

## **Introduction to Civics and Ethics (Module) LAR 1011**

## Chapter One

### Understanding Civic and Ethics

#### 1.1 Introduction

Civics or citizenship education primarily deals with the rights and duties of citizens in a state or political system. It mainly focuses on the civil and political rights of citizens and the respective obligations as well as rights of state as defined by constitution. Citizen refers to a person who has rights and duties with bound of a certain political system or country.

On the other hand Ethics (Greek *ethika*, from *ethos*, “character,” “custom”), deals with principles or standards of human conduct. It focuses on teaching citizens about morality and civic dispositions or character traits to make help citizens to behave or act in a desired way.

#### 1.2 Origin and Development of Civic and Ethics

The word civics is derived from Latin word called “civis”, which means the activities and participation of society. So, civis (also civicus) which means is citizen. Both these Latin words have given birth to the social science known as civics. The word citizen is to mean a person who is a member of a particular country by birth or Naturalization (getting a right of citizen ship through legal process). This is to a given country. This implies the state of having certain rights and duties.

It is the part of civic and Ethics to deal with matters of good citizenship and proper conduct and morality. All forms of education given at all times and at all levels have in some ways some aspects of citizenship and character education. Thus, it is safe to say that the origin of Civic and Ethics is the same as the origin and development of education. In fact, it is not always and everywhere known by the same name and offered in the same manner. At times it is given integrated along with other disciplines while at others it is a separate subject.

In the ancient two great states of Greece and Rome it was an already established order to govern their various affairs with the help of rules framed by citizens of these states. They had their small city states known as *Civitas*. Afterwards the words “Civics” and “Civitas” came to English language and the concepts such as “Citizen and “City” began to be used. The education system in Athens, for example, was aimed at the development of responsible citizens. Philosophers like

Socrates, Plato and Aristotle also had significant contributions to the subject area. Similarly, in ancient Rome and in its expanded empire there was some sort of citizenship education.

As the result of the close linkage existing between state and church in the medieval period citizenship and character education was given as part of religious education. This partnership between the state and church continued until the coming of the Renaissance (known as the “rebirth of revival of man’s interest in the learning and art of the ancient Greeks and Romans). As a result, education, in general, and Civic and Ethics, in particular, became free from religious interference. Moreover, the economic and intellectual activities due to the subsequent social revolutions that took place in Britain, America and France contributed more to make Civic and Ethics include modern and democratic concepts that continued to constitute its main contents afterwards. The period of renaissance resulted in Revolution in Europe and America. Particularly, these revolutions took place in some of the European countries like Britain Revolution in 1688, the American Revolution in 1776, the French revolution in 1789 which had helped for the emergence of modern democratic concepts. This In turn, helped for the growth of modern civic education.

On the other hand, one of the international developments that had helped the emergence of modern civic education was the disintegration of Soviet Union and the crumble and collapse of communism in 1990’s. The idea of liberty, democracy and constitutionalism has risen to global prominence in the 1990’s; many countries recognized that schools must teach young citizens both the theory and practice of constitutional democracy.

The other main international development which adds to the emergence of modern civic education was the meeting which is held in Prague, Czech Republic in 1995, which emphasized the importance of civic and ethical education in the school curriculum.

At present Civic and Ethics exists everywhere, but the nomenclature and its contents vary greatly depending upon a nation’s philosophy, stage of development and the nature of the educational policies of their governments. This means that whether the nation’s government is democratic or undemocratic, the school program usually provides for some study of the state and its laws and of civic responsibilities of citizens.

In different countries various labels and names are given to civic and Ethics:

1. Citizenship education;
2. Character education
3. Democratic and human right education;
4. Political and moral education;
5. Peace and human rights education;
6. Civic education;
7. Political education;
8. Human rights education (HRE) ;
9. Civics and ethics education;
10. Values/moral education;
11. Education for human dignity;
12. Education for citizenship and democracy;
13. Human rights, peace and democracy;
14. Globalization and multiculturalism, etc.

Today, both developed (industrialized) and developing countries offer some form of civic and Ethics to their students in schools and colleges. We can refer to the situations in the USA, UK, Canada, Australia, South Africa, Uganda, Kenya, Ghana, Zambia, Singapore, and Malaysia, to name but a few. Most of these countries designed the syllabus of civic and Ethics or any of the above subjects to cultivate some of the desired characteristics, such as, duty mindedness, self-control, accepting differences, patience, independence, hardworking, communicating well with others, able and willing to work with others as well as cherished values including love, cooperation, freedom, happiness, honesty, humanity, peace, respect, responsibility, simplicity, patriotism, justice, sovereignty, tolerance, truth, unity and equality. Particularly, at this time to great urge for the whole world becoming a single unit and the need for fraternity and peace the importance of this subject has enormously increased.

Likewise, some sorts of citizenship and character education were made to constitute the curriculum of Ethiopian modern schools since its birth at the beginning of the twentieth century. In fact then the main objective was to let students know about the glory of those on the throne their unlimited power and the hereditary rights of the family. Again during the *Dergue* regime

there was an independent subject called “political education” given at all levels of the educational system. The dominating purpose for this was to indoctrinate the young with the particular ideology and political dogma centered upon socialism.

Today Civic and Ethics that is offered at all levels of Ethiopian education is based on democratic principles majority rule, individual liberties, faith in the reason of the common man, individual worth and human dignity. Schools and higher institutions have given it due importance to teach the principles and etiquette of democracy.

## **1.2. The Meaning and Scope of Civic and Ethics**

The word civics comes from the Latin word *civitas* which means citizen. Having derived from the Latin, civics has developed many working definitions. Working definitions are derived from the tasks or activities of a subject. Accordingly, the following are some of the possible definitions of civics:

- 1) Civics is a branch of social Science which deals with the rights and duties of Citizens;
- 2) It is the intensive study and understanding of political institutions such as lawmaking institutions, executive bodies, political parties, etc;
- 3) It studies the theory and practice of free and open democratic society;
- 4) It is the study of the purpose of government, the nature of the law, and the way private behavior affects the public order and the political system; and
- 5) It also studies the international socio-economic and political conditions.

The definitions clearly indicate the concerns of civics. For instance, in the first definition, you can understand that civics teaches us about the rights and responsibilities our citizenship rights and duties. In the relationship between you and your state, you have rights to enjoy and duties or obligations to perform or fulfill. The privileges or benefits that you are entitled to get are called your rights while the responsibilities that you are required to fulfill are called your obligations.

In the second definition you can see that civics is concerned with the study of political institutions of various kinds existing in the country. It studies, for instance, executive body; its organization, powers and functions. It is also referring to the fact that Civics is primarily and education in self-government, which implies active participation and involvement of members and not passive acquiescence to other members’ actions.

In the third definition it is clear that civics studies the theory and practice of a democratic society. This means that Civics studies the values, commitments and assumptions of democracy; it studies challenges of democracy; and history of democracy.

In the fourth definition civics attempts to answer such questions as: What is the purpose of government: Why do we need government? What is the nature of the law? Is the law equally serving all citizens in the country? Or is it only the instrument of the rules? How does individual behavior affect the public order and the political system? If an individual has a bad behavior (like theft, crime, corruption, etc.) that behavior may affect the order of the society and political system. Civics studies the social economic and political conditions operating in the world. These are the areas which civics deals with.

In the context of political and social relationship there are many duties to be performed and correspondingly many rights to be respected. It is mainly with these that Civic and Ethics is concerned about. It is a study of institutions that govern their members with rules, regulations, customs, values and traditions so that members properly discharge duties and responsibilities and receive their benefits and rights.

Civic and Ethics is a useful branch of human knowledge that deals with the political, economic and social as well as intellectual aspects of a political community. This is believed to help students understand the political system, economic policies, social realities of their country and the world at large.

As mentioned above, Civic and Ethics is made of two interrelated subjects: Civics as an aspect of social sciences and Ethics as a branch of philosophy. The following discussion treats the two concepts separately in order to help you clearly understand the meanings of both.

Civic and Ethics is not a subject which stands by itself. Rather it is a subject which is interdisciplinary. What makes a subject interdisciplinary is when it borrows, shares or takes

knowledge, theories, principles and explanations from different disciplines. What should be taught in civic and Ethics is **an** important question that should be raised here.

Many countries expressed great concerns on how best to teach civic and Ethics. Law makers and policy makers expressed great concern on developing right kind of civic and Ethics. In the United States, education sector and congress addressed to this civic education issue. They have collaborated in construction of an elaborate set of standards for civic and government in order to enhance “informed and responsible participation of political life.” Several independent research institutions are also devoted to curriculum development of civic education with wide participation of experts and practicing educators. Learning resources are extensively developed by the Center for Civic Education and several academic institutions. For example, *We the People* is one of the model learning resources in which major knowledge and attitudes are carefully engraved to aware knowledge on political system and qualities of citizens. Each unit is constructed to lead a distinctive outcome of learning by encouraging thought-provoking and critical-thinking. Also, as key components of civic education, Cogan (1998) postulated five attributes: a sense of identity; enjoyment of certain rights; fulfillment of corresponding obligations; a degree of interest and involvement in public affairs; and an acceptance of basic societal values. As a social being, human beings encounter decision-making in various social situations. Most of the time, these situations demand problem-solving skills. The contents of civic education are not merely limited to dissemination of civic knowledge to produce law-abiding people. Rather, knowledge, and skills, and values as effective citizens must be integrated in textbooks and generic learning resources for every individual to ensure to be equipped with due qualities of mature citizens.

In short, it is important to note that for a well directed and concerted shaping of citizens civic and Ethics should have the following constituent:

- Human Rights
- Children, Women and Minority Rights
- The Rule of Law and Fair Trial
- Democracy
- Fundamental Freedoms of Expression, Association, Religion ...

- Citizenship
- Equality and Non-discrimination
- Globalization – Interdependence, Communication and Market;
- State and Government
- Peace, Violence, Conflict Resolution
- Media and Communication
- Poverty, Corruption and Development
- HIV/AIDS and Reproductive Health
- Environment and Heritage

## **Definition of ethics:**

**Ethics** is a branch of philosophy that addresses questions about morality. It is originally derived from Latin word *Ethos* which refers to *customs* and *norms* of society that has to be respected by every individuals. Morality also sets out norms and customary rules to judge the actions, intentions of individuals and groups in the society. It is something which is set by certain community or society. In every society there are standards that serve as ‘litmus test to distinguish’ “moral person” from “immoral one”. Moral persons are praised, rewarded and privileged. Whereas the immoral ones condemned or rejected.

These ideals of the ethos demand immediate and unquestionable obedience because they are respected values of society. Ethics, however, is not guided by values that are not rationally justified. Thus, ethics is not about unquestionable obedience; rather it is a matter of basing ethical values in rational arguments. To this end, ethics attempts to provide answer for the following questions;

- What actions are right or wrong?
- What things are good or bad?
- What ought to be done and what ought not to be done?
- What is justice and injustice? And etc.



## 1.3. The Purposes and Objectives of Civic and Ethics

### Introduction

This section discusses the purposes of teaching and learning civic and Ethics. In addition to that it gives you in detail the aims and objectives of civic and Ethics. Try to keep in mind these points as they serve as good elements of the checklist that will help to audit the changes achieved at the end.

In the new century synonymous with digital revolution and knowledge-based economy, all sectors of society face enormous challenges including education. Nurturing mature and responsible citizens becomes one of the key agenda among policy-makers and educators in many countries. For a society to be genuinely democratic, each and every member of its society should share consensus on common good and be equipped with the qualities of “good” citizen. Among other things right kind of civic education is considered as an instrument to build a harmonized place for all. The main reason for teaching and learning Civic and Ethics in a constitutional democracy like today’s Ethiopia is also for the very reason that the health of the body politic requires the widest possible citizens’ participation consistent according to the public interest and respecting the rights of individuals.

Civic education, based on genuine understanding of man and cherishing human relationship, is truly in need. We have great mission to cultivate positive traits of man and provide enriching life experience for bettering living. Also, understanding civic virtues and realizing in real life should be integral part of one’s entire span of life. More than any other time in history, education for civic virtues and universal values like compassion and altruism becomes paramount priority in national agenda. Therefore, the purpose and importance of Civic and Ethics is said to be **multi faceted**. The major ones are the following.

#### *1. To enhance the culture of civic responsibilities*

Civic responsibility is a firm determination or commitment to fulfill the duties of citizen ship. Duties or responsibilities of citizens includes, among others, to pay tax; respect the human democratic right of others; help the needy through voluntary service; actively participate in decision making to improve quality of government functioning; to participate in election (either as voter or candidate); check the power of the government etc.

So much we human family have dire aspiration for democratic society, all the members of global citizens demand appropriate civic and Ethics regardless of age, race, and gender. Civic and Ethics should not be limited to formal instruction at elementary and secondary levels. As Boggs (1991) articulates that responsible citizenship involves thoughtful evaluation and responsible involvement in public issues. As our society is moving forward to lifelong learning, it should take place from home to every corner of community. Engaging in community issues through service learning is considered as a significant mode of civic and Ethics. Therefore, all the members of society, policymakers and ordinary citizens alike, should address the sense of community to build genuine democratic society. It is of great importance to instill conviction that each member of a society can make a difference and change the community positively.

## ***2. To promote the culture of tolerance***

The promotion of human rights and consolidation of democracy depends on culture of tolerance. Tolerance is respect, acceptance and appreciation of rich cultural diversity, our forms of expression and ways of being human.

Tolerance is also “harmony in difference” (and it is not only a moral duty but also political and legal requirements. It is the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace). Tolerance is not concession. It is above all, an active attitude promoted by recognition of the Universal human rights and fundamental freedom of others. Tolerance as an element of civic education is certainly of great importance for the countries like, Ethiopia, Sudan, Nigeria, South Africa and others where societies are multi racial, multi ethnic, multicultural, and multi lingual. Therefore, one of the purposes of civic Education is the cultivation of tolerance and the eradication of negative stereotypes (and prejudice) and serves as a guarantee of peace and stability and as an obstacle to the outbreak of violence, war, conflict.

## ***3. To build civic competence of citizens***

This is concerned with the capacity or ability of citizens to participate effectively in the political system civic competence is very important for citizens to effectively participate in the affairs of their nation state. It is a relative term because citizens can develop their civic competence through time as there is no absolute civic competence

Mere membership to certain state or political society does not qualify a person to be good citizen. Good citizenship needs qualifications beyond mere membership to a country.

As the roles of good citizens are multifaceted and many there are minimum competences that are required from them. These are:

- Civic knowledge
- Civic skills
- Civic attitudes

**Civic knowledge** implies general information and awareness about the social, cultural, political, environmental, historical, and economic conditions and realities of the past and the present and also the challenge and prospects ahead of the country. Citizens need to know their country, its people, history, culture, resources and the like.

Civic knowledge is instrumental to bring change of attitude and ultimately leads to taking appropriate action. So we learn not for the sake of learning, but we learn for action.

**Civic attitude** involves those character traits, or dispositions which are engrained in the minds of citizens. Civic attitude or orientation will develop citizens acquired civic knowledge. Altruistic qualities are required to help the poor and vulnerable one in the community. There are also many civic attitudes that are required from good citizens such as;

- a. Tolerance- is the first and primary disposition that is required from good citizens. Political tolerance and cultural tolerance are critical to build up democratic system in our country. So tolerance could mean accommodation of political differences. At societal level, it means that a peaceful co-existence of different cultural, linguistic and religious communities. In Ethiopia where you have more than 80 linguistic communities, tolerance is critical. Tolerance includes accepting diversity, valuing diversity and respecting diversity.
- b. Open-mindedness- it implies citizen's readiness to enter dialogue, listen to others idea and change positions if necessary. This implies citizen's readiness to sacrifice their individual interests and values for the sake of promoting the collective interests of common good. It includes altruistic qualities of citizens.
- c. Loyalty- involves things like keeping promises or keeping ones word, keeping relationship.

- d. Virtuousness- citizen's ability to do right things at the right time at the right way for the right purposes.

**Civic Skills** involves skills of decision making, communication, conflict resolutions compromise, persuasions, creativity and the like.

4. *To provide the students with historical and contemporary information* about the existing realities of their countries and the world as well.
5. *To enable students to recognize the importance of moral and Ethical values.* We have to identify what is good and what is bad, and act accordingly. The knowledge and skill we acquire from Ethics enable us to avoid bad practices and develop what is labelled by the society as good.
6. *To enhance good governance.*

One of the purpose of civics educations is to promote good governance by creating accountable and transparent citizens; those who stand for their right and respect the right of others; those who fight mal-administrations, waste of resources and corruptions; those who influence the government to administer scarce resource in accordance with the real needs of the people /Citizens. Good governance, development and peace are closely interlinked and together they become a vehicle to improve the human conditions. Good governance enables to fight corruptions, waste of resource and bad administration which are among the greatest obstacles to development. Democracy and Good governance are very much interrelated concepts. But “democracy” alone is not a sufficient cause of “good governance.”

- ❖ Participation
- ❖ Rule of Law
- ❖ Transparency
- ❖ Accountability
- ❖ Responsiveness
- ❖ Consensus Oriented
- ❖ Equity & inclusiveness
- ❖ Effectiveness and Efficiency

To say there is good governance in a certain country, there should be transparency, accountability and responsiveness in public administrations. The people have the right to know

how decisions that affect them are arrived at; how public resources are administered, by whom and how? The diversion of scarce resource from basic development priorities such as educations, health, food security to words low-priority and sometimes economically abused uses such as excessive Military spending, personal enrichment etc is a serious violations of social and economic rights of citizens.

There are also many other specific objectives:

1. Promoting among citizens civic dispositions and commitments of fundamental values and principles required for competent and responsible citizenship.
2. Developing democratic outlooks: the participatory skills required to monitor and influence the formulation, implementation, ad justification and enforcement of public policy as well as participation in voluntary organization or to solve the problem of community. Participatory skills are;
  - a. Required to monitor/control and influence
  - b. To participate in voluntary organization.
3. Developing a feeling of patriotism and national character. Patriotism refers to ones love, affection and devotions towards his or her country. Citizens should be ready to sacrifice everything to protect their country.
4. Political consciousness; teaching of civics also aims at generating political consciousness in the mind of citizens. Providing citizens the knowledge and intellectual skills which are required to monitor and influence government rules, decisions and actions that significantly affect individual rights and without which the good of the society do not materialized. Civic education is aimed at creating a participatory political culture.

According to scholars there are three types of political culture;

- a- **Parochial Political Culture:** simply means participation limited to local areas. In this political culture citizens have no strong linkage or association with central government; citizens are obedient only to the nearly local chief. Citizens are not concerned about the decisions of the central national government.
- b- **Subjective Political Culture:** citizens see themselves as a subject of government rather than participant in political process. In this type of political

culture citizens assume passive relationship to the political system. Here citizens are only the receiver of political decisions passed by the authorities. Doer (Government) – Receiver (citizens) relationship.

- c- **Participatory political culture:** citizens see themselves as active participant in the political system. In this political citizens will have bright knowledge and awareness of political system. Civic education will provide you with the basic knowledge and skills about your government and society.

## 1.4. The Sources (Foundations) and Interdisciplinary Nature of Civic and Ethics

It is apparent that Civic and Ethics has several sources and takes knowledge and theories from different disciplines or subjects. The sources of Civic and Ethics can be generally classified in to two:

3.1. **Theoretical Sources:** This refers to the various disciplines which lends theories, Principles and explanations to the subject. Civics is actually a social science; however, in certain respects it forms a part of political science, philosophy and other field of study. Obviously, political science, philosophy, and Law occupy a central area in the study of Civic Education but other disciplinary areas such as history, sociology, geography etc. make important contributions to the studies of Civic Education. The study of Civic Education, therefore, requires relating and integrating knowledge, experience and skills obtained from these various areas of study. This multi-disciplinary nature of Civic Education enables students to **widen their mental horizon**, their thinking and problem solving abilities and to apply their intellectual skills in investigating issues related to the affairs of their community and nations.

3.2. **Documentary Sources:** This refers to the various materials that include:-

International instruments such as the Universal Declaration of Human Rights, and the various kinds of Covenants and Conventions including covenants on Economic, Social and Cultural Rights as well as conventions on the elimination of all forms of Discrimination against women, convention on the rights of Child etc.

Furthermore, constitutions both Federal and regional as well as legal enactments and decisions made by legal bodies such as parliaments, state councils and various Federal ministries are also sources of civic education.

Civic and Ethics is not a subject which stands by itself. Rather it is a subject which is interdisciplinary. What makes a subject interdisciplinary is when it borrows, shares or takes knowledge, theories, principles and explanations from different disciplines.

Civic and Ethics belongs actually to social sciences. However, in certain respects it forms part of political science, philosophy and other field of study. Obviously, political science, philosophy, and Law occupy a central area in the study of Civic and Ethics but other disciplinary areas such as history, sociology, geography etc. make important contributions to this study. The study of Civic and Ethics, therefore, requires relating and integrating knowledge, experience and skills obtained from these various areas of study. This multi-disciplinary nature of Civic and Ethics enables students to widen their mental horizon, their thinking and problem solving abilities and to apply their intellectual skills in investigating issues related to the affairs of their community and nations.

Although some allowance may be made for postgraduate needs, whether academic or vocational, wider considerations should determine the main design of the undergraduate curriculum. In the first place, it should not be too specialized for at least two reasons. One is that undue specialization at this stage will militate against the ideal of a liberal education which is the primary aim of university studies. The other is that studies by immature minds which are too narrowly concentrated will defeat their object. An undergraduate student who studied nothing else except political science would probably understand less about the subject than one who had broadened his outlook by learning something of history, sociology or economics. There are many signs of an increasing recognition by social scientists of the value and possibilities of cross-fertilization among the social sciences.

## Chapter 2

### Ethics and Major Ethical Principles

#### Definition

**Ethics**, also known as **moral philosophy**, is a branch of philosophy that addresses questions about values—that is, concepts such as good and bad, right and wrong, virtue and vice, justice, etc. The field of ethics (or moral philosophy) involves systematizing, defending, and recommending concepts of right and wrong behavior. Originally it is derived from the Latin word *Ethos* which refers to *customs* and *norms* of society that has to be respected by every individual. These ideals of the *ethos* demand immediate and unquestionable obedience because they are respected values of society. Ethics, however, is not guided by values that are not rationally justified. Thus, Ethics is not about unquestionable obedience, rather it is a matter of basing ethical values in rational arguments.

## 2.2. Major Approaches to Ethics

### 2.2.1. Metaethics

The term “meta” means *after* or *beyond*, and, consequently, the notion of Metaethics involves a removed, or bird’s eye view of the entire project of ethics. We may define Metaethics as the study of the origin and meaning of ethical concepts. When compared to normative ethics and applied ethics, the field of Metaethics is the least precisely defined area of moral philosophy. It covers issues from moral semantics to moral epistemology. Two issues, though, are prominent: (1) *metaphysical* issues concerning whether morality exists independently of humans, and (2) *psychological* issues concerning the underlying mental basis of our moral judgments and conduct.

#### 2.2.1.1. Metaphysical Issues: Objectivism and Relativism

Metaphysics comprised of two concepts, ‘meta’ (beyond) and ‘pysica’ (things of nature). It attempts to study about reality in general going beyond the things of nature. Some things in the universe are made of physical stuff, such as rocks; and perhaps other things are nonphysical in nature, such as thoughts, spirits, and gods. The metaphysical component of metaethics involves discovering specifically whether moral values are eternal truths that exist in a spirit-like realm, or simply human conventions. There are two general views that this topic emphasize: *other-worldly* and one *this-worldly*.



## A. Objectivism (Universalism)

Proponents of the other-worldly view typically hold that moral values are objective in the sense that they exist in a spirit-like realm beyond subjective human conventions. They also hold that they are absolute, or eternal, in that they never change, and also that they are universal insofar as they apply to all rational creatures around the world and throughout time. The most dramatic example of this view is Plato, who was inspired by the field of mathematics. When we look at numbers and mathematical relations, such as  $1+1=2$ , they seem to be timeless concepts that never change, and apply everywhere in the universe. Humans do not invent numbers, and humans cannot alter them. Plato explained the eternal character of mathematics by stating that they are *abstract entities* that exist in a spirit-like realm. He noted that moral values also are absolute truths and thus are also abstract, spirit-like entities. In this sense, for Plato, moral values are spiritual *objects*. Medieval philosophers commonly grouped all moral principles together under the heading of “eternal law” which were also frequently seen as spirit-like objects. 17<sup>th</sup> century British philosopher Samuel Clarke described them as spirit-like *relationships* rather than spirit-like objects. In either case, though, they exist in a spirit-like realm. A different other-worldly approach to the metaphysical status of morality is *divine commands* issuing from God’s will. Sometimes called *voluntarism* (or divine command theory), this view was inspired by the notion of an all-powerful God who is in control of everything. God simply wills things, and they become reality. He wills the physical world into existence, he wills human life into existence and, similarly, he wills all moral values into existence. Proponents of this view, such as medieval philosopher William of Ockham, believe that God wills moral principles, such as “murder is wrong,” and these exist in God’s mind as commands. God informs humans of these commands by implanting us with moral intuitions or revealing these commands in scripture.

## B. Relativism (Subjectivism)

The second and more this-worldly approach to the metaphysical status of morality follows in the skeptical philosophical tradition, such as that articulated by Greek philosopher Sextus Empiricus, and denies the objective status of moral values. Technically, skeptics did not reject moral values themselves, but only denied that values exist as spirit-like objects, or as divine commands in the mind of God. Moral values, they argued, are strictly human inventions, a position that has since been called *moral relativism*. There are two distinct forms of moral relativism. The first is *individual relativism*, which holds that individual people create their own moral standards. Friedrich Nietzsche, for example, argued that the superhuman creates his or her morality distinct from and in reaction to the slave-like value system of the masses. The

second is *cultural relativism* which maintains that morality is grounded in the approval of one's society – and not simply in the preferences of individual people. This view was advocated by Sextus, and in more recent centuries by Michel Montaigne and William Graham Sumner. In addition to espousing skepticism and relativism, this-worldly approaches to the metaphysical status of morality deny the absolute and universal nature of morality and hold instead that moral values in fact change from society to society throughout time and throughout the world. They frequently attempt to defend their position by citing examples of values that differ dramatically from one culture to another, such as attitudes about polygamy, homosexuality and human sacrifice.

## 2.2.1.2. Psychological Issues in Meta ethics

A second area of meta ethics involves the psychological basis of our moral judgments and conduct, particularly understanding what motivates us to be moral. We might explore this subject by asking the simple question, “Why be moral?” Even if I am aware of basic moral standards, such as don't kill and don't steal, this does not necessarily mean that I will be psychologically compelled to act on them. Some answers to the question “Why be moral?” are to avoid punishment, to gain praise, to attain happiness, to be dignified, or to fit in with society.

### i. Egoism and Altruism

One important area of moral psychology concerns the inherent selfishness of humans. 17<sup>th</sup> century British philosopher Thomas Hobbes held that many, if not all, of our actions are prompted by selfish desires. Even if an action seems selfless, such as donating to charity, there are still selfish causes for this, such as experiencing power over other people. This view is called *psychological egoism* and maintains that self-oriented interests ultimately motivate all human actions. Closely related to psychological egoism is a view called *psychological hedonism* which is the view that *pleasure* is the specific driving force behind all of our actions. 18<sup>th</sup> century British philosopher Joseph Butler agreed that instinctive selfishness and pleasure prompt much of our conduct. However, Butler argued that we also have an inherent psychological capacity to show benevolence to others. This view is called *psychological altruism* and maintains that at least some of our actions are motivated by instinctive benevolence.

### ii. Emotion and Reason

A second area of moral psychology involves a dispute concerning the role of reason in motivating moral actions. If, for example, I make the statement “abortion is morally wrong,” am I making a rational

assessment or only expressing my feelings? On the one side of the dispute, 18<sup>th</sup> century British philosopher David Hume argued that moral assessments involve our emotions, and not our reason. We can amass all the reasons we want, but that alone will not constitute a moral assessment. We need a distinctly emotional reaction in order to make a moral pronouncement. Reason might be of service in giving us the relevant data, but, in Hume's words, "reason is, and ought to be, the slave of the passions." Inspired by Hume's anti-rationalist views, some 20th century philosophers, most notably A.J. Ayer, similarly denied that moral assessments are factual descriptions. For example, although the statement "it is good to donate to charity" may on the surface look as though it is a factual description about charity, it is not. Instead, a moral utterance like this involves two things. First, I (the speaker) I am expressing my personal feelings of approval about charitable donations and I am in essence saying "Hooray for charity!" This is called the *emotive* element insofar as I am expressing my emotions about some specific behavior. Second, I (the speaker) am trying to get you to donate to charity and am essentially giving the command, "Donate to charity!" This is called the *prescriptive* element in the sense that I am prescribing some specific behavior.

From Hume's day forward, more rationally-minded philosophers have opposed these emotive theories of ethics (see non-cognitivism in ethics) and instead argued that moral assessments are indeed acts of reason. 18<sup>th</sup> century German philosopher **Immanuel Kant** is a case in point. Although emotional factors often do influence our conduct, he argued, we should nevertheless resist that kind of sway. Instead, true moral action is motivated only by reason when it is free from emotions and desires. A recent rationalist approach, offered by **Kurt Baier** (1958), was proposed in direct opposition to the "emotivist and prescriptivist" theories of Ayer and others. Baier focuses more broadly on the reasoning and argumentation process that takes place when making moral choices. All of our moral choices are, or at least can be, backed by some reason or justification. If I claim that it is wrong to steal someone's car, then I should be able to justify my claim with some kind of argument. For example, I could argue that stealing Smith's car is wrong since this would upset her, violate her ownership rights, or put the thief at risk of getting caught. According to Baier, then, proper moral decision making involves giving the best reasons in support of one course of action versus another.

### iii. Male and Female Morality

A third area of moral psychology focuses on whether there is a distinctly female approach to ethics that is grounded in the psychological differences between men and women. Discussions of this issue focus on two claims: (1) traditional morality is male-centered, and (2) there is a unique female perspective of the world which can be shaped into a value theory. According to many feminist philosophers, traditional

morality is male-centered since it is modeled after practices that have been traditionally male-dominated, such as acquiring property, engaging in business contracts, and governing societies. The rigid systems of rules required for trade and government were then taken as models for the creation of equally rigid systems of moral rules, such as lists of rights and duties. Women, by contrast, have traditionally had a nurturing role by raising children and overseeing domestic life. These tasks require less rule following, and more spontaneous and creative action. Using the woman's experience as a model for moral theory, then, the basis of morality would be spontaneously caring for others as would be appropriate in each unique circumstance. On this model, the agent becomes part of the situation and acts caringly within that context. This stands in contrast with male-modeled morality where the agent is a mechanical actor who performs his required duty, but can remain distanced from and unaffected by the situation. A care-based approach to morality, as it is sometimes called, is offered by feminist ethicists as either a replacement for or a supplement to traditional male-modeled moral systems.

## 2.2.2. Normative Ethics

Normative ethics involves arriving at moral standards that regulate right and wrong conduct. In a sense, it is a search for an ideal litmus test of proper behavior. The Golden Rule is a classic example of a normative principle: We should do to others what we would want others to do to us. Since I do not want my neighbor to steal my car, then it is wrong for me to steal her car. Since I would want people to feed me if I was starving, then I should help feed starving people. Using this same reasoning, I can theoretically determine whether any possible action is right or wrong. So, based on the Golden Rule, it would also be wrong for me to lie to, harass, victimize, assault, or kill others. The Golden Rule is an example of a normative theory that establishes a *single principle* against which we judge all actions. Other normative theories focus on a *set* of foundational principles, or a set of good character traits.

The key assumption in normative ethics is that there is only *one* ultimate criterion of moral conduct, whether it is a single rule or a set of principles. Three strategies will be noted here: (1) virtue theories, (2) duty theories, and (3) consequentiality theories.

## 2.2.3. Applied Ethics

Applied ethics is the branch of ethics which consists of the analysis of specific, controversial moral issues such as abortion, animal rights, or euthanasia. In recent years applied ethical issues have been subdivided into convenient groups (Professional ethics) such as medical ethics, business ethics, environmental ethics, and sexual ethics. Generally speaking, two features are necessary for an issue to be considered an

“applied ethical issue.” First, the issue needs to be controversial in the sense that there are significant groups of people both for and against the issue at hand. The issue of drive-by shooting, for example, is not an applied ethical issue, since everyone agrees that this practice is grossly immoral. By contrast, the issue of gun control would be an applied ethical issue since there are significant groups of people both for and against gun control.

## 2.3 Major Ethical Theories

### 2.3.1. Virtue Ethics

Many philosophers believe that morality consists of following precisely defined rules of conduct, such as “don’t kill,” or “don’t steal.” Presumably, I must learn these rules, and then make sure each of my actions live up to the rules. Virtue ethics, however, places less emphasis on learning rules, and instead stresses the importance of developing *good habits of character*, such as benevolence (see moral character). Once I’ve acquired benevolence, for example, I will then habitually act in a benevolent manner. Historically, virtue theory is one of the oldest normative traditions in Western philosophy, having its roots in ancient Greek civilization. Plato emphasized four virtues in particular, which were later called *cardinal virtues*: wisdom, courage, temperance and justice. Other important virtues are fortitude, generosity, self-respect, good temper, and sincerity. In addition to advocating good habits of character, virtue theorists hold that we should avoid acquiring bad character traits, or *vices*, such as cowardice, insensibility, injustice, and vanity. Virtue theory emphasizes moral education since virtuous character traits are developed in one’s youth. Adults, therefore, are responsible for instilling virtues in the young.

Aristotle argued that virtues are good habits that we acquire, which regulate our emotions. For example, in response to my natural feelings of fear, I should develop the virtue of courage which allows me to be firm when facing danger. Analyzing 11 specific virtues, Aristotle argued that most virtues fall at a mean between more extreme character traits. With courage, for example, if I do not have enough courage, I develop the disposition of cowardice, which is a vice. If I have too much courage I develop the disposition of rashness which is also a vice. According to Aristotle, it is not an easy task to find the perfect mean between extreme character traits. In fact, we need assistance from our reason to do this. After Aristotle, medieval theologians supplemented Greek lists of virtues with three Christian ones, or *theological virtues*: faith, hope, and charity. Interest in virtue theory continued through the middle ages and declined in the 19<sup>th</sup> century with the rise of alternative moral theories below. In the mid-20<sup>th</sup> century virtue theory received special attention from philosophers who believed that more recent approaches

ethical theories were misguided for focusing too heavily on rules and actions, rather than on virtuous character traits. Alasdair MacIntyre (1984) defended the central role of virtues in moral theory and argued that virtues are grounded in and emerge from within social traditions.

## 2.3.2. Duty (Deontology) Theories

Many of us feel that there are clear obligations we have as human beings, such as to care for our children, and to not commit murder. Duty theories base morality on specific, foundational principles of obligation. These theories are sometimes called *deontological*, from the Greek word *deon*, or duty, in view of the foundational nature of our duty or obligation. They are also sometimes called *non-consequentialist* since these principles are obligatory, irrespective of the consequences that might follow from our actions. For example, it is wrong to not care for our children even if it results in some great benefit, such as financial savings. There are four central duty theories.

### 2.3.2.1. Major Duty Theories

The *first* is that championed by 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. Theoretical duty to know the existence and nature of God, and
2. Practical duties 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, as we might 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:

- Avoid wronging others,
- Treat people as equals, and
- 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.

A *second* duty-based approach to ethics is **rights theory**. Most generally, a "right" is a justified claim against another person's behavior – such as my right to not be harmed by you (see also human rights). 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. The most influential early account of rights theory is that of 17<sup>th</sup> century British philosopher **John Locke**, who argued that the laws of nature mandate that we should not harm anyone's life, health, liberty or possessions. For Locke, these are our **natural rights**, given to us by God. Following Locke, the United States Declaration of Independence authored by **Thomas Jefferson** recognizes three foundational rights: **life, liberty, and the pursuit of happiness**. Jefferson and other 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* insofar as they are not invented or created by governments. Second, they are *universal* insofar as they do not change from country to country. Third, they are *equal* in the sense that rights are 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.

A *third* duty-based theory is that by Kant, which emphasizes a single principle of duty. Influenced by Pufendorf, **Kant** agreed that we have moral **duties to oneself and others**, such as developing one's talents, and keeping our promises to others. 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 fundamentally 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, a categorical imperative simply mandates an action, irrespective of one's personal desires, such as "**You ought to do X.**"

Kant gives at least four versions of the categorical imperative, but one is especially direct: Treat people as an end, and never as a means to an end. That is, we should always treat people with dignity, and never use them as mere instruments. For Kant, we treat people as an end whenever our actions toward someone reflect the inherent value of that person. Donating to charity, for example, is morally correct since this acknowledges the inherent value of the recipient. By contrast, we treat someone as a means to an end whenever we treat that person as a tool to achieve something else. It is wrong, for example, to steal my



neighbor's car since I would be treating her as a means to my own happiness. The categorical imperative also regulates the morality of actions that affect us individually. Suicide, for example, would be wrong since I would be treating my life as a means to the alleviation of my misery. Kant believes that the morality of all actions can be determined by **appealing to this single principle of duty**.

A *fourth* and more recent **duty-based theory** is that by British philosopher W.D. Ross, which emphasizes *prima facie* duties. Like his 17th and 18th century counterparts, Ross argues that our duties are “part of the fundamental nature of the universe.” However, Ross's list of duties is much shorter, which he believes reflects our actual moral convictions:

- **Fidelity**: the duty to keep promises
- **Reparation**: the duty to compensate others when we harm them
- **Gratitude**: the duty to thank those who help us
- **Justice**: the duty to recognize merit
- **Beneficence**: the duty to improve the conditions of others
- **Self-improvement**: the duty to improve our virtue and intelligence
- **Non-maleficence**: the duty to not injure others

Ross recognizes that situations will arise when we must choose between two conflicting duties. In a classic example, suppose I borrow my neighbor's gun and promise to return it when he asks for it. One day, in a fit of rage, my neighbor pounds on my door and asks for the gun so that he can take vengeance on someone. On the one hand, the duty of fidelity obligates me to return the gun; on the other hand, the duty of non-maleficence obligates me to avoid injuring others and thus not return the gun. According to Ross, I will intuitively know which of these duties my actual duty is, and which my apparent or *prima facie* duty is. In this case, my duty of non-maleficence emerges as my actual duty and I should not return the gun.

### 2.3.3. *Consequentialist/Teleological Theories*

In the 18th century British philosopher Jeremy Bentham founded the ethical, legal, and political doctrine of *utilitarianism*, which states that correct actions are those that result in the greatest happiness for the greatest number of people. The utilitarian principle of holds that “actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure.” According to consequentialism, correct moral conduct is determined *solely* by a cost-benefit analysis of an action's



consequences. Accordingly, an action is morally right if the consequences of that action are more favorable than unfavorable.

Consequentialist normative principles require that we first tally both the good and bad consequences of an action. Second, we then determine whether the total good consequences outweigh the total bad consequences. If the good consequences are greater, then the action is morally proper. If the bad consequences are greater, then the action is morally improper. Consequentialist theories are sometimes called *teleological* theories, from the Greek word *telos*, or end, since the end result of the action is the sole determining factor of its morality.

Consequentialist theories became popular in the 18<sup>th</sup> century by philosophers who wanted a quick way to morally assess an action by appealing to experience, rather than by appealing to gut intuitions or long lists of questionable duties. In fact, the most attractive feature of consequentialism is that it appeals to publicly observable consequences of actions. Most versions of consequentialism are more precisely formulated than the general principle above. In particular, competing consequentialist theories specify which consequences for affected groups of people are relevant. Three subdivisions of consequentialism emerge:

***Ethical Egoism***: an action is morally right if the consequences of that action are more favorable than unfavorable *only to the agent* performing the action.

***Ethical Altruism***: an action is morally right if the consequences of that action are more favorable than unfavorable *to everyone except the agent*.

***Utilitarianism***: an action is morally right if the consequences of that action are more favorable than unfavorable *to everyone*.

All three of these theories focus on the consequences of actions for different groups of people. But, like all normative theories, the above three theories are rivals of each other. They also yield different conclusions. Consider the following example. A woman was traveling through a developing country when she witnessed a car in front of her run off the road and roll over several times. She asked the hired driver to pull over to assist, but, to her surprise, the driver accelerated nervously past the scene. A few miles down the road, the driver explained that in his country if someone assists an accident victim, then the police often hold the assisting person responsible for the accident itself. If the victim dies, then the assisting person could be held responsible for the death. The driver continued explaining that road accident victims are therefore usually left unattended and often die from exposure to the country's harsh

desert conditions. On the principle of ethical egoism, the woman in this illustration would only be concerned with the consequences of her attempted assistance as *she* would be affected. Clearly, the decision to drive on would be the morally proper choice. On the principle of ethical altruism, she would be concerned only with the consequences of her action as *others* are affected, particularly the accident victim. Tallying only those consequences reveals that assisting the victim would be the morally correct choice, irrespective of the negative consequences that result for her. On the principle of utilitarianism, she must consider the consequences for both herself and the victim. The outcome here is less clear, and the woman would need to precisely calculate the overall benefit versus disbenefit of her action.

### **i. Types of Utilitarianism**

Jeremy Bentham presented one of the earliest fully developed systems of utilitarianism. Two features of his theory are noteworthy. First, Bentham proposed that we tally the consequences of each action we perform and thereby determine on a case by case basis whether an action is morally right or wrong. This aspect of Bentham's theory is known as ***act-utilitarianism***. Second, Bentham also proposed that we tally the pleasure and pain which results from our actions. For Bentham, pleasure and pain are the only consequences that matter in determining whether our conduct is moral. This aspect of Bentham's theory is known as ***hedonistic utilitarianism***. Critics point out limitations in both of these aspects.

**First**, according to act-utilitarianism, it would be morally wrong to waste time on leisure activities such as watching television, since our time could be spent in ways that produced a greater social benefit, such as charity work. But prohibiting leisure activities doesn't seem reasonable. More significantly, according to act-utilitarianism, specific acts of torture or slavery would be morally permissible if the social benefit of these actions outweighed the disbenefit.

A revised version of utilitarianism called ***rule-utilitarianism*** addresses these problems. According to rule-utilitarianism, a behavioral code or rule is morally right if the consequences of adopting that rule are more favorable than unfavorable to everyone. Unlike act utilitarianism, which weighs the consequences of each particular action, rule-utilitarianism offers a litmus test only for the morality of moral rules, such as "stealing is wrong." Adopting a rule against theft clearly has more favorable consequences than unfavorable consequences for everyone. The same is true for moral rules against lying or murdering. Rule-utilitarianism, then, offers a three-tiered method for judging conduct. A particular action, such as stealing my neighbor's car, is judged wrong since it violates a moral rule against theft. In turn, the rule against theft is morally binding because adopting this rule produces favorable consequences for everyone. **John Stuart Mill's** version of utilitarianism is rule-oriented.

**Second**, according to hedonistic utilitarianism, pleasurable consequences are the only factors that matter, morally speaking. This, though, seems too restrictive since it ignores other morally significant consequences that are not necessarily pleasing or painful. For example, acts which foster loyalty and friendship are valued, yet they are not always pleasing. In response to this problem, G.E. Moore proposed *ideal utilitarianism*, which involves tallying any consequence that we intuitively recognize as good or bad (and not simply as pleasurable or painful). Also, R.M. Hare proposed *preference utilitarianism*, which involves tallying any consequence that fulfills our preferences.

## ii. Egoism

The word “Egoism” comes from Greek word ‘ego’, ‘I’ and therefore, literally, ‘I-ism’. The central concern of egoism is the ‘self’ as the beginning and of all consideration.

Generally, in egoism, self-interest is the nucleus or central for every ethical action or decision. In other words, what is right and wrong is to be decided on the basis of the interest of every egoist individual. On the basis of the above two views, egoism can be taken two forms,

1. The psychological egoism
2. The ethical egoism

### 1. The psychological Egoism

The psychological Egoism is motivated out of self-interests and aims at self-satisfaction. It is also doctrine about human nature, claiming that everyone by nature motivated primarily his or her own interests. The main moral argument of the psychological egoism indicated in the table below.

According to psychological egoism, people always seeks one’s own advantage or self interest, or always does what he thinks will give him the greatest balance of good over evil. This means also that “self-love’ is the only basic “principle” in human nature. The ‘ego-satisfaction” is the final aim of all activity or that” the pleasure principle”. Self love is the basic ethical principle

The psychological egoism theory criticized from the moral points view as it is discussed below.

1. For psychological egoism, one may derive self-satisfaction and rightfulness. But, the core question in relation to this view is that “How are we known what motivates people?” we cannot just assume that people are acting for the sake of self-satisfaction. For example, people

themselves are not always the best judge of what motivates them. It is true that we commonly hear or say to ourselves, I don't know why I did that"

2. It is difficult to prove theory of psychological egoism. Even if it were shown that we often act for the sake of our interests, this is not enough to prove that psychological egoism is true.

It is true that we are selfish (a psychological egoism claim). But, it is difficult to conclude that we should be selfish.

## 2. Ethical Egoism

- Ethical egoism maintains that each of us should look at only at the consequences that affect us. It views that each person ought to perform those actions that contribute most to his or her own self-interest.

Ethical egoism is a normative theory. It is a theory about what ought to do, how we ought to act as with psychological egoism.

Ethical egoism has two forms.

- A. Individual                      B. universal ethical egoism.

## 2.5. A Brief on Applied and Professional Ethics

Applied ethics is the branch of ethics which consists of the analysis of specific, controversial moral issues such as abortion, animal rights, or euthanasia. In recent years applied ethical issues have been subdivided into convenient groups (Professional ethics) such as medical ethics, business ethics, environmental ethics, and sexual ethics. Generally speaking, two features are necessary for an issue to be considered an "applied ethical issue."

**First**, the issue needs to be controversial in the sense that there are significant groups of people both for and against the issue at hand. The issue of drive-by shooting, for example, is not an applied ethical issue, since everyone agrees that this practice is grossly immoral. By contrast, the issue of gun control would be an applied ethical issue since there are significant groups of people both for and against gun control.

**Second**, it must be a distinctly moral issue. On any given day, the media presents us with an array of sensitive issues such as affirmative action policies, gays in the military, involuntary commitment of the

mentally impaired, capitalistic versus socialistic business practices, public versus private health care systems, or energy conservation. Although all of these issues are controversial and have an important impact on society, they are not all moral issues. Some are only issues of social policy. The aim of social policy is to help make a given society run efficiently by devising conventions, such as traffic laws, tax laws, and zoning codes. Moral issues, by contrast, concern more universally obligatory practices, such as our duty to avoid lying, and are not confined to individual societies. Frequently, issues of social policy and morality overlap, as with murder which is both socially prohibited and immoral. However, the two groups of issues are often distinct. For example, many people would argue that sexual promiscuity is immoral, but may not feel that there should be social policies regulating sexual conduct, or laws punishing us for promiscuity. Similarly, some social policies forbid residents in certain neighborhoods from having yard sales. But, so long as the neighbors are not offended, there is nothing immoral in itself about a resident having a yard sale in one of these neighborhoods. Thus, to qualify as an applied ethical issue, the issue must be more than one of mere social policy: it must be morally relevant as well.

In theory, resolving particular applied ethical issues should be easy. With the issue of abortion, for example, we would simply determine its morality by consulting our normative principle of choice, such as act-utilitarianism. If a given abortion produces greater benefit than disbenefit, then, according to act-utilitarianism, it would be morally acceptable to have the abortion. Unfortunately, there are perhaps hundreds of rival normative principles from which to choose, many of which yield opposite conclusions. Thus, the stalemate in normative ethics between conflicting theories prevents us from using a single decisive procedure for determining the morality of a specific issue. The usual solution today to this stalemate is to consult several representative normative principles on a given issue and see where the weight of the evidence lies.

## Normative Principles in Applied Ethics

Arriving at a short list of representative normative principles is itself a challenging task. The principles selected must not be too narrowly focused, such as a version of act-egoism that might focus only on an action's short-term benefit. The principles must also be seen as having merit by people on both sides of an applied ethical issue. For this reason, principles that appeal to duty to God are not usually cited since this would have no impact on a nonbeliever engaged in the debate. The following principles are the ones most commonly appealed to in applied ethical discussions:

- ***Personal benefit:*** acknowledge the extent to which an action produces beneficial consequences for the individual in question.

- ***Social benefit:*** acknowledge the extent to which an action produces beneficial consequences for society.
- ***Principle of benevolence:*** help those in need.
- ***Principle of paternalism:*** assist others in pursuing their best interests when they cannot do so themselves.
- ***Principle of harm:*** do not harm others.
- ***Principle of honesty:*** do not deceive others.
- ***Principle of lawfulness:*** do not violate the law.
- ***Principle of autonomy:*** acknowledge a person's freedom over his/her actions or physical body.
- ***Principle of justice:*** acknowledge a person's right to due process, fair compensation for harm done, and fair distribution of benefits.
- ***Rights:*** acknowledge a person's rights to life, information, privacy, free expression, and safety.

The above principles represent a spectrum of traditional normative principles and are derived from both consequentiality and duty-based approaches. The first two principles, personal benefit and social benefit, are consequentiality since they appeal to the consequences of an action as it affects the individual or society. The remaining principles are duty-based. The principles of benevolence, paternalism, harm, honesty, and lawfulness are based on duties we have toward others. The principles of autonomy, justice, and the various rights are based on moral rights.

An example will help illustrate the function of these principles in an applied ethical discussion. In 1982, a couple from Bloomington, Indiana gave birth to a baby with severe mental and physical disabilities. Among other complications, the infant, known as **Baby Doe**, had its stomach disconnected from its throat and was thus unable to receive nourishment. Although this stomach deformity was correctable through surgery, the couple did not want to raise a severely disabled child and therefore chose to deny surgery, food, and water for the infant. Local courts supported the parents' decision, and six days later Baby Doe died. Should corrective surgery have been performed for Baby Doe? Arguments in favor of corrective surgery derive from the infant's right to life and the principle of paternalism which stipulates that we should pursue the best interests of others when they are incapable of doing so themselves. Arguments against corrective surgery derive from the personal and social disbenefit which would result from such surgery. If Baby Doe survived, its quality of life would have been poor and in any case it probably would have died at an early age. Also, from the parent's perspective, Baby Doe's survival would have been a significant emotional and financial burden. When examining both sides of the issue, the parents and the courts concluded that the arguments against surgery were stronger than the arguments for surgery. First,

foregoing surgery appeared to be in the best interests of the infant, given the poor quality of life it would endure. Second, the status of Baby Doe's right to life was not clear given the severity of the infant's mental impairment. For, to possess moral rights, it takes more than merely having a human body: certain cognitive functions must also be present. The issue here involves what is often referred to as moral personhood, and is central to many applied ethical discussions.

## Issues in Applied Ethics

As noted, there are many controversial issues discussed by ethicists today, some of which will be briefly mentioned here.

**Biomedical ethics:** focuses on a range of issues which arise in clinical settings. Health care workers are in an unusual position of continually dealing with life and death situations. It is not surprising, then, that medical ethics issues are more extreme and diverse than other areas of applied ethics. Prenatal issues arise about the morality of surrogate mothering, genetic manipulation of fetuses, the status of unused frozen embryos, and abortion. Other issues arise about patient rights and physician's responsibilities, such as the confidentiality of the patient's records and the physician's responsibility to tell the truth to dying patients. The AIDS crisis has raised the specific issues of the mandatory screening of all patients for AIDS, and whether physicians can refuse to treat AIDS patients. Additional issues concern medical experimentation on humans, the morality of involuntary commitment, and the rights of the mentally disabled. Finally, end of life issues arise about the morality of suicide, the justifiability of suicide intervention, physician assisted suicide, and euthanasia.

**Business ethics:** examines moral controversies relating to the social responsibilities of capitalist business practices, the moral status of corporate entities, deceptive advertising, insider trading, basic employee rights, job discrimination, affirmative action, drug testing, and whistles blowing.

**Environmental ethics:** often overlap with business and medical issues, deals with the rights of animals, the morality of animal experimentation, preserving endangered species, pollution control, management of environmental resources, whether eco-systems are entitled to direct moral consideration, and our obligation to future generations.

**Sexual morality:** include monogamy versus polygamy, sexual relations without love, homosexual relations, and extramarital affairs. Finally, there are issues of *social morality* which examine capital punishment, nuclear war, gun control, the recreational use of drugs, welfare rights, and races

## Professional Ethics (Project Work)

Before trying to deal with professional ethics, it is necessary to define or disengage profession from other occupations. It is in fact difficult to provide the underlined definition of profession and professionals. Thus, many authors instead prefer to identify some features that can be taken as necessary for occupation to be a profession. These are:

- (i) **Extensive training** for a long period, and in particular field. Thus, a person who has completed high school cannot be called a professional for the reason that there is no specialization at high school.
- (ii) **The training must involve significant intellectual component.** It must enrich mental faculties of the trainee, and that also requires calibre to undergo such training. Training for drivers mechanics, carpenters etc. does not involve intellectual so that they cannot be called professionals.
- (iii) **Community service:** Person who have undergone through extensive training involving intellectual component provides services to the organized functioning of society. Modern complex society requires the service of professionals such as, teachers, physicians, engineers and lawyers.

In addition, there are features common to most profession but these features are not necessary for an occupation to be a profession. They include process of certification or licensing, organization of members and autonomy of the professional in his or her work.

**Profession** can literally be defined as a vocation requiring advanced training and education, while professional is a person who belongs to a learned profession or whose occupation requires high level training and proficiency.

**Professional ethics**, therefore, is concerned with the moral obligations and responsibilities expected from office holders and professionals. It deals about the specific and general guide line that should be followed and exhibited by every profession and office holders. Now a day, having a degree or diploma is not sufficient to satisfy the customers and achieve the objective of the employer. Workers/ employees are expected to perform their jobs with a sense of responsibility and professionalism. Some types of professional ethics are: Business ethics, Engineering ethics, Computer ethics, Media ethics, Bio-medical ethics, Legal ethics, Research ethics etc...



## **Chapter Three**

### **Society, State and Government**

#### **3.1. The Concept of Society**

##### **3.1.1. Definition**

The term society is derived from a Latin word socius. The term directly means association, togetherness, gregariousness, or simply group life. The concept of society refers to a relatively large grouping or collectivity of people who share more or less common and distinct culture, occupying a certain geographical locality, with the feeling of identity or belongingness, having all the necessary social arrangements or insinuations to sustain itself.

Calhoun et al (1994): defined Society as "A society is an autonomous grouping of people who inhabit a common territory, have a common culture (shared set of values, beliefs, customs and so forth) and are linked to one another through routinized social interactions and interdependent statuses and roles." Society also may mean a certain population group, a community. The common tendency in sociology has been to conceptualize society as a system, focusing on the bounded and integrated nature of society. Great founders of sociology had also focused on the dynamic aspect of society. Such early sociologists as Comte, Marx and Spencer grasped the concept of society as a dynamic system evolving historically and inevitably towards complex industrial structures (Swingwood, 1991:313).

The common tendency in sociology has been to conceptualize society as a system, focusing on the bounded and integrated nature of society. But in recent years such an approach has been criticized. Contemporary sociologists now frequently use the network conception of society. This approach views society as overlapping, dynamic and fluid network of economic, political, cultural and other relations at various levels. Such a conception is analytically more powerful and reflects the reality especially in the context of modern, globalizing world.

##### **3.1.2. Basic Features of a Society**

First, a society is usually a relatively large grouping of people in terms of size. In a very important sense, thus, society may be regarded as the largest and the most complex social group that sociologists study.

Second, as the above definition shows, the most important thing about a society is that its members share common and distinct culture. This sets it apart from the other population groups.

Third, a society also has a definite, limited space or territory. The populations that make up a given society are thus locatable in a definite geographical area. The people consider that area as their own.

Fourth, the people who make up a society have the feeling of identity and belongingness. There is also the feeling of oneness. Such identity feeling emanates from the routinized pattern of social interaction that exists among the people and the various groups that make up the society.

Fifth, members of a society are considered to have a common origin and common historical experience. They feel that they have also common destiny.

Sixth, members of a society may also speak a common mother tongue or a major language that may serve as a national heritage.

Seventh, a society is autonomous and independent in the sense that it has all the necessary social institutions and organizational arrangements to sustain the system. However, a society is not an island, in the sense that societies are interdependent. There has always been inter– societal relations. People interact socially, economically and politically.

It is important to note that the above features of a society are by no means exhaustive and they may not apply to all societies. The level of a society's economic and technological development, the type of economic or livelihood system a society is engaged in, etc may create some variations among societies in terms of these basic features.

### **3.1.3. Conceptualizing Society at Various Levels**

As indicated above, in a general sense and at an abstract level, all people of the earth may be considered as a society. The earth is a common territory for the whole world's people. All people of the earth share common origin; inhabit common planet; have common bio psychological

unity; and exhibit similar basic interests, desires and fears; and are heading towards common destiny (Calhoun, et al., 1994).

At another level, every continent may be considered as a society. Thus, we may speak of the European society, the African society, the Asian society, the Latin American society, etc. This may be because, each of these continents share its own territory, historical experiences, shared culture, and so on.

At a more practical level, each nation-state or country is regarded as a society. For example, the people of Ethiopia or Kenya, Japan are considered as a society. Going far farther still, another level of society is that within each nation-state, there may be ethno linguistically distinct groups of people having a territory that they consider as their own. They are thus societies in their own right. Some Such society may extend beyond the boundaries of nation-states. Example, the Borana Oromo inhabit in both Ethiopia and Kenya.

### **3.1.4. Types or Categories of Societies**

Sociologists classify societies into various categories depending on certain criteria. One such criterion is level of economic and technological development attained by countries. Thus, the countries of the world are classified as First World, Second World, and Third World; First World Countries are those which are highly industrially advanced and economically rich, such as the USA, Japan, Britain, France, Italy, Germany, and Canada and so on. The Second World Countries are also industrially advanced but not as much as the first category. The Third World societies are thus which are least developed, or in the process of developing. Some writers add a fourth category, namely, Fourth World countries. These countries may be regarded as the "poorest of the poor" (Giddens, 1996).

Another important criterion for classifying societies may be that which takes into account temporal succession and the major source of economic organization (Lensiki and Lensiki, 1995). When societies modernize they transform from one form to another. The simplest type of society that is in existence today and that may be regarded the oldest is that whose economic organization is based on hunting and gathering. They are called hunting and gathering societies. This society depends on hunting and gathering for its survival. The second types are referred to as pastoral and horticultural societies. Pastoral societies are those whose livelihood is based on

pasturing of animals, such as cattle, camels, sheep and goats. Horticultural societies are those whose economy is based on cultivating plants by the use of simple tools, such as digging sticks, hoes, axes, etc.

The third types are agricultural societies. This society, which still is dominant in most parts of the world, is based on large-scale agriculture, which largely depends on ploughs using animal labor. The Industrial Revolution which began in Great Britain during 18th century, gave rise to the emergence of a fourth type of society called the Industrial Society. An industrial society is one in which goods are produced by machines powered by fuels instead of by animal and human energy (Ibid.). Sociologists also have come up with a fifth emerging type of society called post-industrial society. This is a society based on information, services and high technology, rather than on raw materials and manufacturing. The highly industrialized which have now passed to the post-industrial level include the USA, Canada, Japan, and Western Europe.

### **The major difference between state and society**

No	State	Society
1	State came into existence after the origin of the society.	Society is prior to the state.
2	The violation of the laws of the state is followed by legal punishment	The violation of the norms of the society followed by social sanction, i.e. social exclusion.
3	The state exists for the society as a means for its end	Society is an end by itself
4	an artificial institution-it was made when it was needed	a natural and an innate institution
5.	State is not broader and narrower.	Society is both broader and narrower than the State.

6.	State has fixed territory.	Society has no fixed territory.
7.	State is a political organization.	Society is a social organization.
8.	The state has power to enforce laws.	Society has no power to enforce laws.

### **3.2. State**

State is a politically organized society/entity or political system. It refers to all institutions, agencies and agents that operate within a given territorial space, have legitimate power over us and can utilize its power.

States can be generally classified into traditional and modern states;

Traditional states are those empire states which had vast territory and population under their rules. As the territories were vast, the rules, even, did not exactly know the boundaries and even the compositions and the size of the people were beyond the knowledge of the king. Frontiers, rather than fixed borders served as boundaries. There hardly was a sovereign political body in most cases the king did not have exclusive control over the citizens as the religious leaders or pops had intruding role in the society.

The birth of modern states traced back to 17<sup>th</sup> century Europe most states of the present Europe are born from the collapse of the European Empires. Particularly, Westphalia peace treaty or the year 1648 that brought to an end the 30 years' war laid down a foundation for the emergence of modern nations in Europe. Moreover, Vienna congress, European Concert, Berlin Conference and International institutional innovations of 20<sup>th</sup> c have contributed a lot. In Africa the present states, with exception of Ethiopia and Liberia are the results of decolonization processes.

State has the following compulsory elements without which it cannot exist:

**A. Population:** this refers to people who are residing within certain area. No minimum number is required to constitute population of a state but must certainly be great enough. As far as the

number of people constituting a given state has not yet decided the size of people whether it is too large such as that of China or too small like that of Vatican cannot determine the existence of a given state. That is, there are states with large number of people and other states with small number of people: whatsoever the number of people there may be, there are states in this world.

**B. Territory:** is another essential element of state referring to an area or a certain portion of earth's surface, which is internationally delineated or demarcated and on which people of a state are expected to permanently reside. Once people are mandatory for survival of the state there must be an internationally bounded area on which they must settle. According to J.C Johari, an area devoid of population, or, temporarily traversed or settled by people cannot be a territory; that is, it should be permanently settled. Territory of a state consists of the land bodies, water bodies and their resources, and the airspaces exactly above the area of the state. No state should have the right to claim up on the territory of another state.

**C. Government:** is the agency or machinery of state exercising both internal and external aspects of sovereignty on behalf of the state. Since state is an abstract entity, government undertakes both internal and external functions in the name of the state. It is the element that has put an end to the prevalence of chaotic and disordered nature of society. It represents the three organs/branches; it maintains order, give service and carryout international obligations.

**D. Sovereignty:** this means state is supreme, highest and most powerful organization of society. It signifies the ultimate or supreme authority of the state in both its internal and external affairs. That means it has legitimacy to exercise power internally and externally. The state would not compromise its authority to any supreme entity both internally and externally: because it implies that there is no power and authority which is beyond and above that of the state. Since a state is sovereign it determines its own form of government, economic systems, domestic and foreign policies, and on all matters of its own. It possesses power monopoly and determines how this power shall be exercised in a country. It is sole bearer of emporium & final source of laws. It cannot have rivals as a law making power and an object of allegiance. It is subject to no other power above itself whatsoever. It is also recognized to interact with other states on equal status.

There is also fifth element of state called **Recognition**. Like the above four elements Recognition is not compulsory. Rather it is supplementary element of the state. International recognition is simply an external acceptance of a newly emerging independent state by other states in the world. New states can

emerge either through disintegration (when one state split (come apart) into two or more states) or through merging/coming together. It is for these newly emerged that recognition should be conveyed. Recognition is a political act; to mean it depends on the interest of a recognizing state. That is why recognition is an accessory not necessary element. It is very important to be recognized, but it cannot determine the legal existence of a given state in this real world. That is, a state can exist without getting international recognition. Take for example, Somaliland; it exists as a state but not international recognition is conferred to it. You can also take Israel. Most Arab countries do not recognize Israel as a sovereign state for political reasons. But Israel is a State.

### 3. 2. 2. Origin and historical development

Since about 5000 B.C., facilitated transition to crop cultivation and surplus production have led to large-scale state systems development in Tigris, Euphrates, Huwang Ho, Yangtze, Indus, Ganges and Nile valleys. Embryonic foundations of state and principles of politics also linked to ancient Greek city states (polis). Greeks political system was constantly nourished by philosophers one of whom was Aristotle whose work contributed much to theories and practices of state systems. There are many contending theories on the origin of state.

**A. Natural/Evolutionary theory:** This is sometimes named as *Genetic theory*, which is a theory that considers the state as natural to organized and settled social life. It claims that the state gradually evolved from out of earlier forms of settled human communities, such as the family, the clan and the tribe. That is, state is the product of the natural or gradual expansion of the family.

**B. Divine Right Theory:** This is perhaps the oldest/earliest theory concerning the origin of the state. It claims that the state to be of a divine creation. That is, the state is considered as an institution created by God, and rulers were regarded as the representatives or vice reagents of God on the earth. It is the will of God that in human society some are born to rule while others are born to be ruled. Moreover, this theory asserts that the social order, in which the position of the individual is determined hierarchically on the basis of the birth, was God-given and thus immutable. There is hereditary succession of authority of the rulers who should be held responsible for and accountable to God only, not to people.

The rulers, particularly kings, considered themselves and their male descendants to be elect of God to rule over the rest of the society whom they considered as subjects, not citizens. This was predominantly used by the feudal emperors in Europe during the middle ages. Even in Ethiopian context in the contemporary period you can take as example that of HaileSelassie's government. In short, the point here is that the will of God is the source for creation of state and authority of the rulers.

**C. Force Theory:** This theory associates the emergence of the state to wars and conflicts (i.e., inter-communal or inter-societal) that have been endemic in history of human beings. According to this, the state is the result of naked force applied by the stronger over the weak. That is, wars of conquest resulted in the occupation of more and more territories and lead to the creation of the state. This theory argues that warfare or military might and physical strength plays a defining role in the formation and continued sustenance of the state: state is an entity created by the use of physical force. The establishment of the state is done through the process of conquest, subjugation and coercion of the weak by the strong. In other words “*might (force) make right*” lies the ground for establishment of state in this theory.

**D. Social Contract theory:** This theory argued that state is an artificial creation based on the contract or agreement among the people at large. This theory came into being in the 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> centuries whose strong ground of argument was the doctrine of **popular sovereignty**. The social contract theory was developed in the age of revolutions in the fight against the rule of non-democratic systems in general and against absolute monarchies in particular. According to this theory, the source for establishment of the state is the **consent (will)** of the people and hence the main purpose of such state is to protect and safeguard the inalienable rights of the people such as the right to life, liberty, and property. It firmly advocated popular sovereignty, limited government and individual rights. Though it gave priority to individuals over society as its limitation, this theory is currently operational in international politics. Its exponents were the British political thinkers like Thomas Hobbes (1588-1679) and John Locke (1632-1704), and the French thinker Jean – Jacques Rousseau (1712-1778). They were great thinkers who contributed much to the development of contemporary democratic political system.

**E. The Marxist Theory:** according to this theory, historically, state originated from the split of society into social classes with sharp & polarized economic interests. This is more of intra-societal war carried out between classes. Particularly, Karl Marx popularized this view by analyzing the state as an agency of class warfare by which the capitalist classes control the working classes. In other words, the state was originated from the split of society into social classes with sharp and polarized economic interests. The formation of social classes is associated with emergence of private property. According to this theory, State stands for the interests of the rich against the poor. That means the state in its function is a partisan political organization that stands for the interests of the rich against the poor. Therefore, the supporters of this theory suggest that with historical process of disappearance of private property and antagonistic social classes, state will wither away. Thus, an envisioned Social system, (communism) where everybody will be equal and all have whatever they want would prevail.



**3. 2. 3. Structure of State:** Structures of state refer to forms of state indicating the nature and distribution of power and authority at various levels or tiers of government. Here, therefore, in view of the nature and distribution of political power and authority, one may broadly classify states into three structures: namely, *Unitary, Federal and Confederal*.

**A. Unitary:** Generally speaking, unitary state is a form of state in which the nature of political power is highly centralized at the centre up on the national government. National government is the central unit upon which constitutionally all political powers are usually centralized to carry out all administrative affairs on the behalf of the state. Accordingly, legislative authority is only vested in the national government.

Legislative authority is simply an authority legally given to state agency to enact or make constitution or law. And, this authority is only of the national unit in most unitary form of state and hence, the expectation is that there is constitution only at the national level. That is, all administrative policies and principles originate only from the center. This is because no shared legislative authority to regional units.

The source of establishment of regional units and their legal existence depend upon the interest/will of the central government. Having established them, the central government can grant them certain power and authority. So, in unitary state there will be only one source of creation and power for regional governments, that is the central government. This indicates that there are no authorities and powers left to local units that they can independently exercise from the central government.

Whatever activity the local units going to perform should first be commanded from the center from where most policies and decisions are shaped and sent down to local units. In this case, local/regional units have no independent decision making power and authority at least for some particular matters of their own. In unitary states the justification or the rationale for the existence of local/regional units is just to serve as an administrative agent of the central government and they are considered as a means to the central government to have a reach to local areas or to facilitate smooth administration there. This means they are created just to bring administrative convenience for the government. The other point is that the existence of the local units in unitary states is dependent up on the will of the central government. The national government can at any time reduce their power, or diminish it or even end their existence. Therefore, these regional or local units are highly subordinated or subservient to only the will of the national government: that is, they feel inferior to the center while the latter feels superior to them.

Some major advantageous parts of the unitary state structure include:

- it plays a great role in uniformity of decisions, political activities and services;
- Uniformity of laws, rules and policies and
- Emphasizes on equal access to public services and resources for all units; etc.

Some of the weaknesses of the unitary state structure are:

- Effective administration may be difficult;
- Doesn't encourage participation at the grass root levels;
- Not effective in managing cultural diversities;
- Inter-regional competition may not be encouraged;
- Due to centralization of power at the centre there may be misuse of power... etc.

## **B. Federalism:**

Federalism also referred to as federal government, a national or international political system in which two levels of government control the same territory and citizens. The word *federal* comes from the Latin term *fidere*, meaning “**to trust**.” Countries with federal political systems have both a central government and governments based in smaller political units, usually called states, regions, provinces, or territories. These smaller political units surrender some of their political power to the central government, relying on it to act for the common good. There is constitutional decentralization of power from the centre to the regional governments (i.e. *devolution of power*), and hence both the centre and regions have certain independent spheres of authority to make decisions independently of each other. That is, unlike the unitary, the source of creation and powers of both the federal (national or central) government and of the regions are the constitution. This poses limit on the extent of power to be enjoyed by the central unit and distributes power to the federated units to allow them decide on their specific affairs. Accordingly, there are two levels or tiers of government, or federal state is composed of two federated units, in between which legislative authority is constitutionally shared.

In a federal system, laws are made both by state, provincial, or territorial governments and by a central government. This provides a mechanism which unites separate polities allowing each polity to maintain its fundamental integrity. Consequently, dual subjectivity is one of the central features of the federal states. In other words, citizens in federal state should observe both the federal constitution and the regional constitution to which they belong. This is primarily attributable to the shared or legally divided legislative authority between both the central and regional units.

It is a covenant between pre-existing groups and federal government. Power of federating units and federal are clearly stated by constitution which cannot be changed without agreement of the two and power is shared between the two. Powers and functions of sub-territorial governments are recognized. Each level of government can make final decisions with respect to its area without federal permission. All regions may have their own constitution, flag, police force, anthem etc. However, some functions like foreign policy, national defense, international trade and currency are considered as central government functions which need uniformity. Unlike the unitary, in federal system there is no as such a sort of superior – subordinated relationship between the central and regional units; rather a kind of collaborative (cooperative) relationship is expected as a crucial feature of federal form of state.

It is a theoretical establishment that a federal state is known of decentralizing state power from the centre to regional/local units, which is termed as **devolution**. The following are some sets of powers in a federal arrangement of state.

**Exclusive power** - is a power which is granted constitutionally either to the federal or regional governments to perform different tasks independently of each other. That is, there are certain national matters or activities to be independently carried out by national government using this exclusive power; and there are certain regional matters or activities to be undertaken only by the regional governments independently of the national using such exclusive power.

**Concurrent power:** - this is common power granted to both governments to be exercised in performing the same activities by coming together cooperatively.

**Residual power:** - refers to all powers out of the jurisdiction of the federal government, which are not explicitly stated in a constitution and usually granted to the regional governments.

Some major advantages of federal state are:

- Its ability to manage diversity: it is very much applicable to multi ethnic Societies as a means of compromising their interest;
- Reflects the interest of the people in the local areas because they are authorized to make decision for themselves;
- It enables to manage large territory and population;

- Healthy competition among regional units helps to reinforce development;
- Eases the burden from the centre; and, the like.

Some of the disadvantageous parts of federal form of state include:

- There is a possibility of conflict of jurisdiction between the federal and regional governments because of duplication of power between the two levels;
- It is costly for the reason that it requires ample economic resource to run double set of governments
- It requires educated man power;
- Decision delay
- It creates a weak government by dividing internal sovereignty;
- It may also cause lack of uniformity in decision making since authority is Divided; and, so forth.

Examples for the federal form are Ethiopia (after 1991), Nigeria, USA, Switzerland, Germany and etc.

**C. Confederalism:** this is a voluntary association of independent states in which central government is weak but state governments are strong. However, central government is expected to coordinate and facilitate some activities among different states. A confederation gives less power to the central government. The loose alliances of countries or other political entities that make up a confederation seek to cooperate with one another while retaining ultimate control of their own internal policies. Unlike federal systems, confederations usually give each member nation absolute control over its citizens and territory. The central government decides only issues that affect all members of the confederation. In the 18th century the United States was founded as such a system under the Articles of Confederation. More recently, the Soviet Union dissolved in 1991, and many of the former republics formed a confederation called the Commonwealth of Independent States (CIS) to coordinate domestic and foreign policy. Confederations tend to be weak and unstable because member nations often resist relinquishing final authority on any matters and insist on their right to withdraw from the confederation at any time. Confederations are uncommon; most are international bodies with limited and specific responsibilities, such as the European Community (EC) and the British Commonwealth. State structures of Switzerland, German and USA are preceded by confederation. Currently, confederalism is more observable in regional, continental and global organizations.

## 3. 3. Government

### 3. 3.1 Definition and Functions

Government is political organization comprising the individuals and institutions authorized to formulate public policies and conduct affairs of state. The word *government* may also refer to the people who form the supreme administrative body of a country.

Government is an apparatus by which state maintains its existence. It exercises authority of a state and speaks or works on behalf of state. It accomplishes state's purposes & functions and realizes its policies & objectives. One of the main functions of government is to secure the common welfare of the members of the social aggregate/society or political system/ over which it exercises control. It includes offices, personnel and process by which a state rules. It is held responsible to carry out the day to day affairs of state. It is an essential political organ that coordinates the routine activities of the state & maintains law and order. Simply putting, government is an organization, institution, or apparatus through which state sovereignty is instrumentalized and hence functions of state are accomplished. Even though, they are not one and same, the concept of state and government is not seen in isolation because if there is no government then there is no state.

**3. 3. 2 Organs: refers to branches of government.** Government organs serve common national interests & ends as they do not compete but complement or supplement each other. Their functions are directed towards ultimate goal and welfare of general mass. They are separate but equally important together constituting the whole.

**A. Legislature:** this is a lawmaking body and its functions consist mainly in laws' enactment. Process of law- making includes formulating and introducing bills, giving them successive readings, referring to committees, voting on and sending them as completed measures for respectful assent. There are countries with a unicameral but many countries have a bicameral (two chambered) parliament.

**B. Executive:** this is the biggest institution with many departments to administer laws and mobilize resources. It has much power and vital roles. Its power scope may be residuary i.e. any function not assigned to legislative or judicial may be performed by it including taxes collection, maintaining order and defending country from enemy. It also involves in quasi-judicial activities. For example, tribunal at Federal Civil Service Commission acts as appellate court for grievances presented by civil servants against government disciplinary committees decisions. It passes decisions following - *court - like procedures*. Parties who are aggrieved by executive decisions go to judiciary by appeal. Some executive

cases require extensive knowledge of particular discipline or handling by technical persons since judges are less familiar with technicalities. Court procedures are very protracted and decisions may require longer time than decisions of executive.

**C. Judiciary:** this is expected to be detached from politics and act in neutral manner. It is anticipated to render impartial decisions. Independent judiciary can stand as a guardian, defender and bulwark/safeguard/ for individual rights protection. Justice is needed to be dispensed fairly and general public feels confident in integrity of judiciary. Judiciary is needed to be directed only by law and should be free from any influence of legislative or executive.

### 3. 3. 3 Systems and Types of government

**3. 3. 3. 1. Systems** Generally speaking, in view of how a given society is organized or on the basis of the extent to which the power of the state is exercised by the government, one may classify government into democratic and the non-democratic. Non- democratic governments have other alternative names like unlimited or non-constitutional governments. There are various forms such kinds as authoritarian, totalitarian, military, dictatorship, etc. or we can add the Aristotelian classification of government in antiquity. He put six type of government; those were polity, aristocracy, monarchy, tyranny, oligarchy, democracy from the best to the worst.

By *nature of relationship existing between the legislative and executive branches* of government, one may classify forms of democratic governments into **three** (In principle Judiciary should be neutral in all systems). These are parliamentary, presidential and the hybrid. Let us treat them separately.

**A.Parliamentary:** Parliamentary form is a form of government in which there is *fusion, integration or overlap of political power and authority* (and hence membership and function) of both the legislative and executive branches of government and consequently, members of the former can constitutionally be members of the latter. In other words, members of the government can have two roles at the same time in parliamentary government. It is a system led by a party or a coalition of parties with majority seats in legislature.

President or king/queen is ceremonial state head. In states such as Great Britain, Head of State is occupied by the monarch, king or queen particularly through the hereditary succession whereas in states like Ethiopia, Head of State is held by the president through election. Those who occupy the Head of the State are holding formal and ceremonial function as the figure head in the state. Premier (prime minister) or chancellor is chief executive (head of the government) and deals with day-today political activities. Prime minister is either appointed by state head or elected by legislature from majority party whose leader

usually becomes prime minister, although not in all times. There is a **collegial** (e.g. ministers' council, which incorporates Prime Minister and cabinet). Prime minister has certain amount of personal choice to select ministers. In some countries (e.g. UK, India) all ministers are **parliamentarians** but in some others (e.g. Ethiopia) some ministers may not be. A government is directly responsible to assembly and indirectly to electorate since it is appointed from constituents' representatives in assembly. Legislature controls executive's functions nearly on a day-to-day basis. In governmental control, many parliamentary democracies pose confidence or no confidence vote which has been considerably improved but its importance has been considerably diminished. Parliaments theoretically hold power of life or death over governments. In practice, however, procedures of parliamentarianism are used less and less. In some cases, when a government finds itself in difficulties, following repeated defeats and disagreements with its majority, it is sometimes forced to resign without any vote of any confidence. In parliamentary governments, of which the United Kingdom, India, and Canada are examples, the executive branch is subordinate to the legislature.

The other important feature of the parliamentary is that very crucial executive decisions shall be made by a team: that is by the cabinet or the Council of Ministers. The prime minister shall not usually make an individual decision unlike the case of the presidential form of government. Because the decisions are made in group, no individual member of the Council of Ministers escapes liability for faulty decisions, even if he/she is personally against such a group decision. This is why members of the Council of Ministers are collectively responsible to the legislature.

There is executive flexibility if serious failures call for new leadership. Moreover, executive-legislative fusion results in effective policies and avoids deadlock/stalemate. If friction arises it can be resolved by a no confidence vote. Furthermore, there is a strong party whip/beat/ which ensures that members of a party have obligations to support proposals of their respective party with the same political opinion and rare internal debate. Whenever a party member feels that his party's program is against his conscience, he has to withdraw from the party. Government also, usually, has not fixed tenure as it may be removed at any moment if majority in parliament passes a vote of no confidence with respect to governing party programs. Accordingly, prime minister may resign or request the president to invite parties to form a coalition government or house may be dissolved and election conducted. Moreover, when legislature fragmented into many small groups, cabinet becomes unstable as it is exposed to frequent disintegration and dissolution due to disagreements or changing alignments. Such instabilities may take place between elections without any popular involvement.

**B. Presidential:** Just like the parliamentary, the presidential systems in different states have certain differences. Usually, it is the American presidential form that can be taken as the model. However, the following features may be taken as points of communality.

The presidential form of government is an opposite (antithesis) of parliamentary system. It is based on *Montesque's theory of separation of power*. This theory suggests that branches of government should separate from each other & function independently. Accordingly, Presidential government is the form of government which is characterized by the separation of power and authority between the legislature and the executive by virtue of which members of the law making cannot constitutionally be members of the law implementing body of government.

This is a system in which president is both state and government head. President could be elected directly by people or by Electoral College (public delegates grouping to elect representative). President enjoys ultimate power and complete responsibility for all executive actions and only president makes very important decisions. President appoints secretaries (executive departments' heads) up on assembly approval and dominates cabinet (president's meetings with secretaries). Since president can appoint his ministers from people who do not belong to legislature, he has wide range of possibilities to select people of great caliber, individuals of competence and integrity without political considerations. Ministers hold office entirely at his pleasure and are accountable to him. They are merely instruments through which his policy is carried out. President, in most presidential systems can dismiss any of ministers as he likes with fast decision. In presidential governments, such as in the U.S., the executive is independent of the legislature, although many of the executive's actions are subject to legislative review.

Presidential theory requires assembly to remain separate from government. In most presidential systems, neither president nor any of his secretaries can be a member of legislative organ. A member of legislature can join executive only after resigning his membership in legislature. Executive does not depend for its survival on legislative whim. The president may be member of majority party or he may be even member of minority party in legislature. It is usually assembly which holds president ultimately responsible to constitution but not to assembly itself. Although legislature has certain controls on president, it cannot cause executive dissolution. Assembly cannot dismiss president; president may not dissolve assembly. Ministers are neither responsible to legislature nor do their function based on collective responsibility but individual.



Presidential government is stable since it cannot be dismissed before the expiry of its fixed tenure by an adverse vote in legislature. President may be removed from his office only through death, resignation, inability to discharge powers and duties of office or by unusual and exceptional congressional impeachment (accusation because of grave crime against country and constitutional order) and conviction on charges of treason, bribery or other serious crimes. However, president's fixed term breaks political process into rigidly demarcated periods, leaving no room for continuous readjustments that events may demand.

Party discipline in the legislature is loose and legislature members enjoy considerable freedom to oppose or support any proposal even though it may be part of the president's program. Members of parliament are guided by their conscience rather than a strict party discipline. This could enable them to express their feelings with lesser control of a party whip.

**C. Semi-presidential/Hybrid:** this is an alternation between presidential and parliamentary phases which solves both executive-legislative dead lock of presidential and legislature's uncritical support of government in parliamentarianism. Hybrid system combines advantages of direct democratic election and stable tenure associated with a presidential executive and flexibility of a parliamentary cabinet and prime minister. Moreover, president, prime minister and cabinet together offer much better opportunities than pure presidential government belongs to a general type of governmental system that could be called '**dual leadership**.' However, all of the advantages of parliamentarianism and presidential cannot logically be claimed simultaneously but in phases. In its presidential phase, semi-presidential has much less potential for coalition-building than parliamentarianism and in its parliamentarianism, government head lacks advantage of being directly elected. France and Poland can be taken as examples having a hybrid government. The French constitution gives executive authority to both the president and prime minister. The former is head of state; the latter, as leader of the Council of Ministers, is head of government. The president is elected by direct popular vote for a term of five years. In this power-sharing arrangement, known as *cohabitation*, the prime minister and president may disagree about policy goals and work to limit each other's influence. Separation of power in hybrid system is not as clear as presidential and not as fused as parliamentary.

### 3.3.3.2 Types of Government

Still other classifications hinge on varying governmental forms and powers among the nations of the world.

**A. Personalist:** this exists in a society where development of organization is extremely weak and solid procedural methods to govern society are almost null. Governance base is tradition, culture and history. These lead to charismatic individuals to prevail and assume power. Institutions are not effective to offset influence of charismatic leader since individual leader is source of power, command and chief executive to portray themselves as they are leading by virtue of God.

**B. Bureaucratic Authoritarian:** this has multi-party system, civic association, highly politicized Civil services and allows parties participation. It survives as a result of its military set up which intervenes in political arena. Election can take place but easily manipulated by coercive methods and pre-determined. The ruling party is over whelming powerful and popular participation is marginalized.

**C. Populist:** this is inclusionary of the mass support and has institutional viability. Most often it tends to lead mass mobilization. Expressive of popular support for populist regime solicited by mass rallies, demonstration, marches, different means and ways are employed to ensure the commitment of the masses. A heavy degree of indoctrination, agitation etc are employed to develop a sense of belongingness to the regime. Common goals are defined to which the majority subscribed.

**D. Liberal Democratic:** this is signified by political power derived from constitutional sources and electoral legitimacy. Competition for power is undertaken on popularity base on which divergent of interests compete peacefully. Formal freedom & liberty are adopted and rule of law is strong. There are check-balances, transparent and free market economy. The liberal democratic government is fashion of the day because international organizations are influencing states to adopt this regime. The most important thing here is identifying whether these governments are similar in words and deeds.

### 3.3.4 The Difference between State and Government

It is a different matter that most people use the concept of '*state*' interchangeably with other terms like '*government*'. This is due mainly to lack of precise understanding about the concepts. Here, to take up with correct understanding of the two terms, the following are some of the grounds for their principal differences forwarded by J.C. Johari (2006). These are:

- Relatively, the state is a wider/broader entity including all citizens of the country while the government is a smaller unit covering only those that are employed to perform its functions. That is, the state is the bigger entity for the promotion of common ends and the satisfaction of common needs. But government is the essential element and agency of state through which the will of the

state is formulated. That is the ends and purposes of the state are executed through the instrumentality of the government;

- The state is an abstract entity, but the government has its existence in a concrete form because it includes all persons in the legislature, executive and judiciary departments. In other words, the government is a practical & concrete organization through which the **will of the state** is formulated, expressed & realized;
- While the power of the state is **primary** and **original**, the authority of the government is something delegated and derivative. That is, the power of the state is absolute and unrestricted by anything on account of being a sovereign entity, whereas the authority of government is limited by the provisions of the constitution;
- Primarily owing to its sovereignty, state is regarded as permanent and independent institution. State survives and is always there unless its sovereignty is destroyed by the invasion of some other states. But government is changeable or dynamic; it always comes and goes. As far as one party is changed by another new party, office holders of government are changed. The frequent changes in government cannot affect the continued existence of state;
- Because all state across the world is made up of their four essential elements, they are not of various kinds. That is, they are the same throughout. But governments are of different forms such as monarchy, aristocracy, oligarchy, democracy, dictatorship etc.;
- The other crucial point is that membership to the state is something **compulsory** whereas that of government is an optional matter. Aristotle asserts that because people are political animals by nature and necessity it must for them to belong to the state. But it is up to the interest of the people to have or not to have posts in the government; and, so forth

## Chapter Four

### Citizenship

#### 4.1. The Conceptual Framework and Historical Development

Etymologically, the word citizen is derived from a Latin word “**Civis**” means **city resident**. The origin of the term is associated with ancient Greek city states whose full members were known as citizens. Citizen is legally recognized member of a state. Citizenship is legal status or official identification of individual to be integrated in to a state. It is a contractual relationship between state and citizens.

Although states may prescribe the conditions for the grant of nationality, international law is relevant, especially where other states are involved. As was emphasized in article 1 of the 1930 Hague Convention on the Conflict of Nationality Laws:

it is for each state to determine under its own law who are its nationals. This law shall be recognized by other states in so far as it is consistent with international conventions, international custom and the principles of law generally recognized with regard to nationality.

#### 4. 2: Ways of Acquiring and Loosing

##### 4. 2. 1. Major Ways of Acquiring

##### 4. 2. 1. 1. Citizenship by Birth

**A. *Jus Sanguinis*:** this is Latin phrase which means right of blood whereby a child acquires citizenship of his/her parents. What matters is the lineage, descent or blood relationship, not the place of birth.

*i. JusSanguinisMaterni* means blood line of mother, e.g. followed by Israel

*ii. Jus SanguinisPaterni* means blood line of father, e.g. followed by Bulgaria. \*Ethiopian follows legal parents’ blood principle (father or mother or both) for historical make up.

**B. *Jus Soli*:** this is also a Latin phrase which denotes soil right whereby a child attains citizenship from a birth state. However, children of diplomatic missionaries and representatives of international organizations may not claim this citizenship in line with international conventions such as 1930 Hague Convention on Conflict of Nationality Laws, 1961 Vienna Conventions on Diplomatic Protocols and

1963 Vienna Consular Protocols of United Nations. Most European & North American (Anglo-Saxon) countries adhere to *Jus soli* with hope that it will facilitate intermingling of nations.

## 4. 2. 1. 2. Citizenship by Law (Naturalization)

### A. Citizenship by Registration

- i. **Marriage:** according to this principle, if a woman marries a man of another state, she can have her husband's citizenship. If marriage takes place without legal procedures, married woman/man can claim citizenship of her/his husband/wife. This is considered as *defacto* or Apparent Nationality.
- ii. **Legitimation** this is citizenship whereby an illegitimate child gets citizenship of his/her care taker.
- iii. **Option:** a multi-citizenship person chooses citizenship of one selected state.
- iv. **Acquisition of Domicile:** this is through permanent residence in a certain country.
- v. **Appointment as Government Official:** is acquired by serving as a worker in a defined state.
- vi. **Grant on Application:** this is acquired based on specific rules and principles.

### B. Citizenship by Political Case or Process

- i. **By Force** –occupied state individuals are forced to acquire conquering state citizenship.
- ii. **By Voluntary Process (Cession ):** due to willful merger of one state with another state, people of state which decided to join another state will get citizenship of that state. People of Louisiana decided to join USA in 1803 from France. Saar valley voted through plebiscites to join Germany in 1934-35.

**C. Citizenship by Re-integration/Restoration:** this is a system whereby a person who had lost citizenship of a state due to certain reasons can get back citizenship on fulfilling conditions laid down.

**D. Citizenship by Option:** this takes place due to voluntary partitions or exchange of territories. In such cases, residents are given the option to choose the citizenship of one of the two states.

**E. Citizenship by Legislation:** a state can grant honorary citizenship to prominent figures.

**F. Citizenship by Special Case/Functional Nationality:** this is a possibility whereby citizenship is given without undergoing all legal procedures. .

\*When a person has citizenship status of two countries at a time, it is known as dual citizenship. One can be acquired by birth place (*Jus soli*) and the other by blood line (*Jus Sanguinis*) or through naturalization.

## 4. 2. 2. Ways of Loosing Citizenship

**I. Renunciation (Expatriation):** this happens either when a person gives up previous citizenship because of being naturalized in another country or harassment and state ideologies personal dislikes.

**II. Deprivation:** this takes place when a person commits serious crimes against the state such as exposing the secrets of his own country to alien forces, siding enemy forces in times of war and Carrying out diplomatic, economic, political and military intelligence for another state within own state.

**III. Substitution:** this happens if naturalization substitute's original citizenship or state is conquered by another state and conquered territory citizenship replaced by conqueror citizenship.

**IV. Lapse:** this takes place as result of long and continuous stay outside one's own state. E.g. If an Indian stays outside his country for more than seven years, he will lose Indian citizenship.

\***Statelessness** is lack of citizenship or a person is not a citizen/national of any country. This can happen if:

- I. The homeland of a person denies him/her citizenship as punishment, e.g. by expatriating.
- II. A person renounces citizenship of his/her country but does not acquire another citizenship.
- III. A child is born from alien parents without being citizen of a country that does not recognize *jus soli*.
- IV. The laws of some countries pertaining to marriage do not give citizenship right.
- V. A person's homeland has been destroyed by another country.

## 4. 3. Citizenship in Ethiopian Context

The first Ethiopian citizenship Decree was issued in July 1930 (amended in October 1932) based mainly on general principles of *jus Sanguinis*. According to article 12 sub-articles 1 of that law, Ethiopian Citizen is required to reach majority legal age, stay in Ethiopia for at least 5 years, not dependent upon others, speak and read Amharic and not accused of crime and other legal problems, have good health condition and moral character. A person born in Ethiopia or abroad from Ethiopian parents is entitled to be an Ethiopian. However, there are some qualifications to this general principle as follows:

- Every child born in a lawful mixed marriage follows the nationality of his father.

- A legitimized child follows his/her foreign father nationality if his/her father's state law grants him/her nationality with all inherent rights. Otherwise the child will preserve Ethiopian nationality.

The Decree further states that Ethiopian nationality is lost if:

- Ethiopian woman contracts lawful marriage with foreigner and acquires her husband's nationality. Article 4 of the law confirms that woman can choose citizenship of her husband but if she is divorced her Ethiopian citizenship cannot be removed.

- Child born in lawful marriage b/n Ethiopian woman & foreigner follows his/her father nationality.

- Ethiopian subject changes his nationality and acquires foreign nationality.

Despite this, Ethiopian nationality may be retained by:

- Ethiopian woman married foreigner whose country law does not entitle her to husband's nationality.

- A child born outside marriage where his/her father law does not allow him/her father nationality.

- if Ethiopian child adopted by a foreigner and adopting parent national law does result in a change of original nationality of adopted child.

The PDRE constitution of Ethiopia (1987, in Art.31) glossily provided that "Any person with both or one parent of Ethiopian citizenship is an Ethiopian"

The 1995 Constitution of Ethiopia reaffirmed the principle of *Jus Sanguinis* marking departure from patrilineal inclination. Once citizenship is established, it cannot be deprived without the consent of the citizen or there is no loss of citizenship by way of penalty. Naturalization privilege may be terminated if it was acquired on the basis of false information. Citizens are given the right to change their nationality.

Thus, the modern philosophical elements of public contract are reflected in the constitutional rights. These rights are composed of free movement of citizens within state, choosing one's own residence, freedom to leave the country, return to the country at any time etc.

The nationality act of 1930 was repealed by proclamation No. 378/2003 called Ethiopian Nationality proclamation. Just like the 1930 Nationality Act, the present Nationality proclamation adopts the rule of *jus sanguinis* as far as acquisition of citizenship is concerned.

The principle of nationality is enshrined under the constitution and under Article 6 it is stated that:

1. Any person of either sex shall be an Ethiopian national where both or either

Parent is an Ethiopian.

2. Foreign nationals may acquire Ethiopian nationality.

3. Particulars relating to nationality shall be determined by law.

The nationality proclamation also provides for another means of acquiring citizenship. This is what we call **naturalization**. The rules governing this mode of acquiring nationality through naturalization are stated under Article 5 of the proclamation. This rules state the conditions which have to be fulfilled by an applicant to acquire an Ethiopian nationality. Accordingly, a foreigner who applies to acquire Ethiopian nationality by law shall:

- 1) Have attained the age of majority and be legally cable under the Ethiopian law;
- 2) Have established his domicile in Ethiopia and have lived in Ethiopia for a total of at least four years preceding the submission of his application;
- 3) Be able to communicate in any one of the language of the nations/nationalities of the country;
- 4) Have sufficient and lawful source of income to maintain himself and his family;
- 5) Be a person of good character;
- 6) Have no record of criminal conviction;
- 7) Be able to show that he has been released from his previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he is a stateless person; and
- 8) Be able to take the oath of allegiance stated under Article 12 of this proclamation follow "I-----, solemnly affirm that I will be a loyal national of the Federal Democratic Republic of Ethiopia and be faithful to its constitution".



The Nationality proclamation of Ethiopia states that the only factors which ring about the loss of nationality are renunciation and acquiring the nationality of another state. Thus in Ethiopia there is two ways by which one may lose his/her Ethiopian nationality.

Article 19 of the proclamation governs the situations whereby an individual can exercise his/her right of renunciation. Here you have to bear in mind that the two conditions attached to the right of renunciation: the individual has to be the one who has ‘acquired the nationality of the other state’ or he/she “has been guaranteed the acquisition of the nationality of another state.”

The second mode of loss of Ethiopian nationality is acquisition of another nationality which is provided under Article 20 of the proclamation. Any Ethiopian who voluntarily acquires another nationality would automatically loss his/her Ethiopian nationality even if he/she does expressly renounce it. See the following articles.

## **Article 19: Renunciation of Ethiopian Nationality**

1. Any Ethiopian who has acquired or has been guaranteed the acquisition of nationality of another state shall have right to renounce his/her Ethiopian Nationality.
2. An Ethiopian who intends to renounce his nationality in accordance with this Article Sub-No (1) shall in advance inform the Authority in the form prescribed by the Authority.
3. The renunciation of the nationality of minor child pursuant to Sub-No (1) of this Article shall be effected by the joint decision of his/her parents or, where one of his/her parents is a foreigner, by the decision of the Ethiopian parent.
4. An Ethiopian who has declared his/her intention to renounce his/her nationality may not be released until.
  - i. He/she has discharged his/her outstanding national obligations or
  - ii. Where he/she has been accused of or convicted for a crime, he/she has been acquitted or served the penalty.
5. The Authority shall, upon ascertaining that the provisions of this Article are complied with, issues the applicant with a certificate stating the effective date of his release.
6. Any Ethiopian who is not issued with a certificate of release in accordance with sub-article (5) of this Article shall have the right to appeal to the competent court.

## **Article 20: Loss of Ethiopian Nationalities upon Acquisition of Others**

1. Without prejudice to the provisions of Article 19(4) of the above, any Ethiopian who voluntarily acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality.
2. An Ethiopian who acquires another nationality by virtue of being born abroad shall be deemed to have voluntarily renounced his/her Ethiopian nationality unless he/she has declared to the Authority his/her option to retain it by renouncing his/her other nationality within one year after attaining the age of the majority or unless there has been an earlier express renunciation of his/her Ethiopian Nationality pursuant to No 1(3) (above) of this proclamation.
3. An Ethiopian who acquires, in the absence of his/her own initiative, another nationality by the operation of the law in connection with any ground other than those specified under Sub article (2) of this article shall be deemed to have voluntarily renounced his/her Ethiopian nationality if he:
  - a) Starts exercising the rights conferred to such acquired nationality.
  - b) Fails to declare his/her option to the Authority to retain his/her Ethiopian nationality by renouncing his/her other nationality within a period of one year.
4. A person who retains another nationality in addition to Ethiopian shall be considered solely an Ethiopians national until the loss of his Ethiopian nationality pursuant to sub-article (2) or (3).

The nationality act of 1930 was repealed by proclamation No. 378/2003 called Ethiopian Nationality proclamation. Just like the 1930 Nationality Act, the present Nationality proclamation adopts the rule of jus sanguineous as far as acquisition of citizenship is concerned. Once citizenship is established, it cannot be deprived without the consent of the citizen or there is no loss of citizenship by way of penalty. Naturalization privilege may be terminated if it was acquired on the basis of false information. Citizens are given the right to change their nationality. Thus, the modern philosophical elements of public contract are reflected in the constitutional rights. These rights are composed of free movement of citizens within state, choosing one's own residence, freedom to leave the country, return to the country at any time etc.

## Chapter Five

### Constitution and Democracy

#### 5. 1. Meaning of Constitution and Constitutionalism

**Constitution** consists of fundamental laws of a country. It includes basic rules, regulations, values, beliefs, traditions, norms, customs, standards and aspirations that channel internal affairs of a country and give direction to country's foreign relation. It is a document containing essential principles on distribution of governmental powers as well as rights and responsibilities of citizens. It indicates economic, political and social policies of a given country. Yet constitution is different from specific laws, because it is the highest law of a given country. It is brief and general outline.

Constitutionalism means government by constitution or practice of government regulated by a constitution. It is a concept which implies constitutional provisions full realization or implementation. It is a culture in which government officers' act in accordance with the rule of law. All acts of public servants are carried out in accordance with the law and authorized by law in which contents of the law must not be unjust and do not confer unfettered discretionary powers on governments to oppress their people. When government acts within the limits of powers given to it by constitution, it is said that it is acting introverts.

#### 5.2. Purposes and Functions of Constitution

**A. Serves as a framework for government:** constitution is a plan for organizing composition and structures of a government. It establishes foundation for government.

**B. Grants powers to government:** constitution provides authority to government to accomplish its tasks and to make different decisions.

**C. Constitution limits government powers:** constitution determines what public authorities must do and must not do. It restricts extent or degree of officials' power. Government authorities should not do whatever they wish to do but according to their constitution. The working of government officials in the spirit of constitution ensures the rule of law.

**D. Constitution as the supreme law of a country:** constitution is the source of all specific laws with regard to different affairs in a country. All other laws are derived from the constitution. When detail laws are made in a country constant reference should be made to the constitution. All laws in the country must

conform to the constitution. Likewise, any law that contradicts with the constitution will not be valid as a law in the country. Thus, constitution serves as a binding instrument of all other laws in a country.

## **5.3. Formulation, Content and Validity of Constitution**

Formulating constitution involves imperative decision making on the kinds of principles to be included or excluded in the constitution. It is a matter of making the laws that are going to govern the over all aspects of life in society. Thus, the process of formulation is decisive in determining the nature of a constitution. In non-democratic political systems, constitutions are drafted and finalized by few who are in power. Constitutions would hardly reflect the interests and needs of the people at large. Majority citizens have little chance to contribute and shape the constitution. Thus, there is little chance for betterment for the lives of citizens but mainly characterized by instability and unrest as such societies would be under constant possibility of the rule of dictatorship.

Democratic mechanism of formulating constitution involves active participation of majority of citizens. Initial draft can be outlined by politically active citizens in the context of modern societies as all members of the society cannot come together under one roof to formulate preliminary form of a constitution. Thus, political parties and civic organizations could come up with initial proposals of a constitution and present to the public. And citizens at various levels examine different tentative ideas of the draft. Citizens give their comments, advises and suggestions in order to improve the draft. This creates opportunity for interests and needs of the people to be reflected in the final document. Such constitution becomes not only law by which citizens live but made by citizens, which can easily get public support or approval and culminate in earning legitimacy or validity. Such constitution facilitates the progress and development of a country and the betterment of the lives of citizens. It also helps to maintain internal peace and stability of the nation. It has an element of permanence without inviting the conditions of problems related to violent upheavals. It is not so flexible or dynamic that may be playing thing in the hands of government organs.

In a democratic culture, citizens do not only participate in the formulation of constitution but also participate in amending some aspects of the constitution. All constitutional provisions are not eternal or should not be strong defenses of the existing status quo. Some of the provisions of the constitution may not remain acceptable forever. There are times that call for constitutional adaptability. In response to the vital and inevitable changing circumstances of the society, some articles in the constitution can be amended. When that need arises, citizens take part in the processes of refining their constitution into a better form.

## 5.4. Classification of Constitution

A constitution can be found in two types: based on form of existence, constitution is divided as written and unwritten constitution. Constitutions that are found as a single, handy and readable document are called written constitutions. Hence, citizens have easy access to their constitution and make reference to it in monitoring the behavior to their government. Countries like Ethiopia and United States of America have written constitutions. Constitution based on the rules, regulations, declarations and laws passed by either a parliament or other competent government body at different times and are at the same time not compiled in a single document are called unwritten constitutions. Those countries without written constitution use laws passed at different times and widely accepted traditions as their constitution. These laws and traditions concerning various political, economic and social issues are found in different and separate pieces. Therefore, they are not accessible to ordinary citizens. As a result, citizens would be in a difficult situation in accessing their constitutions and in controlling the behavior of their government. Countries like Great Britain, Israel and NewZeland have unwritten constitutions.

On the other hand there are two types of constitutions with respect to amendment procedure. One is called rigid constitution which needs special and formal session to amend its parts or all its contents. In order to do so, two-third of the members of the parliament should be present in the special session and each part or the whole part should be approved or ratified by three-fourth of the attendants. The other type of constitution is flexible constitution which does not require special session or arrangement to amend it. It can be amended by a simple majority or the parliament.

## 5.5. Origins and Development of Constitution and Constitutionalism

The historical evolution of constitution can be traced back to earlier stages **of civilization**. The ideas of constitution as political phenomena extend further into previous historical periods. In the history of human societies, the emergence of constitutional government is related to the desire to limit the absolute powers of rulers over those who are ruled. Different political experiences of governance, political rights, roles and relations of state and society developed through time. In this regard, many cultures influenced and shaped the development of constitutional thinking. Thoughts and actions of different cultures of societies since ancient times have contributed for the appearance of the modern concept of constitution and the development of constitutional practices.

**I. Hammurabi's Law:** Hammurabi (r. 1792-1750) was ancient Amorite Babylonian king. His legal traditions were not concerned with issues of freedom and rights of the citizens. Instead attention was

given to maintain forceful orders. Thus, Hammurabi's law established a highly authoritarian rule. Thus, Hammurabi's Law introduced a legal system of governance or legality but not the idea of constitution and democratic practices.

**II. Hebrews Theocratic Constitutionalism:** Hebrew was the first to practice constitutionalism emphasized on limiting rulers' absolute power by divine law. Subjects claimed that they lived under divine guidance and rulers on earth were considered as God's agents. Thus, rulers were expected to have moral obligation to their subjects. When rulers became unjust in practicing law, *prophets* claiming spiritual authority arose to advise, warn and resist them. This is considered as the first legitimate opposition against established authority. However, Jewish understanding of justice was based on religious thinking, not on free will of the governed. Hence, contemporary ideas of political rights did not exist.

**III. Greeks Constitutional Democracy:** Greeks were the first to exercise democratic governance during 5<sup>th</sup> and 4<sup>th</sup> century. They developed a fully constitutional political civilization. The constitutional ideal of the Greeks included popular participation of all citizens in decision making through direct democracy. There was no possibility for political power to be held in the hands of the few. It also involved sharing of power and state functions. Moreover, that system also included mechanisms of limiting the powers of office holders. The office holders were usually selected by the vote. In some offices that required qualification and knowledge, the office holders were designated by election. All active citizens had access to the public offices. When public officials tend to abuse power, condemnation and exclusion from social acceptance were exercised. The office terms were also short. Therefore, political power was rationally shared. Officials and citizens also made observance to the rule of law. Nevertheless, the constitutional democracy of the Greeks was not absolutely perfect. The assembly of citizens was without any constitutional limitations. That is, the kind of democracy exercised was excessive. As a result of this, the Greek political system was unstable and full of internal disharmony.

**IV. Romans Republican Constitutionalism:** Romans introduced a republican system of governance from 600 BC to about 100 BC. Republican constitutionalism was not completely left at the mercy of all citizens and not completely controlled by absolute monarchy. Romans exercised distribution of powers among different assemblies which were meant to be complex devices of checks and balances on each other's powers. Officials were elected by assemblies of citizens and for a term of a year at a time. Thus, republicanism was a form of constitutional supremacy of legitimate officials and bodies for limited purposes and periods. The Romans also established a system of civil and criminal law, which is the source for the legal codes of many modern nations. Republicanism emphasized the operation of an elaborate legal system and institutional means of limiting power. Anyhow, the influence of citizens in

governance process was limited although it was conducted on legally or popularly acceptable ways. Eventually, the Roman republic degenerated and resulted in absolutist rule.

**V. Magna Carta:** in its modern sense, constitution emerged in 17<sup>th</sup> century England. In 13<sup>th</sup> century England King John used to rule his people unfairly or selfishly. The abuses of his power were asking unusual tax rates and depriving of established privileges. As the result, those who suffered decided for an armed confrontation. However, in 1215 AD John agreed to sign a great charter of liberties called **Magna Carta** which put restriction upon king's power. Magna Carta has served as cornerstone for modern systems particularly English parliamentary, USA's presidential and French hybrid systems. The English constitution is known as an 'unwritten constitution', although some prefer to describe it as 'uncodified'. On the basis that many of our laws of a constitutional nature are in fact written down in Acts of Parliament or law reports of court judgments. This aspect of the British constitution, its unwritten nature, is its most distinguishing characteristic.

## 5.6.1. Constitutional Experience of Ethiopia

Configuration of centralized statehood in Ethiopia with present shape and size significantly goes back to Emperor Menilik II's reign (1889-1913). The campaigns carried out by Menilik (1889-1913) from the center incorporated various states, nations, nationalities and peoples in south, southwest and east. In the meantime, boundaries were established based on international agreements between Ethiopian government and the surrounding colonial powers of the time. Nevertheless, since its inception, centralized political system gave little recognition and denied autonomy to rich Ethiopian historical diversities in languages, traditions, beliefs, religions and political practices. This has been one of the major causes of questions for freedom, equality and self-governance throughout 20<sup>th</sup> century.

## 5.6.2. Traditional Constitutional Documents

Ethiopian societies are rich in indigenous knowledge. They govern their various affairs by using long-held home grown values and traditions. We can mention Gadaa system, as an example, an all-encompassing system by which the Oromo people govern their various affairs. In most cases, until recently, in east, west and southern part of the country these values, norms and rules of conduct are transferred from generation to generation orally. But there are also some legal documents that are mostly derived from religion, particularly recognized by rulers at the central and northern part of the country. These are:

**A. KibraNegast:** this literally means the glory of kings and gives the account of the Legend of Queen Sheba which is not supported by evidences. This legend served as an ideological justification for those

Kings who assumed political power to cement their authority over the natural resources they owned and the peoples they ruled. They argued that they were elected by God to rule others. This way of justifying king's political power had been used almost by all Ethiopian rulers from 1270-1974 being supported by public expressions such as "a king cannot be accused as the sky cannot be ploughed".

**B. FethaNegast:** this is legal code which has set religious and secular provisions and served at least since 17<sup>th</sup> c constitution in Ethiopia.

**C. SeriataMengist:** this has provided administrative and protocol directives since 19<sup>th</sup> c.

## 5.6.3. Written Constitutions

### A. The 1931 Written Constitution

It is important to note that despite the long history of people and state, Ethiopia has little experience with written constitutions. Similarly the principle of separation of power and separation of state and religion were odd to Ethiopia's legal culture. Another notion which was unfamiliar to the Ethiopia's legal culture was of federalism.

The coming in to power of Emperor Haile Silasse heralded the period of written constitution. This era starts with the promulgation of the first written constitution in 1931. The Constitution, however, was significant not for its liberal traditions but rather for its symbolic role in providing formal definitions of the relations between the emperor and the nobility and the administration of the government.

The Constitution can be considered as more of a formal agreement between the monarchy and the feudal lords. A two chamber parliament was founded, and was given the power to discuss laws, except those on subjects including government organization, the armed forces and foreign affairs, which were reserved to the Emperor; the Senate was appointed directly by the Emperor, and the chamber of Deputies was elected by the nobilities in the Upper House.

The 1931 Constitution did not bother about problems of ethnic, linguistic and religious diversity. For the same reason any form of decentralization of government were contrary to the purpose of the Constitution. Generally, the constitution has two motives: One of the most important



historical goals of the Constitution was to breakdown the powers of the regional lords by bringing them under powerful centralized state machinery. This Constitution strengthened the traditional position of the emperor by weakening the role of nobility. It also marked the culmination of the struggle of centralization process started by Tewedros II during the 19<sup>th</sup>. Thus, consolidation and centralization of power was the sole motives of the first written constitution.

Secondly, its major purpose was modernization. The entrance of Ethiopia to the League of nation directed to introduce a series of political reforms on the basis of advices from the League. Ethiopia was expected to show to the outside world that it is becoming civilized.




The 1931 Constitution did not bother about problems of ethnic, linguistic and religious diversity.

The most interesting and novel aspect of the constitution was its provision for the establishment of a Parliament of two Houses-the Senate and the Chamber of Deputies. The senate was composed of members appointed by the Emperor from among the nobility (*Mekuanent*), who have for a long time served Him as Princes or Ministers; Judges or high military officers.

The functions of Parliament as a law-making body were limited. Legislative initiative was the monopoly of the Emperor though Deputies could ask his permission to deliberate on subjects suggested by themselves. He could veto any law proposed by the chambers. He had the right to draw up their procedure and to dissolve them. The work of the Parliament from its creation to the time of the Italian invasion is very little. The Emperor continued to issue his own decrees and the reserve of absolute power lay in his hands with the principle “Divine Rights of Kings”.

The most interesting and novel aspect of the constitution was its provision for the establishment of a Parliament of two Houses-the Senate and the Chamber of Deputies.

## B. The 1955 Revised Constitution

 Why Emperor Haile Silasse revised the 1931 constitution after twenty-four years later?

On the silver Jubilee of his coronation, Haile Silasse proclaimed the “Revised Constitution” which outdated the 1931 Constitution. Similar to its predecessor or the revised Constitution solidified the absolutism of the monarchy. The first two chapters were devoted to the institution of the monarchy, the holiness of the Emperor, His dignity, and the Solomonic root of the dynasty, etc.

Similar to its predecessor the revised Constitution solidified the absolutism of the monarchy.

Apparently, it was the federation of Eritrea (with its liberal constitution) with Ethiopia which necessitated the revised Constitution. However, this constitution nowhere mentions of the federal arrangement. Hence, there was no division and sharing of power as is the case in the tradition of federal systems. What is clearly neglected in this Constitution, similar to its predecessor, was the issue of diversity. Due to the Solomonic monopolization of power all those who did not belong to the line are marginalized and excluded.

The revised constitution is more than twice as long as its predecessor. It has made changes either by expanding concepts presents in contracted form in the old constitution, or by breaking new ground. By far the most striking change, was the provision for the election of the till then appointed members of the Chamber of Deputies. Meanwhile the veto power of the Emperor is still there.

Moreover, the Emperor can use his power to legislate by decree, under article 92. All the tax legislation of the first five years of the life of the revised constitution and most other economic measures have been regulated by decrees. There is a new ring about the provision regarding the Judiciary, which makes a positive declaration, that "judicial power shall be vested in the courts established by law and shall be exercised by the courts in accordance with the law . . ." The courts are "a Supreme Imperial Court and such other courts as may be authorized or established by law . . ." In actual fact the Emperor's *Chilot* still functions. Thus, the new constitution brought Haile Selassie's power to better and higher heights, and to consolidate the absolutism of the monarchy.

 Can you mention some of the indicators to say the Emperor has absolute powers?

## C. Constitution of the PDRE

February 1974 saw the demise of the oldest Christian monarchy and replaced by military Marxism. A popular revolution involving peoples from all sections of the society succeeded in overthrowing the ancient imperial regime. The Provisional Military Administrative Council otherwise known as the Derge replaced the monarchy and started to take revolutionary measures immediately. The Derge then acted as the supreme political organ in the country. After the suspension of the Revised Constitution the country was run by pieces of legislations and proclamation.

At the peak of this activities the 1987(PDRE) Constitution came to force. On the basis of its Article 59, which declared PDRE as Unitary state comprising of administrative and autonomous regions, the state resurrected. Accordingly, the country administrative structure was divided in to 29 regions, few of them given autonomous status. The Constitution starts by making “the Working People of Ethiopia” owners of the Constitution. It goes on at the preamble to note the fact that Ethiopia is a multinational state with various nationalities and diverse communities with essential unity created by cultural intercourse, migration and commerce. Moreover, the equality, respectability and development of all languages are clearly asserted with a rather pragmatic concession to Amharic as the working language of the country.



The PDRE Constitution starts by making “the Working People of Ethiopia” owners of the Constitution.

The Derge Constitution was not aimed at enshrining popular demands for social justice and democracy because they had already been dealt fatal blows during the first days of its assumption of power. The constitution was to satisfy the constant demand of the soviet patrons to legitimize Ethiopia as a socialist state. Indeed, the constitution created the first republic (PDRE).

In PDRE the organization and functioning of the organs of state is based on the principles of democratic centralism. The preamble states that all organs of state power, from the lowest to the highest shall be

established by election. Decision of higher organs shall be executed by lower organs accountable to the higher organs. As per the constitution, all organs of state mass organizations, and other associations and officials shall observe socialist legality.

Sovereignty lies on the workers of Ethiopia and exercised through the National *Shengo*, Local *Shengo* they establish by election, and referendum. According to the Constitution the *Shengo* was the supreme organ of the state power in the country. Candidates to the National *Shengo* were nominated by organs of the Workers' Party of Ethiopia, mass organizations, military units and other bodies. The terms of the *Shengo* would be five years. The members in the *Shengo* were elected from their electoral districts in the country. In the absence of opposition party, the National *Shengo* functioned on the basis of strict party discipline and socialism.

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President of PDRE was elected by the National *Shengo* and answerable to it. He was the head of state, represented the Republic at home and abroad. His major roles include: ensuring the implementation of domestic and foreign policy, commander-in-chief of the armed forces, appoint members of the Defense Council, conclude international treaties, and perform other roles assigned to him by the National *Shengo*.

The Council of Ministers was the highest executive and administrative organ of the PDRE and was accountable to the *Shengo* and between the sessions of the *Shengo* it was accountable to the Council of the State and the President. The Judiciary branch consisted of the Supreme Court, Courts of Administrative and Autonomous Units and other courts established by law. President, vice president and judges of the Supreme Court were nominated by the president and approved by the *Shengo* for five years term. Other judges were to be elected and recalled by the *Shengos* in the respective levels.

In sum, the PDRE Constitution built a unitary socialist state having no concern of federalism and insignificant concern for ethnicity. The regime's policy of solving ethnic problems provoked massive resistance from ethno-nationalists and regionalists which finally close the fate of the regime and reshaped the trend in Ethiopian political and constitutional history.

The PDRE Constitution built a unitary socialist state having no concern of federalism and insignificant concern for ethnicity.

## **D. The 1991 Transitional Charter**

After a long and devastating civil war, the military dictatorship regime that ruled Ethiopia for more than seventeen years was overthrown by a coalition of liberation forces in May 1991. The new Ethiopian governors, led by the Ethiopian People's Revolutionary Democratic Front (EPRDF) declared their commitment to a clean break with the past and the establishment of a new society; a society based on equality, rule of law and the right to self-determination.

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Dictated by the various interests advanced by the ethnic based coalition forces and similar ethnic based political groups, who joined afterwards, the recognition of Ethiopians ethnic diversity became the central principle of the new regime's policy. And this is immediately reflected in the Transitional Period Charter of 1991.

The ethnic based liberation movements came together immediately at a conference and drafted and approved an interim constitution or otherwise known as the Transitional Charter. The Charter is a very brief document with only 20 articles. The aspirations stipulated in its preamble include the guarantee of freedom, equal rights, and self-determination of all peoples; ensuring peace and stability by bringing an end to all hostilities, redressing regional prejudices and safeguarding rights of citizens through democratically elected, accountable government, and rebuilding the country and restructuring the state.

Interestingly the Charter, despite its brevity, puts a high premium on human rights. This is manifested in its direct reference to the Universal Declaration of Human Rights (UDHR) in its Art(1) which states that based on UDHR individual human rights are respected fully and without any limitation whatsoever. In accordance with the aspiration of the Charter Art(2) give

recognition to the right of “Nations, Nationalities and Peoples to self-determination” thereby guarantying their right to a) preserve their identity, culture, history and language; b) self-administration with fair and proper representation at the center; and c) independence when the above mentioned rights are “denied, abridged or abrogated.”

Thus, the Charter, in contrast to Ethiopia’s legal and political tradition, gave an explicit recognition to the rights of “Nations, Nationalities and Peoples,” and also recognized their right to secession. This strong assertion to the rights of “Nations, Nationalities and Peoples” demonstrated the commitment of the new regime towards group rights and decentralization.

The process of decentralization initiated by the Charter was further elaborated by National/Regional Self-Government Establishment Proclamation No. 7/1992. Accordingly, 14 National/Regional self-governments, whose borders were determined, based on settlement structure of nations, nationalities and peoples were established. Hence during this period one can say that some degree of federalism has been introduced even though federalism had to wait until 1995 to appear in the Ethiopia’s constitutional public speaking.

In general, the Transitional Charter was a breakthrough in many ways, for example as we have seen it, established devolved administrative units on the basis of ethnic and linguistic criteria. On the basis of the Charter, fourteen regional governments were created; Addis Ababa and Dire Dawa were given autonomy on the basis of political and population considerations. Each regional government shall have executive, legislative and judicial power in respect to all matters within their geographic territory, except such matters as defense, foreign affairs, citizenship, declaration of state of emergency, national economic policy and so forth. In any case, decentralization was one breakthrough and the basis of the political program of the Transitional Government of Ethiopia.

Secondly, the charter granted self-determination up to secession to all Nations, Nationalities and Peoples of Ethiopia. Article 2 stated that each Nation, Nationality and People have the right to preserve its identity and have respected, promote its culture and history. Also recognized was the right to administer its own defined territory and effectively participate in the central government on the basis of freedom, fair and proper representation.

Thirdly, the charter allowed the creation of several centers of power and authority. Indeed, different associations, especially political parties were flourished following the promulgation of the Charter. Thus, political pluralism is another departure of the charter from the Ethiopian constitutional tradition.

The Transitional Charter was a breakthrough in many ways, for example: it established devolved administrative units on the basis of ethnic and linguistic criteria; granted self-determination up to secession to all Nations, Nationalities and Peoples of Ethiopia; and allowed the creation of several centers of power and authority

## **E. The FDRE Constitution**

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE) came into force in August 1995 after passing through drafting and series of deliberations by bodies set up by the Transitional Government. The text of the Constitution which gives the ownership of the same to “Nations, Nationalities and Peoples of Ethiopia” established a federal state by dividing and sharing power between the federal and state governments. Reducing the number of states recognized by the Transitional Charter by five the Constitution enumerates nine states constituting Federal Democratic Republic of Ethiopia. Hence, according to (Art. 47) member state of FDRE are the following:

- ☐ The State of Tigray
- ☐ The State of Afar
- ☐ The State of Amhara
- ☐ The State of Oromia
- ☐ The State of Somalia
- ☐ The State of Benshangul/Gumuz
- ☐ The State of the Southern Nations, Nationalities and Peoples
- ☐ The State of the Gambela Peoples
- ☐ The State of the Harari People

In line with federal traditions the Constitution stipulated two layers of legislative, executive and judicial organs. Accordingly a parliamentary government is set up at the federal level with bi-cameral Parliament, the upper chamber is the House of the Federation and the lower chamber is the House of People’s Representatives. Members of the upper chamber are elected by the states’ parliamentary assemblies, whereas members of the lower chamber are elected by popular vote.

All recognized national groups are guaranteed representation in the upper house; representation in the lower chamber is on the basis of population, with special set-asides for minorities.

Legislative power is vested in the House of People's Representatives. Also an executive organ led by a Prime Minister whose office is accountable for the House of Peoples Representatives (HPR) is set up. The executive branch includes the President, Prime Minister, Council of State, and Council of Ministers. The president is elected by both legislative chambers for a six-year term. The leader of the largest party in the lower chamber becomes Prime Minister, who submits cabinet ministers for the chamber's approval. All ministers serve for the duration of the legislative session. Executive power is in the hands of the Prime Minister, who is also the commander in chief of the armed forces.

Similarly an independent judiciary with the supreme federal judicial authority vested in the Federal Supreme Court is established. Likewise, states have the State Council (with legislative power), State administration (highest organ of state executive) and a judicial power vested in courts. The judicial branch is composed of federal and state courts. The Federal Supreme Court is the highest court and exercises jurisdiction over all federal matters; lesser federal courts hear cases from the states. The president and vice president of the Federal Supreme Court are recommended by the Prime Minister and approved by the lower chamber of the legislature.

An institution with the power to investigate constitutional disputes i.e. Council of Constitutional Inquiry (CCI) is envisaged under the Constitution. Furthermore, the offices of Auditor General, National Election Board(NEB) and National Census Commission (NCC) are established by the Constitution. The National Human Rights Commission and the Office of the Ombudsman are other institutions whose legislative establishment is envisaged by the Constitution.

In view of protecting the constitutional order and ensuring the sustainability of the federalism some norms are stipulated as very significant (fundamental) and placed beyond the reach of governments at both level. These norms will be the subject of the subsequent discussion.



## **I. Fundamental Principles of the FDRE Constitution**

The Constitution embodied five fundamental principles which relates to sovereignty of the peoples; supremacy of the constitution; human rights; secularism and transparency and accountability of government. These principles give a background to many of the rules that emerge in subsequent chapters thereby setting the framework for a better understanding and interpretation of the rules.

### **A. Sovereignty of the Peoples**

Under Haile Silasse's Constitutions it is to be recalled that sovereignty was vested in the person of the Emperor. However, the FDRE Constitution unequivocally vests this sovereignty in "Nations, Nationalities and Peoples of Ethiopia." By so doing it presumes the existence of nations, nationalities and peoples who seek sovereignty. This approach of vesting sovereignty in sub-national units has important implications for the federal structure. Furthermore, it is part of an expression of their sovereignty that Nations, Nationalities and Peoples are bestowed with the right to self-determination up to secession.

### **B. Supremacy of the Federal Constitution**

In line with the trend of federal systems the FDRE Constitution under Art.9 declares its supremacy and makes other laws, customary practices and decisions of an organ of a state or public official null and void if it contravenes the Federal Constitution. This supremacy clause is in fact a reflection of the principle of sovereignty of the people.

This nature of federal constitutions, asserting its own supremacy, is a matter of necessity than choice. In the absence of this provision it means that all the states can take any direction that pleases them to the extent that there will not be any single common minimum norm binding upon them.

### **C. Human Rights**

As mentioned earlier, one of the distinguishing characters of the FDRE Constitution from its predecessors is the emphasis given to internationally recognized human rights norms. This fundamental principle is stipulated in Art.10 of the FDRE Constitution which articulates “Human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable”. One can thus readily observe that the long lists in the catalog of rights set out in chapter three of the Constitution are reaffirmation of this principle.

One of the distinguishing characters of the FDRE Constitution from its predecessors is the emphasis given to internationally recognized human rights norms.

Also the principle of human rights seems to be in the background of the political, social, cultural, economic and environmental policy objectives of the Ethiopian government. The aspiration to promote sub-national self-rule, rights of equality, especially of ethnic groups and to ensure the enjoyment of economic, social and cultural rights seems to be a programmatic statement of the commitment to human rights.

The weight attached to the fundamental principle of human rights is visible not only in this provision but also in the overriding concern the Constitution extends to rights starting from its preamble to its amendment clause in Art.104. This extra-careful arrangement (majority vote in all state legislators, 2/3 majority vote in the HPR, and similar 2/3 majority vote in the HOF) required for the amendment of provisions of chapter 3 pertaining to rights.

Moreover the whole of chapter three, constituting 1/3 of the Constitution is devoted for human rights and this is a classic evidence to the pre occupation with rights. Of course, there are several illustrations that prove the degree of importance human rights norms are given under the Constitution. The mandate given to the HPR to establish Human Rights commission and the office of the Ombudsman, and to make federal intervention in the states on the ground of rights violations, the textual fact that the policy objectives(especially the political; economic, socio-cultural and environmental ones as propounded in Arts. 88-92) incline toward right protection, taking the fulfillment of most of the rights as subjects of continuous concern; the need to take extra-caution for rights in the exercise of emergency powers of the Executive; and the need for extra-care in the amendment of human rights provisions of the constitution, all testify to the

constitution's concern for human rights, thereby reinforcing the importance of rights as one of the basic principles of the contemporary constitutional order.

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## **D. Secularism:**

The FDRE Constitution, under Art (11) explicitly declares the separation of religion from the state. In spite of the recognition given to religious law system in a restricted manner the Constitution envisages an entirely secular state in which the state does not interfere in matters belonging to religion and vice versa. Definitely, the principle of secularism can be taken as foundational to the right of freedom of religion to religious equality and non-discrimination based on religion. In view of the ethnic and religious diversity of the country the adoption of secularism will have a paramount importance in encouraging religious tolerance to differences.

## **E. Transparency and Accountability**

It is inscribed in Art.12 of the Constitution as the fifth principle. “The conduct of affairs of government shall be transparent,” holds, Art12 (1).Moreover it stresses the fact that “any public official or an elected representative is accountable for any failure in official duties.” It also reserves the possibility of recalling an elected representative in case of loss of confidence by the people.

All in all, the Ethiopian constitutional order, as is expressed mainly in its principles and partly in the preamble and the aspiration provisions of the policy objectives, is one in which popular sovereignty, constitutionalism, human rights, secularism, and transparency and accountability of government become visible large.

In general, fundamental rights and duties are one of the important features of the Ethiopian Constitution. We were denied most of the civil and political rights in our past history; hence, one of the important aspirations of the people of Ethiopia was that they should have some basic rights, i.e. right to freedom, right to equality. The FDRE Constitution provides several fundamental rights. These rights include Right

to Equality, Right to freedom; Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies. These Fundamental Rights are justifiable and are protected by the court. In case of violation of any of these rights one can move to the court of law and secure them. Of course, some the Fundamental Rights are not absolute or unlimited. Further, fundamental duties of citizens were also added to our Constitution. Thus, we have to be aware that, rights are our guarantees given by our constitution and we are responsible to protect them.

## **5.5. Democracy and Good Governance**

### **5.5.1. Meaning of Democracy**

Democracy is defined in different ways. There is no universally argued definitions of the term democracy. "Democracy" is used to describe a system of government in which ultimate power (or sovereignty) rests on the people. Democracy describe a system of government in which the powers of government are divided amongst different institutions such that some institutions are responsible for making laws, while others are responsible for executing the laws and yet a third institution may be responsible for mediating or adjudicating in disputes between different individual or groups who violate the laws of the land. In this sense, the presence or absence of such separation or distribution of governmental powers is taken as major indicator of the presence or absence of democracy. Finally democracy can be defined in terms of the procedures by which a political system is governed.

Democracy is not an exclusive property of developed countries or Western societies. Democratic norms and principles are universal, but the institutions which inform democracy and concrete forms of its political practices may vary in time and space (i.e. through historical era and from country to country). Thus, as a universal form of rule with specific manifestations in time and space, democracy is a political concept founded on three underlining ideas, namely, democracy as a value, a process and a practice.

Strictly speaking, there are conceptual and methodological difficulties in understanding and defining democracy. In this case, one difficulty in defining democracy arises from the fact that political systems are in a continual state of evolution. As ideas change, so the content of the word democracy changes in people's minds. A consequence of this change of attitude has been that the term is now used to describe so many different forms of government. It is this very popularity of the term that makes democracy a difficult concept to understand. When a term means anything to anyone, it is in danger of becoming entirely meaningless.



Can you define democracy in your own words?

It is evident that the term democracy is used to cover wide ranges of political systems; some of which are old and experienced, while others relatively new and inexperienced. Their rate of advance towards their political, social and economic goals varies widely. Despite these facts, scholars, politicians and others attempted to define democracy in various ways. To this end, the following are some of the possible definitions of the term democracy.

The word democracy is a term that comes from Greek and it is made up with two words demos, which means people and kratos, to mean to govern, to rule. “Democracy” can then be literally translated by the following terms: Government of the People or Government of the Majority. Convincingly it can be also said that Democracy is a people centered system, where the people are the heart, the root and also the fruits. The fruits of democracy are prosperity, good quality of life and well being, human security, human dignity and participation of the people in all decisions affecting their lives.



Democracy is a people centered system where the people are the heart the root and also the fruits.

The dictionary definition of the term entails that democracy is a state of government in which people hold the ruling power either directly or indirectly through their elected representatives. Accordingly, democracy embraces the principles of equality, individual freedom and opportunity for the common people, as those who actually wield political power.

From the perspective of participation, democracy can be explained as, the mobilization of constituent groups around the issues and problems of common concern, the organization of forums for the expression of alternative views on the issues, and the implementation of decision-making procedures based on majority rule. According to this definition, since the practical establishment of democracy depends on individual citizens’ participation, in the absence it is difficult to influence government decisions or policies for just and fair public welfare.

To be brief, you may have already heard about the most common definition of democracy: "...government of the people, by the people and for the people" (i.e. the former US president, Abraham Lincoln). To put it another way we can say that a government comes from the people; it is exercised by the people, and for the purpose of the people's own interests. This description is only a very broad one, to start with, but the pages that follow will explain to you in a more concise way the different facets of democracy.

## 4. 5.2. Fundamental Principles and Values of Democracy



Can you mention some of the fundamental principles and values of democracy?

As we have seen above two individuals may speak about democracy, but their understanding might not be similar. However, if we are aware of the fundamental principles and values of democracy such differences may not be as serious. Now let us see some of the most frequently mentioned universal principles and values of democracy. These basic principles that have been identified by people from around the world must exist in order to have a democratic government. These principles often become a part of the constitution or bill of rights in a democratic society. Though no two democratic countries are exactly alike, people in democracies support many of the same basic principles and desire the same benefits from the government.

**Citizen Participation:** - One of the most basic evidences of a democracy is citizen participation in government. Participation is the key role of citizens in democracy. It is not only their right, but it is their duty. Citizen participation may take many forms including standing for election, voting in elections, becoming informed, debating issues, attending community or civic meetings, being members of private voluntary organizations, paying taxes, and even protesting etc. This active participation of citizens in all affairs of his/her country is considered as a cornerstone to build a better democracy.



Participation is the key role of citizens in democracy. It is not only their right, but it is their duty.

**Equality:** - Democratic societies emphasize the principle that all people are equal. Equality means that all individuals are valued equally, have equal opportunities, and may not be discriminated against because of their religion, ethnic group, gender or sexual orientation. In a democracy, individuals and groups still maintain their right to have different cultures, personalities, languages and beliefs.



Do you agree with this idea?

## **Political Tolerance:**

tolerance means acceptance of the differing views of other people, e.g. in religious or political matters, and fairness toward the people who hold these different views. A democratic society is often composed of people from different cultures, religious, and ethnic groups who have political viewpoints different from a majority of the population, but all are tolerant of each other. A democratic society is enriched by diversity. Democratic societies are politically tolerant. This means that while the majority of the people rule in a democracy, the rights of the minority must be protected. People who are not in power must be allowed to organize and speak out. Political minorities are sometimes referred to as “the opposition” because they may have ideas which are different from the majority. If the majority deny rights to and destroy their opposition, then they also destroy democracy.



A democratic society is enriched by diversity. If the majority deny rights to and destroy their opposition then they also destroy democracy. One goal of democracy is to make the best possible decision for the society.

**Accountability:** - Accountability implies that government officials are answerable to the decisions and acts they took. In a democracy, elected and appointed officials have to be accountable to the people. They are responsible for their actions. Officials must make decisions and perform their duties according to the will and wishes of the people, not for themselves.

**Transparency:** - Transparency implies openness of the activities of government officials and institutions to the public. For government to be accountable the people must be aware of what is happening in the country. This is referred to as transparency in government. A transparent government holds public meetings and allows citizens to attend. In a democracy, the press and the people are able to get information about what decisions are being made, by whom and why.

For government to be accountable the people must be aware of what is happening in the country. This is referred to as transparency in government.

**Regular, Free and Fair Elections:**-One way citizens of the country express their will is by electing officials to represent them in government. Democracy insists that these elected officials are chosen and peacefully removed from office in a free and fair manner. Intimidation, corruption and threats to citizens during or before an election are against the principles of democracy. In a democracy, elections are held regularly with fixed time interval. Participation in elections should not be based on a citizen's wealth. For free and fair elections to occur, most adult citizens should have the right to stand for government office. Additionally, obstacles should not exist which make it difficult for people to vote.

**Economic Freedom:**-People in a democracy must have some form of economic freedom. This means that the government allows some private ownership of property and businesses, and that the people are allowed to choose their own work and labor unions. The role the government should play in the economy is open to debate, but it is generally accepted that free markets should exist in a democracy and the state should not totally control the economy. Some argue that the state should play a stronger role in countries where great inequality of wealth exists due to past discrimination or other unfair practices.

**Control of the Abuse of Power:**-Democratic societies try to prevent any elected official or group of people from misusing or abusing their power. One of the most common abuses of power is corruption. Corruption occurs when government officials use public funds for their own benefit or exercise power in an illegal manner. Various methods have been used in different countries to protect against these abuses. Frequently the government is structured to limit the powers of the branches of government: to have independent courts and agencies with power to act against any illegal action by an elected official or branch of government; to allow for citizen participation and elections; and to check for police abuse of



power.

**Accepting the Results of Elections:-**In democratic elections, there are winners and losers. Occasionally, even in a democracy, the losers in an election believe so strongly that their party or candidate is the best one that they refuse to accept the results of the election. The consequences of not accepting election may results in violence or less voter confidence if voters think their will is being ignored. Assuming an election has been judged “free and fair,” ignoring election results is against democratic principles. Democratic societies emphasize the principle that all people are equal. Equality means that all individuals are valued equally, have equal opportunities, and may not be discriminated against because of their religion, ethnic group, or gender. In a democracy, individuals and groups still maintain their right to have different cultures, personalities, languages, and beliefs. All are equal before the law and are entitled to equal protection of the law without discrimination.

**Human Rights:-**All democracies strive to respect and protect the human rights of citizens. Human rights mean those values that reflect respect for human life and human dignity. Democracy emphasizes the value of every human being. Examples of human rights include the right to life, liberty, and security of a person among others.

**Multi-Party System: -** In order to have a multi-party system, more than one political party must participate in elections and play a role in government. A multi-party system allows opposition to the party which wins the election. A multi-party system provides voters with a choice of candidates, parties, and policies to vote for. A multi-party system, thus, provides voters with a choice of candidates, parties and policies to vote for. However, when a country only has one party, the result has been a dictatorship.

**The Rule of Law:-**In a democracy no one is above the law, not even a king or an elected President. This is called the rule of law. It means that everyone must obey the law and be held accountable if they violate it. Democracy also insists that the law be equally, fairly and consistently enforced.

## Activity: 2

1. In a democratic country, citizens are expected to participate actively in all affairs of his/her country. Do you think if citizens are passive democracy lags behind? How?
2. Suppose Mulatu and his friend Alemu are members of an opposition party. They strongly believes that there party will win the election held in their country. But, unfortunately there party loss the election and they decide to refuse the election result. Do you think there decision is acceptable? What do you do in such a situation?

### 5.5.3 Ways of Exercising Democracy

There are two ways of exercising democracy i.e. direct and indirect (representative) democracy. In fact both have advantage and disadvantages. In this section you will look at each of them.

Direct democracy: - the expression 'direct democracy' is subject to misconceptions. The equal right of all citizens to participate in the processes of government did not mean that every decision was taken at a kind of mass meeting. Rather it meant that all citizens had equal right to membership of a number of governing bodies. But these governing bodies had a manageable size. Direct democracy (pure democracy) is an exercise of democracy, in which 'all citizens' without the intermediary of elected officials can participate in decision-making process. This belief is based on the right of every citizen over a certain age to attend political meetings, vote on the issue being discussed at that meeting and accepting the majority decision should such a vote lead to a law being passed which you as an individual did not support. Part of this belief, is the right of every one to hold political office if they choose to do so.

Direct democracy also believes that all people who have the right to, should actively participate in the system so that any law passed does have the support of the majority. Direct democracy gives all people the right to participate regardless of religious beliefs, gender, sexual orientation, physical wellbeing etc. Only those who have specifically gone against society are excluded from direct democracy.

The difficulties of direct democracy are well known. When the people of a nation cannot meet to take decisions, direct forms of democracy are incapable of replacing representation. However, there are areas in which they can complement democracy. Direct democracy can be put to local committees, schools and citizens' associations, where they can be discussed and submitted for collective decision. However, this is not possible with more complex and general matters.

Most constitutions envisage a procedure for the direct consultation of all citizens, namely the referendum. The practice of holding referenda on precise points should be used frequently and defined with precision. Referenda could be held at the local, regional and national levels. Direct democracy is fine in theory but it does not always match the theory when put into practice.

The origin of direct democracy can be traced back to ancient Athens. In the ancient Athenian city-state, all adult male citizens met in assembly and made decisions. Athenians were ruling themselves directly without intermediaries of representatives. Political participation in Athens, however, was not all-inclusive and opens to all. Women, slaves and aliens were not considered as citizens and hence were not allowed to participate in the assembly. In strict words, the Athenian democracy was not an ideal or pure model of democracy. Nevertheless, the Greek experiment of democracy is generally considered to have provided important lesson for today's world. This is partly because of the facts that:

- It was the first known example of democracy, and
- It was carried out in circumstances that can never be repeated, which makes it possible to study a much simpler form of democratic government.

**Indirect (Representative) Democracy:** - This is the modern type of democracy that we have today. A representative democracy is where citizens within a country elect representatives to make decisions for them. In this regard, the meaning of representative form of democracy is that the whole people cannot directly participate in their own affairs but through their representatives, which are periodically elected by the people themselves. For instance, every 5 years in Ethiopia, the people have the chance to vote into power those they wish to represent us in the Parliament. The Parliamentarians meet in the House of People representatives to discuss matters and pass acts which then become Ethiopian law. Within the House of People representatives, each elected Parliamentarians represents all citizens. The voters passed the responsibility of participating in law making to the Parliamentarians. In this case, leaders must maintain some contact with voters so as to stay in power. However, if they fail to perform (or if the party

has done badly during its time in office) they can be removed by the people. In this way, the people exercise control over their representatives.



Then what is the difference between direct and indirect democracy?

The difference between direct and indirect democracy is fairly simple. In a direct democracy citizens make decisions directly by proposing laws or referendums. An indirect democracy on the other hand uses a small group of officials to make decisions of importance on behalf of their constituents. In both cases the input of the people is the cornerstone of the government but the government is run in different ways.

To sum up, let me ask you a question, is representative government working well in our country? The answer to this question depends on what we think the purpose of representative government is. Most research in political science assumes that the purpose of representative government is to represent the will of the people by translating popular sentiment or public interest into governmental policy. It therefore assumes that a good measure of the performance of representative democracy, at least in its representative capacity, involves comparing policy results with public opinion as it is or as it should be.

## 5. 5.3. Approaches of understanding democracy

There are two views of understanding democracy: substantive and procedural views. In this lesson you will assess each of them in relation with some of the theories of democracy, like liberal democracy, economic democracy, social democracy, and developmental democracy.

### 5.5.3.1 Substantive Views of Democracy

The substantive view concentrates on *what* a government actually does, that is, the policies it makes should fulfill democratic ideals. A substantive theorist would not recognize a decision that violated those ideals as "democratic" even if it were made in response to majority wishes. Substantive theorists, however, do not agree on the contents and nature of these democratic ideals.

Substantive democracy is a form of democracy in which the outcome of elections is representative of the people. In other words, substantive democracy is a form of democracy that functions in the interest of the governed. Though a country may allow all citizens of age to vote; this characteristic does not necessarily qualify it as a substantive democracy. In a substantive democracy, the general population plays a real role in carrying out its political affairs, i.e., the state is not merely set up as a democracy but it functions as one as well. This type of democracy can also be referred to as a **functional democracy**.



Have you be aware of substantive democracy?

### 5.5.3.2. Procedural Views of Democracy

The procedural view stresses the form and process of government, or *how* the people govern. Procedural democracy emphasizes the principles of universal participation, political equality, and majority rule. Modern nations are too large to employ direct (or participatory) democracy, and they must rely on indirect democracy in the form of representative government. The procedural view of democracy also insists on the principle of responsiveness, that the government should follow the general thrust of public opinion. In other words, the procedural view of democracy sets forth principles that describe how government should make decisions and address three distinct questions:

- ➔ Who should participate in decision-making?
- ➔ How much should each participant's vote count?
- ➔ How many votes are needed to reach decisions?

Of course, there is no simple answer to these questions and as such there are various perspectives on those issues.

Procedural democracy emphasizes the principles of universal participation, political equality, and majority rule.

In brief, procedural democracy is a democracy in which the people or citizens of the state have less influence than in traditional liberal democracies. This type of democracy is characterized by

voters choosing to elect representatives in free elections. Procedural democracy assumes that the electoral process is at the core of the authority placed in elected officials and ensures that all procedures of elections are duly complied with. It could be described as a democracy in which only the basic structures and institutions are in place. Commonly, the previously elected representatives use electoral procedures to maintain themselves in power against the common wish of the people, thus awkward the establishment of a full-fledged democracy. Procedural democracy is quite different from substantive democracy, which is manifested by equal participation of all groups in society in the political process.



Now what is the difference between substantive and procedural views of democracy?

To understand better what we saw above let's see the **theories of democracy** including: liberal democracy, economic democracy, social democracy, and developmental democracy.

## A. Liberal Concept of Democracy



What is the fundamental thought of liberal democracy?

Liberal democracy advocates the principle of private enterprise and the guarantee of basic civil and political rights such as freedom of speech, religion, the right to elect and to be elected, etc. The state intervenes in order to protect an individual and sections of society from the evils of free private enterprise, and to promote greater social efficiency. Liberal democrats, however, have emphasized individual freedom and demanded that the state shall not lose sight of this in the search for social justice. Liberal democrats accept inequality or privilege so as to safeguard individual freedom.



Liberal democrats accept inequality or privilege so as to safeguard individual freedom.

In nutshell, liberal democracy is a system of government in which the people govern themselves, criticize leaders of their government and choose new ones in an election. A basic belief of liberal democracy is that people of different interests and backgrounds have different political opinions. Democratic

government rests on public opinions since in such a system there is a freedom of expression. Liberal democracy aims at the just and rational organization of authority in human society under the guise of the system of capitalism.

## **B. Economic Democracy**

Economic democracy is the transfer of economic decision making power from the few to the many. Capitalist democracy according to economic democracy advocates, does not guarantee universal rights to decent food, housing, employment, child-care, education, or health care. There are no rights guaranteeing control over the fruits of one's labor and control over the work process itself. This is because of the fact that these rights contradict the unequal distribution of wealth and power and the desire to get rich. Formal liberal democracy helps to legitimize corporate capitalism. True democracy, however cannot exist without economic democracy and economic democracy cannot exist under the principles of capitalism. Here, to speak of economic democracy is to advocate democracy for the 'poor' as well as the rich. As such, economic democracy is the transfer of economic decision making from the few to the many. In this case, the assumption is that when workers and the poor control production, democratic choices to work, employment, income, technology, and the like can be extended.

According to this democracy, true democracy cannot exist without economic democracy and economic democracy cannot exist under the principles of capitalism.
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## **C. Social Democracy**

Social democracy is the result of two factors. These are: the changing nature of national economies, and the changing nature of economic relations among society. Social democracy is sometimes called social equality, which aims to give all citizens equal rights under the law. All laws apply equally to all citizens regardless of their wealth, race, and religion, ideological outlook, sex, and the like. The goal of social democracy is to bring about equality and classless society through reform within the guise of capitalism. In this case, it recognizes that individual background, abilities, efforts and so on determine his/ her way of life. And hence this is to ensure everyone an opportunity to make full use of his/her abilities. In other words, social democracy calls for social justice and economic empowerment of the subaltern classes. To

this effect, it concerned with the provision, among others, provision of social security service, housing, free education, health and medical cares, and the like.

The goal of social democracy is to bring about equality and classless society through reform within the guise of capitalism.

## D. Developmental Democracy

Developmental democracy **believes that economic development and political stability can only be achieved through massive state involvement and guidance.** Supporters say that through involvement in government and community affairs, persons can gain an understanding of the public good and what it requires. Good citizens aware of and participate in government and civic affairs through voting, expression of their opinions to representatives, and sometimes even public service. Involvement in democracy is both a way of educating people and increasing their ability to better themselves. Through the exercise of judgment on political issues, citizens can better exercise judgment in other areas of their lives. The Developmental model utilizes indirect representation simply because of the impracticality of direct involvement such as that of the participatory democracy. Political and social equality exist in a developmental democracy which advocates that people can achieve civic virtue and become conscious through active participation in democracy.



Some of the attributes of a good citizen include: civic-mindedness, open-mindedness, tolerance, patriotism, civility, peaceful resolution of conflicts and the like.

## 5.5.4. Actors in democratization process



## Introduction

Modern democracy has procreated the system of political parties, organized interest groups and an independent media as indispensable factor for its operation among others. The fact behind is that the representative system arrange the mobilization of political participation by enjoying upon the members of politically active people to take the mass, as much as possible in confidence either for the sake of demonstrating their faith or to justify the very legitimacy of their leadership and authority. Previously we have said that democracy is a process. Building up of democracy is not an overnight program it needs not only time but different actors must also involve building democracy and democratic culture.

### A. Political Parties



What do you understand when we say political party?

In a political regime characterized by representative democracy, political parties are vectors of democracy. They are essential to the functioning and durability of democracy since they are not only the instruments through which power is attained by means of free, fair and transparent elections but also the setting for working out practical ideas and proposals which may constitute alternative programs to the government. They also constitute the means through which individuals may influence public affairs, express their discontent or support governmental action.

Open competition between political parties in the framework of elections is one of the indispensable characteristics of representative democracies. Open competitions between parties contend for the management of a country's affairs is a socially and politically divisive factor and the stakes are generally high for those involved in this competition. It is therefore important and this is one of the conditions for democracy's survival.

Political parties so they perform as effective actors of democratization and good governance trusted by voters representative and responsive to public needs and concerns equipped to support government and a constructive opposition thus playing a role in ensuring transparency

and accountability of government.

## **B. Party Systems**

Political party can be defined an association comprised of a group of individuals who share a common interest and ideology, that engages in political activity mainly with the aim of winning elections and forming the government of a state or country thereby transforming their interest and ideology into the ideology and interest of the whole society .Party systems refer to the number of parties and pattern of relationships among the parties with in a nation. Taking in to account the number of dominant or existing political parties with in a state, party systems are classified in to three major categories.

1. One party system
2. Two party system
3. Multi-party system

Considering the prominent political parties that are active with in the political system of a given state makes this classification. The type of electoral system that is used in a particular country can have an important influence on the number of dominant political parties within the country. Proportional representation is said to foster a multiparty system because it assures that even parties that poll a relatively small vote will win some seats in the legislature. On the other hand, in the first-past-post system, which the winner takes all, may encourage the development of two party systems since it penalizes parties that may poll a substantial number of votes but do not get the plurality that is necessary to elect a legislator with in a specific constituency.

### **One Party System**

One party system is, most of the time, ideological in its outlook and authoritarian in its structure. In this system, it is usually not allowed other parties to function either *de jure* or *de facto*. As such, the party and its ideology are the main determinants of governmental policy, style, and the very existence of the media and interest groups and the like. In is case, the party requires that important government officials are members of the party or of satellite groups and expects their behavior to conform to the policies and ideology.

### **Two Party Systems**

Two party systems are characterized by a regular alternation in office between two major dominant parties. Although minor parties exist, two major parties dominate government. It is argued that the system provides the people with a choice of policies and leaders while at the same time guaranteeing governmental stability. The devices of the electoral arrangement in such a system assure a majority for one party or the other, thus enabling that one will have the power to carry out its election promises.



In two party systems, although minor parties exist, two major parties dominate government.

The origins of many one-party systems are obvious, but the question often arises as to why some modern countries function as a two-party system when these societies are so complex and that it should be impossible for two parties to aggregate all the prevailing interests present and still stand for anything. Two party systems are common in the political system of Britain, which is mostly dominated by the conservative and labor party. United States of America as a country dominated by the Democratic and Republican parties is also another good example of the two party systems.

## Multi Party Systems

Multiparty systems are systems in which we have at least three or more major parties. In multiparty system, one party rarely wins enough seats in the legislature to form government. Consequently, several parties combine forces to obtain a majority and form a coalition government to direct the nation's affairs. As you might expect, when groups with different ideologies attempt to share power with different ideologies, coalitions often break down when disputes or disagreements arise requiring new elections. In such countries voters have a wide range of choices on election days. The parties in multiparty system often represent widely different ideologies or basic beliefs about government.

## Activity: 3

1. Some politicians argued that in developing countries adopting one party system is better than multi-party system. What do you think is the reason behind? Argue for or against one party system
2. Undoubtedly, there are different political parties in our country. Do you think those political parties (i.e. opposition) play important role in the democratization process in this country? If you say yes, how? And if you say no, why not?

## C. Non-Governmental Organizations

Like political parties, Non-governmental associations and organizations are valuable vectors of democracy. They differ from political parties only in their final goal, but they all contribute to consciousness raising, defense of the legitimate interests of groups of individuals and the protection of individual and collective rights and freedoms. The efficacy of the work of civil society depends on the extent to which such associations are autonomous or institutionalized. When they have relatively formal links to the State or political parties, they lose some of their autonomy and thus their ability to intervene in all freedom in the management and conduct of public affairs and in the working of institutions according to arrangements deriving from their governing principle of special interests. NGOs, while being associations, have more pronounced concerns in the area of the protection of human rights and humanitarian law. Such concerns urge them to intervene in the political field even if they claim to have nothing to do with politics. It is nevertheless true that the growth of professional associations and national NGOs is making a strong contribution to the consolidation of civil society in these countries.

## D. Interest Groups



What is the difference between political parties and interest groups?

Interest groups, as associations on the basis of the free will of individuals, play a prominent role in the process of democratization. Here, we will deal with the nature of interest groups, their difference with political parties, various types of interest groups and methods they employ to influence government.

Consistent with the freedom of association granted to citizens in democracies, democratic states are characterized by the emergence and operation of several kinds of interest groups. Interest groups are organizations or groups of people, which are autonomous from government or political parties with the

objective of influencing government. In democracies we find several interest groups who are attempting to promote and influence the policies of government. In fact interest groups are regarded as essential transmission belts between people and government. They play an important role in helping people interact with government, which is often remote and difficult for the individual to influence. Interest groups, bridge the gap between the citizen and government. Through interest groups, citizens communicate their wants on policy goals to government leaders.

Interest groups are organizations or groups of people, which are autonomous from government or political parties with the objective of influencing government.

## **E. Public Opinion**

Public opinion is of a crucial importance for democracy. Are you wondering why? Public opinion is made up with citizens or specific groups that reflect on their community and express their criticisms, their proposals or their agreement to influence the construction of political will. It is not possible to talk about only one, but of several public opinions because in a plural society, there are always several stands.

Public opinion is then a tool to control the politicians that lead the country. On the one hand, this is important for the opposition as the latter is only potentially active in front of the government through this public opinion. Indeed, what important changes would an opposition bring if it was only able to express criticisms in closed rooms? It is when the opposition represents its stands and opinions, finds itself obliged to react, otherwise it is running the risks of disaffection or destitution, from its citizens. Moreover, public opinion serves the whole population in its effort to display criticisms and its incitements to well defined actions.



How can public opinion serve as a tool to control their leaders?

Each citizen has the right to gather information and to contribute somehow to the expression of public opinion when he/she organizes, for instance, a meeting in order to exchange information. In this

context, political and social human rights play an important role: the freedom of opinion, as well as freedom to hold meetings and to setup associations which allow citizens to participate in the expression of public opinion, without having to put up with any pressure. Public opinion then constitutes a controlling tool, which is very important in a democracy.

## F. Mass Media

What do we mean by mass media?

Finally, we will discuss the roles of the mass media in the process of democratization. Freedom of the media is essential in a democracy. The mass media refers institution and to the methods of communication, which can reach large number of people at the same time. It includes newspapers, television, radio, books, posters, magazines, and cinema etc. Media plays a role in the political training of citizens and democratic culture by informing them of the scope of public policies, the management and conduct of affairs by those responsible at both the State and grass-roots level, by providing and offering the members of the community the means of communicating with each other. But if the media is to perform those functions, it must be free and independent; it must have sufficient material and human resources to deal with all the important problems of society. The importance of the mass media in a country is not dependent on the number of newspapers or private radio and television stations but on the quality of the information provided to the public.

## Activity: 4

1. You know that in our country there are different traditional democratic institutions like: Gada system (of Oromo people); Abatoch (of Amhara people); Bayto (of Tigray people); yejoka (of Gurage people) and etc. So, what do you think is there role for the building up of modern democracy in our country? Discuss briefly

## 5.5.5. Democratic Elections

In contemporary age of representative democracy, elections constitute one of the most important pillars of democracy. This is, at least and in part, for the very simple fact that democracies are as good as the people who elect their representatives and, in turn, as good as the representatives who are elected.

Electoral process is a formal procedure by which individuals decide what to choose. The act that individuals perform while choosing among the different alternatives in an election is called voting. Democratic elections, as such, must meet some requirements that you may already know. In this lesson therefore, we will focus on some of them.

## 5.5.5.1 Principles of Democratic Election

Some of the major Principles in the conduct of democratic elections are presented hereunder:

### **A. Free, fair Regular intervals for elections as provided for by the respective National Constitutions**

**Regular or periodic** means holding elections on a set schedule known to the electorate, either on a specified date (the first Tuesday of November every other year, as in the United States) or within a particular time frame (within five years of the previous election, as for Parliament in the United Kingdom), thereby guaranteeing citizens the opportunity to change their leaders and to support new policies. Everybody, in that case, has the possibility to know the date of the coming elections, and to get ready for that ahead of time. It is a way to make sure that the current government is defined within a time frame and that its people have the right to remove it from office..

**Free and fair**, or genuine, means that elections offer equal opportunities for all competing parties and candidates. Such equality requires the ability of political parties and candidates to register for office without unreasonable requirements, balanced access to the media for all candidates, the absence of campaign finance abuse, and an independent electoral process. They must also be free to decide whether they want to use their right to vote or to abstain from doing so, if they prefer.

Democratic elections are **free** when citizens have the right to choose from several candidates or parties that can run for the election without any restriction.

**B. Universal suffrage** means that there can be no burdensome impediments to registering or voting for any citizen, with only such legitimate requirements as age or residence. The idea is to have maximum participation in elections. To achieve this, some countries make voting a legal obligation. It should be noted that the principle of **one person, one vote**, is distinct from the principle of universal suffrage and applies more to political systems with direct representation. But both principles mean that no person's vote can be counted twice. **A secret ballot** means that no one—except for the voter—knows how each

person has voted. If a voter's choice is observable to others, voters may be subject to intimidation and reprisals by the party in power or by a party seeking power.

In democratic elections, there must be no way of knowing for which political party or for which particular candidate a citizen has voted.

They are then **secrete**, when each citizen can put his ballot in an envelope, without having been either watched over or influenced, in the secrecy of the polling booth, and when he/she is also able, in the same way, to put his/her envelope inside the ballot box afterwards.

Democratic elections are **equitable** when each citizen who can use his/her right to vote has at his/her disposal a vote and when neither his/her origin nor his/her sex, language, incomes or possessions, job or social stratus/class, training, religion or political convictions have an influence of whatever kind on the assessment of the value of his/her vote.

Democratic elections are, therefore, **public and transparent**. Which means on the one hand, that each citizen has the right to attend the counting of the votes when the ballot box is opened; this also means on the other hand, that it is possible to completely follow the whole process of the passage of the constituents' votes: starting from the ballots inserted into the ballot box till the final counting undertaken to establish the calculation that will eventually share out.

## C. Equal opportunity to exercise the right to vote and be voted for

In trying to give citizens equal opportunity in election process, there are two separate systems. These are the **absolute majority** votes and the **proportional ones**. Both have crucial importance, given the fact that they influence not only the political structure but also the formation process of the political will. To settle the choice on which polling system to adopt, one has to take into account not only the political traditions and historical situations but also social conditions, because those, eventually, may authorize solely one of the two possibilities. Several parameters may be subject to some variations: the internal regulations of the party, the relations between the parties, as well as the relations between the government and the Parliament, according to the enforcement of either the absolute majority election system or the proportional one. An election loses its primary function if it is manipulated through the choice of a polling system; it will then have negative impact on the so-called "elected" organs which will then lose their legitimacy.



In the **absolute majority system**, the polling area is divided into as many constituencies as necessary, depending on the number of seats to be assigned (at the Parliament, for example). Those candidates or lists of candidates that can gather the majority of votes from their constituents will be assigned the seats to be filled. In the **proportional system**, the Parliament seats are assigned according to the percentage obtained by the political parties over the total number of votes from the whole constituency. The assignment of seats (at the Parliament, for example) thus reflects, much more than what happens in the absolute majority system, the effective choice of the population. The candidates are elected through the lists in their constituency.

An electoral process of a given state is not only about the simple translation of votes in to seats but also must address, at least the following issue:

↳ The number of people and the constituency a candidate represents. And representation takes three forms: geographical representation- where each part of the country is adequately reflected in national political organization; descriptive representation – where the national government represents the population in a way that all sectors of the people (the poor, men and women equally, different religions and cultures) have a voice in government; and functional representation – a system whereby no significant parts of the population are disenfranchised but the system takes into account the preferences of most people.

↳ The number of representatives that a constituency would have, and

↳ The electoral system

## Activity: 5

1. In principle an electoral commission or boards shall be independent and neutral of any political loyalty. Think of our electoral board, and how do you know whether it is neutral or not loyal to any political party?
2. Find the present electoral code of conduct signed by different political parties and evaluate each article with the principles of democratic election?

**E. Full participation** of the citizens in the Election process; apart from the underage population, no group should be excluded from participation.

**F. Independence of the Judiciary and impartiality of the electoral institutions**

Most importantly, elections are usually coordinated and carried out by an **electoral commissions or boards**. These commissions shall be independent and neutral of any political loyalty or affiliation for undertaking the election properly and in a democratic manner. In addition to an independent and neutral electoral board, a democratic election also requires an independent judiciary organ. The electorate's votes should be accepted as final and legitimate

Government need to refrain from trying to dictate to or interfere with the work of the courts, as they consider and decide cases. Any interference to prevent the courts from considering any matter will negatively affect the independence of the judiciary. Indeed, the capacity of individual judges to resist the temptation to allow their judgments to be influenced by pecuniary or other rewards has its own effect and judges need to feel great responsibility to be impartial in their judgment.

**G. Political tolerance:**

Being willing to accept ideas or ways of behaving that are different from the other. Candidates and competing parties must learn to be tolerant.

**H. Acceptance and Respect of the election results.**

Political parties and individual citizens, who entered to the election campaign on the basis of existing national laws, need to accept election results proclaimed to have been free and fair by the competent National Electoral Authorities. For democracy to work, everyone must agree to accept the results of freely held elections. The people and parties, who have lost power, or those who failed to gain it, must be willing to accept defeat. If the loser refuses to accept the winner, the election's legitimacy is diminished and the political system may be marked by conflict and instability. A key test for a democracy is the successful and peaceful transfer of power from one party to another. The electorate's votes should be final, meaning that the election results should be enforced effectively, which implies that they must be accepted as legitimate.

**I. Challenge of the election results as provided for in the law of the land.**

Those individuals or parties who disagree with the final decision of the electoral commission need to submit their complaints to courts for final decision.

## 5.5.6. Democracy and Good Governance

### Introduction

Like many other social science terms governance in general and good governance in particular is different thing for different individual. However, classically governance nowadays occupies a central stage in the development discourse. To be sure if you talk about good governance in one way or the other, there should be democracy. This is because democracy and good governance share many values and principles. Thus, in this lesson you will learn the concept of good governance and its relation with democracy.

#### 5.5.6.1 The Concept of Good Governance



What do you understand when we say good governance?

Given that the term "governance" means different things to different people, it is useful, therefore, to clarify, at the very outset, the sense in which it understands the word. Among the many definitions of "governance" that exist, the one that appears the most appropriate is the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.



Good governance is the exercise of economic, political and administrative authority to manage a country's affairs at all levels.

Good governance is, among other things, participatory, transparent and accountable, effective and equitable, and it promotes the rule of law. It ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources.

The role of the state is viewed as that of creating a stable political and legal environment conducive to sustained development, while civil society institutions and organizations are viewed as a means of facilitating political and social interaction and mobilizing groups to participate in economic, social and political activities.

Governance is the manner in which power is exercised in the management of a country's economic and social resources for development. On this meaning, the concept of governance is concerned directly with the management of the development process, involving both the public and the private sectors. It encompasses the functioning and capability of the public sector, as well as the rules and institutions that create the framework for the conduct of both public and private business, including accountability for economic and financial performance, and regulatory frameworks relating to companies, corporations, and partnerships. In broad terms, then, governance is about the institutional environment in which citizens interact among themselves and with government agencies/officials.



In broad terms, governance is about the institutional environment in which citizens interact among themselves and with government agencies/officials.

Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision. Government is one of the actors in governance. Other actors involved in governance vary depending on the country context.

Governance nowadays occupies a central stage in the development discourse but is also considered as the crucial element to be incorporated in the development strategy. However, apart

from the universal acceptance of its importance, differences prevail in respect of theoretical formulations, policy prescriptions and conceptualization of the issue itself. Moreover, governance is not only about the ‘organs’ or actors. More importantly, it is about the quality of governance, which expresses itself through elements and dimensions.

The most important principles of good governance that can be drawn from the fundamental values of democracy are: participation, efficiency, efficacy, sense of responsibility, the act of reporting, adaptation capacity, transparency, rule of law and participation.



Have you understood what good governance is meant?

You surely have already understood that good governance is not only based on the State or its leaders, but also on all the actors and all the groups of actors that take part in the democratization and development of the country. The main actors of the system of good governance is then composed of, apart from the (central) State, the regional decentralized bodies, the political parties, the civil society and the private sector as well as the citizens.

Generally, in a good governance system:



The roles are clearly defined, well distinguished and balanced among different actors and groups of actors, in the law texts as well as in practice



The interests of the different actor groups are articulated in decision making



Leaders are characterized in the exercise of their power by a democratic behavior and a democratic type of leadership, like taking into consideration of the fundamental values of democracy, the respect of contrary opinions of others, taking into consideration of laws and rules in force, tolerance, capacity and good frame of mind for dialogue, discussions, non-violence



In front of this, citizens and groups of actors are encouraged to express themselves, to take part in the processes of decision making and to control the exercise of power by the leaders in place

↪ Between the two camps (the State authorities and the other groups of actors), the controlling mechanisms always function well and in a transparent way; the channels of information and communication are fluid and efficient

↪ There are informal and formal participation structures that function well for consultations, dialogues and negotiations, in which all citizens and social groups, man and woman, young and old, minorities or majorities can and have the right to participate freely and without any fear

## 5.5.6.2 The Relationship of Democracy and Good Governance

✍ Can you think of the relationship between democracy and good governance?

Democracy is fairly vague and encompassing term. It is often used as an elastic synonym for good government, stretching to include whatever is desirable in a state. Of course, democracy is a system of government based on the consent of the people and one in which the mandate to rule is subject to periodic renewal. Modern democratic governance also entails citizen representation.

The relationship between democracy and good governance is fairly straightforward. Democratic governance and good governance share similar values and institutions. Indeed, governance focuses on the administrative and technical aspects of the exercise of public authority; democracy focuses on the political aspects of governance.



Democratic governance and good governance share similar values and institutions.

In this case, democratic governance fosters transparency, accountability, the rule of law, respect for human rights, and civic participation – all of which are not only necessary for securing economic productivity, equitable distribution and state legitimacy but also denote the existence of good

governance. Accordingly, you will see the key elements of good governance, highlighting their links with democracy.

**An enabling legal and regulatory framework:** An enabling legal and regulatory framework is one in which laws and regulations are clear, transparent, and applied uniformly, and in a timely manner, by an objective and independent judiciary. Where legal systems are weak and the application of law is uncertain and/or enforcement is arbitrary, they tend to distort economic transactions, foster rent-seeking activities, and discourage private capital flows, all of which undermine democratic system and good governance.



What activities are considered as rent-seeking?

**Transparency:** Transparency refers to openness in the process of governance – in the election process, policy and decision making, implementation and evaluation, at all levels of government (central and local) and in all branches of government (executive, legislature and judiciary). It is broadly defined as public knowledge of the policies and actions of government, existing regulations and laws and how they may be accessed. It requires making the public account verifiable and official behavior amenable to analysis.

Transparency refers to openness in the process of governance.



Transparency helps to counteract the well-known and universal tendency for public agencies and officials to impose, violate and bend the rules. Transparency has profound socio-political and economic consequences for our societies. It has fostered citizen doubts, distrust, apathy and lack of interest in participation among the society. Without information about rights, entitlements and responsibilities, the relationships between rulers and the ruled as well as between providers of public services and the consumer public have become degraded and contradictory. Lack of transparency is largely responsible for the tendency for the public to believe in wild and fantastic rumors, especially where public officials are involved. Today, there is widespread recognition of the importance of transparency to good governance.



Can you think of ways in which government demonstrate its transparency?

**Accountability:** Accountability refers to the ability to determine who in government is responsible for a decision or action and the ability to ensure that officials are answerable for their actions. Accountability is also defined as holding responsible elected or appointed officials and organizations charged with a public mandate to account for specific actions, activities or decisions to the public from which they derive their authority. In a narrow sense, accountability focuses on the ability to account for the allocation, use, and control of public assets in accordance with legally accepted standards. In a broader sense, it is also concerned with the establishment and enforcement of rules of corporate governance, avoidance of conflict of interest, and careful as well as competent discharge of public trust.



Accountability focuses on the ability to account for the allocation, use, and control of public assets in accordance with legally accepted standards.

Accountability is essential for affirming the obligation of rulers to the ruled, public officials to the public, and government to taxpayers. It is therefore crucial for inducing governmental effectiveness and responsiveness, and generating legitimacy. Accountable governance requires the creation and sustenance of a variety of cross cutting institutions and processes: free, fair and regularly scheduled elections; an independent media; independent judiciary; independent election authority; independent audit body, independent ombudsman and other independent constitutional commissions.

For these agencies of vertical and horizontal accountability to be effective, the processes of appointing and removing the officials in these institutions must be insulated from politics and political regimes, and they must have operational as well as financial independence. In addition, to ensure good governance citizens must be empowered to demand responsiveness and accountability from governmental and public agencies.

**An Anti-Corruption environment:** Corruption of course is a universal problem, with complex causes. Its net effect is commonly regarded as negative for all societies, especially for developing countries. It leads to economic inefficiencies; bends development; slow down long-term foreign and domestic investments; misallocates talents to rent seeking and away from productive activities; induces wrong



sectoral priorities and technological choices. It also undermines state effectiveness in the delivery of services, and the protection of the vulnerable and the environment. Corruption promotes economic decay and social and political instability, changes the ability of the state to foster rule of law, and eventually crash trust and undermines legitimacy. These costs mean that democracy and good governance requires mounting a frontal attack on corruption.

Corruption leads to economic inefficiencies; bends development; slow down long-term foreign and domestic investments; misallocates talents to rent seeking and away from productive activities; induces wrong sectoral priorities and technological choices.

Indeed, corruption is highly rewarding for those who engage in it. Therefore, to possibly avoid corruption it requires the establishment of effective mechanisms of discovery and punishment. To ensure democracy and good governance we must build institutions for preventing, detecting and punishing corruption instead of relying on individual morality. And because of its complex and multi-faceted nature, combating systemic corruption requires partnership and collaboration among public agencies, private sector and civil society, including the media. Maximum effectiveness is possible only when the existing laws and regulations are supportive and transparent.

In this case, democratic societies try to prevent any elected official or group of people from misusing or abusing their power. Various methods have been used in different countries to protect against these abuses. Frequently, the government is structured to limit the powers of the branches of government. This is supported by an independent and impartial court and agencies with power to act against any illegal action by an elected official or branch of government; to allow for citizen participation; and to check the government abuse of power.

## Activity: 5

1. Some argued that it is possible to minimize corruption thorough awareness creation program, but some others disagree with this idea. They said that when we create such awareness in one way or the other we are showing how to misuse and abuse their power? What is your position? Argue for or

against.

**Active participation:** one of the most basic indicators of democracy and good governance is citizen participation in government. Participation is not only their right, but it is their duty. Citizen participation may take many forms including running for election, voting in elections, becoming informed, debating issues, attending community or civic meetings, being members of private voluntary organizations, paying taxes, and even protesting. Such participation builds a better democracy and good governance.

Active citizen's participation gives meaning to civil society empowerment, which is vital to making governments and private sectors responsive; and of course, governmental responsiveness in turn fosters trust and legitimacy. It is also crucial for engaging the energies and securing the commitment of citizens for the development of democratic culture and for fostering equity in the distribution of both benefits and burdens.

Particularly, in our country that has diverse societies widespread civic participation is absolutely essential for generating social capital and societal unity. It helps to foster mutual trust between citizens and our governments, the state and the private sector, and among the different social and political groupings. As we mentioned earlier, participation does not necessarily have to be direct. Democracy and good governance is best served in modern societies through active representative democracy with a little bit of direct democracy.

## Chapter six

### Understanding Rights

The term right refers to several things which are claimed by people. At family level, children may claim the right to choose their own clothes. Parents on their part insist on their 'right' to control what their children to do. At political level, citizens claim their right to work, to education, to make a speech...

Originally, the term 'right' stands for a power or privilege- the right of the clergy, the divine right of kings. However, in its modern sense 'right' refers to an entitlement to act or to be treated in a particular way. The prevalence of exploitation, oppression and persecution led to the development of rights consciousness. The concept of right remains as the most used and abused political idea.

Donnelly notes that right have two principal political senses-rectitude and entitlement. Rectitude denotes the right thing to do and say of something that is right or wrong. Entitlement is narrow sense of right. It emphasizes on human beings having a right, not something being right. It refers to a special entitlement that one has to something.

Right is closely connected to the concepts of 'freedom', 'responsibility', and 'obligation'. 'Freedom from' refers to as having negative rights-meaning everyone has the right not to be interfered with. 'Freedom to' is called positive rights- meaning the right to something positive.

#### Negative rights

A negative right is the right to be left alone, with the responsibility or obligation to provide that right. It refers to anything that one may wish to do so long as it does not prevent someone else's right to do the same. "My 'right' ends at your nose!" I can leave you alone so long as you leave me alone, and vice versa.

#### Positive rights

People create positive rights through their own decisions. Positive rights need others assistantship.

## Basic Features of Rights

- Rights are implicit in the conscience of human and the community.
- Rights are organically bound up with duties- since rights prescribe the rules of behavior, in doing so they are said to impose duties.
- Rights have a pre-political character- they may be independent of state but not society.
- Rights have a natural and socio-utilitarian character- rights are of value both to the individual and the society
- Rights are not abstract entities- they need their exercise. Everyone is expected to exercise his/her rights in a way that he/she does not harm the rights of another.
- Rights are connected with the function of a state

## Theories of Right

### 1. The Natural law Theory

It is the oldest theory of rights. Rights are guaranteed by the will of God. Rights are rationally deducible from man's nature and have their nature and have their universal application irrespective of places, time and environment. Rights have a universal, rational, eternal and immutable character. Rights belong to man by nature. Rights are self-evident truths-do not require any explanation of justification. The basis of natural theory is unchanging moral law. Weakness-it obliged to claim a definite universal view of what is right and wrong which is subject to debate. It also lacks standard to measure the level of rightness.

### 2. The Legal Theory

Rights are neither absolute nor ordained by nature or by the Creator. Rights are creations of the law of a state. State is the only source of rights. It provides the machinery to guarantee the enjoyment of rights. Rights are dynamic-change with the laws of the land. There is no right where there is no power to secure the object of right. Weaknesses- first, it is wrong to believe that law can make everything right. Eg. Can the law of a state make corruption right? Second, to say that the state is the sole creator of rights is to make absolute and thereby deprive the people of the power of resistance. Lastly, it discards ethical consideration- it does not help us to make the state what it should be.

### 3. The Idealist/personality Theory

Right is that which is really necessary to the maintenance of material conditions necessary to the existence of human personality. Rights exist in the social consciousness. Rights are rooted in the mind of persons. They are powers granted to them by the community. Right is a freedom of action possessed by person by virtue of his/her occupying a certain place and fulfilling a certain function in a social order. Weakness- its interpretation of right is too abstract to be understood by an average person. Since the idea of personality is too subjective, no generally acceptable list of rights can be drawn.

#### **4. The Historical Theory**

Rights are creations of time. They are based on the long established customs. The passage of time results in the creation of rights. Weakness- it is incorrect to assume that all rights are a result of well-established customs. Had this been so, till today slavery would have been in existence as a matter of right by virtue of being based on a long established tradition.

#### **5. The Social Welfare Theory**

Rights are creation of society. Rights make what is conducive to the greatest good of the greatest number. Weakness- it dwells on the maxim of social welfare. It is also ambiguous-if put into practice; it may mean different things to different persons.

### **Classification of Rights**

#### **A. Legal Rights**

They are rights incorporated in written laws or systems of formal Court. They are rights enshrined in law and are enforceable through the courts. They are legally permitted ones; exercised by all or certain sectors of the society which can be amended by the legislators. They are described as 'positive rights' in that they are enjoyed regardless of their moral content. Examples: the right to vote in an election

#### **B. Moral Rights**

They are rights which exist as a moral claim; have no legal substance. They are rights that emanate from the consensus of two or more bodies. The basic principles of moral rights are justice and impartiality. Such rights are related with religion and precepts. Weakness- the question of universalization and comprehensiveness of moral rights cannot be approved by all people.

## C. Human Rights

They are rights to which people are entitled by virtue of being human. They are a special sort of inalienable moral entitlement. They are fundamental moral rights. They attach to all persons equally, by virtue of their humanity, irrespective of race, gender or nationality. They belong to an individual as a consequence of being human being. A person is an end, not a means (Kant's human dignity).

## **Human Rights in General**

The notion of human rights developed with the development of modern state. Some writers argue that human rights are inconceivable without state since state exists for the individual and vice versa. Though human rights as inherent dignity of human beings exist independent of the law of a state, human right laws provide legal protection to human rights. So, HR law is an agent for the development of human dignity.

HRs was not a significant concern before WWII. In the history of human rights, Second World War is a watershed. The international community believes that respect to inherent human dignity is the responsibility of states and other stake holders.

In more general sense, human rights are understood as rights which belong to any individual as a consequence of being human, independently of act of law. Human rights are protections to which all human beings are entitled because of their humanity and not because of their social status or individual merit. Some of these rights are claimed and enjoyed without regard to political order. The types of human rights which are closely related with the actions of governments are civil liberties and civil rights. Civil liberties are constitutional protections of persons, opinions and property against arbitrary interference by government. They include such protections as freedom of speech, freedom of press, freedom of religious belief and freedom from arbitrary arrest/punishment. Civil rights are legally guaranteed benefits provided by positive actions of government. They include such guarantees as education, protection against illness and starvation as well as financial support in unemployment and old age.

## **Substantive Categories of Human Rights**

### **Civil rights**

They are individual rights. They include the right to life, liberty and security of a person (protection from torture, arbitrary arrest, detention, exile, and slavery), the right of ownership, freedom of movement, thought, religion....

## **Political rights**

They include freedom of expression, freedom of association and assembly, the right to vote and stand for election, the right to take part in the government of one's country...

## **Economic rights**

These rights provide the conditions necessary for prosperity and wellbeing. Economic rights include the right to property, the right to work, the right to a fair wage, the right to a reasonable limitation of working hours, the right to establish trade union.

## **Social rights**

They are rights necessary for an adequate standard of living. They include the right to food, shelter, health, social care and the right to education.

## **Cultural rights**

These include the right to freely participate in the cultural life of the community, to share in scientific advancement, and the right to the protection of the moral and material interests resulting from literary or artistic production of which one is the author.

## **Historical foundation of HRs**

The origin of human rights is found in Greek philosophy and different religions. Philosophers referred to the notion of natural rights based on the idea that: all people are created equal by God so far as they all possess reason. Rights are derived from reason and reflect the natural law. Gradually the essence of natural right has changed in the 20<sup>th</sup> century.

### **Ancient period**

The history of the idea of human rights is traced back to ancient Greece and Rome. It was tied to the pre-modern natural law doctrines like stoicism (a philosophy which underlines that human

conduct should be judged according to the law of nature). Likewise, Roman law allowed the existence of natural law and law of nations.

## Middle Ages

During the middle ages, natural law doctrines were related to political theories of natural rights. Natural law advocates the ‘duties of man’ rather than the ‘the rights of man’. The focus on duties resulted in the legality of slavery which excludes the important aspects of human rights-liberty and equality.

**The 1215 *Magna Carta*** (the Great Charter)- represented an agreement between king John of England and the oppressed people. It mainly protected the rights and privileges of the feudal lords. In the meantime, *Magna Carta* guaranteed some rights and liberties to the English people. It opposed taxation without representation, forbade unlawful arrest and called for trial by jury.

**The 1628 Petition of Rights:** the English parliament adopted petition of rights. The contents in the petition include that the king may not levy taxes and may not imprison any person without charges.

**The 1688 Glorious Revolution-** it brought about the signing of the 1689 English Bill of Rights. The bill prohibited the king from suspending laws and levy taxes. The English people were granted the right to petition to the king to have free election.

**The Virginia Bill of Rights of 1776-** it contains principles on how to protect the people from tyranny of government, guarantees the people’s freedom of speech, press, peaceful assembly; prohibits excessive fines and cruel punishment.

**The 1789 French Declaration of the Rights of Man and the Citizen:** it embodies the living principle that men are born free and equal in rights. It proclaims the individual rights of man. It identifies such rights as the right to liberty, property, security and resistance of oppression.

**The 1917 Bolshevik Revolution in Tsarist Russia:** it had an impact on keeping the socio-economic rights of the people like health, education, social security and welfare system.

## Modern Times



During modern age, the concept of liberty came to be seen as a right of all human beings, not a privilege. Francisco de Vitoria and Bartolome de las Casas laid the foundation for the recognition of freedom and dignity of all humans by defending the personal rights of the indigenous people inhabiting territories colonized by the Spanish Crown.

The Enlightenment was decisive in the development of human rights concept. The ideas of Hugo Grotius, Samuel Pufendorf and John Locke attracted interest in Europe in the 18<sup>th</sup> century. Locke developed a concept of natural rights like the right to life, liberty and property. Jean Jacques Rousseau elaborated the concept under which the sovereign derived his powers and the citizens their rights from a social contract.

There were factors responsible for the gradual shift from natural law as duties to natural law as rights. The factors include failure of rulers to meet their natural law obligations (they teach the people not to steal but they themselves loot public properties), important socio-economic, cultural and political developments like renaissance (the rebirth of ancient ideas), explosion of revolutions and the birth of capitalism in the womb of feudalism.

## **Philosophical Foundation of Human Rights**

The idea of human rights developed out of the natural rights theory of early modern period. It emerged to replace the phrase Natural Rights. Human rights are fundamental rights of human beings. But, how does being human give rise to rights? What does it mean to be human? The following approaches will answer the questions.

### **A. The Philosophical Approach**

This approach holds that human nature is the source of human rights. John Locke is recognized for his theory of Natural Law. For him, certain rights are self-evident and pertain to individuals as human beings. These rights existed in the ‘state of nature’ mankind entered macro civil society. These rights are individuals’ rights to life, liberty and property. Individuals are equal and autonomous beings. Government exists to liberate the individual from economic, political, religious and moral restriction. Government is an artificial creation of human people rather than a universal creation of nature. For Locke, government with unlimited power is an enemy of human rights and constitutionalism is the solution. For him, people’s rights are unsafe in a state

of anarchy because human aggressions are unlimited. Anarchy gives birth to ‘the mightiest rules’ and the result is danger over the rights of the people. Dilemma on Locke’s concept of rights- human rights cannot be preserved without government but government itself is hostile to those rights. Solution-government shall maintain law and order without restricting people’s rights and it should follow the principle of constitutionalism.

## B. The Scientific Approach

This theory involves an empirical investigation of psychobiological make up of human beings and ground human rights on basic human needs such as life, food, protection against cruel treatment. But, this theory is criticized because it provides inadequate list of human rights. It is unable to give an appropriate theory of human rights because people have human rights not what they need for health, but to what they need for human dignity.

## C. The Social/anthropological Approach

This approach seeks to ground human rights on cross-cultural consensus. It associates the development of human rights through time with different cultures. Some cultures have sanctioned slavery, matricide and execution of dissidents/rebels.

## Classifications of Human Rights

The term ‘human rights’ denote a broad spectrum of rights ranging from the right to life to the right to cultural identity. They involve all preconditions for a dignified human existence. Human rights are classified in generational categories that are rooted in human history. Being inspired by the three themes of French Revolution of 1789 (Liberty, Equality and Solidarity), the French jurist Karel Vasak advanced the notion of three generations of human rights.

### A. First Generation Rights

They refer to civil and political rights. They are based on political philosophy of liberal individualism and economic doctrine of *laissez faire*. They require a state to abstain from interfering in the life of the individual. Civil and political rights are considered as negative rights that block governmental interference in to the private domain. These rights are derived from liberalist position which asserts that individuals possess the right to liberty, to life, the exercise of

freedom of speech and so on. They are inalienable and unconditional and the primary function of government is to protect these rights. Their origin is the American Declaration of Independence (1776) and the French Declaration of the rights of man and the citizen (1789).

First generation rights become associated with a set of liberal principles like personal rights matter; public authority should respect personal autonomy and preference. The core idea of these rights centers on the respect for personal rights based on the equal worth of the individual whose preferences should be followed in the public domain. They are stated in the UDHR of 1948 as core rights. First generation rights include:

- Freedom from racial and other forms of discrimination
- Freedom from slavery or involuntary servitude
- Freedom from torture and from cruel, inhumane treatment
- Freedom from arbitrary arrest, detention or exile; the right to fair and public trial
- Freedom from interference in privacy and correspondence
- Freedom of movement and residence
- Freedom of opinion and expression
- Freedom of peaceful assembly and association
- The right to asylum
- The right to participate in different activities
- The right to own property and not to be deprived of one's own property arbitrarily

## **B. Second Generation Rights**

They refer to economic, social and cultural rights. They require the extended function of a state to ensure them. They are termed as positive rights because they need state intervention in fulfilling the quest for these rights. They are sometimes called equality rights. These rights led to the emergence of welfare state. Most of these rights are aspiration in their character (what states and people aspire to be)

These rights are entitlements to socially provided goods and services such as food, health care, social insurance, work, education and the right to property. These rights include:

- The right to social security
- The right to work and protection against unemployment
- The right to rest and leisure including periodic holidays leave with pay
- The right to a standard of living adequate for health and wellbeing of self and family
- The right to education
- The right to protection of one's scientific, literary and artistic production

### **C. Third Generation Rights**

They are based on the notion on international solidarity and global structural problems rather than individual cases. Article 28 of the UDHR proclaims that 'everyone is entitled to a social and international order in which the rights set forth in the Declaration can be fully realized.' They embrace five claimed rights. They are collective rights because they are claimed in group. Some of them reflect the emergence of Third World Nationalism and its demand for a global redistribution of power, wealth and other important values. They include:

- √The right to political, economic and social development
- √The right to participate in and benefit from the 'common heritage of mankind'
- √The right to peace
- √The right to a healthy and balanced environment
- √The right to humanitarian disaster relief

### **Basic Features of Human Rights**

1. *Human rights are based on equality*- because they are consistent and based on human nature. They are applied equally at any condition, place, time and irrespective of sex, color, race, religion, political outlook, citizenship...Any change in government, change in social, political and economic system does not have impact on human rights.
2. *Human rights are unassailable*- they cannot be attacked during promotion and protection

3. *Human rights are eternal*- as far as human society exists, human rights continue to exist. Any change in government has no impact on them
4. *Human rights are irreducible*- human rights cannot be reduced to different interpretation. They are applicable in their fullest forms
5. *Human rights are indisputable*- they are not subject to different arguments. As they are natural, no one argues over the elements of human rights
6. *Human rights are inalienable*- human rights cannot be separated from human nature because they are fundamental
7. *Human rights are not given by government*- government is not a body that gives human rights. Human beings do not inherit human rights rather they possess them by the nature of being human. Human rights are not transferable rights.

### **Criticisms on Human Rights**

Critics of human rights claim that the assumption that human rights are universal rights ignores the fact that human beings are different. For critics, universality is the outcome of dominance of Western states over human rights discourse since WWII. The ‘universality’ of human rights is used as an ideological means through which ‘cultural imperialism’ is imposed on non-Western countries. For critics, there are distinct African and Asian conceptions of human rights. There exist different cultures and special needs of poor countries apart from Western societies. The idea of human rights is based on a Western conception of liberal individualism and this has no root in many non-Western cultures. The Western culture sees an individual as a rational political and economic actor. In contrast, Asian and African cultures give emphasis on collective identity- kinship, clan, tribe systems, not the individual. Traditional cultures in Africa and Asia do not view the individual as autonomous and possessed of rights above and prior to society. An individual is conceived of as an integral part of a greater whole. Asian scholars argue that the international human right norms are incompatible with Asian values. This implies that the Western conception of human rights and human dignity have limited feasibility and applicability in the non-Western world.

## Chapter Seven

### Contemporary Global Issues

Contemporary global issues are issues which are currently capturing the agenda of world leaders, international media and institutions. By their nature contemporary global issues are dynamic: they change from time to time. Though some issues could be common for all generations, what was a contemporary global issue before some years back may not necessarily be a contemporary global issue today. Contemporary global issues are also trans-boundary issues. Their effects cannot be restrained within a boundary of a single state. They cannot be solved by the efforts of one state; rather they are addressed through collaborative effort among world countries. They are the concern of all nations.

Contemporary global issues are related with economy, security, health, environment, human rights and etc. The most common global issues include international trade, poverty and inequality, debt relief, communicable diseases, human rights, globalization, terrorism, armed conflicts, nuclear weapon, drug trafficking, migration, transnational corruption, climate change and sustainable energy. We will discuss some of them here under:

#### 6.1. Globalization

The term globalization is a comprehensive term which denotes the emergence of a global society in which economic, political, environmental, and cultural events in one part of the world quickly come to have significance for people in other parts of the world. Globalization is the result of advances in communication, transportation, and information technologies. It describes the growing economic, political, technological, and cultural linkages that connect individuals, communities, businesses, and governments around the world.

Although most people continue to live as citizens of a single nation, they are culturally, materially, and psychologically engaged with the lives of people in other countries as never before. Distant events often have an immediate and significant impact, blurring the boundaries of our personal worlds. Items common to our everyday lives—such as the clothes we wear, the food we eat, and the cars we drive—are the products of globalization.

Globalization has both negative and positive aspects. Among the negative aspects are the rapid spread of diseases, illicit drugs, crime, terrorism, and uncontrolled migration. Among globalization's benefits are a sharing of basic knowledge, technology, investments, resources, and ethical values.

Most experts attribute globalization to improvements in communication, transportation, and information technologies. The Internet, the cell phone, and the fax machine permit instantaneous communication. The World Wide Web and computers that store vast amounts of data allow instant access to information exceeding that of any library.

Improvements in transportation are also part of globalization. The world becomes smaller due to next-day delivery by jet airplane. Even slow, oceangoing vessels have streamlined transportation and lowered costs due to innovations such as containerized shipping. Advances in information technologies have also lowered business costs.

Not only do goods, money, and information move great distances quickly, but also more people are moving great distances as well. Migration, both legal and illegal, is a major feature of this era of globalization. *Remittances* (money sent home by workers to their home countries) have become an important source of income for many countries.

Some critics of globalization believe that aspects of the way globalization operates should be changed. The debate over globalization is about what the best rules are for governing the global economy so that its advantages can grow while its problems can be solved. On one side of this debate are those who stress the benefits of removing barriers to international trade and investment, allowing capital to be allocated more efficiently and giving consumers greater freedom of choice. With free-market globalization, investment funds can move unimpeded from where they are plentiful (the rich countries) to where they are most needed (the developing countries). Consumers can benefit from cheaper products because reduced tariffs make goods produced at low cost from faraway places cheaper to buy. Producers of goods gain by selling to a wider market. More competition keeps sellers on their toes and allows ideas and new technology to spread and benefit others. On the other side of the debate are critics who see neoliberal policies as producing greater poverty, inequality, social conflict, cultural destruction,

and environmental damage. They say that the most developed nations—the United States, Germany, and Japan—succeeded not because of free trade but because of protectionism and subsidies. They argue that the more recently successful economies of South Korea, Taiwan, and China all had strong state-led development strategies that did not follow neo-liberalism. These critics think that government encouragement of “infant industries”—that is, industries that are just beginning to develop—enable a country to become internationally competitive.

Furthermore, those who criticize the Washington Consensus suggest that the inflow and outflow of money from speculative investors must be limited to prevent *bubbles*. These bubbles are characterized by the rapid inflow of foreign funds that bid up domestic stock markets and property values. When the economy cannot sustain such expectations, the bubbles burst as investors panic and pull their money out of the country. These bubbles have happened repeatedly as liberalization has allowed speculation of this sort to get out of hand, such as in Indonesia, Malaysia, and Thailand in 1997 and since then in Argentina, Russia, and Turkey. According to critics, a strong active government is needed to assure stability and economic development.

Protests by what is called the anti-globalization movement are seldom directed against globalization itself but rather against abuses that harm the rights of workers and the environment. The question raised by nongovernmental organizations and protesters at WTO and IMF gatherings is whether globalization will result in a rise of living standards or a race to the bottom as competition takes the form of lowering living standards and undermining environmental regulation. One of the key problems of the 21st century will be determining to what extent markets should be regulated to promote fair competition, honest dealings, and fair distribution of public goods on a global scale.

### **6.2. Terrorism**

Terrorism is commonly understood to refer to acts of violence that target civilians in the pursuit of political or ideological aims. Although the international community has yet to adopt a comprehensive definition of terrorism, in 1994, the General Assembly’s Declaration on Measures to Eliminate International Terrorism, in its resolution 49/60, stated that terrorism includes “criminal acts intended or calculated to provoke a state of terror in the general public, a



group of persons or particular persons for political purposes” and that such acts “are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them.” Terrorism has occurred throughout history for a variety of reasons. Its causes can be historical, cultural, political, social, psychological, economic, or religious—or any combination of these. Some countries have proven to be particularly susceptible to terrorism at certain times, as Italy and West Germany were during the 1970s.

In general, democratic countries have provided more fertile ground for terrorism because of the open nature of their societies. In such societies citizens have fundamental rights, civil liberties are legally protected, and government control and constant surveillance of its citizens and their activities is absent. By the same token, repressive societies, in which the government closely monitors citizens and restricts their speech and movement, have often provided more difficult environments for terrorists. But even police states have not been immune to terrorism, despite limiting civil liberties and forbidding free speech and rights of assembly. Examples include Russia as well as the People's Republic of China.

In broad terms the causes that have commonly compelled people to engage in terrorism are grievances borne of political oppression, cultural domination, economic exploitation, ethnic discrimination, and religious persecution. Perceived inequities in the distribution of wealth and political power have led some terrorists to attempt to overthrow governments. Some terrorists are motivated by very specific issues, such as opposition to legalized abortion or nuclear energy, or the championing of environmental concerns and animal rights. They hope to pressure both the public and its representatives in government to enact legislation directly reflecting their particular concern. Militant animal rights activists, for example, have used violence against scientists and laboratory technicians in their campaign to halt medical experimentation involving animals. Radical environmentalists have sabotaged logging operations and the construction of power grids to protest the spoiling of natural wilderness areas. Extremists who oppose legalized abortion in the United States have attacked clinics and murdered doctors and other employees in hopes of denying women the right to abortion.

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National governments have at times aided terrorists to further their own foreign policy goals. So-called state-sponsored terrorism, however, falls into a different category altogether. State-sponsored terrorism is a form of covert (secret) warfare, a means to wage war secretly through the use of terrorist surrogates (stand-ins) as hired guns. The U.S. Department of State designates countries as state sponsors of terrorism if they actively assist or aid terrorists, and also if they harbor past terrorists or refuse to renounce terrorism as an instrument of policy. State sponsorship has proven invaluable to some terrorist organizations—by supplying arms, money, and a safe haven, among other things. In doing so, it has transformed ordinary groups, with otherwise limited capabilities, into more powerful and menacing opponents. State sponsorship can also place at terrorists' disposal the resources of an established country's diplomatic, military, and intelligence services. These services improve the training of terrorists and facilitate planning and operations. Finally, governments have paid terrorists handsomely for their services. They thereby turn weak and financially impoverished groups into formidable, well-endowed terrorist organizations with an ability to attract recruits.

Bombing historically has been the most common terrorist tactic. Armed attacks historically rank as the second most-common terrorist tactic, followed by more complex operations such as assassination of heads of state or other well-protected people, kidnapping, hostage taking, and hijacking.

## **Impact of Terrorism**

Although most terrorist groups have failed to achieve their long-term strategic aims through terrorism, terrorism has occasionally brought about significant political changes that might otherwise have been impossible. Moreover, despite the claims of governments to the contrary, terrorism has sometimes also proven successful on a short-term, tactical level: winning the release of prisoners, wresting political concessions from otherwise resistant governments, or ensuring that causes and grievances that might otherwise have been ignored or neglected were addressed.

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Terrorism was used by some nationalist movements in the anticolonial era just after World War II, when British and French empires in Africa, Asia, and the Middle East dissolved. Countries as diverse as Israel, Cyprus, Kenya, and Algeria owe their independence to these movements.

Evidence of terrorist success has come more recently in the examples of Gerry Adams and Martin McGuinness in Northern Ireland and Yasir Arafat in the Middle East. Adams, president of the political wing of the Irish Republican Army (IRA) in Northern Ireland, and his deputy McGuinness both won election to the British Parliament in 1997. Arafat, as leader of the Palestine Liberation Organization (PLO), won international recognition for the PLO. Through tactical victories and political achievements, each of their organizations demonstrated how a series of terrorist acts can propel to world attention long-standing causes and grievances.

At the same time, for every terrorist success, there are the countless failures. Most terrorist groups never achieve any of their aims—either short-term or long-term. The life span of most modern terrorist groups underscores this failure. According to one estimate, the life expectancy of at least 90 percent of terrorist organizations is less than a year, and nearly half of the organizations that make it that far cease to exist within a decade of their founding.

Terrorism is designed to threaten the personal safety of its target audience. It can tear apart the social fabric of a country by destroying business and cultural life and the mutual trust upon which society is based. Uncertainty about where and when the next terrorist attack will occur generates a fear that terrorism experts call “vicarious victimization.” A common response to this fear is the refusal to visit shopping malls; attend sporting events; go to the theater, movies, or concerts; or travel, either abroad or within one’s own country.

The public's perception of personal risk, however, often does not dovetail with the observable dimensions of the terrorist threat. Even though the United States was the country most frequently targeted by terrorists from 1968 to 2000, fewer than 1,000 Americans were killed by terrorists, either in the United States or abroad, during that 32-year period, according to figures tabulated by the U.S. State Department and the Federal Bureau of Investigation. Although more than three times that number was killed on September 11, 2001, the fact remains that the perception of the terrorist threat far outweighs the likelihood of being the victim of a terrorist attack. Nonetheless,

terrorism's ability to engender so acute sense of fear and unease is a measure of its impact on our daily life.

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## **6.3. Environmental Challenges**

Though the environmental challenges on human life goes back as long as the existence of man on earth, the response towards the problem has cropped up of late only in the decades of 20<sup>th</sup> century. Environmental problems led to the world's first environmental conference in 1972 in Stockholm. The most significant product of the conference was the creation of the UN Environmental Program UNEP, which was to act as midwife to safeguard the global environment. Some of the major global strategies in dealing with these problems are contained in the multilateral environmental agreements such as ozone depletion, global warming and desertification. The big progress is that states have come to a recognition that they have to act more collaboratively at the international level in order to search for effective solutions to environmental problems.

It should be mentioned here that the development of a sense of shared vulnerability to environmental threats on the part of states and the catalytic and coordinative role of United Nations Environmental Program (UNEP), however, has faced a number of debilitating responses from the states. The shared vulnerability is due to the fact that the problem brought about in view of sheer neglect to the environment by the states-whether belonging to the Northern hemisphere or the Southern hemisphere-has a drastic impact on all states all over the world. This is due to the fact that states respond to continuing environmental challenges based upon their national interests.

Consequently, insufficient contributions by governments to environmental fund, insufficient authority and legitimacy of UNEP, collective disintegration and other factors in general have sadly produced a desperate impact on UNEP in addressing sufficiently the continuously deteriorating global environment.

## **6.4. Corruption**

The New Webster's Dictionary of the English Language International Edition (1995:219) has several definitions of the word corruption. These meanings comprise the following: "corruption is the state of being or becoming decayed, a spoiling, deteriorating, the corruption of taste by cheap journalism corrupt practices perversion, moral decay, a corrupting influence, a debased form of a word".

"Corrupt practice" "perversion" "moral decay" and a "corrupting influence" are all part of the negative effects which corruption has on any society where widespread corruption is practiced. There can be no doubt that a process; phenomenon or institution that suffers from corrupting influences is likely to

become decayed or to fall into a state of decay or perversion. Thus all the meanings given to the word corruption have some relevance in any discussion of economic and political corruption.

Corruption is the abuse of public institutions for private gain. Corruption is detrimental to both the economic and the political well-being of countries. Corruption increases inequality by harming the poor and benefiting the few with access to the powerful. Corruption occurs not only at a national level but also at the international level. International corruption is committed by individuals, multinational companies, governmental and non-governmental institutions; especially, through the inappropriate use of foreign aid and investment. Different government leaders are also sometimes involved in such acts and save their illegal money in major banks outside of their country.

## **6.5. International migration**

Increasing flows of people across national borders are both a contributor to and a consequence of a more interconnected world. Usually migration takes place from economically poor countries into relatively rich countries or from politically unstable countries into politically stable countries.

Although, the largest economic gains from immigration accrue to the immigrants themselves, the international migration of labor can also benefit both the countries receiving immigrants and the countries sending them, and that on balance it boosts world income and reduces poverty. In the receiving countries, migrants can fill labor shortages in certain industries. In the sending countries, they can help ease unemployment and other social pressures while increasing financial inflows, in the form of **remittances** from migrants to their families back home. Remittances also help level out the distribution of income both within and across countries.

Migration is not without its costs, actually. For the migrants themselves, the journey itself and the search for fair employment and humane treatment in the host country can be arduous and risky. The host country government may bear added costs to assimilate the migrants, and wages for some native workers may fall. The home country may suffer a loss of valuable skilled workers.

## **Forces Shaping Today's Global Issues**

The evolution of global issues in the coming years will be shaped by many factors. The forces driving these issues, the consequences thereof, and the appropriate solutions vary from issue to issue but certain broad forces are common to many of them. These include:

1. Demography (the number of world population is increasing from time to time which has both positive and negative ramifications)
2. Growth of the global economy (the world economy is increasing while world resources are decreasing. This has too positive and negative consequences)
3. Scientific and technological innovations (different innovations like nuclear weapon can positively and negatively affect those global issues)
4. Increasing interconnectedness and interdependence (global interdependence or globalization have positive and negative consequences)
5. Global advocacy (civil societies and advocacy groups also shape those global issues)

## **How are Today's Global Issues being addressed?**

Unless those global issues are properly addressed, they will have, interalia, economic, health, security, and environment related consequences. It is known that there is no world government to address these global issues. They are being addressed through collective action by efforts of world countries, different institutions and individuals. This collective action is expressed in the form of:

1. International agreements signed by both industrial and developing countries
2. International Law
3. Declarations signed by participants at international conferences
4. Actions of the G-8, G-20, G-77 and other such groupings.
5. Civil society campaigns and associations
6. Global partnerships
7. Global governance institutions like IMF and WB