

AFRICAN PERSPECTIVES ON
SOCIAL JUSTICE

ISBN No. 978-9970-9144-1-8

Published by
Friedrich-Ebert-Stiftung
Uganda Office
5B Acacia Avenue
P.O. Box 3860
www.fes-uganda.org

Authors
John de Coninck, Julian Culp, Vivienne Taylor

Editor
Sarah Tangen

Copy Editor
Robin O. Surratt

Design: Star: Leo

The findings, interpretations and conclusions expressed in this volume do not necessarily reflect the views of the Friedrich-Ebert-Stiftung (FES). FES does not guarantee the accuracy of the data included in this work. FES bears no responsibility for oversights, mistakes, or omissions.

The sale or commercial use of all media published by the Friedrich-Ebert-Stiftung (FES) is prohibited without the written consent of FES.

Copyright © Friedrich-Ebert-Stiftung 2013

1	Foreword
3	Furthering an African Perspective on Social Justice: East Africa Social Justice Group
3	Introduction
3	The Relevance of Theory to Perspective Building on Social Justice
4	The Contextual Necessity of Engaging with Social Justice
5	The African Debate on Social Justice
5	Cross-country Experiences Diversity and Commonalities
8	Furthering an African Perspective on Social Justice
10	Moving Forward
11	References
12	Social Justice: Reframing the “Social” in Critical Discourses in Africa
12	Introduction
12	The Context Demands an Engagement with Social Justice
17	Debating Social Justice in Africa
20	The Significance of Discourses on Social Justice
22	Some Conclusions
24	References
26	The Problem of Undemocratic Side Effects of Democracy Promotion
26	Introduction
27	Distribution-Oriented and Discourse-Theoretic Perspectives of Social Justice
33	Two Cases of Undemocratic Side Effects of Democracy Promotion
40	Conclusion
42	References
45	About the Authors

Foreword

Justice can be a rather elusive concept. Scholars have debated for centuries about how to define and deliver it. Yet justice is, by and large, perceived as something positive. Hardly anyone, in Africa or elsewhere, would argue that justice is something not worth achieving and injustice not something that should be avoided.

All too often, however, the consequences of injustice take center stage in debates and decision-making rather than the concept of justice itself, the underlying reasons for continuing injustices, and a vision for the kind of society in which people desire to live.

“African Perspectives on Social Justice” represents the commitment of the Friedrich-Ebert-Stiftung to foster critical and analytical debate on the central questions of justice, solidarity, and participation.

It is a collection of the reflections of a group of twenty critical thinkers, scholars, and civil society activists from East Africa that convened in Entebbe, Uganda, in October 2012 to engage in a comprehensive debate on the concepts, notions, and experiences of social justice in the region. A summary of the key issues they raised is provided in “Furthering an African Perspective on Social Justice: East Africa Social Justice Group.” The summary also draws from background papers produced by various participants for the occasion, suggesting national perspectives on issues relevant to social justice.

Two scholars, Prof. Vivienne Taylor (University of Cape Town, South Africa) and Dr. Julian Culp (University of Frankfurt, Germany) have reworked their conference keynote presentations into papers that have been reviewed by the editorial team and the participants in the conference.

In “Social Justice: Reframing the ‘Social’ in Critical Discourses in Africa,” Taylor, who teaches social policy, social and economic development, and development planning, discusses discourses and debates on social justice from a critical theoretical perspective while locating them in the contemporary realities of the African continent. She points to the political dimension of social justice in the absence of democracy and calls for discourses that counter the dominant focus on economic growth by focusing more on “what ought to be” the societies that people desire.

In “The Problem of Undemocratic Side Effects of Democracy Promotion,” Culp, a political philosopher and theorist, makes the case for a discourse-theoretic,

power-centered theory of justice that goes beyond distributive elements of justice and instead sheds light on relations of power in a society that enable or (dis-)enable people to play an active role in the political discourses that shape and justify their realities. He concludes by applying theoretical notions of justice to the dilemma of promoting democracy in non-ideal social and political realities.

As Amartya Sen observes in *The Idea of Justice*, “Open-minded engagement in public reasoning is quite central to the pursuit of justice.”¹ This collection of thoughts and papers is intended to stimulate a broad engagement with questions of justice and hopes to be a starting point for those interested in further exploring their contemporary relevance in eastern Africa.

Sarah Tangen
Resident Representative
Friedrich-Ebert-Stiftung, Uganda
August 2013

¹ A. Sen, *The Idea of Justice* (Cambridge, MA: Belknap Press / Harvard University Press, 2009), 390.

Furthering an African Perspective on Social Justice: East Africa Social Justice Group

John De Coninck

Introduction

This paper arises from a meeting of scholars and civil society activists held in Entebbe, Uganda, 25–26 October 2012, to debate notions and experiences pertinent to social justice in East Africa.¹

The meeting was convened upon the recognition that far too often the *consequences* and the *symptoms* of social inequities are typically scrutinized, rather than the notion of social justice itself and therefore an exploration of the kind of society that is found to be desirable. The gathering also highlighted the need for continued engagement, inspired by global debates on social justice and social development but placed in a local context.

This paper attempts to set out the various points made and to share the suggested way forward. It also draws from background papers produced by various participants for the occasion suggesting national perspectives on issues relevant to social justice. It is also informed by pointers drawn from a review of the international literature on social development and social justice theory from a global and an African perspective.²

Section two of this paper briefly examines the relevance of theory to perspective building on social justice, and section three recalls the arguments presented for the necessity of engaging with social justice in the region and the main dimensions of the current debates on social justice on the African continent.

The Relevance of Theory to Perspective Building on Social Justice

Addressing the consequences of social inequities in the East African region, especially where civil society organizations are concerned, is frequently considered to require the most immediate form of action. As social deprivation in its different manifestations seems ever more pervasive, agendas and coalitions, projects and programs, strategies and advocacy occupy center stage.

¹ This brought together 20 academics and civil society activists from the region, at the invitation of the Friedrich-Ebert-Stiftung in Kampala.

² Presentations by Julian Culp, “Social Justice and Development in Theory and Practice,” and Vivienne Taylor, “Social Justice: A Contribution to Discourse in Africa.”

While there is no doubt that this is done with the best of intentions, the rush to action can obscure important, but masked, issues: Why are social inequities pervasive in the region in the first place, why are they seemingly allowed to persist, and, more fundamentally, what is the very notion of social justice in the local context?

A review of the theoretical underpinnings of the notion of social justice can provide some pointers. Julian Culp, while offering a concise review of the evolution of such thought from a Euro-American perspective, observes that theories of social justice have been crowded out by the more dominant approaches to social development, where accounts of social progress—whether in terms of modernization, dependence, or the Washington consensus—have been taking prominence.

More recently, however, the emphasis on human development has reintroduced a bridge between bodies of knowledge associated with social development and aspirations for social justice, especially where the notion of development has been widened beyond considerations of value-neutral material progress and commodity fetishism to encompass, for instance, Amartya Sen (1999) and Martha Nussbaum's (2011) notion of capabilities or freedoms, including, in the view of the latter, central capabilities equated to demands for justice.

Does this body of knowledge, much of it developed in a context different from the East African one, nonetheless offer a framework for moving forward? On the one hand, general theory can provide the necessary understanding and explanation to interpret the current environment. On the other, one must ask who controls the discourse on development and justice, and therefore make one's own judgment as to the way forward and, as in any society sustained by beliefs and principles, on what is just and unjust, according to some theoretical proposition, even though this may have to be tailored to the local context. A theory of social justice can thus provide a moral target, as well as a path towards reaching a more just society. If the local must be appreciated and a measure of cultural relativism embraced, there are universal values that can provide guidance—a moral compass.

The Contextual Necessity of Engaging with Social Justice

East Africa has been experiencing more than a decade of nearly consistent economic growth, and for some countries the goal of middle-income status seems within reach. Yet, large-scale poverty continues to prevail, and the region remains among the most deprived in the world. Not only is the gap between rich and poor extremely wide, justice systems are often inaccessible, especially to the poor; rights and entitlements are unknown to many. Civic, socio-economic, and political rights are therefore frequently flouted, and conflict is rife. East

Africa also illustrates a context in which the government's role is increasingly circumscribed to managing partnerships with the private sector and facilitating the insertion of national entities into a global economic framework.

As long as responses to the current global and regional crises continue to focus on the need for economic growth, and provided the adopted strategies result in patterns of inequality and deprivation, the East African context must place issues of social justice centrally on the agenda. Vivienne Taylor, in her contribution to discourses on social justice in Africa, indeed argues that economic growth alone cannot structurally address issues of poverty, exclusion, and inequity in East Africa. Strategies to ensure human development and social justice are also required, and they are required now, she argues, even in a context where a democratic deficit may mute demands for social justice.

In short, why should social justice be considered important? It seems clear that there is a need to reconnect with the visions of well-being that inspired African leaders at the time of independence and to combat forms of injustice that have been allowed to persist for 50 years thereafter.

The African Debate on Social Justice

The context described above demands engagement with local notions of social justice and identification of whose rights matter and in what circumstances. These notions, according to Taylor, to some extent reflect the global discourse, the idealist versus the relativist positions, and the propositions expounded by Sen and Nussbaum. In addition, local value systems offer a pointer. These, beyond the values of equality and solidarity, also encompass aspirations for nation building, democratization, and respect for human rights and go beyond the individual to community-wide, indeed society-wide, concerns.

Such positioning requires, first, departing from the single measure of social (in)justice confined to the Gini coefficient, and second, rescuing the "national project" that emerged at the time of independence from its currently tarnished image. Third, it requires recognizing the existence of forms of "bounded democracy," in which the citizen may very well participate in electoral processes, but further engagement is restricted by ignorance, fear, or other forms of exclusion. These considerations set the scene for a discussion of social justice in the African context.

Cross-Country Experiences: Diversity and Commonalities

Many national contexts in East Africa have been found to resonate with the propositions outlined above. In particular, three issues have been identified and linked to (a) the quality, content, and reach of the discourse on social justice, (b)

the lack of effective demand for social justice, itself mirroring (c) an ineffective social contract between state and citizens.

The discourse on social justice

In all country contexts, while the notion of social justice is seen as important to grapple with, relevant debates have too often been limited to academic circles, NGOs, or talk shows. Even then, interest in academia was waning, as in Uganda, because it was not an income-generating issue for prospective authors. NGOs, often driven by donor priorities, were said to import notions of justice from abroad, as in Rwanda and elsewhere, out of tune with the local context, based on an individualized view of justice. Self-interested politicians were also unlikely, under the circumstances, to promote social justice, and the media, often compromised by commercial priorities and often government-owned, mostly reflected the priorities and interests of the regime in place.

A muted demand for social justice

Social justice, however, cannot be produced by academics. A more determinant constraint, mentioned across national contexts, is the limit of democratic practice and therefore the narrow demand for social justice that can be expected from tamed and ill-informed citizens further constrained by localized worldviews. This is exacerbated by malfunctioning institutions, such as docile parliaments and compromised judiciaries, highlighting the necessity of examining the locus of power in understanding the triggers for progress towards a more just society.

The case of Ethiopia is instructive in this respect, as progress—nationalization of land, decentralized governance structure to cultural communities—was ascribed to a mass movement, originally spearheaded by students, whose effects percolated through institutions to create a polity more responsive to citizens' rights than appeared to be the case elsewhere in the region (Eshete 2012).

The role of the state in promoting a just society was indeed seen as central in shaping the social justice agenda, not only through domestic policies to mobilize people, but also in mediating with external forces. In Ethiopia, the government had successfully resisted World Bank pressure for privatization that was considered inimical to social justice.

Elsewhere, however, government leaders were seen to kow-tow to Western leaders and their intellectual agendas, in particular where economic growth assumes the role of an all-encompassing value that crowds out non-economic ideals on the altar of neo-liberalism. For instance, such a positioning could be internalized by the elite to such an extent that social protection was resisted in Uganda for fear that it would make people lazy. It was thus agreed that making progress towards a more just society was likely to be meager as long as effective demand for justice remained non-existent or muted and as long as justice continued to be accepted as a form of charity.

Nevertheless, it was recognized that there had been advances in the region, such as through increasing land rights for women and the protection of the vulnerable as new constitutional provisions stipulate in Kenya, increasing the level of property ownership by women in the domestic sphere in Rwanda, elaboration of a “democratic developmental state” in Ethiopia,³ and the achievement of independence in the case of South Sudan.

... And a deficient social contract

In many cases, this progress was seen as the result of a demand for justice by the citizenry, yet it was considered a major hurdle. Across the region, ordinary citizens generally are poorly equipped to make demands for justice, their questioning authority rarely comes naturally, and they are confronted with the need to survive from day to day. If a social contract clearly exists—as expressed formalistically through national constitutions and sealed at the time of independence—and is renewed at each election, its legitimacy is waning, and the vision of equality mooted at independence increasingly challenged.

Beyond the predominance of a neo-liberal vision of progress, there are other reasons for this. People are alienated, and they are only “woken up” by unaccountable leaders in times of elections.⁴ The local elite, such as academics, bear a large share of the blame for this, having retreated from civic leadership spaces, a move fostered by governments in their underfunding of universities and other institutions of higher learning.

Governments not only engage in corrupt practices, reflect the demands of patronage and self-interest of the elite internally and globally (e.g., with respect to the World Trade Organization), and appear to be unaccountable (the “neo-liberal vulture state”),⁵ they also are increasingly redefining their role from one of supplying public services to one of facilitating the provision of private goods, for example, as in assisting the entry of foreign investors into Uganda, even if it results in land evictions (Kanakulya and Kizito 2012).

Beyond this, there are also constraints linked to the notion of the state in a multiethnic, multicultural environment. While this reality appears to have been dealt with to a measure of success in Ethiopia, questions remain about the nature of social values elsewhere, for example, where a deep cleavage exists between urban and rural society (as in South Sudan),⁶ where different ethnic

³ Where “wealth is created in ways that favour the disadvantaged many and, hence, social justice” and where “local self-rule . . . promotes inclusive public engagement of citizens” (Eshete 2012: 7, 9).

⁴ In South Sudan, “members of parliament and all forms of political actors have a field day misrepresenting the rural poor” (Lokuji 2012: 2).

⁵ In Uganda, “neoliberal reforms have targeted the reshaping not only of the economy, but also of the society and culture” (Kanakulya and Kizito 2012: 15, quoting Wiegatz 2010).

⁶ Here “two parallel governments [are] at work: the formal one based on the constitution . . . and the informal - the traditional system - by which the vast majority of citizens . . . abide” (Lokuji 2012: 1).

groups with very different lifestyles co-exist (e.g., pastoralists and cultivators in Kenya),⁷ or where the state remains “fluid” or even foreign to many cultural communities whose “chiefs” behave as “chiefs” but whose kingdoms have given way to a nation-state.

Furthering an African Perspective on Social Justice

Three strands for further engagement emerged from the discussions and analysis.

A contextualized understanding of social justice

While recognizing the danger of diluting international standards on the pretext of having to be true to cultural identity and values, or of descending into ethnically informed notions of social justice, further examination of important parameters of the definition of social justice in the local context (and the degree to which one should go in this direction) constitutes a worthwhile addition to current debates while reflecting the trajectory of local thought and theory.

Several such dimensions might emerge and might include—in addition to those mentioned above, such as the primacy of the community over the individual—emphasis on diversity and the rights of cultural communities (defined in terms of traditions and languages), as well as respect for human rights within each community. Similarly, freedom of choice could be framed in terms of what is acceptable to the majority, depending on the cultural context, while respecting the identities of all actors and accommodating them in a spirit of solidarity. This could be extended to community-informed forms of justice where communities take charge of the issues affecting them and where restorative forms of justice take precedence over a system that emphasizes retribution, as illustrated in the experience of elders’ fora in several countries and the *gacaca* in Rwanda.⁸ In South Sudan, “traditional relations within the family, the village, and the clan are governed by rules and norms of association, reciprocal obligations and generational duties” (Lokuji 2012: 2), while Ethiopia exemplifies attempts to respect “a central feature of African society: solidarity of plight with diversity of state” (Eshete 2012: 10).

Such work might have practical implications, such as encouraging progressive values in constitutions and culturally inspired federated or decentralized governance institutions and finding ways to accommodate the governance of the modern state on one hand and the governance of the traditional community on the other.

⁷ Ramani 2012.

⁸ One should, however, avoid romanticizing “traditional values.” In the case of Kenya, Ramani argues that “social justice is largely defined by age old customs, most of which are repugnant and at variance with the constitution” (2012: 3).

The social contract

Localized self-rule can reproduce the inequities and inefficiencies of a centralized system if one does not redefine the kind of society one wants to live in. The link between citizens and a responsive state must be established through a social contract that is “functional, dynamic, and paramount,” leading to a state that is not only federated but also accountable. This hinges on the provision of information, awareness raising and empowerment.

Several strategies might be appropriate, including stimulating reflection and action on a social justice agenda through community and religious groups or *barazas*, and engaging political parties and governments as well as supranational entities and donor agencies. This could take the form of holding national dialogues to put the issue of the social contract on the table, engaging youth and attracting the attention of the media, and reminding citizens of the existence of such a contract. In terms of tactics, the necessity and desirability of a meaningful social contract could be linked to an examination of the relevance of other countries’ experiences (e.g., Brazil and the Scandinavian countries).

Social justice concerns on the national agenda

Could concerns for social justice occupy a more prominent position on national agendas than is currently the case in the region? Given the need to move forward with some sense of urgency, there has been agreement to concentrate on promoting a definition of what ought to be the “good society” and to “help others see that the absence of social justice is bad for us,” even in terms of economic progress. One can challenge the current macroeconomic orthodoxy by pointing out how social justice can in itself promote sustainable development. There is thus a need to depart from economic growth as the sole focus of government priority, and move away from the best practice paradigm in which external experiences, however inappropriate, inform local practice, and explain this need to politicians.

Although a strong social movement will in the end make a lasting difference, vibrant civil society organizations can play an important role in this respect. Apart from civic education, several other possible courses of action include involving academia in articulating injustices, analyzing drivers and constraints with regard to promoting social justice in the national context and using students to carry messages forward; introducing notions of social justice in school curricula; working with organized groups and the private sector; and engaging the media. Opportunities also exist in developing a consensus on what is just by linking this to on-going debates and preoccupations, such as youth unemployment, the fight against corruption, or constitution-reviewing processes (as in Tanzania and South Sudan).

Opportunities might also exist with the African Union and its social development framework, the East African Community, and other regional organizations, such as the Intergovernmental Authority on Development, to introduce social justice concerns in their plans and programs and to involve political parties and governments to reflect such concerns in their manifestoes and policy statements.

Moving Forward

To conclude, a change of ethos and values is ultimately called for. Everyone has a responsibility to define what is just, and opportunities exist to promote social justice, either within respective institutions, at the broader national level, or working collectively across the region.

Practically speaking, individual organizational agendas could be reshaped to take social justice issues better into account through on-going projects, curriculum development, and so on. At the country level as well, a working group, a national round table, a common website, and other forms of peer support could provide impetus to research social justice-related issues and to engage policy makers. At the regional level, value added could be realized by collectively developing a more advanced analysis of social justice in the local context, furthering other research themes proposed above, and, in time, meeting again to share the fruit of this labor.

References

- Eshete, Andreas. 2012. "Ethiopia: Social Justice Amidst Solidarity of Plight with Diversity of State." Presented at the Friedrich-Ebert-Stiftung Regional Conference on Social Justice in East Africa, Entebbe.
- Kanakulya, Dickson, and Michael G. Kizito. 2012. "The African Neo-Liberal Development State and the Nexus of Agency Alteration: Understanding the Roots of Social and Human Rights Injustices in Uganda." Presented at the Friedrich-Ebert-Stiftung Regional Conference on Social Justice in East Africa, Entebbe.
- Lokuji, Alfred. 2012. "Social Justice in the Two Worlds of South Sudan." Presented at the Friedrich-Ebert-Stiftung Regional Conference on Social Justice in East Africa, Entebbe.
- Nussbaum, Martha. 2011. *Creating Capabilities: The Human Development Approach*. Cambridge, MA: Harvard University Press.
- Ramani, Ken. 2012. "Social Justice: Reflections on Kenya." Presented at the Friedrich-Ebert-Stiftung Regional Conference on Social Justice in East Africa, Entebbe.
- Sen, Amartya. 1999. *Development as Freedom*. Oxford: Oxford University Press.
- Wiegatz, Jörg. 2010. "The cultural political economy of embedding neoliberalism in Uganda: an analysis of changes in moral norms and trade practices in rural markets since 1986." University of Sheffield.

Social Justice: Reframing the “Social” in Critical Discourses in Africa

Vivienne Taylor

Introduction

Discourses and debates are crucially important on social justice and how social justice is given expression in contemporary societies in Africa. Some obvious questions arise regarding why we should consider social justice important in Africa. Is aspiring towards social justice a pipe dream because the contextual realities are so far removed from the vision that imbued struggles for liberation from political, economic, social, and cultural domination? Does the shadow of collective histories weigh so heavily that one cannot work towards achieving freedoms from forms of neo-colonialism and political and social domination? Has the promise of hard won liberation and national independence come to naught in contemporary Africa?

A convergence of factors propels issues of social justice once again to the fore. What are these factors and how does one understand and engage with issues of social justice? Could a discourse on social justice catalyze assertions of the right to bring back social, society-wide concerns for development based on justice and sustainability into our contemporary struggles? Looking back at the dawn of independence in Africa many decades ago, could one have foretold that in 2012 Africans would once again be challenging themselves to address the fundamental concerns that imbued past struggles? How can Africans engage in discourses so that social justice becomes more than a concept, a mirage in the wastelands in which millions of the poorest people on the continent live?

This paper engages these questions from a critical theoretical perspective that locates the issues within contemporary realities of countries in Africa. The first point to make in answering these questions is that by identifying what is unjust in societies, one is implicitly assuming some understanding of justice. People make evaluative assessments of what is just and unjust according to certain theoretical propositions. Such assessments take place within the contextual realities of what is happening within countries.

The Context Demands an Engagement with Social Justice

Africa’s social, economic, and political context is shaped by multiple forces external and internal to the continent. Africa has over time been the subject of

much focus because of its location in the global economy and its geopolitical status. Social and economic indicators highlight the significant depth and incidence of poverty and inequality there. A critical analysis of its economic growth and the level of human development reflect the disjuncture between economic growth as an indication of development and the conditions of the people. In the period between 2000 and 2010, East Africa's economy more than doubled in real terms, growing from US\$32 billion to US\$79 billion. If Rwanda continues to grow at an average of 7.7 percent, Tanzania at 6.8 percent, and Uganda at 7.2 percent, and Kenya, currently at 3.7 percent accelerates, these countries are set to reach middle-income status in another decade, that is, by 2022 (Development Initiatives 2012).

Contrast these impressive economic growth projections with the evidence that East Africa remains one of the world's poorest regions. According to the 2011 World Development Report (World Bank 2011) about 73 percent of the region's total population live in multidimensional poverty. More detailed analysis reveals that 52 percent of the region's population is living on less than US\$1.25 a day and about 44 percent live below most countries' nationally defined poverty lines. Besides income as an indicator of poverty, deprivations in health paint an extremely bleak picture with at least 135 out of every 1,000 East African children dying before their fifth birthday. The issues of persistent structurally based poverty cannot be ignored when these indicators are linked to those of 608 out of every 100,000 women dying in childbirth and more than 58 percent of all East African children suffering from stunting as a result of malnutrition and diseases (World Bank 2011). While aggregate indicators mask the terrible deprivations of individuals and communities living in poverty, they do provide an indicator of regional trends in human development.

Of significance, these social and economic conditions highlight that the relationship between economic growth and the eradication of poverty and inequality is not automatic and does not result from a trickle-down approach. Despite impressive economic growth trends and projections, poverty and inequality remain a concern for millions of people. Economic growth is an essential component for development, but without a deliberative policy focus on equity and social justice, evidence shows that it reproduces individual and society-wide deprivations. The continuing narrative of social and economic marginalization of the vast majority of people in the region is an outcome of many factors.

Among these are the effects of an ideologically driven free market triumphalism that is being translated uncritically in Africa into variants of economic orthodoxy refashioned as neoliberal globalization. Economic growth in the East African region is taking off but the reality for millions is that it has not made a qualitative difference to their lives. Despite the lessons of history, national development efforts still concentrate on a single dominant economic

model and belief in “trickle down” economics rather than adopting a more heterodox approach to development that combines economic growth with human development and equity.

Dani Rodrik (1999) poses an important question that has relevance for how we understand social justice in Africa because it focuses on the role of governments: “Can small nations still pursue their own distinctive agendas and govern their economies in ways that differ from the prevailing precepts?” He goes on to respond, “To hear many policymakers speak, the answer is no. It has become a common refrain that there is little choice but to privatize, open up, and attract DFI [direct foreign investment]” (Rodrik 1999: 147). His observation indicates that policymakers pursue a development agenda to which they believe there is no alternative and which they perceive as inevitable. Thus policymakers follow a neoliberal economic globalization agenda that continues to expose emerging economies to old and new risks and vulnerabilities and increases inequality. Issues of social justice are being traded off against an approach that puts economic growth first and relies on the market to determine whose needs and conditions are addressed. Compelling evidence exists to show that this is a false trade-off (Rodrik 1999, Stiglitz 2012).

Rodrik makes a compelling argument for a more locally driven development agenda and cautions, “While opening up to the world economy can sometimes stimulate investment, it is a mistake to believe that there is a determinate relationship between openness and investment levels. A useful starting point is to acknowledge that openness is part of a development strategy; it does not substitute for it” (1999: 147). The values of competitiveness, individualism, survival of the fittest, and overconsumption linked to the planned obsolescence of goods are at odds with the values of social justice. These values and principles are based on social solidarity, communitarianism, social and economic inclusion, and subsidiarity. There are inherent contradictions in the logic of the market and the logic that underpins struggles for social justice, and these contradictions are stark in the context of the challenges to governance and democracy posed by economic globalization.

The internationalization of production and investment processes raises critical questions related to how and to whom national economic policymakers are accountable. Africa’s experience of the neoliberal economic globalization model shows that policymakers have become accountable to foreign investors, country-fund managers in London and New York, and a relatively small group of domestic exporters, and in this scenario both investors and policymakers are unaccountable to citizens (Rodrik 1999). This promotes elite capture of benefits and resources, corrupt practices based on cronyism, and lack of delivery of services to citizens. When it comes to social justice then, it is necessary to identify what development paths countries adopt, whose interests are secured

in this process, and how national, market-led and transnational economic and political interests converge to undermine or to promote social justice.

Furthermore while economic growth and issues of fairness are a part of debates of income poverty, Amartya Sen (1997) points out that how much income goes to the poor is only one determining influence among many others in dealing with deprivation and inequalities, or as argued here, social injustice. He compels one to recognize that deprivation is not just the absolute lowness of income, but various “unfreedoms,” varying from hunger and prevalence of preventable or curable illness (and even premature mortality) to social exclusion, economic insecurity, and the denial of political liberty. The ability of the economically marginalized to participate in economic growth processes depends on a variety of enabling social conditions. As has been amply established in empirical studies, these conditions include education, epidemiology, land reform, microcredit facilities, appropriate legal protections, and other means of empowerment (Drèze and Sen 2002).

An interesting study undertaken by the Akiba Uhaki Foundation (2007) mapping human rights and social justice organizations in East Africa—Burundi, Kenya, Rwanda, Tanzania, and Uganda—found that issues concerning human rights and justice include poverty, ignorance of rights and entitlements, inaccessible systems of justice, deprivations in socio-economic conditions, widespread insecurity, and in some areas, armed conflict. Alongside these issues are the persistent neglect of children and women and the violations of people’s most widely accepted social, economic, civil, and political rights.

In Uganda, for example, estimates of poverty show increases from 34 percent in 2000 to 38 percent in more recent studies (Akiba Uhaki Foundation 2007). The Constitution of Kenya Review Commission estimates that 56 percent of households in Kenya live below the poverty line, and if the household is assumed to have an average of two children, there are at least 7,516,859 children living below the poverty line. Average life expectancy is 49.3 years with a slight variation from province to province. The death rate is about 4.7 deaths per 1,000 while the infant mortality rate is estimated at 59.07 per 1000 lives (Akiba Uhaki Foundation 2007).

Ignorance of rights and of laws that afford basic protections is a direct result of such high levels of multidimensional poverty. Indications are that the entire East African region has problems when it comes to access to justice through courts of law, tribunals, and institutions offering justice and legal representation. East African human rights and social justice networks indicate that such problems will continue to be a concern for some time despite the political changes that have taken place (Akiba Uhaki Foundation 2007). Such political changes include those in Kenya and Tanzania, where at least three democratic presidential elections

have been held. Uganda and Rwanda have had transitions from military regimes to democratically elected civilian governments. Six years ago, on 23 February 2006, Ugandans took part in general elections under a multiparty dispensation after 25 years of single party rule. These are just a few of the changes that have taken place recently. Yet, despite these moves towards democratic participation and civilian rule, the narrative of social exclusion and deprivation continues. To be sure, this narrative is not new and has its roots in many internal and external factors. Nevertheless the outcomes for people continue to be tragic.

Indicators of countries' social, economic and political stability are also reflected in the numbers of internally displaced persons (IDPs), refugees and migrants. If we are to take recent trends into account, the region has disturbing levels of internally displaced people and refugees. At the heart of such trends are experiences of victimization, exclusions, discrimination, and other injustices. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in East Africa reveals in its 2012 displaced populations report that at the beginning of April 2012, there were 5,715,096 refugees and IDPs in the region. There was an overall increase of 291,882 people (5.4 percent) between 30 September 2011 and the end of March 2012. The Democratic Republic of the Congo (DRC) and Somalia continue to host more than one million IDPs each, while Kenya, Ethiopia, and Tanzania host more than 250,000 refugees each.

According to OCHA, attacks by the Lord's Resistance Army (LRA) were a major factor for the internal displacements in eastern DRC (OCHA 2012). It estimates that 340,984 (73 percent) of the 466,637 IDPs in Orientale Province resulted from LRA activities. In addition, the ongoing fighting between the Congolese army and armed elements in DRC's North Kivu Province precipitated major displacements of more than 10,000 Congolese refugees into Uganda during the reporting period. Ethiopia also witnessed an influx of Sudanese and South Sudanese refugees fleeing internal conflict in the Blue Nile and Jonglei states, respectively. Generalized insecurity resulting from the conflict in Somalia has forced more than 760,000 Somalis to live in protracted refugee conditions across the region. Kenya hosts 75 percent (520,432 people) of the total Somali refugee population in the region (761,709) (OCHA 2012). Against this backdrop of ongoing conflicts, displacement, and violence, how does one begin to engage in discourses of social justice?

The reality for many people living in situations of intolerable cruelty and deprivation is that changes in the political processes have not resulted in significant changes or improvements in their daily lives. Complex relationships exist among economic, social, political, and environmental factors and create conditions that result in structurally entrenched poverty and inequality. Such relationships influence the potential for social justice and are part of on-going debates in Africa.

Debating Social Justice in Africa

Social justice has moral, religious, philosophical, and political origins. Some theorists and philosophers argue that as a concept it can be abstractionist in that it focuses attention on an idealized state of what a society should be (Rawls 1971). Others contend social justice has a relativist aspect that takes into account the variability and differences among human beings and grounds principles of justice in the discourse and traditions of actual communities (O'Neill 1993). Yet another strand argues that discourses on social justice cannot be delinked from the contextual realities in which people live (Nussbaum and Sen 1993). Some principles are common across most discourses on the various conceptions of social justice. These include principles of equality, distribution and redistribution, solidarity, subsidiarity, inclusion, fairness, equity, equality, and nation building.

Questioning what constitutes social justice in contemporary societies in Africa is important, but even more so is the need to focus on how people perceive issues of social justice and injustice. Social justice is underpinned by values of universal human rights. Why then are there such divergent concerns and issues concerning social justice and social issues in African countries? Is it because of the delinking of the social from the economic, political, and environmental spheres of activity?

Theories of justice inform how to work towards the society one wants to achieve. In framing the discussion on social justice here, a normative theoretical approach is taken toward the concept, and the term *social* is engaged first because it speaks to the issues of justice for whom. Clarifying the assumptions that underpin the term *social* is critically important because it can imply many different things in various contexts. Ignoring the wider attributes of social equality can reproduce forms of exclusion that will continue to privilege some over others and that does not focus on what is socially just and fair in terms of the distribution of benefits to all human beings. The focus is on two distinct dimensions contained in what constitutes the “social.” First the term *social* focuses attention on society-wide concerns rather than concerns related only to individual well-being. The second dimension to *social* is that it refers to more than one form of injustice. For example, when equality and inequality are discussed, the automatic assumption is that equality and inequality are measured through income measures, such as the Gini coefficient. Such a focus, as important as it is in identifying economic or class-based inequalities, ignores social inequalities related to ethnicity, gender, language, racial differences, spatial inequalities, age, religion, and other criteria. Reclaiming the term *social* in debates on justice also helps in understanding the relevance and applicability of universal human rights as an inherent aspect of social justice. An explicit focus on the needs of all human beings is not necessarily an objective of certain theoretical approaches to social justice.

Take for example the underpinnings of utilitarianism, a theory that has significantly influenced how benefits, goods, and services are distributed in society and that has certain limitations. As others have argued, utilitarianism is an efficiency-oriented approach that seeks to maximize the sum total of utilities in society without taking into account how unequally the total of utilities or goods and services is distributed (Rawls 1971, Sen 1999b, Nussbaum 2004). As Sen states, “If equity is central to justice, utilitarianism starts off somewhere at the periphery” (1999b: 262). The concern of utilitarianism is with the generation of utilities in society so that there is maximum satisfaction according to perceived preferences. Precisely because utilitarianism lacks a basic concern with equality and equity in the distribution of advantages, its focus on the promotion of utilities is not oriented towards justice.

Rawls’ (1971) theory of justice as fairness is a significant advance against utilitarianism. His reasoning on justice as fairness provides a more general approach that links with rationality, reasonableness and objectivity and has its basis in the principle of equality. Rawls’ focus on equal liberty as the first principle sets his theory of justice apart from utilitarianism. He also highlights the demands of equality in his second principle, the difference principle, which emphasizes the needs and issues of those members of society who are disadvantaged. In applying the difference principle, Rawls focuses on primary goods, which are those goods that every rational person wants and should have access to irrespective of their status.

Justice for Rawls occurs when the allocation of such goods and benefits in society are distributed as if there were a “veil of ignorance” that precludes subjective criteria from influencing decisions. This would ensure that all people have equal access to goods, such as income, basic liberties, freedom of movement, choice of occupation, powers of office, and the social basis of self-respect, to name a few. Rawls assumes, however, that all citizens start from the same point and that allocating goods and benefits equally will ensure a fair end result. This, however, is not the case as in reality a person who has a disability or is at a particular stage in life has needs and wants that differ from the rest, and to be fair and just in this case requires taking into account the specific condition that is a disadvantage. In this example, the principle of equity would be applicable, rather than equality.

While Rawls’ theory of justice was a turning point in making issues of equality a central part of policy agendas, Sen argues that Rawls’ focus on primary goods as the basis of judging individual advantage has limitations. Primary goods, according to Sen, are the means to the freedom to achieve and cannot be taken as indicators of freedoms themselves. The processes by which people utilize goods, and the spaces within which they are able to use their capabilities, are complex. Take, for example, the issues that may lead to some individuals cooperating in their own subjugation despite having access to primary goods.

Women and children may have access to education and nutrition, but their social roles may restrict them from achieving the capabilities to lead the lives that they value and that lead to freedoms. Many complex issues influence the choices that people make and the spaces within which such choices are made.

Nussbaum (2004) compels one to engage with the realities of unequal power relations within and between states by pointing out that such hierarchies of power militate against achieving a social contract between parties who are not equal. This is an important issue that emerges in debates on social justice in Africa. Defining what is a full human life based on dignity and human needs and how to achieve this through society-wide agreement is a critical part of this debate. As Nussbaum argues, humanity is under a collective obligation to provide certain needs for people to live full human lives. Determining the prerequisites for living a fully human life—worthy of the dignity of a human being, rather than a subhuman life—includes the need to live co-operatively with others. She stresses that a fundamental part of the good of each and every human being will be to co-operate for the fulfillment of human needs for all and the realization of fully human lives (Nussbaum 2004:13).

Elaborating on what is meant by a fully human life and how such a life is to be achieved, Nussbaum focuses on adequate nutrition, education, protection of bodily integrity, freedom of speech and religious self-expression, and so forth. She sees these as central goods to which all human beings have minimum entitlements based on justice. Nussbaum does recognize, however, that the idea of what human beings need for fully human living is an intuitive idea, realized in many human rights documents. The important point made in her elaboration of justice and entitlements relates to the question “Who has the duty to provide people with what they need to live fully human lives?” In answering this question, she places the responsibility on all of society. She asserts, “Humanity is under a collective obligation to find ways of living and co-operating together so that all human beings have decent lives” (Nussbaum 2004:13).

Nussbaum argues that in conceptualizing justice, the idea of capabilities reminds one of the need to make special efforts to address the unequal needs of those who begin from a position of social disadvantage. A focus on capabilities, although closely tied to the human rights approach, adds an important clarification to the idea of human rights. As Nussbaum indicates, it informs that the goal is not merely “negative liberty,” the absence of interfering state action, a common understanding of the notion of rights. Rather, the capabilities approach concerns the ability of people to be and to make choices to lead lives that they value. Of importance, she reinforces Sen’s view of the interlinkages among various capabilities by asserting that “all capabilities have an economic aspect: even the freedom of speech requires education, adequate nutrition, etc” (Nussbaum 2004: 13–14).

Justice also has a political dimension, and as Rawls points out in his work, justice requires tolerance and acceptance of pluralism as a precondition. In making these preconditions, Sen argues that Rawls limits the application of his theory of justice to those states in which democracy is already a given. There are countries in which the struggle for democracy or freedoms and social justice is yet to be achieved, so tolerance and pluralism are not practised (Sen 1999a: 30). In the absence of democracy, one must still find ways to protect and advance the capabilities people require to function. Claims to citizenship and access to resources and to an equitable distribution of goods and services are part of the struggles waged by people for social citizenship. Such struggles are also about processes of governance, about democratic practice, and about transparency and accountability of state systems. A number of issues that emerge in discourses on social justice are linked to economic development, democracy, citizenship, and nationhood.

The Significance of Discourses on Social Justice

Dominant discourses in African societies tend to focus on issues of economic growth, the expansion of markets, the development of human resources, and infrastructure to support economic growth. The failure of institutions and state systems to ensure sustained economic development is also high on the agendas. The underlying assumption in the dominant discourse is that if the right incentives are provided, economies will grow, and development will improve. The role of government in this view is to facilitate an incentive regime that facilitates investment in the economy and infrastructure development. In short, government acts as facilitator of development through public-private partnerships. Minimal state intervention in the market is advocated, along with reduced government expenditure, reduced taxes, and individual, family, and community responsibility for social welfare.

Discourses on social justice cannot, however, be removed from the experiences and perceptions of people living in absolute destitution and unable to make choices. Achieving or advancing the concept of social justice is especially difficult in a dynamic global and regional context shaped by national and international forces. Yet, this is precisely what must be done if policymakers are to introduce interventions that can make a significant difference to the lives of people excluded from the benefits of development (Taylor 2011).

When it comes to other forms of social inequality, some central concerns have been and continue to be recurring themes in discourses and debates on social justice in Africa. Among these are issues of citizenship and sovereignty. Who is recognized as part of the “nation” and how nationality and nationhood are understood are critical. Tensions emerge in the discourses between race and class, between reducing poverty and promoting economic growth, between vertical

and horizontal inequalities, among traditional hierarchies and customary laws and democratic practices, and between the needs of the individual and society. Debates on social justice turn on issues of democracy and who constitutes the nation, meaning, the question of who is recognized as a national, as a citizen, and who is not. The rights conferred by virtue of being a citizen in modern state systems through contractual agreements are not a given in countries in Africa.

In *Citizen and Subject*, Mahmood Mamdani (1996) contends that the cleavage between “modern” and “traditional” society ranks as the most fundamental, unresolved contradiction in much of post-colonial Africa. Millions continue to live under the rule of local chiefs operating within the ambit of customary law. At the root of these chiefs’ power is a mixture of “ethnicized” tradition, inherited authority, and clientelism that fits uneasily with the principles of individual rights and democratic processes. The severely diminished status of women under traditional authorities is emblematic of this contradiction.

Although discourses on social justice focus on the need to end forms of racial and horizontal inequalities spawned by uneven development during the colonial period, the need to maintain national sovereignty and dignity, and the need for nation building and development, are also prominent. In such discourses the “politics of recognition” and strong assertions of nationalism are linked to who is considered legitimate and allowed access to rights and justice and who would be denied such rights because of not belonging. When nationalism is not framed within principles of social inclusion and human rights, it can be used by corrupt politicians to favor forms of redistribution that reinforce growing social differentiation and to promote differences or inequalities between citizens and foreigners or groups that are perceived to be a threat.

Embedded in discourses on social justice in Africa are issues related to national identity and citizenship and the ways in which difference and diversity are treated. As Thandika Mkandawire observes, “Nationalism and its questions do not enjoy as much favourable attention as they did only four decades ago. The many civil wars, genocides and ‘ethnic cleansing,’ the gross mis-management of national affairs by erstwhile national heroes and the weakening of the capacity of the nation-state have conspired to severely tarnish the image of nationalism” (2007: 1). Mkandawire is correct in that post-independent governments in Africa have failed to translate struggles for national self-determination and nationhood into democratic and inclusive societies. The social justice question must address problems engendered by social differentiation along class, ethnicity, gender, and other social cleavages that arise or are unresolved within a nation. Growing inequality, the persistence of poverty, the still-unfolding tragic crisis of HIV/AIDS and other preventable diseases, food insecurity, and environmental disasters spur conflicts and violence. The humanitarian crises in Africa provide enough evidence of the impacts on people who flee from

violence because of discrimination and persecution and because of economic insecurity.

Issues of distributive justice, equity, increasingly constrained democracy (or what I refer to as bounded democracy), corruption, unaccountable state and private sector institutions, and the ways through which forms of exclusion are produced and reproduced inform debates on social justice in Africa and are once again coming to the fore. Bounded democracy is real when people live in fear of state action, when they do not have the capacity or protection to interrogate oppressive forms of governance and when the spaces for critical dissent and social action no longer exist because of a lack of transparency and accountability of state and market institutions. As Rawls (1971) indicates, democracy is necessary to build social consensus on how to meet the basic requirements for human development. Democracy as a concept and organizing principle for society is not without its flaws, but in the light of increasing exclusions and problems of governance, democratic systems and the ways they are given effect in societies are essentially about having the space to hold unaccountable state and market institutions to account. It provides the spaces for resistance and contestation of what is unjust and also for elected officials and political elites to demonstrate how they give effect to the collective interests of the citizenry.

Adam Habib reminds us that, “[H]istory is replete with examples where the majority of citizens supported autocrats and colluded in their own oppression or that of others. But when citizens decide to change their life circumstances for the better, democracy at least provides them with the leverage, the mechanisms and the possibilities to do so. Democratic dispensations are more likely to create the space for existing political elites to become responsive to citizens’ desires, or enabling the latter to replace the former with more forthcoming and supportive leaders” (2011: 11). Advancing social justice is linked to advancing substantive participatory democracy and human development so that people are protected and empowered to remove “unfreedoms” and flourish as human beings.

Some Conclusions

The realities for millions of people in Africa reflect the urgent need to bring back the “social” and to engage with issues of what constitutes the public good in discourses on social justice. More important, discourses on social justice should counter the dominance of the hegemonic project of neo-liberal economic globalization, which perpetuates self-interest and inequality. Using even constrained or bounded democratic spaces to engage in such discourses will allow voices that focus on social justice and the rights of people’s everywhere to become amplified and gain traction.

Discourses in Africa that focus on *what ought* to be the good society that we want to achieve usually contain certain essential elements. It should take account of what is in the interests of all citizens and the *good* that is to be achieved through the implementation of such a policy. Here the issue is whether the *good* such as public social services or other forms of benefits ensures that wants and needs of all members of a society are satisfied as part of overall societal well-being rather than benefits reaching only a privileged few. In this sense the *good* or service can be a *public good* to which everyone should have access such as education, health care, water and food to name a few. This *good* differs from those goods that are for the *common good* which apply to different layers of communities (from the village to the global) in which *common* human interests are identified and achieved through active individual and society wide cooperation. Examples of what constitutes the common good and affects all of humanity include issues related to how we ensure environmental sustainability and respond to such threats of food insecurity and global warming. The common good is at risk and everyone becomes vulnerable when production and social reproduction patterns are based on global inequity and injustice. Overconsumption and the irresponsible use of natural and human resources in one part of the world affects all of humanity across the world. In other words the common good of all is affected.

In this sense the common good also becomes a question of social justice because what should constitute public goods at the national level and global public goods or commons are dependent on national and transnational power relations. Importantly as we engage with theories of social justice, it is important to recognize that it is the responsibility of all of society to ensure that the *public good* is secured within countries, regions and globally. Part of this responsibility requires us to ask whether it is morally *right* to apply principles of equality, equity, social solidarity and nation building to ensure effective and just distribution of public goods in selected contexts.

Decades of struggle, recurring crises, and structurally embedded inequalities and poverty should spur discourses in ways that make social justice more than a concept, or a mirage in the wastelands in which millions of the poorest people on the African continent live.

References

- Akiba Uhaki Foundation. 2007. "Study Report on Mapping of Human Rights and Social Justice Organizations in the Eastern Africa Region [Kenya, Uganda, Tanzania, Rwanda and Burundi]." Nairobi, Akiba Uhaki Foundation, prepared by Projects and Allied Consultants. http://akibauhaki.org/index.php?option=com_docman&task=doc_download&gid=13&Itemid=.
- Constitution of Kenya Review Commission. 2003. "Report of the Constitution of Kenya Review Commission." Vol. 1. Nairobi.
- Development Initiatives. 2012. "Social Protection: What Challenge Is It Responding To?" Bristol, United Kingdom. <http://www.devinit.org/wp-content/uploads/Social-protection-RTF-background.pdf>.
- Drèze, Jean, and Amartya Sen. 2002. *India: Development and Participation*. 2nd ed. Oxford: Oxford University Press.
- Habib, Adam. 2011. "Governance, Political Accountability and Service Delivery." University of Johannesburg.
- Mamdani, Mahmood. 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press.
- Mkandawire, Thandika. 2007. "From the National Question to the Social Question." Keynote address at the Harold Wolpe Memorial Lecture, Harold Wolpe Trust, Cape Town, South Africa. http://www.wolpetrust.org.za/lectures/2007/National%20Question_Social%20Question.pdf.
- Nussbaum, Martha, and Amartya Sen, eds. 1993. *The Quality of Life*. New York: Oxford University Press.
- Nussbaum, Martha C. 2004. "Beyond the Social Contract: Capabilities and Global Justice. An Olaf Palme Lecture, Delivered in Oxford 19 June 2003." *Oxford Development Studies*, 32(1): 3–8.
- OCHA, United Nations Office for the Coordination of Humanitarian Affairs. 2012. "Eastern Africa: Displaced Populations Report." Issue 11, 1 October 2011–31 March 2012. New York, United Nations. <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20EA%20Dispops%20Rpt%20%2311%20FINAL.pdf>.

- O'Neill, Onora. 1993. "Justice, Gender and International Boundaries." In *The Quality of Life*, eds. Martha Nussbaum and Amartya Sen. New York: Oxford University Press.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge, MA: Harvard University Press.
- Rodrik, Dani. 1999. *The New Global Economy and Developing Countries: Making Openness Work*. Policy essay 24, Washington, D.C.: Overseas Development Council.
- Sen, Amartya. 1999a. *Development as Freedom*. Oxford: Oxford University Press.
- . 1999b. "Economic Policy and Equity: An Overview." In *Economic Policy and Equity*, eds. Tanzi Vito, Ke-young Chu, and Sanjeev Gupta. Washington, D.C.: International Monetary Fund, 28–43.
- . 1997. *On Economic Inequality*. Enlarged ed. Oxford: Clarendon Press.
- Stiglitz, Joseph E. 2012. *The Price of Inequality: How Today's Divided Society Endangers Our Future*. London: Allen Lane / Penguin Books.
- Taylor, Vivienne. 2011. "A Question of Social Justice: A Social Minimum for Protection and Inclusion." International Policy Analysis. Berlin: Friedrich-Ebert-Stiftung. <http://library.fes.de/pdf-files/iez/08350-20110803.pdf>.
- World Bank. 2011. *World Development Report, 2011: Conflict, Security, and Development*. Washington, D.C.

The Problem of Undemocratic Side Effects of Democracy Promotion

Julian Culp

Introduction

The socio-economic and political context of many East African countries today is characterized by intense economic growth, a high level of economic inequality, and little democratic participation. To illustrate, consider the growth rates of the gross domestic products in the years 2008, 2009, 2010, and 2011: Ethiopia 1.8 percent, 8.8 percent, 9.9 percent, 7.3 percent; Kenya 1.5 percent, 2.7 percent, 5.8 percent, 4.4 percent; Rwanda 11.2 percent, 6.2 percent, 7.2 percent, 8.3 percent; Tanzania 7.4 percent, 6.0 percent, 7.0 percent, 6.4 percent; Uganda 8.7 percent, 7.2 percent, 5.9 percent, 6.7 percent.¹ Moreover, the most up to date measurements based on the Gini index indicate that economic inequality is substantial in most of these countries. The latest data available indicates that Ethiopia had a Gini index of 29.8 in 2005, Kenya 47.7 in 2005, Rwanda 50.8 in 2011, Tanzania 37.6 in 2007, and Uganda 44.3 in 2009.² The political systems of many East African countries are characterized as semi-authoritarian, or hybrid, rather than democratic. Formally, or *de jure*, these systems exhibit many democratic elements, such as regular elections, separation of powers, and a multiparty system, and they also permit a certain degree of influence by the media and civil society. *De facto*, however, these instantiations of a democratic political system are often undermined by ruling political parties that abuse the state's resources to dominate the electoral process, executive and judicial branches of government that curtail political and civil liberties at will, and patronage systems that have the effect of silencing dissenting voices.³

How is one to assess the situation of many East African countries from a social justice perspective? What would be a sound political strategy to reduce social injustice? Arguably, if one were to adopt a distribution-oriented theory of social

¹ Since the annual population growth rate of these countries stands between 2.1 percent and 3.2 percent during this period, the rise in the production of goods and services per capita is less pronounced for it. Nevertheless, the rise in the gross national income per capita expressed in international dollars based on purchasing power parity (GNI per capita PPP) remains substantial. From 2008 to 2011, GNI per capita PPP rose in Ethiopia from 880 to 1110, in Kenya from 1560 to 1710, in Rwanda from 1080 to 1270, in Tanzania from 1290 to 1500, and in Uganda from 1150 and 1310. The data is retrieved from the World Bank's World Development Indicators available at data.worldbank.org (accessed December 2012).

² The data is retrieved from the World Bank's World Development Indicators available at data.worldbank.org (accessed December 2012). The Gini index ranges between 0 and 1; 0 indicates the lowest possible and 1 the highest possible degree of inequality.

³ This is of course not only an extremely short and rough but also a very general characterization of the socio-economic and political situation in East African countries.

justice, one would likely judge the high degree of economic inequality as unjust, because it seems questionable that such a theory could provide an argument as to why that degree of inequality is justifiable. Consequently, a distribution-oriented theory of social justice would lay the normative theoretical basis for political interventions that have the realization or approximation of some ideal of distributive justice as their goal. Hence, political actors employing such theories as the basis for their endeavors to combat social injustice would support reforms that would bring the actual distribution of goods into closer conformity with the distribution that ideal distributive justice requires.

From the point of view of a discourse theory of justice, however, such political intervention may manifest a political injustice, because it may not have sufficient democratic support. Hence it violates the political rights of those who are excluded from co-determining what distributive justice ideally involves and what would be needed to bring it about. For instance, if the influential political leaders and ruling political parties in East Africa were to install certain redistributive mechanisms and justify their intervention by arguing that it serves the purpose of promoting the realization of a particular ideal of distributive justice, it would not only possibly leave intact the political marginalization of many segments of the populations, but also reaffirm the undemocratic character of political decision-making.

To avoid such a political injustice, a discourse-theoretic understanding of social justice urges that the primary demand of social justice is the furthering of a democratic socio-political order. In this way, discourse theorists circumvent the problem that one brings about a political injustice by supporting the instantiation of a supposed ideal of distributive justice that lacks genuine democratic support. A similar problem can, however, occur when attempting to promote more democratic socio-political orders that have as their aim the greater realization of social justice along the lines of a discourse theory of justice. It is that attempting to promote democratic institutions may sometimes undermine the political autonomy of precisely those who to that point do not play a relevant role in the processes of political decision-making. Yet if one does not attempt to promote democracy, then one eventually tolerates people's political marginalization and thereby sustains social injustice, which, according to a discourse theory of justice, manifests itself in undemocratic social and political arrangements. Hence one might be caught in a dilemma, between actively fostering or passively sustaining social injustice.

This paper scrutinizes two instantiations of this problem—the case of political advocacy and empowerment and the case of political conscientization or education—and argues that adopting a reflexive type of democracy promotion, which foresees and addresses the potential undemocratic side effects of democracy promotion, could be a promising strategy for dealing with this

problem.⁴ It is important to first delineate more clearly the distribution-oriented theories of social justice from the discourse-theoretic ones and examine how one would judge the socio-economic and political contexts in East African countries from the points of view of a distribution-oriented and a discourse theory of justice.

Distribution-Oriented and Discourse-Theoretic Perspectives of Social Justice⁵

The publication of *A Theory of Justice* by John Rawls (1971) sparked an intense and controversial academic discussion about how to formulate a conception of social justice.⁶ It is no surprise, then, that various theories of social justice take Rawls's sophisticated theory of justice as fairness as a starting point.⁷ Rawls's theory is a liberal-egalitarian approach to justice, which attempts to devise a normative political theory that accommodates properly the values of both liberty and equality. While his conception of justice contains principles that address the political and socio-economic spheres, the academic discussion has largely preoccupied itself with the latter sphere and focused to a large extent on issues of distributive justice.⁸

This is the case with the so-called luck-egalitarian theories of social justice, which argue that it is socially unjust if someone is worse off than others through no fault of his own.⁹ Stefan Gosepath formulates this basic idea as follows: "It is unjust when a person is placed in a condition more unfavorable than another person (based on the measure of his share of resources), except in the case where his condition is the result of conditions, for which he himself is responsible, has made his own free choice or has made an avoidable failure" (2004: 365).¹⁰

⁴ The difficulty of responding to this problem in a satisfactory way underlines the importance of paying attention to issues of so-called non-ideal theory, which deals systematically with questions as to how to compensate, rectify, and reduce social injustices. Andreas Eshete emphasized the importance of these at the conference in Entebbe. Alfred Lokuji, another conference participant, pointed out the need for applied theory.

⁵ Parts of this section draw on Julian Culp, "A Discourse-Theoretical Rationale for Another International Development Practice." In *Needs, Rights, and Trade: A Global Justice Approach*, eds. Gabriele De Angelis and Paulo Barcelos (forthcoming).

⁶ Participants of the post-Rawlsian debate about the proper understanding of social justice include libertarian, natural-rights-based theorists like Robert Nozick, communitarian theorists like Michael Walzer and Alasdair MacIntyre, and discourse theorists like Rainer Forst. Cf., correspondingly, Nozick 1974, Walzer 1983, MacIntyre 1984, and Forst 2012.

⁷ For a succinct account of the conception of justice as fairness, cf. Rawls 2001.

⁸ This is evidenced, for instance, by the weight Arneson (2006) gives distributive issues in his overview of theories of justice after Rawls.

⁹ Cf. Dworkin 2000 and Gosepath 2004. The term *luck egalitarianism* was coined by Elizabeth Anderson (1999). She is one of its most acute critics.

¹⁰ Author's translation.

These theories radicalize Rawls's claim that individuals' life prospects should not be unequal simply because of the existence of social institutions over which they have no control, such as, for instance, the educational system of their society or their family background. Luck-egalitarian theorists do not only consider it a social injustice when such social institutions have an undue impact on people's life prospects, but also when natural contingencies, like a person's genes or natural environment, result in people having unequal life prospects. Accordingly, the major claim of luck-egalitarian theories of justice is that life prospects of individuals should not be unequal, unless individuals' responsible choices, such as their willingness to take risks or their eagerness to work hard, is the source of such inequalities. This means that these theories concentrate predominantly on the question of what an ideally just distribution of life prospects would be. In fact, this focus seems to be legitimized by the theoretical axiom that the issue of what is due each person, along the lines of the ancient formula *suum cuique*, is the core of any debate about social justice.¹¹ Distribution-oriented theorists disagree on what counts as the appropriate metric relative to how one should make distributive assessments. While some argue that resources, understood as certain all purpose means, should count as the currency of justice (Dworkin 1981), others defend so-called primary goods (Rawls 2001: 57–60, 168–175; Pogge 2010), which include income and wealth, or capabilities, that is, effective freedoms, as currency (Sen 1997).

The discussion about the proper currency of justice has yielded many insights. For instance, it made clear that it is problematic, on the one hand, to focus only on an objective account of the resources or goods that people should possess. This is because the heterogeneity of people's internal characteristics and external environments means that the same bundle of resources or goods can enable people in starkly contrasting degrees to do certain things and to enjoy certain states of beings (Sen 1997; cf. Anderson 2010). On the other hand, it also revealed that even if a focus on resources or goods may have this disadvantage, it is nevertheless easier to operationalize in effectively assessing the justice of a given distribution. This may justify the usage of such a currency because in order to develop a conception of justice that can be employed in genuinely public deliberations, it is essential to use a currency that facilitates a handy verifiability.¹²

Consider how one would assess the socio-economic and political context in many East African societies in terms of how they fare with regard to issues of distributive justice on the basis of distribution-oriented theories of social justice. One would have to select one particular currency of justice and analyze empirically to what extent the distributive pattern of the currency is congruent with distributive justice's requirements. This is obviously a complex task because it involves identifying the relevant, distribution-sensitive empirical

¹¹ For a recent defense of the distributive paradigm, see Gosepath (2011).

¹² This point is emphasized by Pogge (2010: 48–53).

data, as well as, at least in the case of luck-egalitarian theories, considering the extent to which the actual distribution of a certain currency reflects the result of individuals' responsible actions.

What is crucial to note however, is that such an evaluation as to how societies fare with regard to justice means employing a philosophically predetermined criterion of ideal distributive justice and applying it, so to speak, to the societal context at hand. Thereby such an evaluation does not consider at all how certain distributive patterns within a society could have been established politically in the first place. This means that this kind of evaluation leaves out the question of who decides in a society what will effectively count as a just distribution of certain goods or resources.

It is along these lines that Iris Young's (1990: chap. 1) path-breaking *Justice and the Politics of Difference* brought about a fundamental challenge to distribution-oriented theories of social justice. She argues that such theories pay too much attention to the question of how much of which goods or resources people ought to have, rather than focusing on the socio-economic and political structures that have given rise to the specific distribution in the first place.¹³ Thereby she not only emphasizes the importance of a socio-economic analysis regarding the structural genesis of a certain distributive pattern,¹⁴ she is also asking for an empirically adequate reconstruction of the political procedures by which a certain system of production and distribution of goods and resources is established within socio-political orders.

Thus Young urges displacing "the distributive paradigm in favor of a wider, process-oriented understanding of society, which focuses on power, decision-making structures, and so on" (1990: 37). Hence she shifts the terms of reference of a theory of social justice from a goods- or resources-oriented normative analysis to a critical inquiry of the relations of power within socio-political orders. Such an inquiry does not only determine how much of which goods or resources persons have, but also who produces which goods or resources, and, crucially, who decides who gets and does what.

In more recent writings, Rainer Forst further carves out the fundamental philosophical importance of shifting from the distributive paradigm to a paradigm concentrating on power relations. He labeled this necessary transition the "political turn" in the debate about how to theorize social justice (2007a: 300). Making the

¹³ While I agree with Young's emphasis on the importance of scrutinizing the political relations of a social order, there are some parts of Young's discussion that are not doing justice to the works of the theorists that she thinks defend the distributive paradigm. For instance, Young seems to suggest that Rawls "ignores and tends to obscure the institutional context within which . . . distributions take place" (1990: 21–22). Young's critique seems exaggerated since Rawls's theory is an exemplar of an institutional theory of justice (as Cohen's criticisms have made clear concerning the fact-sensitivity and focus on the basic structure of Rawls's theory of justice). See Cohen (2008: chaps. 3 and 6).

¹⁴ Luck-egalitarian theories are also sensitive to the question of how certain distributions actually come into existence.

case for a power-centered theory of social justice, he argues that one should no longer perceive social justice as giving each her or his due, but as the absence of arbitrary uses of power, i.e., the absence of domination. Thus, theories of social justice must not scrutinize primarily the distribution of goods and resources, but “the relationship between the persons involved [in a context of justice] and their relative standing within a scheme of exercising power” (2007b: 260).

This fundamental insight about the centrality of the relations of power for theorizing social justice means, according to a discourse theory of social justice, that justice concerns the “relations of justification” within socio-political contexts (Forst 2007a: 299). This is because a discourse theory of social justice understands power as discursive or justificatory power “to demand and provide justifications and to challenge false legitimations” (Forst 2011: 9). As Forst explains this point, “[The basic idea that] the question of power is the first question of justice means that the sites of justice are to be sought wherever the central justifications for a society’s basic structure, which determine social life in its entirety, have to be provided” (2012: 196).

Accordingly, a theory of social justice has to provide an account of the effective basic structures of justification that (dis-)enable persons to call into question the justifications given within certain socio-political contexts and which, among other things, lead to a specific distribution of goods or resources and a particular scheme of their production. On the basis of such an analysis, discourse theorists of justice can then proceed to formulate judgments about the justice of the socio-political context in question.

They consider to what extent people are, if at all, respected as equal justificatory authorities and are effectively capable of contributing to the political discourses either by defending or by challenging the justifications given for the socio-political orders in place. Primarily this means inquiring as to whether all people possess discursive or justificatory power “to demand and provide justifications and to challenge false legitimations” (Forst 2011: 9). So the social justice of a socio-political order hinges upon the kind of arrangement of the “basic structures of justification” (Forst 2001: 174, 176; Forst 2012: *passim*), which may empower or disempower persons to engage discursively in practices of justification. In this way, an account of “discursive justice” replaces the distributive paradigm of justice.

Once one adopts a discourse-theoretic perspective to assess social justice in East African countries, then the primary question no longer centers around how much of which kinds of goods and resources people get. Rather, the question that gains primary importance is who possesses political power—and, more specifically, justificatory power—to decide the socially effective distribution of goods and resources. If one observes that many people are not

participating in the political processes of opinion and will formation, then one will presumably suspect that the structural political and socio-economic conditions are such that they exclude people from voicing their claims as to what they think social justice demands and which social injustices must be addressed.¹⁵ In other words, one will view the lack of genuinely democratic institutions as constitutive of social injustice.

Put differently, a discourse theory of social justice holds that the exclusion or marginalization of people from the political discourses that effectively justify the given socio-political order manifests an injustice. In the absence of justificatory practices in which all members of socio-political orders are entitled and capable of providing their distinct and specific justifications as to why one ought to uphold or change certain aspects of these orders, such orders must count as fundamentally unjust. This is because they are orders of domination in which some can arbitrarily shape the rules of the orders. This is to say that some can put forward socially valid justifications for these rules without having to subject their justifications to the critical scrutiny of those who are addressees of these rules, but who are denied the possibility to authorize or criticize them. Hence while undemocratic socio-political orders still rely on certain justifications, for instance those provided by the ruling party or political leaders, they nevertheless represent unjust socio-political orders because they hinder people from partaking in the cooperative enterprise of discursively and jointly constructing justifications for the socio-political orders that they inhabit.

Hence combating social injustice within undemocratic socio-political orders, according to a discourse theory of justice, means to overcome the barriers that disempower people from participating in the justificatory political discourses and to make thereby the socio-political orders more democratic. Promoting social justice in undemocratic socio-political orders thus requires furthering democratic arrangements or, rather, supporting the realization of those conditions whose fulfillment is necessary to install a somewhat democratic socio-political order in the first place. The relations of justification must be changed in such a way that all persons are respected as equal justificatory authorities, which is to say that social institutions must be put in place that secure all members of a socio-political order sufficient justificatory power “to demand and provide justifications and to challenge false legitimations” (Forst 2011: 9).

The dilemma of foreseeing undemocratic side effects may arise in practice when relatively powerful actors consider engaging in democracy promotion so as to remedy the supposed democratic deficits. This is a situation in which

¹⁵ During the conference Alfred Lokuji pointed out several times the lack of popular “demand” for social and political changes as an impediment for the achievement of greater social justice.

simply acknowledging the undemocratic character of a socio-political order means to passively sustain and eventually even to profit from it, but actively promoting democracy may engender undemocratic outcomes and in this way may generate further social injustices.

How is one to deal with this dilemma? A “reflexive” form of democracy promotion may be a way out of this dilemma, because it envisions a kind of political action that promises to be successful in bringing about more genuinely democratic social and political arrangements.

Two Cases of Undemocratic Side Effects of Democracy Promotion

It is important to consider and deliberate the eventual pitfalls of private and public and individual and collective endeavors to improve the democratic quality of social and political arrangements. This is because by being aware of the ways in which these endeavors can go wrong, one is in a much better position to take adequate cautionary measures that can prevent, or at least to a certain extent limit, some of the considerable problems that would otherwise occur.

If one accepts, as discourse theorists of justice argue, that combating social injustice means, practically speaking, promoting a more democratic socio-political order, then ideas of the kind put forward here may stimulate the formulation of genuinely democracy-enhancing policies. Eventually policies can be devised that become part of an effective social and political practice of reflexive democracy promotion, which strives to enhance democratic relations in a self-critical way and thus exhibits an awareness of its own limitations and dangers.

This section proceeds by laying out two distinct empirical cum moral analyses based on which agents identify the need and decide how to engage in promoting democracy. Both of these analyses accept a discourse-theoretic, or democratic, understanding of social justice. Correspondingly, both of these analyses take it that social impediments to political participation violate individuals’ rights to participate effectively in political processes of will and opinion formation. They differ, however, in their perspective of how these violations occur and how those concerned about social justice ought to respond to them.

Following each analysis, it is shown how the means meant to render the social and political relations more democratic may actually engender undemocratic outcomes and thus may undermine themselves. This does not mean, however, that one has to remain trapped in the dilemma between identifying the need to foster more democratic practices on the one hand, and recognizing that the attempt to promote democracy will eventually lead to unintended, but

nevertheless undesirable consequences on the other. Rather, acknowledging this dilemma can constitute the first step for establishing an alternative, reflexive form of promoting democracy that may allow an escape from the predicament of being self-undermining.

Democracy Promotion I: Advocacy and empowerment

The first analysis supposes that the lack of political participation is a consequence of the fact that certain socio-economic and political conditions prevent people from playing a role in the political processes of their polity. For instance, the fact that some people are constantly occupied in daily struggles to make ends meet may be assumed to imply that these people are unable to engage politically. Thus socio-economic conditions can be considered to constitute insurmountable barriers to influencing politics. Alternately, the fact that political decision-making is centralized in the capital of a country may hinder people in places distant from the capital from intervening in the political process. The transaction costs that they would have to incur in order to do so may be prohibitively high.

To this understanding of the socio-economic and political context, this analysis adds the moral consideration that socially institutionalized hindrances to political participation involve the violation of individuals' rights to possess democratic capabilities, i.e., effective freedoms to co-determine the shape of their socio-political orders. In light of such an evaluation, the first analysis lays out two practical suggestions that sufficiently powerful political agents—be they domestic or foreign, private or public, individuals or collectives—should either advocate the interests of those excluded from the political process or empower them so they can speak for themselves.

Both of these suggestions, however, have the potential to undermine the very point of improving the democratic quality of social and political arrangements. In the case of advocacy, it is because politically powerful agents may misconstrue and consequently misrepresent the interests of those who are not participating in the political decision-making processes. Incorrectly supposing that a certain conception of the good life is universally shared, the more powerful agents may speak for the supposedly politically excluded on the basis of what they themselves view as the most important political demands, thereby falling prey to parochialism.¹⁶ Thus advocacy can fail to achieve its goal by not acknowledging that those viewed as politically marginalized do not only differ in terms of their

¹⁶ The problem of parochialism, or ethnocentrism, is a central theme of Arturo Escobar's acute critique of the international development practice comprised of international development organizations, development ministries, foreign ministries, and governments. "[E]thnocentrism influenced the form development took. Indigenous populations had to be 'modernized', where modernization meant the adoption of the 'right' values—namely, those held by the white minority or a mestizo majority and, in general, those embodied in the ideal of the cultivated European" (2011: 43). In a similar vein, albeit perhaps too crudely, Ivan Illich argued, "There is a normal course for those that make development policies It is to define development and to set its goals in ways with which they are familiar" (1970: 70).

relative political power, but also in terms of what they endorse as valuable in life. Even if the more powerful acknowledge that the claims of politically marginalized may be based on conceptions of the good life that differ radically from their own, the hermeneutic problem as to how to understand and interpret properly the claims of politically marginalized people remains an intricate one.¹⁷ So the actual attempt to integrate the claims of politically marginalized people into the political process may lead to transforming a case of political marginalization into one of parochialism.

The other suggestion, to empower those who are not participating in political procedures so that they eventually speak for themselves, can avoid such parochialism. Political empowerment strives to change socio-economic and political conditions without having to guess what certain people would demand if they were to articulate their demands themselves. The strategy to empower people, thus, may be said to instantiate already a reflexive kind of democracy promotion, since it acknowledges that certain ways of fostering more democratic relations, like advocacy, can be detrimental to the goal of achieving greater democratic justice.

Nevertheless, political strategies to empower groups and individuals that one presumes to be excluded also carry the danger of undermining the realization of a more democratic social order. This is because the kinds of socio-political institutions established with an eye towards greater political participation may themselves be substantially different from how they would be designed if all members of these institutions were capable of cooperating in shaping them.

As a concrete example, consider that many attempts to politically empower people involve the decentralization of the formal political institutions of a country.¹⁸ Such a modification in a country's political structure may indeed permit more people to engage more effectively in the formal political decision-making processes. Nevertheless, it may constitute a kind of system of political representation that the members of the system at some point may want to change back into a more centralized system, in which the opportunity for effective political participation may be secured through other means.

For instance, even within a political system in which most decisions are taken centrally at the highest administrative level, the democratic capabilities of all members of the system may be secured via independent and politically influential

¹⁷ Majid Rahnema (2010) makes this point with reference to how different people understand the notion of poverty differently.

¹⁸ For a critical description of attempts to decentralize the formal political decision-making processes in order to improve the democratic quality of the political institutions in Mozambique, see Plagemann (2009).

media and civil society groups sensitive to the concerns of all members of the different parts of the system.¹⁹

It is unclear, however, which institutional configuration ought to be implemented to secure democratic capabilities for everyone as long as significant portions of a polity do not engage politically and independently, and influential media and civil society groups are non-existent or very weak. This means that the institutional scheme that those engaging in the promotion of democracy may choose in order to further people's possession of democratic capabilities may be different from the kind of institutional scheme that those who ultimately should uphold this scheme would choose. Hence, or so it seems, the attempt to promote more democratic socio-political relations may end up involving an undemocratic imposition of an institutional scheme.

Arguably, however, taking seriously the possibility that such political empowerment may involve an undemocratic imposition of an institutional scheme does not mean that one would have to abandon entirely the idea of political empowerment. After all, whenever one aims at facilitating the political inclusion of individuals and groups by changing existing or creating new political institutions, one can modify or build these institutions in a way that allows and foresees their later reconfiguration.

Hence, being aware of the possibility that any development of political institutions for people who are not yet in any substantive sense authors of these institutions may involve an arbitrary imposition of a certain institutional scheme, one has to insist that such a scheme remains open to the desired changes of those who are to become its authors. Otherwise political empowerment not only contains a modicum of transitional arbitrary rule, but also ends up making it a permanent feature of the political institutions that it transforms.

Consequently, reflexive political activities that aim at reducing or even eliminating features of a socio-political order viewed as undemocratic, namely, by enabling people to speak for themselves, must not only pay attention to the question of whether all members of a political unit are capable of influencing political decision-making in one way or the other. Rather, they must also be sensitive to the additional issue of whether this capability includes the possibility of calling into question the shape of the social and political institutions that guarantee the opportunity to influence political decision-making.

¹⁹ This is not meant to suggest that it would not be a good idea to attempt to decentralize the formal political decision-making structures in contexts in which these are highly centralized and in which there are very few prospects that media and civil society would eventually become effective in channelling political demands from the margins of a political unit to its center. The important point is simply that one must leave open the possibility that circumstances may change and that a properly functioning democracy may emerge that concentrates formal political decision-making in its center.

Democracy Promotion II: Political conscientization or education

The second analysis of the lack of political engagement by certain people supposes that this situation is rooted mainly in the fact that people are not aware that their moral-political rights to an effective co-determination of the basic rules of their socio-political order are being violated.²⁰ Here, the analysis posits that certain people simply may not know to what they are morally and politically entitled, and this lack of understanding explains why certain people do not contribute to the formulation of the policies that affect their lives. Compared to the first analysis, this analysis concentrates more narrowly on the kind of knowledge that people have and how this knowledge may constitute a barrier to a more democratic socio-political order.

On the basis of such an analysis, relatively powerful actors—again, be they public or private, domestic or foreign, individuals or collectives—may feel the need to change this situation by means of political conscientization or education.²¹ These strategies may aim at informing and creating awareness among people about their moral-political rights that are at the basis of legal rights to democratic participation.

Democracy promotion that involves such political conscientization and education is based on the straightforward assumption that knowledge is a precondition for the exercise of moral-political rights. Knowing that one is entitled, morally speaking, to certain political rights is viewed as a prerequisite in order to be able to articulate that the undemocratic nature of one's society is not just something that one finds lamentable from a private, subjective point of view, but that it constitutes a public wrong whose remedy is a collective moral-political duty. Put another way, the awareness that the possession of democratic capabilities to influence political affairs is a moral-political right means that people view themselves as being entitled to political influence. Thus, people do not regard themselves simply as potential beneficiaries of benevolent authoritarian rulers who may, but need not, decide to concede political power to those over whom they exercise authority.

Accordingly, democracy promotion on the basis of a discourse theory of justice, which holds precisely that it is a requirement of social justice not to be subject to the arbitrary rule of a few, may engage in political conscientization and education and “spread the word” about the moral-political rights of individuals to be co-authors of the social and political institutions that impact pervasively

²⁰ Participants at the conference in Entebbe suggested that some people would simply lack knowledge about their moral-political rights and that political education and conscientization would be a proper remedy for this situation. Others argued, however, that all people would already be aware of the social and especially political injustices occurring, but that those whose moral-political rights were being violated would lack the means to engage in a political struggle. This section elaborates on this debate.

²¹ According to Paulo Freire, conscientization involves “learning to perceive social, political, and economic contradictions—developing a critical awareness—so that individuals can take action against the oppressive elements of reality” (1970: 19).

upon their lives and eventually even force them to act in particular ways. This may involve attempts to upgrade in a democratic fashion the curricula of schools and the programs and reports of newspapers, blogs, television and radio stations, as well as endeavors to publish and disseminate books, journals, and audio-visual material that address democratic politics.²² The goal of these endeavors is to inform everyone about how a democratic political system is meant to operate and which moral-political rights and corresponding duties its participants possess, both in the abstract and in a concrete socio-political context.

One reason this type of democracy promotion might backfire, so to speak, is that it seemingly involves the presumption of an asymmetrical epistemic standing between those who already know what social justice requires and those who lack this moral knowledge. Political conscientization and education may create a distance between some “mature” persons who are already acquainted with the practical exigencies of social justice and other “immature” persons who still need to learn about their moral-political rights.

Yet the presumption of such an asymmetrical relationship runs counter to the basic moral idea on which a discourse theory of social justice is built, namely, that all persons are equal moral authorities when it comes to identifying and determining the specific requirements of social, and especially distributive, justice. Hence, democracy promotion in the form of political conscientization and education—which seems to affirm implicitly that persons are not such equal moral authorities—actually belies its basic moral idea and thereby undermines its own aspirations.

Arguably, however, politically powerful agents can carry out political conscientization and education in reflexive ways that avoid hypocritical behavior. A reflexive mode of political conscientization and education need not hold the problematic view that people will not come to believe themselves that the arbitrary rule of some over others is a moral wrong. This mode of political conscientization and education would restrict itself, at least as far as practically possible, to the provision and dissemination of empirical information about how socio-political institutions operate *de facto* and about how these institutions—in light of the available economic resources, already existing political commitments, and prevalent domestic and international legal frameworks—could function alternatively.

Such a reflexive mode would assume that once people come to know about the democratic shortcomings of their socio-political order as well as about

²² In Germany, the Federal Agency for Civic Education (Bundeszentrale für politische Bildung) carries out these latter activities: <http://www.bpb.de/die-bpb/138852/the-federal-agency-for-civic-education> (accessed November 2012).

the actual feasibility of alternative socio-political orders, many of them would immediately sense or perceive that they are being treated unjustly by being unnecessarily politically marginalized and denied voicing their political demands.²³

Some may object to this reflexive mode of political conscientization and education, however, by arguing that it reiterates on a higher level of abstraction the fallacy of ascribing an unequal moral authority to persons. After all, it presumes that persons themselves will come to understand that undemocratic socio-political arrangements constitute a fundamental injustice and will be experienced as such. Accordingly, the reflexive mode of this form of democracy promotion claims to possess a moral insight into the moral superiority of democratic forms of socio-political organization, which must not be contested by anyone.

Once again, this creates a gap between the morally knowledgeable and mature persons that have the appropriate moral-epistemic capacities to understand or see social justice's exigencies and those morally ignorant and immature persons who lack the required moral-epistemic apparatus. While some understand that socio-political orders must be such that the addressees of rules see themselves as their authors, others do not understand this and are for this reason viewed as less competent in fundamental matters of morality and justice.

In response, agents engaging in the reflexive form of political conscientization and education should lay their cards on the table. They should concede that they in fact believe that people who do not come to view themselves as morally entitled to co-determine the basic rules that shape the socio-political orders that they inhabit are committing a moral mistake. Despite endorsing a discourse theory of justice that holds that the substantive, or material, requirements of social and distributive justice are not as such given and not to be "found" by the theorist or philosopher alone, defenders of such a theory cannot accept views that deny that all persons are entitled to have a say in how to arrange the socio-political orders of which they are members.

Such views are beyond what a discourse theory can tolerate, or reasonably accept, as a reasonable position about what morality and justice requires. There appears to be an impasse, then, between the critics of the moral foundation of this reflexive form of democracy promotion and those who think in a discourse-theoretic fashion that this moral foundation cannot be reasonably put into question. Fortunately, however, or so it seems, the exchange between

²³ In the same way that this reflexive mode of democracy promotion assumes that people's failure to exercise their political rights relies on false empirical beliefs about how the socio-political order actually operates and could operate, the best way to combat racism, as Allen Buchanan (2004) suggests, may be to correct the empirical flaws in people's thinking as to why certain people allegedly are of an inferior status.

the adherents and the critics of this form of democracy promotion does not need to end in a stalemate in which both parties simply express opposing views.

Instead, defenders of this reflexive mode of democracy promotion can attempt to reveal to their critics that they themselves accept implicitly the moral foundation of democracy. This is to say that they can attempt to show that the critics accept implicitly that all those who are the addressees of the rules of socio-political orders count as equal moral authorities regarding the context-specific justification of these rules.

This is because once the critics of this reflexive mode of democracy promotion argue that it is wrong to assume that people possess unequal moral competencies, they accept that all persons must decide for themselves about the normative principles of the socio-political order that they constitute. By claiming that it is wrong to attribute the moral competency to understand what social justice fundamentally requires only to some persons, the critics acknowledge that all persons are to determine autonomously what they consider to be involved in the exigencies of social justice. Hence the critics, in an act of performative self-contradiction, actually endorse the moral foundation of democracy—namely, that the test of the moral acceptability of the foundational principles of a social-political order must be taken by the people who constitute that order.²⁴

While a discourse-theoretic understanding of justice is in fact uncompromising when it comes to the question of whether people are entitled to co-determine the rules of their socio-political order, it is utterly flexible with regard to the context-sensitive concretization of what social justice substantively requires within a democratic socio-political order. This means that a discourse theory is radically open as to what will result from people's discursive engagement about the requirements of social justice in a given context. It is only when someone challenges the basic moral idea that all who are members of a socio-political order must be able to contribute effectively to the formulation of the guiding principles of this order that according to a discourse theory of justice toleration has reached its limits.

Conclusion

The previous section concluded that an awareness of the problem that attempts to install more democratic social and political arrangements can sometimes bring about undemocratic side effects can be the first step in the formulation of reflexive forms of democracy promotion that can avoid the predicament of being self-undermining.

²⁴ Cf. Habermas (1990: 78ff) for a discussion of Karl-Otto Apel's idea of a performative self-contradiction.

The discussion of the first case highlighted that political empowerment, which creates or changes political institutions to allow all of their members to participate, should ensure that these institutions can themselves become subject to change at a later point in time. The discussion of the second case argued that political conscientization and education can avoid creating distance between some who are knowledgeable of morality and others who are not by focusing primarily on providing empirical information about how social and cultural norms as well as political and economic institutions create barriers to effective political participation. Moreover, the discussion of the second example also made explicit the performative self-contradiction involved in putting into question the idea that members of socio-political orders should be able to understand themselves as authors of these orders on the basis of the claim that this idea would also create such a distance between morally knowledgeable and morally unknowledgeable persons. After all, by arguing that all persons should be respected as equal moral authorities, such a critic ends up endorsing the basic moral idea of a democratic socio-political order.

The discussion in the previous section also assumed all along that it is appropriate to assume that a widespread and continuous lack of political participation has to be explained by way of certain socio-economic, political, or epistemic conditions that impede people from engaging actively in political processes. Thereby the discussion was based on the assumption that certain segments of the population are unable to participate in political decision-making, while in fact some people may simply not want to change their lives in ways that are required to become an active member of the political process. Yet again, in order to find out whether this assumption is true or false, more dialogue and thus more democratic social and political arrangements are necessary. When trying to achieve such arrangements, it is important to do so in a reflexive way. Otherwise, it seems, one would be prone to cause the opposite outcome and remain caught in a dilemma.

References

- Anderson, Elizabeth. 2010. "Justifying the Capabilities Approach to Justice." In *Measuring Justice*, eds. Harry Brighouse and Ingrid Robeyns. Cambridge: Cambridge University Press, 88-100.
- . 1999. "What's the Point of Equality?" *Ethics*, 109(2): 287-337.
- Arneson, Richard. 2006. "Justice after Rawls." In *Oxford Handbook of Political Theory*, eds. John Dryzek, Bonnie Honig, and Anne Phillips. Oxford: Oxford University Press.
- Buchanan, Allen. 2004. "Political Liberalism and Social Epistemology." *Philosophy and Public Affairs*, 32(2): 95-130.
- Cohen, Gerald. 2008. *Rescuing Justice and Equality*. Cambridge, MA: Harvard University Press.
- Dworkin, Ronald. 2000. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge: Cambridge University Press.
- . 1981. "What Is Equality? Part 2: Equality of Resources." *Philosophy and Public Affairs*, 10(4): 283-345.
- Escobar, Arturo. 2011. *Encountering Development: The Making and Unmaking of the Third World*. 2nd ed. Princeton: Princeton University Press.
- Forst, Rainer. 2012. *The Right to Justification: Elements of a Constructivist Theory of Justice*. New York: Columbia University Press.
- . 2011. "Transnational Justice and Democracy." Normative Orders Working Papers 4. Goethe University, Frankfurt/Main.
- . 2007a. "First Things First: Redistribution, Recognition and Justification." *European Journal of Political Theory*, 6: 291-304.
- . 2007b. "Radical Justice: On Iris Young's Critique of the Distributive Paradigm." *Constellations*, 14(2): 260-265.
- . 2001. "Towards a Critical Theory of Transnational Justice." *Metaphilosophy*, 32(1-2): 160-179.
- Freire, Paulo. 1970. *Pedagogy of the Oppressed*. New York: Continuum.

- Gosepath, Stefan. 2011. "Zur Verteidigung der Sozialen Gerechtigkeit." In *Demokratie und Gerechtigkeit in Verteilungskonflikten*, eds. Regina Kreide, Claudia Landwehr, and Katrin Toens. Baden-Baden: Nomos, 35–50.
- . 2004. *Gleiche Gerechtigkeit: Grundlagen eines liberalen Egalitarismus*. Frankfurt/M.: Suhrkamp.
- Habermas, Jürgen. [1983] 1990. *Moral Consciousness and Communicative Action*. Cambridge, MA: MIT Press.
- Illich, Ivan. 1970. *Celebration of Awareness: A Call for Institutional Revolution*. New York: Penguin Books.
- MacIntyre, Alasdair. 1984. *After Virtue: A Study in Moral Theory*. Notre Dame: Notre Dame University Press.
- Nozick, Robert. 1974. *Anarchy, State and Utopia*. New York: Basic Books.
- Plagemann, Johannes. 2009. "Reformprojekt 'Dezentralisierung in Afrika'— zum Scheitern verurteilt? Das Beispiel Mosambik." *GIGA Focus* 11: 1–8. http://www.giga-hamburg.de/dl/download.php?d=/content/publikationen/pdf/gf_afrika_0911.pdf (November 2012).
- Pogge, Thomas. 2010. "A Critique of the Capability Approach." In *Measuring Justice*, eds. Harry Brighouse and Ingrid Robeyns. Cambridge: Cambridge University Press, 17–60.
- Rahnema, Majid. 2010. "Poverty." In *The Development Dictionary*, 2nd ed., ed. Wolfgang Sachs. London: Zed Books, 158–176.
- Rawls, John. 2001. *Justice as Fairness: A Restatement*. Ed. Erin Kelly. Cambridge, MA: Harvard University Press.
- . 1971. *A Theory of Justice*. Cambridge, MA: Harvard University Press.
- Sen, Amartya. [1980] 1997. "Equality of What?" In *Choice, Welfare, and Measurement*, by Amartya Sen. Cambridge, MA: Harvard University Press, 353–372.
- Walzer, Michael. 1983. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books.

World Bank. 2012. *World Development Indicators*. data.worldbank.org
(December 2012).

Young, Iris. 1990. *Justice and the Politics of Difference*. Princeton: Princeton
University Press.

John De Coninck

John De Coninck works as a researcher and policy and technical adviser at the Cross-Cultural Foundation of Uganda in Kampala. He has published on civil society development in the region and has been involved in several research initiatives on poverty reduction policy.

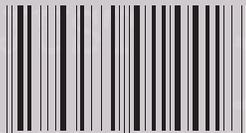
Julian Culp

Julian Culp is a Research Fellow of the Leibniz Research Group *Transnational Justice* at the Goethe University of Frankfurt, Germany. He earned his doctorate in philosophy from the Goethe University of Frankfurt with a thesis on “*Global Justice and Development*”. His research and teaching interests are in contemporary political philosophy and normative political theory and focus on questions of justice, development and democracy within and beyond the state. He owes many thanks to Sarah Tangen, Resident Representative, Friedrich-Ebert-Stiftung, Uganda office, for her comments on an earlier draft of this paper.

Vivienne Taylor

Vivienne Taylor currently teaches social policy, development planning and social and economic development in the Department of Social Development at the University of Cape Town. Her career consists of both national and international development experience spanning over 30 years. She has worked with the United Nations on a global Commission on Human Security chaired by Professor Amartya Sen and also with Governments and in the non-governmental sector. She has researched and written widely on social policy and development related issues with an emphasis on social inequalities and poverty. Books she authored include “*Social Mobilisation: Lessons from the Mass Democratic Movement*” (1997), “*Gender Mainstreaming in Development Planning: A Reference Manual for Governments and other Stakeholders*” (1999) for the Commonwealth Secretariat, “*Marketisation of Governance: Critical Feminist Perspectives from the South*” (2000). She was chairperson of the Committee of Inquiry into Comprehensive Social Security for South Africa and submitted the report to the South African cabinet in 2002. In 2008 she completed a 50 country research study for the African Union on Social Protection called “*Social Protection in Africa: An Overview of the Challenges.*”

PARTICIPATION LEFTIST
HUMAN RIGHTS
TOTALITARIANISM SOCIAL CONTRACT
SECULAR CHARITY REPRESENTATIVE
UNJUST DECENT WORK
PRINCIPLE ARTICLE CONCEPT
POWERS DENIGRATION
LIBERTY EDUCATION SOCIALLY
RELIGIOUS IDEOLOGICAL POLITICS
HUMAN RIGHTS LEFTIST
TOTALITARIANISM SOCIAL CONTRACT
SECULAR CHARITY REPRESENTATIVE
UNJUST DECENT WORK
PRINCIPLE CONCEPT



9 789970 914418