



CHAPTER FOUR:

State, Governance and

Citizenship

Understanding State

Defining State

The term state' has been used to refer to :

- ✓ a **collection of institutions**,
- ✓ a **territorial unit**,
- ✓ a **philosophical idea**,
- ✓ an **instrument of coercion** or oppression,
and so on.

Cont'd...

These **confusion stems** that the state has been understood in four quite different ways;

- An idealist perspective,
- functionalist perspective,
- an organizational perspective and
- an international perspective.

I)The idealist approach

View the state as an **embodiment of moral and ethical principles.**

- ✓ The state is not merely a practical institution for organizing society,
- ✓ But, a manifestation of the higher ideas of justice, equality and common good.
- ✓ Upholding the fundamental rights and liberties of citizens

Cont'd....

- Hegel identified **three moments of social existence:**

The family: (a particular altruism)

- ✓ People to set aside their own interests for the good of their children or elderly relatives

Civil society: (universal egoism)

- ✓ Individuals place their own interests before those of others

The state: (universal altruism)

- He conceived of the state as an ethical community underpinned by mutual sympathy-

Cont'd...

Some **key tents** of the idealist perspective:

The state:

- ✓ Is a **representation** of **the general will of the people**, not just the interest of those in power
- ✓ Has a **duty to promote** the moral and spiritual development of its citizens
- ✓ Laws and institutions should be **grounded in universal ethical principles**
- ✓ Should aim to create a **harmonious, just, and virtuous society**

2) Functionalist approaches

Views the state **more as a practical tool** for **organizing** and **managing the affairs of society.**

- ✓ The central function of the state is invariably seen as the **maintenance of social order,**
- ✓ the state being defined as that set of institutions that **uphold order and deliver social stability.**
- ✓ state as a mechanism through which **class conflict is ameliorated** to ensure the long-term survival of the **capitalist system**

Cont'd.....

Proponents of this perspective see the state as:

- ✓ A necessary and pragmatic institution, focused on achieving specific outcomes
- ✓ And addressing the practical needs of the population

The weakness

- ✓ It tends to associate any institution that maintains order with the state itself

3)The organizational approach

- State is a **complex organization** with various branches, departments, and agencies that serve different functions
- Defines the state as the **apparatus of government** in its broadest sense,(**hierarchies, bureaucracies** and **decision making process**) with in the state apparatus that shape how it operates
- The state has an **organizational culture, norms, and administrative procedures** that influence its behavior
- These organizations **interact with** and are **influenced by** non-state actors(businesses, civil society group, and international organizations

Cont'd.....

- The state **comprises** the various institutions of government:
 - ✓ **the bureaucracy,**
 - ✓ **the military,**
 - ✓ **the police,**
 - ✓ **the courts, and**
 - ✓ **the social security system** and so on;
- it can be identified with the **entire body politic**

4) The international approach

- ✓ The state as a fundamental unit in the international system
 - The basic 'unit' of international politics
 - Plays a central role in global affairs
- ✓ State is a multi-faceted entity that wields significant power and influence
 - Indicate the dualistic structure of the state (the two faces of state)
 - The inwards looking: Domestic order(its relation with in the territory)
 - The outwards looking: Its relation with other states

Cont'd....

According to the international law:

- ✓ The state has four features:
 - a defined territory,
 - permanent population,
 - an effective government and
 - Sovereignty (internal & external)

Rival Theory of State

According to André wood (2013):-

I) **The pluralist state**:-

- ✓ State is unbiased or favoring any interest
- ✓ State **does not have an interest of its own** that is **separate from that of society**

Heywood

- ✓ The “state is the servant of society and not its master”
- ✓ It stems from the belief that the state acts as an ‘**umpire**’ or ‘**referee**’ in society
 - an **impartial arbiter** or **referee** that can be bent to the will of the government at a given moment

Cont'd....

- ✓ Origin from social-contract theories of Thomas Hobbes & John Lock.
 - The social contract theory suggest that state had **arisen out of voluntary agreement**

The agreement:

- Made by individuals who recognized that only the establishment of **a sovereign power** could safeguard them from
 - Insecurity,
 - disorder and
 - brutality of the state of nature

Cont'd...

- ✓ Without a state, individuals abuse, exploit and enslave one another;
- ✓ with a state, order and civilized existence are guaranteed and liberty is protected

As Lock put it, where there is no law, there is no freedom.

- ✓ For him, the purpose of the state is restricted to:-
 - Defense of a set of natural or god –given rights like: Life, Liberty & property

Cont'd....

In Hobbes' view:

- ✓ Stability and order could be secured only through the establishment of an absolute and unlimited state, with power that could be neither challenged, nor questioned

Pluralism as a theory of state:

- ✓ Pluralism asserts that, within liberal democracies, power is widely and evenly dispersed.
- ✓ Holds that the state is neutral, insofar as it is susceptible to the influence of various groups and interests, and all social classes
- ✓ The state is only a weather vane that is blown in whichever direction the public-at-large dictates.

Cont'd...

2) The Capitalist state

- ✓ According to this theory state is a result of **class oppression**.
- ✓ The state cannot be understood separately from **the economic structure of society**

In Marx's writings there are **two theories of state**.

- a) State is described as an instrument for the oppression of the exploited class
 - b) The state appears to mediate between conflicting classes, and maintain the class system itself in existence.
- ✓ Marx's attitude towards the state was **not entirely negative**

Cont'd.....

- ✓ Marxist **deny** that the state is an autonomous entity bent on the pursuit of its own interests
- ✓ State served as revolutionary dictatorship of the proletariat during the transition from capitalism to communism

3) The Leviathan state:

- ✓ State defined as a totalitarian state having vast bureaucracy

Conversely to pluralists

- ✓ Suggest, state is desperate to interfere or meddle in every aspect of human existence
- ❖ The state as a parasitic growth that threatens both individual liberty and economic security.

The central feature of this view:

- ✓ The state pursues interests that are separate from those of society
- ✓ state intervention reflected the internal dynamics of the state
 - Demand side pressures-emanate from society itself
 - Supply side pressures- the institutions and personnel of the state apparatus

Cont'd.....

4) The patriarchal state: -

Developed by radical feminist

- ✓ Argue that state power reflects a deeper structure of oppression in the form of patriarchy
- ✓ The radical feminists place it in a context of gender inequality, and
- ✓ insist that it is essentially an institution of male power
- ✓ Men are preferred to concentrate on the deeper structure of power centered on institutions like family and economic system.

The Role of The state

- ✓ There is **no agreement** about the exact role the state should play
- ✓ But, there are different **state forms**.
- ❑ These includes:-
 - Minimal state,
 - Developmental state,
 - social democratic state
 - collectivized state,
 - Totalitarian state and
 - Religious state.

I) Minimal State

It is the idea of classical liberals

- ✓ its aim is to ensure that individuals enjoy the widest possible realm of freedom
- ✓ rooted in social-contract theory, but it nevertheless advances an essentially 'negative' view of the state.
- ✓ state has the capacity to constrain human behavior and
- ✓ is merely a protective body

The core functions of the minimal state includes: -

- ✓ To maintain domestic order;
- ✓ ensure the contracts or voluntary agreements made between private citizens;
- ✓ provide protections against eternal attack.

2. Developmental States

- ❑ is one that **intervenes in economic life** with the specific purpose of promoting **industrial growth and economic development**.

Japan

- ✓ Practice to **stimulate economic progress**
- ✓ Banks are helping to shape private investment decisions and the economy to towards the international competitiveness

France

- ✓ The state bureaucracy has seen itself as the custodian of the national interest

Germany

- ✓ ‘**Partnership state**’ –between the state and major economic interests

3.Social Democratic /Welfare/ state

- ✓ States intervene with a view to bring about broader social restructuring (prioritizing fairness, equity and social justice).
- ✓ It is the idea of both modern liberals and democratic socialists.
- ✓ There is a shift from a ‘negative’ view(a necessary evil) to a ‘positive’ view(enlarging liberty and promoting justice)

State

- ✓ Is an active participant;
- ✓ in particular, helping to rectify the imbalances and injustices of a market economy

Cont'd....

- ✓ focus less upon the generation of wealth and
- ✓ more upon what is seen as the equitable or just distribution of wealth
- ✓ In practice, this boils down to an attempt to eradicate poverty and reduce social inequality
- ✓ The twin features of a social democratic state are therefore **Keynesianism and social welfare**
- Keynesian economic policies is to promote growth and maintaining full employment
- welfare states' to the promote social well-being amongst their citizens
- dedicated to the principle of individual empowerment

4. Collectivized states

- ✓ State bring the **entirely of economic life** under its control.
- ✓ Set up **centrally planned economies** administered by a network of economic ministries and planning committees –called **Command economies**
- ✓ Sought to abolish private enterprise altogether

USSR and Eastern Europe were best example.

5.Totalitarian States

- ✓ Most **extreme** and **extensive** form interventionism is found.
- ✓ The essence of totalitarianism is the construction of an all-embracing state which **penetrates every aspect of human existence**
- ✓ The **state brings not only** the economy but also **education, culture, religion, family life, under direct state control.**
- ✓ States effectively extinguish civil society and abolish the private sphere of life altogether

Hitler's Germany and Stalin's USSR were best example.

6. Religious State

- ✓ By the tendency within religious fundamentalism view religion as the basis of politics.
- Religious states are founded on the basis of religious principles/religiously oriented government/.

Understanding Government

What is Government?

- ✓ Broadest sense, to govern means to rule or control others
- ✓ The formal and institutional processes that operate at the national level to maintain public order and facilitate collective action
- ✓ Refers to political organizations comprising individuals & institutions authorized to formulate public policies & conduct affairs of state.
- ✓ A body or organ that administers a country and main organization dealing with affairs of the whole country

Cont'd....

- ✓ Any form of government must possess two essential attributes to be effective and stable.

a) Authority:-

- ✓ ability to compel obedience
- ✓ legitimate power or acknowledged duties of the government.

b) Legitimacy:-

- ✓ is the popular acceptance of governing regime or law as an authority.

Thus, government is **one of the most essential components** and also an administrative wing of the state

Purposes And Functions of Government

These includes:-

- ✓ *Self-preserveds*
- ✓ *distributions & regulations of resources.*
- ✓ *management of conflicts*
- ✓ *fulfillment of social or group aspirations.(future interest & goals).*
- ✓ *protections of rights of citizens.*
- ✓ *protections of properties*
- ✓ *implementations' of moral conditions*
- ✓ *provision of goods & services.*

UNDERSTANDING CITIZENSHIP

Definitions:-

- ✓ Citizen is a person who is legally recognized as member of:
a particular; officially sovereign political communities,
entitled to different responsibilities.
- ✓ In a formal level, citizenship denotes to the network of
relationships between the state and the citizen.
 - With respect to: - acquisitions and loss of a given
country's nationalities.

Cont'd....

- ✓ Several countries denoted as the **judicial relationship** between the citizen and the State
- ✓ Other countries denotes as the **social roles of citizens in their society**

Generally, the concepts of citizenship vary from societies to society, depending on the:

- **Place,**
- **the historical moment, and**
- **political organizations.**

Cont'd...

- ✓ The common elements one can find in definitions of citizenship includes:-
 - **rights, duties, belonging,**
 - **identity and participations.**

I) Citizenship as a Status of Rights

- ✓ a citizen makes the person creditor of a series of rights
- ✓ political discourse often tends to identify citizenship with rights
 - **Liberty(privilege right);**
 - ✓ a freedom given for the right-holder to do something
 - ✓ The beholder got benefits from liberty rights without obliging others - **right to movement**

Cont'd.....

- **Political (first order right)**

- ✓ are imposed on others
 - ✓ The holder of a power, be it a government or a citizen, can change or cancel other people and his/her own entitlements

Example: **private property**

- **social(claim right)**

- ✓ the inverse of liberty rights
 - ✓ enjoyed by individuals when others discharge their obligations

Example: **health and education**

- **Immunity Rights:**

- ✓ allow bearers escape from controls
 - ✓ a right not to be dismissed from their job after a new government comes to power

Cont'd...

II) Membership and Identity

- ✓ Citizenship is associated with membership of a **political community**
- ✓ a specific identity that is common to all members who belongs to it
- ✓ Entails certain **standards of proper conduct**.
- ✓ linked to **shared** territory, common culture, ethnic characteristics, history, etc.

III) Participation:

- ✓ occupies a key position in citizenship

Two approaches

A) Minimalists: passive compliance with the rules

B) maximalists: imply active, broad participation of citizens engagement

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IV) Inclusion and Exclusion

- ✓ All individuals living in a particular state **do not necessarily** mean that all are citizens.
- ✓ There are non-citizens visiting, working and living in a particular state
 - Such peoples enjoys rights such as **the right to life, movement, and protection of the law**
 - Follow the responsibility to respect the law
- ✓ **Political and economic rights** that are reserved to and duties to be discharged by citizens only
 - Voting, defense,.....

THEORIZING CITIZENSHIP

- ✓ There are different approaches to citizenship but the most **contemporary** addressing the issues of citizenship are **four approaches**:
 - Liberal***
 - Communitarian***
 - Republican***
 - Multi-cultural citizenship***

Citizenship in liberal thought

- ✓ Begins with the individual person (**the self**)
- it gives a strong emphasis to **the individual liberty** of the citizen

In liberalism

- ✓ The primary *political unit* as well as the initial focus of all fundamental political inquiry is the *individual person*.
- Liberals insist that individual should be free to decide on their own conception of the good life.
- **John Lock (1960)**, viewed individuals as endowed with reasoning skills.

Citizenship in communitarian thought

- The debate on citizenship as the expression of community revived with the emergence of communitarianism since 1980s.
 - Taylor's source of the self (1989).
 - Walzer's sphere of justice (1983).
 - Sandel's Liberalism and the limits of justice (1982).
 - Macintyre's after virtue (1981) were establishing the foundations of communitarianism.
- Hence, as an approach, communitarianism emphasizes on **the importance of society in articulating the good.**

Cont'd...

- ✓ For them, **identity** of citizens **cannot be understood outside the territory** in which they live, their culture and traditions.
- ✓ Rules, procedures and legal policy is the shared common good
- **Communitarians view individuals as the product of social practice.**
- Deny interests of communities can be reduced to the interests of their individual members
- For communitarian no individual is entirely self-created;
- instead the citizen identity is deeply **constructed by the society**

Criticized-

sacrifice large parts of their individual for shared values

Citizenship in Republican thought

They put emphasis on **both individual and group rights**.

- ✓ It incorporates the *liberal notions of the self-interested individual with in communitarian frame work of egalitarian and community belonging.*
- ✓ For them citizenship should be understood as a **common civic identity, shaped by a common public culture.**
- ✓ It requires citizens to bring together to find unity in the **midst of diversity without pressurizing them.**
- ✓ Encourages people to look for the **common ground** on which they stand, **despite their differences**, as citizens.
- ✓ Promotes an **effective balance** between **tolerations and obligations.**

Multicultural citizenship

- Is the theory that recognizing of group deference
- For them, citizens have equal rights as individuals and have different needs and wants as members of the groups.
- Basically, multicultural citizenship emphasizes on the following principles:
 - ✓ Taking **equality** of citizenship rights as a strong point.
 - ✓ Recognize as **formal equality** of rights does not necessarily lead to equality of respect, resources, and opportunities/welfare.
 - ✓ Establishing **mechanisms** for group representations and participations.
 - ✓ Differential **treatment** for people with different characteristics needs and wants.

Modes Of Acquiring And Loosing Citizenship

According to UDHR(1948) art. 15...everyone has a right to a nationality and no one shall be arbitrarily deprived of his nationality.

WAYS OF ACQUIRING CITIZENSHIP

- Means of acquiring vary from country to country.
- However, the common ways of acquiring citizenship are :-
 - a) **Citizenship by birth and**
 - b) **Citizenship through naturalization/law**

a) Citizenship from birth:-

There are **two** common principles of citizenship by birth:-

- i) ***Jus Soli (right of the soil or law of the soil).***
- ii) ***Jus Sanguinis (law of the blood or right of blood).***

✓ **Jus soli** is the principle where by an individual is obtaining citizenship status because he/she was born in territorial administration of a given country.

NB:-*Jus Soli could not apply to children born from diplomats and refugees live in a host state.*

✓ While **Jus Sanguinis** is a norm where citizenship acquired claiming one's parents citizenship status.

b) Citizenship by naturalization

It incorporates:

- ✓ **Political case** (secession, merger and subjugation).
- ✓ **Grant on application**
- ✓ **Marriage**
- ✓ **Legitimatizations/adoption and re-integration or restoration/**

The Modes Of Acquiring Ethiopian Citizenship

- ✓ Before 1930s, there was not officially inscribed legal document.
- ✓ But in 1930, Ethiopia adopted a legal document- **Ethiopian nationality law.**
- ✓ In recent time this document replaced by another legal document called “**Ethiopian Nationality proclamation No:378/2003.**
- ✓ According to this proclamation there **are different model.**

These are:-

- 1)Acquisition by Descent
- 2) Acquisition by law or naturalization

I) Acquisition by Descent

Art. 6(I) of 1995 FDRE constitution stated that

- ✓ any person of either sex shall be an Ethiopian national where **both or either parent is Ethiopian.**
- In this case principle of **jus soli** or **law of the soil does not work; because birth place of the child is not required.**

2) Acquisition by law or naturalization

a) Grant on application (registration)

- ✓ Is the way of requesting a host state to be granted citizenship status
- ✓ According to art. 5 of the 2003 Ethiopian Nationality Proclamation, the application shall fulfill the following criteria to be Ethiopian national:-
 - ✓ Reach age majority, 18yrs
 - ✓ Lived in Ethiopia at least for a total of 4yrs
 - ✓ Has sufficient and lawful income (economically self-reliant)
 - ✓ Able to communicate in any of the indigenous languages spoken in Ethiopia
 - ✓ Has a good character
 - ✓ Should be a person with no record of criminal conviction
 - ✓ Has been released from the previous nationality
 - ✓ Take an oath of allegiance indicated in art. 12 of the proclamation

Cont'd...

b) Cases of marriage:-

- ✓ The marriage shall be in accordance with the laws of Ethiopia.
- ✓ The marriage shall lapse at least for two years.
- ✓ The alien married to an Ethiopian citizen have to live in Ethiopia for one(1) year preceding the submission of the application
- ✓ The alien have to reach the age of majority
- ✓ Take the oath of allegiance.

Cont'd...

c) Adoption/ legitimating/

- Is the process where by an illegitimate child get citizenship status of his/her care taker's nationality

d) Citizenship by special cases.

- An alien who has made an outstanding contribution in the interest of Ethiopia get Ethiopian nationality without fulfilling the preconditions stated in art. 5 of the proclamation 2003.
- i.e. a person may not require to live in Ethiopia for 4years and may lack ability to communicate in any of the languages spoken in Ethiopia

Cont'd...

e) Re-admission

- ✓ Re-integration or restoration
 - A process of a person acquires his/her lost citizenship.
 - Ethiopian proclamation 2003 acknowledges this in art.22; but, the following criteria have to be fulfilled.
 - Applies to the security , immigration and refugee affairs authority for re-admission
 - She/he has to return and domiciled in Ethiopia and renounces his/her foreign nationality.

DUAL CITIZENSHIP

- ❖ Is a condition of being a citizen of two nations
 - ❖ Duality /multiplicity/ arises because of the clash among:
 - the jus soli,
 - jus sanguine and
 - naturalization.
- **But, Ethiopia prohibits dual citizenship.(art. 20(I)) of the proclamation**

Ways of Loosing Citizenship

The common once are:-

- Deprivation
- Renunciation
- Lapse or expiration
- Substitution

i) deprivation

✓ is an **involuntary** loss of citizenship due to the reason that:-

- Uncovering national secrets
- Non-compliance with citizenship duties
- Loss of genuine link with his/her state
- Flawed acquisitions of citizenship
- Promising loyalty to serving in armed force of another country
- Trying to over throw the government by force, etc.

NB:- the Ethiopian nationality proclamation 2003, art.17, prohibits the possibility of losing Ethiopian nationality through deprivation.

ii) Lapse /expiration

- ✓ losing citizenship because of long term residence abroad beyond the number of years permitted by the country in question.

Example

- ✓ In India, if a person permanently stays outside his/her country more than seven years, he/she automatically loss his/her Indian nationality.

NB:-This is not applicable in Ethiopia.

iii) Renunciation

- ✓ is **voluntary** way of losing citizenship.
- The UDHR(1948) guarantees such rights.
- ✓ The FDRE constitution art. 33(3) and art. 19 of the 2003 Ethiopian proclamation allow renouncing.

iv) Substitution:-

- ✓ citizenship may be lost when the original citizenship is substituted by another state, where it is acquired through naturalization.
- ✓ This may takes place when a particular **territory** is annexed by another state.

Statelessness

- ✓ is the condition of lacking citizenship of any country and with no government from which to ask protection.

stateless person:

- ✓ is a person who is not considered as a national by any state under the operation of its law

NB:- statelessness always resulted when:-

State failure leads people to flee

i.e. due to:

- Invasion and conquest by another state
- Civil war
- Famine or an oppressive regime
- Deprivation