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Chapter Four: State, Government and Citizenship

4.1. Chapter Introduction

4.2. Chapter Objectives

4.3. Understanding State

4.3.1. Defining State

- state has been understood in four quite different ways.

1. Idealist perspective

- Hegel identified three moments of social existence

➤ Family

- ✓ altruism operates that encourages people to set aside their own interests for the good of their children or elderly relatives

➤ Civil society

- ✓ Seen as a **sphere of 'universal egoism'** in which individuals place their own interests before those of others

➤ **State**

- ✓ **ethical community underpinned by mutual sympathy – 'universal altruism'**

- **drawback of idealism**

- it fosters an **uncritical reverence** for the state
- by defining the state in ethical terms, fails to distinguish clearly between institutions that are part of the state and those that are outside the state

2. Functionalist approach/perspective

- focus on the **role or purpose of state institutions**
- **central function of the state** is invariably seen as the **maintenance of social order**
- **state - 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
- **weakness of the functionalist**

- tends to **associate any institution** that maintains order (such as the family, mass media, trade unions and the church) **with the state itself**

3. Organizational view/perspective

- **State - set of institutions that are recognizably ‘public’, in that they are responsible for the collective organization of social existence and are funded at the public’s expense**
- It **distinguishes clearly between the state and civil society**
- The organizational approach allows us to talk about ‘rolling forward’ or ‘rolling back’ the state, in the sense of expanding or contracting the responsibilities of the state, and enlarging or diminishing its institutional machinery

4. International approach/perspective

- **State - primarily actor on the world stage; indeed, as the basic ‘unit’ of international politics**
- dualistic structure of the state, its two faces:
 - **state’s inward-looking face**
 - ✓ its relations with the individuals and groups that live within its borders, and its **ability to maintain domestic order**
 - **state’s outward-looking face**

- ✓ its relations with other states and, therefore, its ability to provide protection against external attack
- Classic definition of the state in international law is found in the Montevideo Convention on the Rights and Duties of the State (1933)
- According to Article 1 of the **Montevideo Convention**, the **state has four features**

A. Population

- without population there can be no state
- states of the world vary in terms of demographic strength
 - ✓ population of greater than 1 billion - China and India
 - ✓ constituency of few thousand people - Vatican and San Marino
- ❖ No exact number can be given to how much people constitute state
- **Homogeneity** - commonness of religion, or blood, or language or culture and the like
 - ✓ it makes the task of national integration easy
 - ✓ Homogeneity is not must

B. Defined Territory

- territory of a state includes land, water, and airspace
- territorial authority of a state also extends to

- ✓ ships on high seas under its flag
- ✓ its embassies
- ✓ legations/diplomat's residence in foreign lands
- size of a state's territory cannot be fixed
- boundary lines of a state must be well marked out
 - geographical make up - division by the seas, rivers, mountains, thick forests, deserts, etc
 - artificial divisions - digging trenches or fixing pointed wire fencing

C. Government

- It the soul of the state
 - ✓ It implements the will of the community
 - ✓ protects the people against conditions of insecurity
 - ✓ maintain law and order and makes 'good life' possible
- the machinery that terminates the condition of anarchy
 - ✓ if there is no government, there is anarchy and the state is at an end
- form of government may be
 - ✓ monarchical, oligarchic, democratic, dictatorial, etc

D. Sovereignty

- It is the ***highest power of the state that distinguishes it from all other associations of human beings***
- Sovereignty is the **principle of absolute and unlimited power**
- It has two aspects
 - **Internal Sovereignty**
 - inside the state there can be no other authority that may claim equality with it
 - state is the final source of all laws internally
 - **External sovereignty**
 - state should be free from foreign control of any kind
- state may willingly accepts some international obligations
- existence of **sovereign authority appears in the form of law**
- sovereign state is legally competent to issue any command that is **binding on all citizens and their associations**

recognition

- ✓ the contemporary political theorists and the UN considered recognition as the **fifth essential attribute of the state**

- ✓ state should be recognized as such by a significant portion of the international community
- ✓ for a state to be legal actor in the international stage; **other actors must recognize it as a state**

4.4. Rival Theories of State

4.4.1. The Pluralist State

- It has a very clear **liberal lineage**
- It stems from the belief that the **state acts as an 'umpire' or 'referee' in society**
- The origins of this view of the state can be traced back to the social-contract theories of thinkers such as Thomas Hobbes and John Locke
 - ✓ **state had arisen out of a voluntary agreement, or social contract, made by individuals** who recognized that only the establishment of a sovereign power could safeguard them from the insecurity, disorder and brutality of the state of nature
- In liberal theory
 - state - **a neutral arbiter** amongst the competing groups and individuals in society - **protecting each citizen from the encroachments of fellow citizens**
- **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
- **Locke, on the other hand**
 - ❖ developed a more typically **liberal** defense of the limited state
 - ✓ In his view, the **purpose of the state is very specific**: it is restricted to the defense of a set of 'natural' or God-given individual rights; namely, life, liberty and property
 - ✓ since the state may threaten natural rights as easily as it may uphold them, **citizens must enjoy some form of protection against the state**, which Locke believed could be delivered only through the **mechanisms of constitutional and representative government**
- pluralism holds that the state is neutral
 - ✓ state is **not biased**
 - ✓ It **does not have an interest of its own** that is separate from those of society
 - ✓ state is 'the **servant of society** and not its master'
- Two key assumptions underlie this view
 - state is effectively **subordinate to government**
 - ✓ Non-elected state bodies (civil service, judiciary, police) are strictly impartial and are subject to the authority of their political masters

- the democratic process is meaningful and effective
 - ✓ party competition and interest-group
 - ✓ state is only a weather vane that is blown in whichever direction the public-at-large dictates
- **Modern pluralists/ neo-pluralist theory of the state**
 - By theorists such as Robert Dahl and Charles Lindblom
 - modern industrialized states are both more complex and less responsive to popular pressures than classical pluralism suggested
 - ✓ for instance business enjoys a 'privileged position' in relation to government that other groups clearly cannot rival
 - ✓ business is bound to exercise considerable sway over any government,
 - state can, and does, forge its own sectional interests
 - ✓ state elite pursue either the bureaucratic interests of their sector of the state, or the interests of client groups

4.4.2. The Capitalist State

- **Marxist** notion of a capitalist state offers a clear alternative to the pluralist image of the state as a neutral arbiter or umpire
- The state cannot be understood separately from the economic structure of society

- state is nothing but an instrument of class oppression: the state emerges out of, and in a sense reflects, the class system
- In a general sense, he believed that the state is part of a 'superstructure' that is determined or conditioned by the economic 'base'
- Two theories of the state can be identified in Marx's writings
 - The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie
 - ✓ state as an instrument for the oppression of the exploited class
 - The state could enjoy what has come to be seen as 'relative autonomy' from the class system
 - ✓ the autonomy of the state is only relative, in that the state appears to mediate between conflicting classes, and so maintains the class system itself in existence
 - ❖ Both these theories emphasize that the state cannot be understood except in a context of unequal class power
 - ✓ state arises out of, and reflects, capitalist society
- ❖ Marx's attitude towards the state was not entirely negative
 - ✓ He argued that - the state could be used constructively during the transition from capitalism to communism in the form of the 'revolutionary dictatorship of the proletariat'
- ❖ In describing the state as a proletarian 'dictatorship'

- ✓ Marx see the state as an instrument through which the economically dominant class (by then, the proletariat) could repress and subdue other classes
- ✓ 'dictatorship of the proletariat' was seen as a means of safeguarding the gains of the revolution by preventing counter-revolution mounted by the dispossessed bourgeoisie
- ❖ **Marx did not see the state as a necessary or enduring social formation**
 - He predicted that, as class antagonisms faded, the state would 'with away', meaning that a fully communist society would also be stateless
- ❖ **modern Marxists, or neo-Marxists**
 - ✓ emphasized the degree to which the domination of the ruling class is achieved by ideological manipulation, rather than just open coercion
 - ✓ bourgeois domination is maintained largely through 'hegemony': that is, intellectual leadership or cultural control, with the state playing an important role in the process
 - Rather than being an 'instrument' wielded by a dominant group or ruling class, the state is thus a dynamic entity that reflects the balance of power within society at any given time, and the ongoing struggle for hegemony
- ❖ Therefore state cannot but act to perpetuate the social system in which it operates.

4.4.3. The Leviathan State

- The image of the state as a 'leviathan' is one associated in modern politics with the New Right.
- ❖ New Right, or at least its neoliberal wing, is distinguished by
 - ✓ a strong antipathy towards state intervention in economic and social life, born out of the belief that - **the state is parasitic growth that threatens both individual liberty and economic security**
 - ✓ the state, instead of being, as pluralists suggest, an impartial umpire or arbiter, **is an overbearing 'nanny', desperate to interfere or meddle in every aspect of human existence**
 - ✓ the state **pursues interests that are separate from those of society**
- New Right theorists **explain the expansionist dynamics of state power by reference to both demand-side and supply-side pressures**
 - **Demand-side pressures**
 - emanate **from society itself** through the mechanism of electoral democracy
 - electoral competition encourages **politicians to 'outbid' one another by making promises of increased spending and more generous government programs**, regardless of the long-term damage
 - **Supply-side pressures**

- those that are **internal to the state** - the institutions and personnel of the state apparatus
- public decisions are made on the assumption that the **individuals involved act in a rationally self-interested fashion**
- ❖ While Marxists argue that the state reflects broader class and other social interests, the **New Right portrays the state as an independent or autonomous entity that pursues its own interests**
 - ✓ bureaucratic self-interest invariably supports 'big' government and state intervention

4.4.4. The Patriarchal State

- It is **implications of feminist theory**
- **concentrate on the deeper structure of male power centered on institutions** such as the family and the economic system
- ❖ **Liberal feminists**
 - believe that sexual or gender equality can be brought about through incremental reform, have tended to **accept an essentially pluralist view of the state**
 - They recognize that, if women are denied legal and political equality, and especially the right to vote, the state is biased in favor of men

- believe that all groups (including women) have potentially equal access to state power, and that this can be used impartially to promote justice and the common good
- Liberal feminists usually viewed the state in positive terms, seeing state intervention as a means of **redressing gender inequality and enhancing the role of women**

❖ **Radical feminists**

- more **critical and negative view of the state**
- argue that **state power reflects a deeper structure of oppression in the form of patriarchy**
- There are a number of similarities between Marxist and radical feminist views of state power
 - Whereas **Marxists place the state in an economic context, radical feminists place it in a context of gender inequality**, and insist that it is essentially an institution of male power
- In common with Marxism, distinctive instrumentalist and structuralist versions of this feminist position have been developed
 - **Instrumentalist**
 - ✓ State as little more than an **agent or 'tool' used by men to defend their own interests and uphold the structures of patriarchy**

- ✓ patriarchy - men dominating public while women are confined to private' spheres of life

- ✓ in this view, the state is run by men, and for men

➤ **structuralist**

- ✓ Emphasize the degree to which state institutions are embedded in a wider patriarchal system

- ✓ Modern radical feminists have paid particular attention to the emergence of the welfare state

- Welfare - a transition from private dependence (in which women as 'home makers' are dependent on men as 'breadwinners') to a system of public dependence in which women are increasingly controlled by the institutions of the extended state
- For instance, women have become increasingly dependent on the state as clients or customers of state services (such as childcare institutions, nursery education and social work) and as employees, particularly in the so-called 'caring' professions (such as nursing, social work and education)

4.5. The Role of the State

4.5.1. Minimal States

- is the ideal of classical liberals

- It is **rooted in social-contract theory**, but it nevertheless advances an essentially 'negative' view of the state
 - ✓ the **value of the state** is to prevent individuals encroaching on the rights and liberties of others
- **state is merely a protective body**, its core function being to provide a **framework of peace and social order**
- state acts as a **night watchman**, whose services are called upon only when **orderly existence** is threatened
- the 'minimal' or 'night watchman' **state with three core functions**
 1. **maintain domestic order**
 2. ensures that **contracts or voluntary agreements made between private citizens are enforced**
 3. provides **protection against external attack**
- **institutional apparatus** of a minimal state is thus limited to a **police force, a court system and a military of some kind**
- **Economic, social, cultural, moral and other responsibilities belong to the individual, and are therefore firmly part of civil society**

☞ *The best historical examples of minimal states were those in countries such as the UK and the USA during the period of early industrialization in the nineteenth century*

4.5.2. Developmental States

- As a general rule **the later a country industrializes, the more extensive will be its state's economic role**
 - ✓ for instance In Japan and Germany state assumed a more active 'developmental' role from the outset
- A developmental **state is one that intervenes in economic life with the specific purpose of promoting industrial growth and economic development**
 - This does not amount to an attempt to replace the market with a 'socialist' system of planning and control
 - It is an **attempt to construct a partnership between the state and major economic interests**
- The classic example of a developmental state is Japan
- A similar model of developmental intervention has existed in France
- In countries such as Austria and, to some extent, Germany, economic development has been achieved through the construction of
 - **'partnership state'** a **close relationship between the state and major economic interests**, notably big business and organized labor
- More recently, economic globalization has fostered the emergence of
 - **'competition states'**, examples the tiger economies of East Asia

- ✓ recognized the need to strengthen education and training as the principal guaranteeing economic success in a context of intensifying transnational competition

4.5.3. Social Democratic (Welfare) States

- Social-democratic states intervene with a view to bringing about broader **social restructuring**, usually in accordance with principles such as fairness, equality and social justice
- In countries such as Austria and Sweden, **state intervention has been guided by both developmental and social democratic priorities**
 - ✓ Nevertheless, **developmentalism and social democracy do not always go hand-in-hand**, Example UK failed to evolve into a developmental state
 - ✓ **social-democratic state** is that there is a shift from a 'negative' view of the state to a positive view of the state - as a means of **enlarging liberty and promoting justice**
 - ✓ social-democratic state is thus the ideal of both modern liberals and democratic socialists
- the social-democratic state is **an active participant; in particular, helping to rectify the imbalances and injustices of a market economy**
 - focus less upon the generation of wealth and more upon what is seen as the equitable or just distribution of wealth
 - It is an attempt to **eradicate poverty and reduce social inequality**

- twin features of a social democratic state are therefore Keynesianism and social welfare
 - Keynesian economic policies
 - ✓ The aim is to 'manage' or 'regulate' capitalism with a view to promoting growth and maintaining full employment
 - welfare policies
 - ✓ responsibilities have extended to the promotion of social well-being amongst their citizens
 - ✓ The social-democratic state is an 'enabling state', dedicated to the principle of individual empowerment

4.5.4. Collectivized States

- Collectivized states **bring the entirety of economic life under state control**
- Best examples were in orthodox communist countries such as the USSR and throughout Eastern Europe
- It sought to abolish private enterprise altogether, and set up centrally planned economies administered by a network of economic ministries and planning committees
- The justification for state collectivization stems from a fundamental socialist preference for common ownership over private property

4.5.5. Totalitarian States

- It is The most extreme and extensive form of interventionism

- It is the construction of an **all-embracing state, the influence of which penetrates every aspect of human existence**
 - ✓ economy, education, culture, religion, family life and so on
 - ✓ **best examples - Hitler's Germany and Stalin's USSR**, although modern regimes such as **Saddam Hussein's Iraq**
- central pillars of such regimes are a **comprehensive process of surveillance and terroristic policing, and a pervasive system of ideological manipulation and control**
 - ✓ totalitarian states effectively **extinguish civil society and abolish the private sphere of life altogether**
 - ✓ This is a goal that only **fascists**, who wish to **dissolve individual identity within the social whole**, are prepared openly to endorse

4.5.6. Religious States

- countries such as Norway, Denmark and the UK, 'established' or state religions have developed
- ❖ Far from regarding political realm as inherently corrupt, **fundamentalist movements have typically looked to seize control of the state and to use it as an instrument of moral and spiritual regeneration**
 - ✓ for instance, in the process of 'Islamization' introduced in Pakistan under General Zia-ul-Haq after 1978

- ✓ establishment of an 'Islamic state' in Iran as a result of the 1979 revolution
- Although, strictly speaking, **religious states are founded on the basis of religious principles**, and, in the Iranian model, contain explicitly theocratic features, in other cases religiously-orientated governments operate in a context of constitutional secularism

4.6. Understanding Government

4.6.1. What is Government?

- **Government refer to the formal and institutional processes that operate at the national level to maintain public order and facilitate collective action**
 - ✓ one of the **most essential components** and also an **administrative wing of the state**
- government applies both to the governments of national states, and to the governments of subdivisions of national states
- ❖ government, to be stable and effective, must possess **two essential attributes**
 - 1. Authority**
 - It implies the **ability to compel obedience, defined as 'legitimate power'**

- ✓ While power is the ability to influence the behavior of others, authority is **the right to do so**
- It is **based on an acknowledged duty** to obey rather than on any form of coercion or manipulation
- It is the **legitimacy, justification and right to exercise that power**

2. Legitimacy

- Legitimacy, from Latin word *legitimare* - meaning 'to declare lawful'
- It broadly means **rightfulness**
- legitimacy is the **popular acceptance of a governing regime or law as an authority**
- Legitimacy is considered as a basic condition to rule; **without at least a minimal amount of legitimacy, a government will deadlock or collapse**
- legitimacy is gained through the acquisition of power in accordance with recognized or accepted standards or principles
- legitimate government will 'do the right thing' and therefore deserves to be respected and obeyed
- **legitimacy differs from legality in the sense that**
 - the term **legality does not necessarily guarantee that a government is respected or that its citizens acknowledge a duty of obedience**

4.6.2. Purposes and Functions of Government

- different governments may serve various purposes and functions
- the **major purposes and functions of government** include the following

- ❖ **Self-Preservation**

- ✓ as their **first and primary purpose and function**, governments are responsible to **Prevail order, predictability, internal security, and external defense**

- ❖ **Distribution and Regulation of Resources**

- ✓ determine whether resources are going to be controlled by the public or private sector
 - **socialist states** - decide to be **controlled by the public**
 - **capitalist states** - decide to be **controlled by the private sector**
 - other states may place in between - controlled by both the public and private

- ❖ **Management of Conflicts**

- ✓ supervision and resolution of conflicts that may arise in society

- ❖ **Fulfillment of Social or Group Aspirations**

- ✓ fulfill the goals and interests of the society
- ✓ These aspirations may include the **promotion of human rights, common good, and international peace**

- ❖ **Protection of Rights of Citizens**

❖ Protection of Property

- ✓ police and the court systems that protect private and public property

❖ Implementations of Moral Conditions

- ✓ to shape citizens character in accordance with some standard of morality

❖ Provision of Goods and Services

- ✓ Some governments, especially those of the poor countries, participate heavily in the provision of goods and services for the public

4.7. Understanding Citizenship

4.7.1. Defining Citizenship

Citizen

- the **person who is a legal member of a particular State and one who owes allegiance to that State**
- a person who is legally recognized as member of a particular, officially sovereign political community, **entitled to whatever prerogatives and encumbered with responsibilities**

citizenship

- **The means by which we determine whether a person is legal member of a particular State or otherwise**

- refers to the rules regulating the legal/formal relations between the State and the individual with respect to the acquisition and loss of a given country's nationality
- Several countries refer to the term citizenship in their national language as expressing merely the judicial relationship between the citizen and the State while others denote it with the social roles of citizens in their society

i. **Citizenship as a Status of Right**

- mere fact of being a citizen makes the person a creditor of a series of rights
- Hohfeld discovered four components of rights known as 'the Hohfeldian incidents'

a. Liberty Right

- ✓ is a freedom given for the right-holder to do something
- ✓ The beholder got benefits from liberty rights without obliging others
- ✓ no one including the State has any legitimate authority to interfere with the citizen's freedom except to prevent harm to others
- ✓ Example: every citizen has the right to movement

b. Claim Rights

- ✓ Are the inverse of liberty rights since it entails responsibility upon another person or body

- ✓ claim rights are rights enjoyed by individuals when others discharge their obligations
- ✓ Example: unemployment and public service benefits
- ❖ Liberty and claim rights termed as primary rules, rules requiring that people perform or refrain from doing particular action
- ❖ The remaining two are secondary rules specify how agents/beholders can introduce, change and alter the primary rules (liberty and claim rights)

c. Powers Rights

- ✓ The holder of a power, be it a government or a citizen, can change or cancel other people and his/her own entitlements
- ✓ Examples
 - The right to renounce citizenship/nationality

d. Immunity Rights

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

- Witness in the court has a right not to be ordered to incriminate himself/herself

ii. Membership and Identity

- Citizenship is associated with membership of a political community
- implies integration into that community with a specific identity that is common to all members who belongs to it
- However, nowadays, we often use citizenship to signify not just membership in some group but certain standards of proper conduct
 - ✓ It obviously implies that only 'good' citizens are genuine citizens in the full meaning of the term

iii. Participation

- individuals differ in what approaches they find important – some people focus on their private affairs while others actively participate in the life of the society, including politics
- There are two approaches
 - A minimalist approach to citizenship - kind of basic **passive** compliance with the rules of a particular community/State
 - maximalist approach - **active**, broad participation of citizens engagement in the State

- Ferguson asserts, people cannot realize their rights if they fail to exercise their democratic rights to participation in decision-making that affect, directly or indirectly, their affairs

iv. Inclusion and Exclusion

- All individuals living in a particular state do not necessary mean that all are citizens
- aliens, therefore, have rights just like the Ethiopian citizens such as the right to life, movement, and protection of the law, and also have shared responsibilities
- However, citizens are fundamentally different from aliens in enjoying privileges and shouldering responsibilities
 - There are some political and economic rights that are reserved to and duties to be discharged by citizens only, example
 - ✓ Ethiopian citizen has the right to get access to land, vote and to be elected and get Ethiopian passport
- Citizenship status, however, is not only restricted to persons. Organizations and [endemic] animals could also be considered as citizens
 - The term "corporate citizenship" (CC) has been used increasingly by corporations

- Just like citizens, corporations and private organizations do have the **right, duty**, and beyond the formal responsibilities, they have also **corporate social responsibility (CSR)**.
- ❖ In the era of globalization, it has become increasingly customary to use 'citizen' in a different way to indicate **membership of a person beyond a particular political community**, the State
 - ✓ Terms like '**global citizen**' or '**cosmopolitan citizen**' are commonly used to **refer to every human living in the earth planet**

4.7.2. Theorizing Citizenship

- Citizenship **is not an eternal essence** rather a **cultural artifact mold by people through time**
- there are different **approaches to citizenship**, the most contemporary are following four approaches

4.7.2.1. Citizenship in Liberal Thought

- In liberalism the **primary political unit as well as the initial focus of all fundamental political inquiry is the individual person**
- Liberals insist that individuals should be free to decide on their own conception of the good life, and applaud the **liberation of individuals from any ascribed or inherited status**
- Locke argued that natural law and the reason to apprehend compel individuals to consider their own and others interests, to enter into civil and

political society, act in the community and thus to value social cooperation and self-restraint

- **the individual is morally prior to the community**: the community matters only because it contributes to the well-being of the individuals who compose it
- **citizenship and other political institutions in a given State are means that are accepted only conditionally** – i.e., as long as they, in the individual's calculations, foster the maximization of the citizen's preferences/benefits
- the role of the State is to protect and create convenient environment to help citizens enjoy and exercise of their rights; the State has an instrumental function
 - ✓ According to Mill, individual liberty and State action tend to be opposed to each other
 - ✓ Increasing the power of the State means reducing individual liberty
- individuals have the right to choose their level of participation in the community in order to fulfill and maximize their own self-interest. If they choose not to do so, their citizenship is not jeopardized
- There are three fundamental principles which a liberal government must provide and protect
 - **Equality** - government has to treat individuals who are similarly situated in the same way and afford them the same rights

- **due process** - government is required to treat individuals over whom it exercises power fairly
- **mutual consent** - membership in the political community rests on the **consensual relationship between the individual and the state**
- ❖ By protecting these three values, the government ensures that it provides protection for individuals' rights and liberties, so they can effectively participate in the political sphere
- the bedrock principles of liberal theory of citizenship are
 - ☞ individuals are free to form their own opinions, pursue their own projects, and transact their own business untrammelled by the State's political agenda and coercive power, except in so far as individual actions implicate the interests of other members of society
- **Citizenship cannot be defined based on shared identity or a common culture; the individual chooses his own affections**, and any identification with other individuals is rather a product of their legal status as citizens

Critics of Liberal Theory of Citizenship

- 1) The most common problems related with advocating individualism are **free-riders problem and the tragedy of the commons**
 - **free raiders problem**

- ✓ occurs when **those who benefit from resource or service do not pay for it**, which results in an under provision of the resource/service
- ✓ Particularly it occurs when property rights are not clearly defined and imposed

➤ **tragedy of the commons**

- ✓ a dilemma arises when **individuals act independently and rationally consulting their own self-interest ultimately deplete shared limited environmental resources**, Since no one owns the commons

2) liberalists affirmatively **valorize the privatization of personality, commitment, and activity**, the problem has to do with is the ways in which individuals and their ideas are framed

- ✓ The preferences and insights of autonomous individuals might originate from impure process, **the information they were provided might be biased or meaningless, or their preferences might have arisen from a fit of anger**

3) individuals have absolute freedom either to actively engage in politics or ignore at all, **liberal societies tend to be less egalitarian**

- ✓ if many citizens are not willing to devote time or give attention to politics, **power will become an instrument of the few** rather than of the many, therefore diminishes the social prestige

- 4) For several reasons, liberalism may actually increase economic and other kinds of inequalities rather than reduce them
- ✓ The persistence of inequalities among liberal citizens and between them and aliens are bound to engender much social and political unrest and tensions
 - ✓ More fundamentally, liberalism contrives to keep the State weak and permeable to private interests
- 5) liberalism posits a State that maintains substantial normative neutrality
- ✓ The issues of how liberal State's role remains modest become a matter of great controversy and of course history has proved impossibility of the State to maintain neutral

4.7.2.2. Citizenship in Communitarian Thought

- Communitarianism is as an approach emphasizes on the importance of society in articulating the good
- communitarian (also known as the nationalist) model argue that the identity of citizens cannot be understood outside the territory in which they live, their culture and traditions, arguing that the basis of its rules and procedures and legal policy is the shared common good
- rather than viewing group practices as the product of individual choices, communitarians view individuals as the product of social practices

- communitarians often deny that the interests of communities can be reduced to the interests of their individual members
 - ✓ Privileging individual autonomy is seen as destructive of communities
 - ✓ healthy community maintains a balance between individual choice and protection of the communal way of life and seeks to limit the extent to which the former can erode the latter
- Communitarianism claims that an individual's sense of identity is produced only through relations with others in the community that nourish him/her
- All in all, the two defining features of communitarian perspective are
 - no individual is entirely self-created; instead the citizen and his/her identity is deeply constructed by the society where he/she is a member
 - ✓ It is only when an individual successfully assimilates to the society that the society achieve its common goals and become effective
 - as a consequence of assimilation, a meaningful bond is said to occur between the individual person and his/her community
 - ✓ individual understands that what is good for the community is good for him as well

Critics of Communitarian citizenship

- Communitarianism is hostile towards individual rights and autonomy – even that it is authoritarian since it melts the self into the society

- communities are dominated by power elites or that one group within a community will force others to abide by its values

4.7.2.3. Citizenship in Republican Thought

- Republican citizenship theory put emphasis on both individual and group rights
 - ✓ It attempts to incorporate the liberal notion of the self-interested individual within the communitarian framework of egalitarian and community belonging
- Citizenship should be understood as a common civic identity, shaped by a common public culture
- It requires citizens to bring together the facets of their individual lives as best they can and helps them to find unity in the midst of diversity
 - However, republicans don't pressurize individuals to surrender their particular identities like the communitarian thought. It encourages people to look for the common ground
- Just like liberal citizenship though, republican school advocate self-government. Yet, republican thought do not agree with the case that all forms of restraints deprive people's freedom
 - ✓ In contrast to liberalism, individuals must overcome their personal inclinations and set aside their private interests when necessary to do what is best for the public

- ✓ Republicans, thus, **acknowledge the value of public life**
- there are two essential elements of the republican citizenship: publicity and self-government
 - **Publicity**
 - **refers to the condition of being open and public**
 - public affairs such as politics, as the common concern of the public, must be conducted openly in the public for reasons of convenience
 - **Self-government**
 - **without citizens who are willing to take an active part in the government, a republic State could not survive**
 - The rule of law thus requires not only active and public-spirited participation in public affairs – the civic virtue of the republican citizen – but also the proper form of government

Critics of republican citizenship

- republican conception of citizenship is **no longer realistic**
 - ✓ Republican citizenship is an irredeemably nostalgic ideal in this age of globalization
 - ✓ The Internet and satellite television are unlikely to inspire this sense of community on a global basis
- the conception **poses a threat to an open, egalitarian, and pluralistic society**

- ✓ republican attempts because in practice **republican politicians enforced homogeneity by excluding from citizenship all those defined as different**
- ✓ the search for common ground serves to justify the **dominance of a particular – and typically male – group**
- concerns the claim that citizenship involves a false ideal of impartiality

4.7.2.4. Multicultural Citizenship

- the **conception of citizenship in a modern State should be expanded to include cultural rights and group rights within a democratic framework**
- multicultural citizenship **appropriate to highly diverse societies and contemporary economic trends**
- Recognition of group difference implies departing from the idea of all citizens as simply equal individuals and instead seeing them simultaneously as **having equal rights as individuals and different needs and wants as members of groups with specific characteristics and social situations**
- focus of multicultural citizenship discuss **four principles of multicultural citizenship**
 1. **Taking equality of citizenship rights as a starting point**
 - ✓ all members of society are formally included as citizens, and enjoy equal rights and equality before the law
 2. Recognizing that **Formal equality of rights does not necessarily lead to equality of respect, resources, opportunities or welfare**

- ✓ Formal equality can mask and legitimize disadvantage and discrimination
- ✓ multicultural school of thought envisage the need for additional rights for vulnerable minority groups, in order for such groups to sustain themselves amidst the dominant culture(s)
- 3. Establishing mechanisms for group representation and participation
 - ✓ Despite formal equality, disadvantaged groups are often excluded from decision-making processes
 - ✓ It is necessary to make arrangements to ensure the participation of people directly affected, wherever important decisions are made
- 4. Differential treatment for people with different characteristics, needs and wants
 - ✓ Treating people equally, despite the fact that past actions have made them unequal, can perpetuate inequality
 - ✓ Government should take measures to combat barriers based on gender, sexual preference, age, disability, location, Aboriginality, ethnicity, religion, area of origin and culture
 - ✓ **multicultural citizenship allows for marginalized voices to be heard**
- ❖ Critics of differentiated citizenship worry that if groups are encouraged by the very terms of citizenship to turn inward and focus on their 'difference'

- ✓ Citizenship will cease to be a device to cultivate a sense of community and a common sense of purpose. Nothing will bind the various groups in society together and prevent the spread of mutual mistrust or conflict
- ✓ Critics also worry that differentiated citizenship would create a "politics of grievance."

4.7.3. Modes/Ways of Acquiring and Loosing Citizenship

- Citizenship right guaranteed to individuals by the Universal Declaration of Human Rights adopted in 1948, Article 15

4.7.3.1. Ways of Acquiring Citizenship

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

i. Citizenship from birth/of Origin

- individuals can get citizenship status of a particular State either
 - ✓ because he/she is born in the territorial administration of that state
 - ✓ or his/her mother and/or father are citizens of the State in question
- there are two principles of citizenship from birth commonly known as
 - **Jus Soli (law/right of the soil)**
 - Obtain citizenship because he/she was born in the territorial administration of that country
 - **Jus Sanguinis (law/right of blood)**

- citizenship acquired claiming one's parents citizenship status
 - ❖ However, jus soli could not apply to children born from diplomats and refugees live in a host State
 - ❖ jus soli could not apply to children born from diplomats because of two special principles (international diplomatic immunities)
 - ✓ extraterritoriality and inviolability principles

ii. Citizenship by Naturalization/Law

- It is legal process by which foreigners become citizens of another country
- common sub-principles of acquiring citizenship
 - Political case (secession, merger and subjugation)
 - a) particular territory is merged to or subjugated by another country, people domiciled in that territory would acquire a new citizenship
 - b) in cases of secession option may be given to individuals to choose either country's citizenship
 - grant on application
 - marriage
 - legitimatization/adoption
 - reintegration/restoration

4.7.3.2. The Modes of Acquiring Ethiopian Citizenship

- in 1930 Ethiopia adopted a legal document named as “Ethiopian Nationality Law”
 - ✓ replaced by another legal document called “**Ethiopian Nationality Proclamation NO. 378/2003**” which was adopted in 2003 by the House of People’s Representatives
- It affirmed that a person can acquire **Ethiopian citizenship either by birth or naturalization**

1. Acquisition by Descent

- **Article 3** of the 2003 nationality proclamation ascribed two principles under the acquisition of Ethiopian citizenship by decent
 - Any person shall be an Ethiopian national by descent where **both or either of his/her parent is Ethiopian**
 - An infant who is found abandoned in Ethiopia shall, unless proved to have a foreign nationality, shall acquire Ethiopian nationality
 - ❖ **any person can’t acquire Ethiopian citizenship through the principle of Jus Soli (law of soil)**

2. Grant on Application (registration)

- aliens can get Ethiopian citizenship. Under naturalization, there are various ways of acquiring Ethiopian citizenship
 - a) **Grant on Application (registration)** | **Article 5** of the 2003

- Ethiopia, do not simply grant citizenship status to those who apply unless they fulfill certain requirements:
 - ✓ reach the age of **majority, 18 years**
 - ✓ lived in Ethiopia for a total of **at least four years**
 - ✓ sufficient and **lawful source of income**
 - ✓ able to **communicate any of indigenous languages**
 - ✓ has a **good character**
 - ✓ has **not recorded criminal conviction**
 - ✓ has been **released from his/her previous nationality** or the possibility of obtaining such a release
 - ✓ **takes the oath of allegiance** indicated in Article 12

b) Cases of Marriage | Article 6

- **alien who is married to an Ethiopian citizen have the possibility of acquiring Ethiopian citizenship**
- **Preconditions:**
 - ✓ **marriage shall be thru** in accordance with the laws of Ethiopia or the State where the marriage is contracted
 - ✓ marriage shall **lapse at least for two years**
 - ✓ the **alien have to live in Ethiopian for at least one year** preceding the submission of the application

- ✓ alien have to reach the **age of majority, morally good person & lastly take the oath of allegiance**

c) Cases of Adoption (Legitimizing) | [Article 7](#)

- child adopted by and grown **under the caretaker of Ethiopian citizen** has the right to acquire Ethiopian citizenship
 - ✓ But adopted **child has not attained the age of majority**
 - ✓ **lives in Ethiopia together with his/her adopting parent**
 - ✓ has been **released from his/her previous nationality**, or he/she is a stateless person
 - ✓ If one of his/her adopting **parents is a foreigner, in writing, such a parent has to express his/her agreement** that his/her adopted child gain Ethiopian nationality

d) Citizenship by Special Cases | [Article 8](#)

- alien who has made an **outstanding contribution** in the interest of Ethiopia may be conferred with Ethiopian nationality by law **without undergoing the pre-conditions stated in Article 5**

e) [Re-Admission to Ethiopian Nationality](#) | [Article 22](#) (Reintegration/Restoration)

- person who has lost Ethiopian citizenship status may get back Ethiopian nationality

Examining and Deciding upon an Application to acquire Ethiopian Citizenship

- An application shall be submitted to the Security, Immigration and Refugee Affairs Authority
- Then, the application shall be examined by the Nationality Affairs Committee, which comprises five members
 - representative of the Security, Immigration and Refugee Affairs Authority (chairperson)
 - representative of the Ministry of Foreign Affairs (member)
 - representative of the Ministry of Justice (member)
 - representative of the Federal Police Commission (member)
 - representative of the Authority (member and secretary)
- If the committee's recommendation got approval of the Authority, the applicant shall take the oath of allegiance

4.7.3.3. Dual Citizenship

- condition of being a citizen of two nations
- Duality/multiplicity arises because of the clash among the Jus Soli, Jus Sanguini and naturalization
- Example:
 - ✓ baby born to a French family visiting the United States would acquire U.S. citizenship by Jus Soli and French citizenship by Jus Sanguinis

- ✓ child born from a mother and father of two different countries could acquire dual citizenship through decent
- On the other hand
 - ✓ State may allow its naturalized citizens to keep their original citizenship
 - ✓ State may refuse its citizen to revoke his/her citizenship for various reasons which are cause for dual/multiple citizenship
- **Ethiopia prohibits its citizens to have dual citizenship, Article 20(1) of the 2003**

4.7.4. Ways of Loosing Citizenship

- Citizenship can be lost when a State provides for lapse or withdrawal of citizenship under certain conditions, or when a citizen voluntary renounces it
- denationalization grounds into three categories
 - allegiance - lack of allegiance, active disloyalty (for example, treason)
 - punishment - country may seek to deny such benefits to people it believes are unworthy of enjoying them
 - public order
- commonly discussed ways of losing citizenship are
 - 1. Deprivation**
 - ✓ **involuntary** loss of citizenship which arises while **government authorities or court take a decision** to nullify an individual's citizenship

- ✓ for reasons of uncovering national secrets, non-compliance with citizenship duties (duty of loyalty), loss of genuine link with his/her , becoming naturalized in another country etc

❖ **Article 17, the 2003 Ethiopian nationality proclamation prohibits the possibility of losing Ethiopian nationality through deprivation**

2. Lapse/expiration

- ✓ Person loses his/her citizenship because of his/her permanent residence or long term residence abroad beyond the number of years permitted by the country in question
- ✓ Example: Indian, 7 years limit

❖ **is not applicable to Ethiopia**

3. Renunciation

- ✓ **voluntary** way of losing citizenship
- ✓ An **Ethiopian national has the full right to renounce his/her Ethiopian nationality if he/she wishes**
- ✓ **indelible allegiance** - the person who has renounced a country's nationality may not be actually released from that status until he/she has discharged his/her obligations towards that particular State or accused of a crime

4. Substitution

- ✓ when the original citizenship is substituted by another state, where it is acquired through naturalization
- ✓ when a particular territory is annexed by another state; the inhabitants' citizenship within the annexed territory will be replaced by the citizenship of the subjugator
 - ❖ **Ethiopian citizen can lose his/her Ethiopian nationality through renunciation and upon acquisition of other country's nationality**

4.7.4.1. Statelessness

- the condition of having citizenship of any country and with no government from which to ask protection
- Statelessness **almost always** results when state failure leads people to from their home country
- Individuals could also become stateless persons **because of deprivation and when renouncing their citizenship without gaining nationality in another State**
- Some people become stateless as a result of government action