

UNIT 2

The Rule of Law

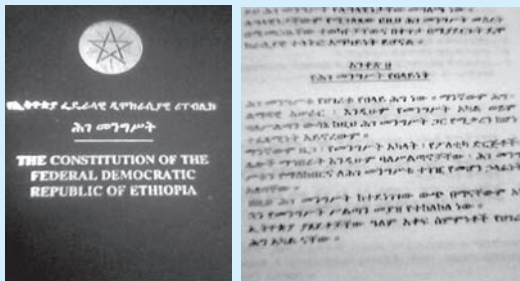
By the end of this unit, students will be able to:

- distinguish some characteristics of constitution and other laws.
- explain the characteristics of legal protection and its importance.
- state how the power of elected and appointed officials is limited by law.

2.1 Constitution

2.1.1 Characteristics of a Federal Constitution

- Why is the Ethiopian constitution said to be a federal constitution?
- How many constitutions do countries with a federal structure have?



Picture 2.1. The federal constitution is the source of regional constitutions and other laws in the country

The federal constitution is the supreme law according to which countries following federalism are ruled. In countries following a federal system, there may be more than one constitution. This means that when the member states of the federation have their own respective constitutions, the central (federal) state also has its own constitution.

The federal constitution is the constitution endorsed by the member states of the federation

and will be brought over all of them. Therefore, it serves as the supreme law over all member states. Accordingly, the constitutions of the member states and other laws and regulations in the country shall never contradict the federal constitution.

In general, the federal constitution is the major governing law for a country with a federal form of government. Thus, the country's political, social and economic objectives will be clearly stated in this constitution. The constitution is the source for all other laws and rules.

Since 1995, Ethiopia has had a constitution adopted by the Nations, Nationalities and Peoples of the country. This constitution establishes a federal form of state. This constitution is the supreme law of the land. Though the member states (regions) make their own constitutions according to their context, their constitutions shall never contradict the federal constitution.

The constitution is the supreme law of the land. Any law, customary practice or decision of an organ of state or a public official which contravenes this constitution shall be invalid. (Source: The constitution of Federal Democratic Republic of Ethiopia Article 9(1)).

Activity 1

Answer the following questions:

1. How many constitutions are there in our country?
2. If there is more than one constitution in our country, explain why they exist?
3. In a country having more than one constitution, which constitution is supreme?
4. If there are contradictions between federal and state (regional) constitutions, and other laws, which one would take precedence? Why?

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2.1.2 The Importance of a Federal Constitution

- Mention the importance of Federal constitutions.

Power division between central (federal) and regional states is one of the characteristics of federalism. The federal constitution clearly states which powers are concurrently shared by both levels of the state and which powers are exclusively given to either. It also shows the relations between the two levels (federal and regional) of a state.

Furthermore, the federal constitution is essential in that it fulfills the following objectives.

- It enables people to exercise self-governance and decide on their affairs by themselves.
- It makes administrative and judicial institutions accessible to them.
- It strengthens the people's participation and representation at different administrative levels, including the regional level.
- It facilitates balanced development among regional states.
- It helps to build unity among the people on the basis of equality and free will.
- It enacts a just and balanced allocation of power and resources between the federal and regional states.
- It ensures the popular sovereignty of the nations, nationalities and peoples of Ethiopia.
- It ensures the legitimacy of the powers and responsibilities of the government and the peaceful transition of power. It also ensures the basic rights and citizens, political representation of people, etc.

Activity 2

Give short answers to the following questions:

1. What problems may arise if the member states did not have a common, binding constitution?
2. Mention the advantages of the prevalence of constitution of federal and regional levels.

3. Explain what would happen if the member states of the Federal Democratic Republic of Ethiopia, which have their own respective constitutions, did not have a common binding constitution.

2.1.3 The Importance of Legal Protection

- Why do you think people in conflict or violated people request to be taken to judicial institutions?

Morka and Sherif

Morka and Sherif recognized that there is multifaceted corruption in their school. After they had decided to expose this corruption they failed to reach an agreement on the consequences of their act. Morka said that they would suffer disgrace if the school did not give them legal protection for their exposure of the corruption. Sherif on his part said that there was no need of legal protection so they called *Kitona* to consult with them on their disagreement.

Activity 3

Answer the following questions based on the above case:

1. What solutions would you give if you were in the place of *Kitona*?
2. Who should give them legal protection from any harm they may face for exposing the corruption?
3. Interview some other students and ask them whether or not legal protection is given to students who expose cases of corruption. Report back to your class.

Legal protection is the condition of protecting and ensuring the life, liberty and property of citizens without any form of discrimination. Legal protection prevents rich and powerful people from violating the rights of others, either by using force or money. It also gives citizens, rights to move freely from place to place, and to be engaged in economic, political and social affairs. To sum up, legal protection serves

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as an instrument for respecting the human and democratic rights stated in the constitution.

Activity 4

Answer the following questions:

1. What is meant by legal protection?
2. Why do citizens need legal protection?
3. Mention the legal protection of children provided in the federal constitution of Ethiopia.

2.2 Ethics

2.2.1 Ethical Standards Expected from Students

Copy the following table on your exercise book and put tick mark (✓) for the ethical standards that the society expects from students in the table given below:

Table 2.1: Deciding whether the given values are ethical or unethical

No.	Values	Ethical	Unethical
1	Helping the vulnerable		
2	Taking the initiative to clean ones environment		
3	Being exemplary in the request for the common solutions to environmental problems		
4	Respecting the elderly and caring for the young		
5	Helping the needy		
6	Giving up seats for elders		
7	Spending leisure and work time in playing		
8	Respecting teachers		
9	Not opposing illegal acts		
10	Not becoming involved in illegal acts		

11	Note examination answers from others		
12	Not violating the rights of others		

Ethics are the principles by which a person judges right and wrong, good and bad, worthy and not worthy in the context of his or her society.

In the absence of good ethics in a given society, there would be selfishness, lawlessness, theft, cheating etc. This would, in turn, cause poverty and underdevelopment.

Some of the positive values shared by societies in our country include sociability, eating together, cooperating during joy and sorrow, helping the needy, mutual respect and respecting older people. Our society needs students to accept and apply these values. Students need to be committed and responsible citizens, furthermore, they need to respect work, love their country and people and respect the rights of others. Therefore, they are expected to follow and preserve these and other moral values. When this happens our country will be freed from backwardness and poverty. Students have to understand that this will only be possible through the efforts of the citizens of the country themselves and not through the efforts of others.

Activity 5

Copy the following on your exercise book and answer the questions:

1. Students, have you ever observed when ethical children are blessed by their elders or when unethical children are cursed? Explain the blessings and curses that you have listened to with the reasons.

Blessing	Reason
<i>Example</i> <i>Be blessed</i>	<i>for obedience to elders</i>
_____	_____
_____	_____
_____	_____

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Curses	Reason
<i>Example</i> <i>Be cursed</i>	<i>for sexually harassing</i>
_____	_____
_____	_____
_____	_____

2. Some people say that obedience to parents and respecting older people is outdated. Do you agree with them? Why? Explain your answer.

2.3 Limits of Power

2.3.1 The Importance of Limiting the Power of Government Officials

- Who are said to be government officials?
- What is the need for limiting the power of officials?

Gabiso

Ato Gabiso is a head of a certain public office. He is known for intervening in all activities of the office. He is the one who orders the employment of new workers and who evaluates the recruits. He is also the chairman of the award committee of the office: he was even given an award by the same committee as a hard worker. Moreover, he decides where to purchase items for the office and approves the quality of the items. Because of this, two contradictory opinions have developed about him. Some staff members of the office assert that Ato Gabiso should be thanked and praised for conducting all the above mentioned tasks. Whereas others oppose this suggestion by saying that the unlimited powers of Ato Gabiso could lead to problems.

Activity 6

Answer the following questions based on the above case:

1. Which opinion do you support? Why? Make any alternative suggestion of your own.
2. Has Ato Gabiso done wrong? How?
3. What could be done to prevent activities such as Ato Gabiso's?

Public officials are persons appointed by government or elected by a people in order to lead, administrate and work in public offices.

These government officials will be given enough power to properly discharge their responsibilities. The power given to them is clearly stated in laws and rules. Therefore, even though the officials have power, they shall act only within the legally given limits to their power. However, if they act beyond the legal limits of their power, they will be held accountable.

For example, a given official cannot arrest citizens and cannot cause them to be punished without a court order. If he does so, this means that he has acted beyond the legal limits of his power.

Limiting the power of government officials is needed for:

- preventing the violation of human and democratic rights of citizens.
- protecting the rule of law from being endangered.
- establishing transparent and accountable systems.
- providing the appropriate services to the society.
- preventing discriminatory practices and lawlessness.

Activity 7

Give short answers to the following questions:

1. Who are your school managers who have been appointed or elected to lead the teaching-learning process?
2. Mention any two of the powers and functions of these managers.
3. Mention three problems that could arise if the power of a government official is not limited by law.

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2.4 Secrets

2.4.1 Family Secrets

- Have you ever heard the Amharic saying, “የቤታችን ገመና እንዳይወጣ”. When do people say this? Explain with examples.
- Do you know any sayings about family secrets in your mother tongue? Share them with your classmates and explain why they are used.

Answer the following after carefully looking at the cases given in Table 2.2:

1. Of the four cases identify those which are family secrets in nature.
2. Explain the reasons why they are family secrets.
3. Explain the problems that could arise if these secrets are exposed.
4. Of the four cases presented identify, those which are not family secrets and give your reasons.

Table 2.2: Identifying family and non-family secrets

1	While she was looking out through the window, she saw someone’s car window being stoned and smashed by her own children. No one else except her saw what happened.
2	A fourteen years old boy is unable to control his urination. Hence, he urinates in bed. The family kept the issue secret.
3	She fails to attend classes regularly due to the conflict between her parents. She is depressed and sometimes even cries. Her teacher and friends who are worried about the situation ask what has happened to her and she tells them.
4	A family won a lottery prize of half a million and the case is kept secret.

Families always consult each other about their daily life, the way to bring up their children, their behaviour, education, about work, and social and

political participation etc. Sometimes, disagreements and conflicts may take place between family members: between a husband and a wife, and among brothers and sisters but exposing such familial issues and conflicts to others is undesirable and immoral.

Family secrets are the secrets that must be kept in the family for the peace, well-being and development of the family. Family secrets are essential only for the concerned family and are unimportant or even sometimes dangerous to others. Thus, keeping family secret is one of the characteristics of good citizens, because a young person used to keeping family secrets would also have the quality of keeping national and official secrets. Hence he/she would be a loyal and honest citizen.

Nevertheless, sometimes issues which should not be kept secret may be kept as secrets within the family. For example, cases of rape, children with mental impairment and children who are injured by inappropriate corporal punishment may be hidden as secrets. However, holding such issues as secrets is wrong and may even be a crime. Thus, family members should distinguish between family secrets from those which are not.

Activity 8

Give short answers to the following questions:

1. What is a family secret?
2. Who shall keep family secrets?
3. Why is keeping family secrets essential?

2.4.2 The Disadvantages of Not Keeping Family Secrets

- What are the disadvantages of not keeping family secrets?
- Do you know families who have problems due to not keeping family secrets? If you do, discuss with your partner the problem that resulted from exposure of the secret.

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The Key

After locking their door Enare and her family always put the key under the mortar near the door. All family members know they could find the key there. This was a secret in the family. However, one day, while Enare was telling her friends about the key the news reached the ears of nearby thieves. The next day all their belongings were stolen and the family was very upset, their plans were ruined. The security officials who investigated the case proved that this was due to the exposure of the secret of “the key”.

Activity 9

Answer the following questions based on the above case:

1. How was the secret of the key exposed?
2. What should be done in the family so that such secrets will not lead to problems in the future?
3. Who is responsible for the problem?

Many misfortunes may happen to members of a family if they do not keep family secrets. The family or the family member may be socially alienated. Divorce and dissolution of the family may also take place. Besides, there may be psychological and economic losses. Thus, keeping family secrets may prevent some of the above mentioned problems.

Activity 10

Give short answers to the following questions:

1. What types of issues are considered as family secrets?
2. Mention some other problems that could arise due to the exposure of family secrets.

2.5 Corruption

2.5.1 Corruption in Governmental and Non-Governmental Institutions

- Explain possible activities of corruption in local governmental and non-governmental institutions.

- Have you ever experienced corruption? If so, discuss the situation with your classmates.

The Committee

A certain non-governmental institution gave an opportunity to a school for its students to be hired in the institution as temporary workers in the summer. According to the sponsorship letter, the recruits had to be grade 9 students with an annual average score of 85% and above and standing 1st to 3rd in their class rank. The school established a committee to discuss the recruitment of students and they came up with the following list of competitors.

Table 2.3: List of students recruited for summer time job sponsorship

No.	Name	Grade	Age	Rank	Grade 8 score
1	Shiferaw Chebso	9	16	1 st	90%
2	Worbe Selfawo	10	17	5 th	88%
3	Harmitu Sermisa	9	17	1 st	92%
4	Mohammed Bensa	10	15	1 st	94%
5	Nurdin Mustefa	9	15	2 nd	86%

Then the committee suggested to the non-governmental institution the name of Worbe Selfawo who was the daughter of one of the committee members. It also suggested the name Nurdin Mustefa who was the nephew of another committee member. The recruited students were employed in the institution and started work. But the president of the school's students' council argued strongly that the recruitment did not follow just procedures from the very beginning. On the basis of this, a new investigation committee was formed and it is undertaking an investigation.

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Activity 11

Answer the following questions based on the previous case:

1. Was corruption committed according to the passage?
2. If corruption was been committed, what type of corruption was it?
3. Who committed the corruption?
4. Who were the victims of the corruption?
5. What do you think the appropriate procedure would have been?

Corruption is a crime that can happen anywhere. It is the act of securing personal advantage or a particular group interest through the misuse of public power. Moreover, it includes the giving and taking of bribes, embezzlement, nepotism and others. These corrupt activities are illegal acts that may happen in governmental and non-governmental institutions.

One of the causes of corruption is the absence of clear rules and regulations. For example, if a given client is not informed about the rules and regulation of a particular office if he does not know where to go, he will be forced to get the service illegally through a bribe.

Nonetheless, sometimes even though there are clear rules and regulations, some public officials push the client to give a bribe either by deliberately delaying his case or by mistreating him.

Some other corrupting activities include the embezzlement of public property; using government vehicles given for work, for personal benefit; using stationery and other office material for personal interest; using office time for personal work (not being punctual), and using funds allotted for public service or contributed by the people for personal development. Particularly the latter is widely seen in governmental and non-governmental organizations.

We have noted earlier that nepotism is one form of corruption. Nepotism is a discriminatory practice in which a public official misuses power to give special advantage to his friends, relatives, and people related to him through marriage at the expense of others. This favouritism of relatives who do not legally deserve the advantage takes place for example in recruitment. In this case the corrupt person informs his relatives about employment interview questions beforehand. The result is that people who are unfit for a position are recruited.

Activity 12

Answer the following questions:

1. Mention activities which you think are corrupting.
2. In groups dramatize a case of corruption in one of the following public offices:
 - (a) Hospital
 - (b) School
 - (c) Electric Power Corporation District
 - (d) Kebele Office.

Summary

The rule of law is important for the development and security of a nation. For the rule of law, in turn, the constitution, which is the supreme law of the land, shall be respected. As it is the supreme of law of the land, the constitution is the basis for all other laws. A common binding federal constitution is essential for diversified societies under a federal state system. This is because it protects people's rights and privileges and allows their peaceful co-existence and tolerance.

The constitution of the Federal Democratic Republic of Ethiopia has practically proved this.

The life, property and security of individuals shall be equally protected and guaranteed without any discrimination. This is called the due process of law (legal protection).

Society expects young students to behave and act ethically. Some of the ethical (moral) behaviours expected from young people include love

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and respect for work, taking the lead in solving local problems, self-initiated environmental sanitation, cooperating with elders, helping the needy, being honest and loyal.

Public officials are persons appointed by the government or elected by the people in order to lead, administrate and work in public offices. Since these officials are decision makers, their power is limited by law. This is to prevent abuse of power.

A secret kept only among family members is called a family secret. If such a secret is exposed, it endangers the family or a member of that family.

Corruption is the violation of the rule of law. Power abuse, securing personal benefit, taking bribes, embezzlement, nepotism are all corrupt activities. Corruption can also be committed through making procedures vague, dealing with cases unnecessarily slowly, mistreatment of clients, exposing official secrets etc.

Key Words

<i>Federal constitution:</i>	A common binding constitution by which diversified societies under federal government live in mutual respect and tolerance, their rights and privileges being respected
<i>Legal protection:</i>	The equal protection and guarantee of life, property and security of individuals without any discrimination
<i>Public official:</i>	A person appointed by government or elected by the people in order to lead, administer and work in public offices
<i>Family secret:</i>	A secret that shall always be kept only among family members
<i>Governmental institutions:</i>	Government (public) offices established for public work using a government allotted budget
<i>Non-governmental institution:</i>	Non-profit making institutions, outside the control of government, which are established for the common good by donated funds
<i>Limited power:</i>	The legal restriction or sphere of power that states the extent of one's powers and responsibilities

Unit Review Exercises

Do these review exercises in your exercise book.

I. Write "True" if the statement is correct and write "False" if the statement is incorrect

1. Regional constitutions shall never contradict the federal constitution.
2. If the power of public officials is legally limited there is no need for legal protection.
3. Public officials are persons appointed by government or elected by the people.

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II. Match words or phrases under column 'A' with correct items of column 'B'

- | A | B |
|--|-------------------------------------|
| 1. Arrested persons have the right to be informed about the charge against them in a language they can understand. | A. Children's right |
| 2. Legally limited power to lead and perform work. | B. The right of women |
| 3. The right for protection against forced labour that endangers ones health and well-being and prevents one from accessing education. | C. The right of arrested persons |
| 4. Receiving payment from an office through false receipts. | D. Limited power |
| 5. Laws, beliefs and traditions that discriminate against women and endanger their physical and mental well-being. | E. Corruption
F. Unlimited power |

III. Copy the following questions on your exercise book and fill the correct answer on the space provided

- _____ is needed for the protection of the property and rights of citizens and for their peaceful movement from place to place.
- _____ is necessary for public officials not to act beyond the power legally given to them.
- _____, _____ and _____ are some examples of moral (ethical) behaviour that society expects from students.

IV. Choose the correct answer for the following questions

- Identify the correct order.
 - School Regulation → Federal Constitution → Regional Constitution → Regulation of Education Bureau
 - Regulation of Education Bureau → Regional Constitution → School Regulation → Federal Constitution
 - Federal Constitution → Regional Constitution → Regulation of Education Bureau → School Regulation
 - School Regulation → Regional Constitution → Regulation of Education Bureau → Federal Constitution.
- Which of the following is not a family secret?
 - The secret between a husband and a wife
 - The secret between a brother and a sister
 - The secret of a friend and your own private secret
 - The secret between a mother and a father.
- Which one is not ethically expected from students?
 - Involvement in local development
 - Helping youngsters
 - Working in groups to clear up the environment
 - Chatting while blocking the way of others.

V. Give short answers for the following questions

- Why do societies under a Federal system need a Federal constitution?
- Explain the relations between Federal and Regional constitutions.
- What is the importance of legally limiting the power of government official?
- How can we distinguish family secrets from those which are not?
- Mention two of the forms of corruption in public institutions.