it is not easy to determine which aspect of constitution is violated.
- It is difficult to create awareness through education.
- It leads to situations of instability.
- It leads to the state of confusion. Controversies often arise over different provisions.
- Unwritten constitution may be suitable to a monarchical or aristocratic system.

B. Constitution Based on Amending Process

1. Rigid Constitution

Here, the process of amendment is difficult. A special procedure is followed to make a change in any rule of the constitution. A more difficult procedure of constitutional amendment is national referendum. A referendum is the process of direct voting by citizens to support or rejects. In most, written constitutions are rigid constitution.

2. Flexible Constitution

Flexible constitution is the constitution which set up simple amendment procedure and there is no special required procedure. The simplest amendment procedure is absolute majority (two thirds support) in parliament. In most, unwritten constitutions are flexible.

C. Constitution Based on Degree of Practice

1. Effective Constitution:

Effective constitution is a situation in which government/citizens practices correspond to the provisions of constitution. Thus, it requires not merely constitutional rules but also the acting as per rule. Hence, it is constitution with constitutionalism.

2. Nominal constitution:

It is the constitution accurately describes government'/citizens' practice is not accordingly. In short, when the constitution is remains to have only paper value or absence of constitutionalism. Therefore, it is constitution without constitutionalism.

D. Based on State Structure

1. **Federal Constitution:** it is the one that distributes power among the different units of a state administration. But the model that is followed by constitutions in distributing state power differs from each other.
2. **Unitary Constitution:** here, state power is concentrated in the hands of the central government. In this case the local government has no guarantee for their existence.

5.1.5. Constitutionalism

- ✓ **Constitutionalism** refers to a doctrine that governments should be faithful to their constitutions because the rules can protect citizens' rights from arbitrary actions.
- ✓ Hence, the key elements for constitutionalism are constitution & effective implementation. It desires a political order in which powers are limited.
- ✓ A form of government can only be classified as constitutional when the rulers are subject to a body of rules and principles, which limits the exercise of their power.
- ✓ Thus, constitutionalism does not merely require the existence of constitution rather checks whether officials act in accordance with laws.

5.2. Constitutional Experience of Ethiopia: Pre and Post 1931

5.2.1. Traditional Constitution (Pre- 1931)

In Ethiopia, documents like the *Kebra Nagast*, the *Fatha Nagast* and *serate mengest used as constitution from 13th to early 20th c.*

i. Fetha Negest – Law of the Kin

- ❖ It was a collection of laws which in use in Christian Ethiopia for many centuries. It was originally written in Arabic by the Coptic Egyptian writer Abu Fada'il Ibn al-Assal.
- ❖ It used as sources of constitutional, civil, and criminal laws (secular & religious).
- ❖ It was compiled from the Old Testament, the New Testament, and the Roman law.
- ❖ It was fundamental laws and the king vested with absolute power.
- ❖ The throne was hereditary and the king was thought to be appointed divinely with the assumption that rules have a God given power.

ii. Kibre Negest – Glory of Kings

- ❖ It was written by six Tigrean clerics in early 14thc on mythical origins of royal house. It was important document that even defined who should become king in Ethiopia.

- ❖ It determines the succession of the throne in Ethiopia. It takes the Ethiopian history back to the legend of Solomonic dynasty.
- ❖ Based on this, it determined that any king in Ethiopia must descend from the Solomonic dynasty or must have such blood relationship with the dynasty.

iii. **Ser'ate Mengist – Art of Rule**

- ❖ It provided certain administrative protocol and directives in 19th c. It hardly considered as a document of Constitutional Law in its widest sense.
- ❖ Nonetheless, as it is the first to have been used for allocating power among the Crown, its dignitaries and the Church.
- ❖ It was more theoretical than practical as incessant rivalries among royal members.

5.2.2. The 1931 First Written Constitution

- ❖ On July 16, 1931 by Emperor Haile Selassie, the era of unwritten form of constitution came to an end. Internal and external factors caused 1931 constitution.
- ❖ **Externally**, the growing interaction with external world forced to view Ethiopia as a modern state to the rest of the world.
- ❖ The emperor had to convince the world that his country was modernizing and taking her place among the civilized states (League of Nations).
- ❖ **Internally**, it was intended to provide a legal framework for the suppression of the powerful traditional nobilities to the emperor.
- ❖ It was designed to unify and centralize all state power in the hands of the monarch. This also marked the beginning of the culmination of the struggle for centralization.

5.2.3. The Revised Constitution of 1955

- ❖ After 24 years, the constitution was revised due to federation of Eritrea in 1952 and to respond for the issues of students movements.
- ❖ Hence, the Revised Constitution continued to reinforce the process of centralization. The emperor was able to get more additional powers by the revision.
- ❖ He was both the head of state, head of government and oversee the judiciary through his *Chilot* (Crown Court).
- ❖ However, like its predecessor, the constitution declares the inviolability of the Emperor's dignity and the power of appointing and dismissing members of the parliament.
- ❖ Federation of Eritrea with Ethiopia led to the addition of two new documents (**federal act & Eritrean constitution**) in to the Ethiopia legal system.
- ❖ **The federal act** was a document that specified terms of agreements for federation of Eritrea and Ethiopia. Eritrean established their constitution with the support of UN.

5.2.4. The 1987 Constitution of PDRE

- ❖ Immediately after came to power, the Dergue setup PMAC, a temporary government. The PMAC was also in the process of reconstituting itself.

- ❖ The PMAC presented itself for elections through a new party **“Workers’ Party of Ethiopia”**. The party became the vanguard communist party.
- ❖ After coming to power, the Dergue issued a series of decrees and proclamations that was used as legal rules until the adoption of 1987 constitution.
- ❖ It took sweeping measures by series of decrees like nationalization of rural and urban land, extra urban houses, private schools and factories by passing series.
- ❖ In the Article 3, state would control key production, distribution and service enterprises, which legalized the massive nationalization of private businesses.
- ❖ This may lead us to the conclusion that the time from 1974-1987 was a period of constitutional vacuum in Ethiopia.
- ❖ Though it was late, Dergue constitution was adopted in 1987 by constitutional commission and approved by referendum.
- ❖ **As to the PDRE constitution:**
 - State and religion were separated for the first time;
 - Sovereignty was declared to working people of Ethiopia.
 - Contains provisions on democratic and human rights;
 - Recognized different cultural identities & equality of NNP’s
 - Introduced one party system by giving recognition to WPE.
 - Aimed at the principles of Marxist and Leninist ideology;
 - Aimed at giving power to the peoples via referendum, local and national assembly.

Practically, however, it was not different from 1931 and 1955 constitutions.

5.2.5. The 1995 (FDRE) Constitution

- ❖ The FDRE constitution has a wider coverage of both human and democratic rights. It has some salient features.
- ❖ Introduction of federalism, the principle of self-determination of collectivities, fundamental rights and freedoms, equality and affirmative action are among its features.
- ❖ In chapter 2, principles; popular sovereignty, constitutional supremacy, human rights, secularism & accountability & transparency are included.
- ❖ The Constitution embodied fundamental principles, which give a background to many of the rules that emerge in subsequent Chapters.

5.3. Democracy and Democratization

5.3.1. Defining Democracy

- The word democracy refers to the idea of rule by the people or government by the people. To mean, government comes from people; exercised by people, & for people’s interests.
- In democracies, rulers are held accountable for their actions in the public realm and citizens act indirectly through the cooperation of their elected representatives.

- Democracy can also be conceived as the institutionalization of freedom. In this case, it refers to the process of organizing agencies that can watch the respect of rights.
- There are two ways of exercising democracy. **Direct democracy** implies the right to make decisions is exercised directly by the whole citizens.
- **Indirect democracy** refers a government in which citizens exercise their rights and freedoms and discharge their obligations but through representatives.

5.3.2. Values and Principles of Democracy

There are three core values that are central to the concept of democracy.

a. **Liberty:**

This value includes **personal freedom** (to mean that Individuals should be free from arbitrary arrest and search; **political freedom** (the right to participate freely in the political process and **economic freedom** (right to property, job, etc).

b. **Justice:**

These include **distributive Justice** (fairly distributing benefits and burdens in society), **corrective Justice** (proportional response to correct wrongs and injuries) and procedural **justice** (same steps with openness should be used for gathering information and making decisions).

c. **Equality:**

Three notions: **political equality** (equal political rights or in short one man, one vote), **social equality** (no discrimination what so ever) and **economic equality** (equal and fair assessment to the national resources services).

Besides, the followings are fundamental principles of democracy. These are;

A. Popular Sovereignty

It is when citizen holds the ultimate authority over public officials and their policies. On the other side, popular sovereignty in democracy assumes the principle of majority rule.

B. Constitutional Supremacy

This is a principle that puts the constitution at the highest level in the hierarchy of laws. 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 law of the country is the constitution.

C. Rule of Law

In contemporary time, rule of law has been reflected either in their constitutions or statutes. Rule of law is equality before the law and no one is above the law. It is the principle under which a government exercises its authority in accordance with publicly disclosed laws. The law must treat and punish all in the country in the same way.

D. Secularism

Secularism asserts to dismiss or ignores God, and other religious viewpoints when discussing in politics. It is to mean separation of state and religion. It demands strict separation of religious and

political affairs & no interference among each other.

E. Separation of Powers

It refers political power should be divided among several bodies or officers of the state. It shows variation in different state structure and types of government. In order to protect power abuse, it is essential to separate powers among organs and tiers of government.

F. Free, Fair and Periodic Election

Here, **free** means all parties should get the chance to participate in election. Secondly, **fair** means all should be treated equally. Finally, **periodic** means to have fixed calendar.

G. Majority Rule & Minority Right

After conducting democratic election, those who gets the majority vote will establish a government. The majority will govern the country while the right of the minority respected.

H. Protection and Promotion of Human Rights

Human rights are those naturally given values that reflect respect for human life. Hence, their protection tests the legitimacy and constitutionality of a democratic government.

I. Multiparty System

Democracy requires several political parties working together in one political system.

5.3.3. Democratization

Democratization is the process of transitions from nondemocratic to democratic regimes within a specified time. It is not simple process & taken an extend period of time.

There are three main elements in democratization removal of authoritarian regime, installation of democratic regime, and sustainability of democratic regime.

5.3.4. Actors of Democratization

➤ Political Parties

The centrality of political parties for modern democracy is generally accepted by democratic politics. In democratic system, political parties provide proper functioning of government. In fact, political parties act as a bridge between a society and its government.

➤ Media

Mass Media and Democracy are always related to each other. Media is a mirror of the society and how democratic society can be represented through media. Countries which are strong democracies always have strong and free media.

➤ Civic Societies

Civil society is sort of voluntary institution for specific goal. Civil society forms the backbone of democracy. In countries like Ethiopia, there are numerous gaps left by the government in the development and democratization process. Civil societies have a potential of playing numerous momentous roles for democratic development.

5.4. Human Rights: Concepts and Theories

5.4.1. What are Human Rights?

- ✓ Human rights are basic to humanity & apply to all people everywhere. It infers fundamental entitlements belong to every member of the human race.
- ✓ As to UDHR, Article 2 stipulated that human rights belong to every human being without distinction of any kind.
- ✓ Human rights are established upon some main principles including universality, inalienability, indivisibility (apply in its fullest form) and interdependence.
- ✓ When we say human rights are **universal**, it is to show their worldwide applicability. **Inalienable** means you cannot lose these rights any more.

5.4.2. Rights Holders and Duty Bearers

- ✓ Rights become rights when the job of the two main actors is done. These are ***right holders*** and ***duty bearers***.
- ✓ Right holders are those who are entitled to enjoy, possess or claim a given right. Duty bearers are those who carry the obligation of protecting these rights to right holders.
- ✓ There must be always someone you will claim the protection, provision and fulfillment of your rights from and become accountable for any failures to do so.
- ✓ The primary (not the only) duty bearer for almost all of our rights is the state. Besides, individuals and other non-state actors may be named as duty bearers.
- ✓ Moreover, uninterrupted and cyclic relationship is expected among rights holders and duty bearers. Rights holders should claim their rights from duty bearers & vice versa.

5.4.3. Categories of Human Rights

The common way of categorizing Human Rights is into three: First, Second and Third generation rights.

5.4.3.1. Civil and Political Rights – First Generation Rights

Civil rights include such rights as the right to life, liberty and personal security, equality before the law, protection from arbitrary arrest and religious freedom. **Political rights** include right to speech, expression, assembly, association, vote & political participation.

5.4.3.2. Social and Economic Rights – Second Generation Rights

Social and economic rights include right to education, health and wellbeing, work and fair remuneration, trade unions, free associations, leisure time, & social security. Cultural rights include right to indigenous land, rituals, practices, and language.

5.4.3.3. Peace, Development and Environmental Rights – Third Generation

Third generation (solidarity) rights aimed to share the benefits of earth's natural resources. It includes rights to public goods, development, environment and peace.

5.4.4. Derogations and Limitations on Human Rights

There are two conditions under which human rights can be restricted: limitation and derogation. **Limitations** are lawful infringements of rights. It imposed primarily to facilitate optimal use or exercise of rights in a context of scarce public resources, space and time.

Restrictions are acceptable or justifiable limits of human rights during the normal times. It circumscribed the manner to which rights can be enjoyed in a particular set of circumstances, often in normal times.

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

Hence, such limitation should not be arbitrary rather based on legality, necessity, rationality and proportionality.

Limitations may be made for the sake of: safeguarding national security; prevention of crimes; protection of health, public morality; rights, freedom and institutions

In Ethiopia, both federal and regional governments have powers to declare state of emergency. Regions can declare in natural disaster and epidemics.

Besides, article 93 of the FDRE constitution specifies the Council of Ministers can declare a State of Emergency when there *is foreign invasion, endangers constitutional order, natural disaster and epidemic*.

5.4.5. Non-derogability of Human Rights

- There are also certain unique and inherent human rights, which can never be suspended under any circumstances.
- Some of the articles are non-derogable such as right to life; freedom from torture, inhuman treatment; servitude and freedom of religion.
- These rights are also non-derogable by the FDRE constitution. Conditions like existence of emergency, threat to nation, and guarantee of non-discrimination used to suspend.

5.4.6. Implementation and Enforcement of Human Rights

5.4.6.1. International Bill of Human Rights

- ❖ The very reason behind the establishment of the international law is ensuring global peace and security, and to lead a worth-living life.
- ❖ Hence, the main objectives of the international law and its institutions are in one way or another related with the protection of human rights.
- ❖ The issues of human rights come into picture in the international law starting from the adoption of the Charter of the United Nations on October 24, 1945.
- ❖ The charter makes protection of human rights one of the three main objectives of the UN, in addition to preserving global peace and stimulating comprehensive development.
- ❖ **The United Nations has six prime organs, namely;**
 - ✓ General Assembly

- ✓ Security Council
- ✓ Economic & Social Council (ECOSOC),
- ✓ International Criminal Court (ICC),
- ✓ Office of the Secretariat and
- ✓ Trusteeship Council (Suspended operations-1994)
- ❖ Besides, the Office of High Commissioner for Human Rights (OHCHR) is established under the ECOSOC, and dedicated to the promotion of human rights worldwide.
- ❖ The international bill of human rights is made up of various treaty and charter based human rights instruments; treaties, covenants, charters and declarations.
- ❖ The UN Charter clearly stated that the organization is dedicated to help men live a life free from fear of war, promotion of human rights and the worth of human person.
- ❖ The Universal Declaration of Human Rights (UDHR) is human rights instruments considered as the groundwork of most of the post-1945 codification of human rights.
- ❖ Many countries have included its provisions in their basic laws or constitutions. It has served as a model for most of the laws, constitutional provisions and rules.
- ❖ Besides, the UN presently has more than ten core human rights treaty based human rights instruments and conventions.
- ❖ **These includes,**
 1. Convention on the Prevention and Punishment of the Crime of Genocide (1948),
 2. Convention Relating to the Status of Refugees (1951),
 3. International Covenant on Civil and Political Rights (ICCPR),
 4. Slavery Convention (1926, but amended by Protocol in 1953),
 5. International Covenant on Civil and Political Rights (1966),
 6. International Covenant on Economic, Social and Cultural Rights (1966),
 7. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),
 8. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),
 9. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
 10. Convention on the Rights of the Child (CRC), and
 11. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- ❖ Each of the above human rights treaty instruments has an autonomous monitoring body, composed of independent experts who examine the reports.
- ❖ These committees are also in charge of issuing "concluding observations/comments", where they summarize their concerns about certain states and also give recommendations.
- ❖ Ethiopia is a signatory member to all of the aforementioned core international human rights

instruments.

5.4.6.2. Regional Mechanisms

- Under the UN umbrella, there are regional human rights systems which cover three parts of the world; Africa, the Americas and Europe.
- These two (international and regional) systems are aimed to make sure state actors are fulfilling their obligation in protecting, their citizen's rights.
- Hence, if an individual or groups rights are not protected on the domestic level, "the international system comes into play.
- Actually, this works only for the countries found in regions of the world where such systems are in place.
- As mentioned before, regional human rights systems are currently established only in Europe, Africa and American regions.

5.4.7. Ethiopian Human Rights System

The foundation of the observance of the human rights in Ethiopia is the FDRE Constitution, which was ratified in 1994.

The Constitution empowers all government at all levels with the responsibility and duty to respect and enforce the Constitutional provisions of human rights.

Moreover, the Constitution has required the establishment of national human rights commission, general attorney office, office of ombudsmen & independent courts.

To end with, there have been established institutions with the specific and prominent mandate of respect and promotions of human rights.

The main organizations in this respect are: the Ethiopian Human Rights Commission (EHRC) and the Ethiopian Institution of the Ombudsman (EIO).

Additionally, the Federal and Regional Ethics and Anti-Corruption Commissions and the Chief Auditor's Office are agencies that consolidate transparency and accountability.

The National Election Board established based on Constitution that state power can be assumed only through representatives.

Chapter Summary

Human rights, constitution/alism and democracy are some of the core concerns of this course. The chapter deals with these three important notions one by one. The chapter discussions go from definitions/meanings to theoretical arguments around these concepts. The core ideas or arguments of the major authors in the areas are discussed briefly. Human rights are explained in the first section as entitlements with both legal and social recognition. Human rights mainly engaged two main actors: rights owners and duty bearers. It is the cyclic interaction between the rights holders and duty bearers the respect and realization of human rights come to practice. The Universal Declaration of Human Rights associates human rights with "the highest aspiration" of the common people, and proclaims itself to be a "common standard" for all. Human rights are also recognized and stipulated in our FDRE

Constitution in similar manner. Thus, the realization of all human rights is not a matter of choice for states and non-state actors working in the area, it is rather an obligation must be fulfill if citizens have to live a worth living life. Constitution/alism and democracy are also imperative in any political system. Both can be seen as a basis for the promotion, protection and fulfillment of human rights. A constitutional regime exercises limited power and respects citizen's rights. The respect, fulfillment and provision of rights is also one of the fundamental principles of democracy. Thus, these three concepts are not mutually exclusive.

END OF CHAPTER FIVE!