MUNWANGO, Roseline Achieng

Redistributive Justice: Could it be the concept, agenda and ethos of an alternative development for Africa in the new era?

Abstract

The African political, social and economic worlds have been experiencing numerous and simultaneous changes which have left the different systems in a state of near deadlock. Only 20 years after independence and almost overnight, the young 'developmentalist' states were subjected to heavy Structural Adjustment Programs (SAPs) which had among others, the aim of cutting off subsidies to the African states and correcting the inefficient state co operations by balancing the soaring external and internal debts and in this way, make African states more responsible for their economic, social and political growth. The steady socio-economic and political demise that characterized the system in the 80s and 90s gradually ushered in conflicts of varied 'natures' as resources became diminutive and only accessible to a few. Needless to say, efforts towards the realisation of development visions, the latest version being Poverty Reduction Strategies (PRS) have been strewn with stalemates.

Many African scholars have been at the forefront of thinking about this development impasse which has been heralded in different forms. Chief among these developmental impasses has been the increased and continued resilience of violent conflicts in varied forms, which have continued to rock the region. One of these scholars who has conceptually, analytically and prescriptively tackled the various post-colonial predicaments is Mahmood Mamdani. Undeniably the author's main thesis is that unless we critically confront ourselves with the kinds of identities we hold and perpetuate in society, consciously dismantling the inherited decentralized despotic system through first understanding the system and how it encroaches on the life-world and how the life-world seeks to liberate itself from the system and thereafter inter-linking the redefined and relevant institutions to the liberated everyday world, then it follows that redefining development to take account of our realities will continue to be an elusive endeavour.

Working within the framework of Mahmood Mamdani's (2001) volume, _When victims become killers; colonialism, nativism and the genocide in Rwanda,_ and reading this from a sociological point of view, the paper will build on the author's unfinished thesis of thinking through the possibility of a _democratic despotism_ as one of the emancipatory projects of decolonization by interlinking the redefined system to the lifeworld.

To this end, I will argue a case for conceptualizing African development as redistributive justice. I will demonstrate that redistributive justice as an agenda setting concept, necessitates us to look critically at society on different levels. At the social economic sphere it necessitates us to look at the resources in society and the concomitant entitlements understood as rights and freedoms of access to these common goods. It requires us to critically apprehend who has access to what, why and how and redefining these accordingly. At the level of the public sphere conceptualizing development as redistributive justice will require us to look at the debates occurring or not occurring at this level. Redistributive justice consequently sets the agenda by reorienting debates occurring at this level from sectarian and 'ennoblement' politics to critical policy issues that could move society forward out of its current development standstill. As an ethos, the concept will necessitate us to critically and reflexively confront ourselves on our current ways of doing in comparison with others and in this way seek for a different course of action.

Key words

Redistributive justice, ennoblement, public sphere, identity, entitlements, common goods, sectarian politics, social policy

Introduction: Thinking through the wind of Africa's disintegrating social structures

Currently, Africa is experiencing a wave of a collapsing social order evidenced by dysfunctional or semi-functional social institutions. This is being experienced at various fronts. At the socio-political front there has been a steady demise of many of the political institutions put in place for the smooth governance of Africa's population. Almost all the epithets like democracy, good governance, decentralization, have reached a stalemate with alternative institutions coming up in their stead to offer semi panaceas to the catapulting situation (Lachenmann 2005). A look at the economic front depicts how matters have been rendered unfeasible. Many of the economic measures put in place to rescue society out of abject poverty are realising total failure. Examples abound. From the Structural Adjustment Programs (SAPs) of the 80s and early 90s (See Olukoshi 1998) to the current Poverty Reduction Strategies (PRS) with the epitome being the Millennium Development Goals (MDGs). The New Partnership for African Development (NEPAD), which in various quarters, has been embraced as the panacea for Africa's development has been subjected to heavy criticisms and a prediction to failure as the initiative, critical analysts maintain, lacks the essential societal anchor (Adésìnà 2002, Obi 2002, Olukoshi 1996, 2002, Radriamaro 2002). At the social front, we are currently experiencing a slack in institutions that regulated social relations and interactions in society. Previous familial structures are disintegrating. There is evidence of increased violence, especially urban violence illustrated by the emergence of such militant youth groups as *Mungiki* in Kenya and *Mai Mai* in DR Congo, whose main cry is a return to a 'glorious' past where opportunity for all was available, capacities were recognised and sharing of a society's common goods was the code that ensured social cohesion among different social groups (Sydney Herald 2000, Mwaka-Bwenge 2003). Concomitantly, despite the gains made by various social movements, there is an augmentation of new vulnerabilities such as lose of 'voice' of young women at a time when empowerment of the marginalised in society should be the norm and not the exception (Achieng' 2004).

Conversely, some processes have been reinstated to try and come to terms with the aforementioned social changes. Principle among these is a 're-traditionalization' of previous law enforcing and regulatory institutions, like the chieftaincy (Nyamnjoh 2003, Buurs 2004, Cardoso 2005). Unfortunately such a re-traditionalization is occurring in an ambiance that can no longer sustain these regulatory institutions in their previous forms! It thus goes without much ado that the rapid changes being experienced have to be encountered by dynamic processes emergent of society and which keep pace with the transformations being experienced in everyday life of social groups.

Critically, many societies are going through a state of 'suspension' with what can be described in Foucaldian terms as a struggle to 'come out of the prison' expressed through the desire to redefine oneself in new ways and take charge of ones own actions (Foucault 1975).

One of the results of these struggles has been conflict at various levels and in varied intensities. Social analysts across the board are endeavouring to comprehend not only the nature of conflicts and insecurity (Neubert 1999, Nhema 2003) but more so the changes in social structures and institutions that these various crises have set in motion (Sall and Ouedraogo 2003, Nhema 2003, Urasaro-Karekezi 2004).

Undeniably, debates on the nature, the potential and eventual social change that these confrontational situations instigate are skewed. Two camps can be discerned. On the one hand, there are those who argue that violent conflicts are a necessary president to social change. This transformative potential, the proponents argue, can be envisaged by among others, the coming to birth of redefined social institutions to regulate the state of suspension caused by the up-heavels and provide society with a reinterpreted and assumedly progressive social order[1]. As a consequent, critical self confrontation, a newly born consciousness at various levels and ultimately social change, widely termed development, or to use Polanyi's (1957) more complex but less normative term – social transformation, is realised. On the other hand, there are those who maintain that given the moment in time, the different imperatives in place and what has gone down history, a different mode of action for emancipating ourselves and bringing about social transformation in 'soft' dynamic processes, ought to be sought for (Chege 2004, Achieng' 2005).

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[1] Chege, 2004, provides a critical analysis and antithesis to Jeffrey Herbst's, 2000, States and power in Africa: comparative lessons in authority and control, Princeton University Press and Bill Berkeley's, 2002, The graves are not yet full, Basic Books, in which the latter two authors posit that conflict is a necessary prerequisite for societal development.

Once more, two developments can be singled out. On the one hand is the need to comprehend the current situation, giving close attention to what is changing, how it is changing and why it is doing so in the manner in which it is. On the other hand, there is needed to come to terms with these transformations. This means that we have to go through a dynamic process of redefining previous institutions that governed the modes of action of people in society, their relations and interactions in a 'new' way so that they can go hand in glove with the existing developments. Indeed, as Mamdani's 2001 volume *When victims become killers: colonialism, nativism and the genocide in Rwanda* depicts, issues cannot be taken in such a simplistic manner. A deep contextualization of events through history with an aim of comprehending the system and how it has impinged on the life-world (Schutz 1971, 1973) has to be done. It is only through uncoupling the life-world from the predatory system (Habermas 1987), analyzing the social action emergent of the life world and thereafter evolving dynamic structures commensurate with social actions of the everyday life that we can fully comprehend the transformations across time and in this way work towards realising dynamic processes for development. It certainly calls for a process of critical self confrontation with the objective of critically analyzing ourselves and the current social processes for the sake of social transformation.

Taking the current social phenomena of violent conflicts whose main basis has been a struggle to redefine the prevalent identities and power relations in society as the event to analyse and inferentially draw conclusions on how society transforms itself, I argue that one of the imperatives for realising social transformation is redefining social relations and interactions. In this case, identity and confronting ourselves on the kinds of identity we hold in society and how this regulates or deregulates social relations and interactions is a key element. I argue that there is a necessity to move from identifying ourselves on the basis of ethnicity to identifying ourselves as social citizens. I posit that this realization that we all belong and have social responsibility to each other as social citizens, will automatically trigger the desire in us to change oppressive structures that deny certain social groups access to common goods in society. This is by way of instituting dynamic principles of sharing and redistribution and their concomitant regulatory mechanisms among the different levels of groups in society. Once this mode has been reached, then it goes without much ado that critical confrontation on how the common goods in the society can equitably be shared, how access to such entitlements and the commensurate regulatory mechanisms will follow suite. Consequently, a code or principle of sharing and responsibility among different levels and where other groups in society ought to come in to boost/augment emergent efforts, will be the debates occurring especially at the level of the public sphere. Social citizenship will thus move debates in society from sectarian politics to crucial social policy issues necessary for a social change.

I posit that redistributive justice as an agenda, concept and ethos, possesses this transformative potential. Analyzing how redistributive justice occurs/does not occur in society brings us to a level where we are necessitated to engage in processes of self confrontation, whereby we begin to question the prevalent social order, the social structures and social institutions that maintain such an order with an aim of better understanding them and instituting social actions that bring about the necessary transformations. Furthermore, redistributive justice necessitates us to contextualize events, through space and time (Giddens 1984, Scott and Lash 1987), with the objective of comprehending how systems impinge on the life-world and how this life-world evolve modes of liberating itself from the predatory system. It is through this process of disengaging the system from the life-world and thereafter seeking ways of instituting modes of action emergent of the liberated life-world as the necessary processes for social change, that, I argue, social transformation could occur.

Undeniably, Mamdani's (2001) piece, which analyzes the current continent wide phenomenon of violent conflicts by contextualizing in a trans-historical perspective one of the most gruesome confrontations in Africa, offers a crucial stepping stone from which we can inferentially draw several lessons. One of these is how the system has colonized the everyday life and the possibilities available for disengaging the predatory system from the life-world. Also, the transformative potential of redistributive justice for realising this new order and consequently forming an alternative process for an African development will be explored.

Making sense of conflict through Mamdani's eyes: Self confrontation through a sociological comprehension of power relations in society

The synopsis

 Three important questions open the analysis in Mahmood Mamdani's (2001) piece. The first of these questions is: Why did hundreds of thousands, who had never killed before, took part in the mass slaughter that occurred in Rwanda in 1994? (p.7). Sociologically, this view interrogates why social relations that had previously ensured a supposedly harmonious interaction amongst groups did not regulate levels of social cohesion by diminishing the incidences of the killings. The second question the author posits is why a disproportionate number of the educated,

political elites, civic leaders, human rights activists, religious leaders played a leading role in the genocide. Analytically, the question interrogates why social institutions of legitimacy and social movements, notably, the civil society, which are supposed to be the voices of society could not rise above the malpractices being experienced by evolving dynamic modes of action for realising a different course. The third critical question the author puts forward is why places of shelter where victims expected sanctuary like churches, hospitals, schools, turned into slaughterhouses where innocents were murdered in the tens and hundreds and sometimes even thousands. Critically, the question quizzes why public spaces which are supposed to offer common places for the exercise of voice by all, got biased against a certain social group. In other words, why did the public sphere, the critical space maintained in every society to offer checks and balances to other spheres of the society, turn uncritical? Aseka and others (1997:96-144) have provided a critical review of some of Mamdani's works and his standpoints.

In moving forward his theses, Mamdani creates a synthesis between history, geography and politics (especially what he conceptualizes as popular agency from below) (pp. 7-14). Of profound importance is chapter one *defining the crisis of post colonial citizenship: settler and native as political identities pp.19-40,* in which he sets the conceptual stage for the subsequent arguments advanced in the consecutive chapters and provides some answers to the questions posed above. The analyst starts by explicating that different identities in society can be made out. These are market based or economic identities which are a consequence of the development of markets. There are also cultural identities which are as a result of the development of communities that share a common language and meaning. Lastly, the author pinpoints to political identities which he maintains, need to be understood as a specific consequence of the history of state formation p.22. The rule of law, the latter posits, is important as it inscribes the kind of identity that one carries and the concomitant entitlements and rights one has in a given society. These identities that are legally inscribed and enforced shape our relationship to the state and to one another through the state. In doing so, it also forms the starting point of our struggles p.22. This makes political identity a consequence of how power is organised. The author continues to inform that this organisation of power not only defines the parameters of the political community, including some and leaving out others. It also differentiates the bounded political community internally. This it does by acknowledging different identities in law. It is these self definitions so acknowledged in law and thus legally enforced that form the basis of different political identities. Legal enforcement makes these identities the basis of participation in state organised institutional and political life. Though legally enforced identities constitute the starting point of political action, Mamdani conveys, they do not necessarily limit or even map the course of that political action. Furthermore, these legally enforced identities do not only forge identities from above. Contestation of power results in identities being forged from below. The author maintains that political identities are not always polarized. However, there are certain dynamics that polarizes political identities, ridding these identities of a middle ground to nurture hybridity, a continuum or ambiguity. Such polarized identities give rise to a kind of political difference where you must belong to either one or the other side. You cannot partake of both!

Mamdani expresses that the colonial state, for example, generated two kinds of political identities. These it sustained through two forms of governance – direct and indirect rule. Direct rule tended to generate race-based political identities: settler and native. Whereas indirect rule, in contrast, tended to mitigate the settler-native dialectic by fracturing the race consciousness of natives into multiple and separate ethnic consciousness. This condition gave rise to a bifurcated state p.27. The colonial direct rule under its civilizing mission based on modern law further distinguished a political minority from a political majority. It separated a minority of the civilised 'as citizens' and a majority of those yet to be civilised, 'the natives'. The minority were in co operated into a regime of rights while excluding the majority from the same regime. The legal basis of this group discrimination was race. Conversely, the uncivilised natives were governed through a different set of rules, which divided natives into separate groups and governed each through a different set of "customary laws". Every ethnic group was said to have its own separate set of "customary laws" to be enforced by its own separate "native authority" administering its own "home area". The very category "native" was legally dismantling as different groups of natives were set apart on the basis of their ethnicity. The nationalist movements that marked the struggle for power and carried with it an emancipatory agenda unfortunately did not rise to the occasion and change these prevalent political identities[2]. Analytically, the uprising against colonial rule was one that sought to bring the natives on to the realm of the settlers. Conceptually, it had as its agenda, a politics of recognition of the natives as civic citizens with rights of access to entitlements. However, the native had dual identities to transform. On the one hand was their identity as civic and on the other hand was shedding the divisionary ethnic identity labelled them and sustained through divisionary customary laws and authority that upheld separate ethnic entities (ethnic nations) and which defined who belonged and who did not. Paradoxically, the pre-independence confrontations saw natives unified against the

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[2] This is with the exception of Tanzania, where the then president Julius Nyerere followed a policy of Ujamaa and the promotion of Swahili as a national language, which saw the dismantling of ethnicity as the prevalent identity marker and thus divisionary element.

colonial masters but separated amongst them. The consciousness that they all belonged did not emerge to the full. It is this that I conceptualize as a crisis of social citizenship that was upheld by the gradual domestication of ethnic citizenship and its divisionary elements and which spilt over into the post colonial era. Indeed, it is this process of rebuilding a self consciousness that we all belong and thus have rights and obligations to each other (conceptualized here as social citizenship) and equal rights and entitlements to societal common goods that is one main thesis of this paper. How this could be done forms the very gist of the discussion.

Breaking the legacy of colonial rule – a postcolonial predicament?

Mamdani (2001:28) continues to explicate that unfortunately, the post colonial state has not been able to rise above this condition of a bifurcated state. There are still separatist politics which are sustained through various processes inherited from the previous system and elaborately engineered to fit the current context but without loosing any of its previous raison d'être. The author calls this process an inherited decentralized despotic system. In other words, it is the political legacy of indirect rule colonialism in Africa which divided the citizens into civic and ethnic. The former governed through civil law and the latter through customary law. The division between civic citizenship and ethnic citizenship became the basis of citizenship distinction into the postcolonial era (Mamdani 2001:28-29).

Civic citizenship, the author explicates, is a consequence of membership of the central state. Both the qualifications for citizenship and the rights that are its entitlements are specified in the constitution. These rights are mainly individual and are located in the political and civic domain. In contrast, ethnic citizenship is a result of membership in the Native Authority. It is the source of a different category of rights, mainly social and economic. Further, these rights are not accessed individually but by virtue of group membership, the group being the ethnic community whose social economic relations are governed by customary rules. These customary rules defined who an indigene (sons and daughters of the soil) and who a 'stranger' was. Abdullah (2003), Nyamnjoh (2001), Mwaka-Bwenge (2003), have analysed this phenomenon. When one said that one was a citizen of a central state, the claim was that you were a civic citizen. Your rights as a civic citizen were specified in the constitution of the republic. But it did not necessarily mean that you were an ethnic citizen. To be an ethnic citizen was to belong to one of the ethnicized Native Authority so as to claim "customary" rights (Mamdani 2001:30). Much of the current violent confrontations momentarily being experienced in Africa have been as a consequence of these divisions, mostly associated with access and rights to socio-economic entitlements, most notable of which has been land (Achieng' 2004).

Systems engineered: critical observations

Indeed, the broader post colonial reality has witnessed a continuous resurgence and resuscitation of a system where a few privilege themselves at the expense of the other majority. The former are ennobles with access to resources and operating on a different regime of rights to entitlements than the non ennobles. These ennobles meticulously engineer this regime of rights to their advantage, which simultaneously overrides and underplays the rights of the majority. Examples abound[3]. With great precision, Mamdani (2001:30) explicates that to uphold and engineer such a system is to uphold the colonial state as the true parent of the post colonial African state.

Several observations follow:
1. That the postcolonial African state is a mixed state with different categories of social groups
2. That the postcolonial African state still follows a reengineered decentralized despotic system of governance which characterizes the social groups into two types of citizenship identity – civic and ethnic and within this types, a further categorization between indigenes and strangers exists.
3. That these two types of identity define the contours between two spheres of rights (civic and ethnic). Within these two spheres there are those with entitlements to resources *the ennobles* and those without.
4. That some of the violent confrontations can be partly understood as a struggle against the current power structures and the need to institute a still lacking just regime of rights with broadly defined categories that enables an equitable sharing of society's common goods among the different categories of social groups.

Following these semi-theses, then we can sufficiently claim that:
> In order to redefine African development, the system (conceptualized here as the reengineered decentralized despotic power structure) has to be disengaged from the everyday reality (life-world) of individuals. What is

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[3] Mbembe (2001) has produced an account of this phenomenon emergent of his native country Cameroon.

then required is to fully comprehend the agency emergent of this liberated life-world, with a view of grasping the transformative processes that social groups initiate and sustain. Eventually, how structures emerging from the social reality, and which can be said to be socially embedded and consequently offer grounded alternatives for social change, could be instituted, is the new social order that is to be realised.

Uncoupling the system from the life world: Processes of liberation

From the foregoing discussions, three basic imperatives can be discerned. Firstly, there is the issue of restricted access to entitlements and society's common goods to a privileged few or the ennobles who engineer the system to their advantage by polarizing identity, which in turn limits access to entitlements to only those marked as 'belonging'. Secondly, is the issue of governance structures which have been put in place to maintain this status quo. Thirdly, there is the ongoing struggle among various social groups, who challenge the status quo by seeking ways of redefining how social relations in society occur. In this paper, I limit myself to the first and the third concerns.

Analytically, the first concern necessitates us to interrogate the institution of relations that govern social interaction especially on how access to entitlements and the allocation of society's common goods proceeds. How we identify ourselves in relation to others and minimize polarization is here a core element. In sociological terms this is a definition of the 'we' and 'other' dichotomy and challenging the mechanisms that sustain this dichotomy. Suffice to note here that continuous self confrontation on who 'I' am and how 'I' interact with the 'other' and in this process of interaction become part of a broadly defined 'We', .is important to redefine the kinds of identities we uphold in relation to others in society. Of equal importance is to change the code that maintains this dichotomy and institute principles which allow the 'others' to become part of a broadly defined 'we'. That is institute principles which allow for a certain kind of flexibility or elasticity of forms of identity and which allow societal groups to uphold different identities simultaneously. These kinds of identities can be used interchangeably to move forward different kinds of agendas that work towards equality and justice.

Interestingly, Mamdani posits that political identities, although they too possess this kind of middle ground, are easily manipulated and purged off this kind of hybridity and interchangeability of identity. Elsewhere Abdullah (2003) wonders whether the unity sought for can be realised given the different indigenes within a single state. Analytically, the author wonders whether unity in diversity is indeed a realistic project within the prevalent mode of African statehood. Thus the critical question is how a kind of hybridity and unity in diversity can be realised in the current mixed society that characterizes the African state.

I argue that this kind of unity in diversity through hybridity that will bring forth a new social order can indeed be realised. Redistributive justice seen as a concept, agenda and ethos, has this kind of transformative potential of bringing about a new mode of African statehood and development in 'soft' and dynamic ways. This is because it interrogates and challenges the power structures and power relations in society, looking critically at the levels in society and concomitant social categories, where redistributive alliances can be formed and new ways of doing that change the prevalent social order created.

Redefining the social order: an inquiry into the transformative potentials of redistributive justice, concept, agenda and ethos for an African development

Several basic questions underpin redistributive justice as a concept, an agenda and ethos for Africa's development. On the one hand is the question of who has a capacity to distribute. Secondly, a critical reflection of what is to be redistributed to whom and why is crucial. Thirdly, on which levels redistribution is to occur and how it ought to proceed, is pertinent. This ultimately brings us to a level of questioning our moral principles of living in relation to others. Sociologically paraphrased, we are asking questions such as who is entitled to what, who gives/ determines access to which kind of entitlement, why and how access is given/determined and the principles instated for an equitable and just sharing of society's common goods.

To draw deductions on what is meant by redistributive justice and how it occurs in everyday life, I present two case studies drawn from my Ph.D. thesis (Achieng' 2004). In these case studies, I draw inferences on how two ethnic communities, having undergone a series of ethnicized conflict that hinged on a fight for scarce resources and their entitlements are now parleying a new regime of regulatory mechanisms to ensure equitable and just redistribution of common goods. From the two case studies, I furthermore draw inferences on the transformative

potentials of redistributive justice. I show how such social action, principles and mechanisms for social redistribution and social justice practiced at the micro level can be able to change the system at the macro level.

Burnt Forest: land and food markets as contested entitlements

Burnt Forest is a part of the Rift Valley region of Kenya formerly known as the 'white highlands'. It is predominantly inhabited by both the Kikuyu and the Kalenjin ethnic communities. From 1992 to early 2000, or the democratic transitional period as it is known in Kenya, the area was engulfed in a series of 'ethnicized' conflicts, which hinged on the cries of removing 'ethnic strangers' who were selfishly usurping and hindering the sharing of common goods that 'by right' belonged to the indigenes. The politics of the day further fuelled these conflicts[4]. The backdrop of land as an entitlement and the thriving food market in the area and the number of social movements that have come up, makes this case a good one to analyse how redistributive justice as a concept, agenda and ethos is now being practiced between two ethnic groups.

Case study one

The market days on Tuesdays and Saturdays at Burnt Forest have been revived after a while of diminished market activity resulting from the past conflict. Here again it is mainly the women who bring in the produce from their former farms. Women have now negotiated access to their farms, through appealing to the social institutions of intermarriages, friendship or neighbourhood ties. They have also appealed to new institutions like church groups or associational groups. For example, they have now invented 'new' social relations like 'sisterhood', or stressing that Kikuyu women have been married into the Nandi community, thus initiating a bond. They also stress that the children born out of these marriages are their relatives, such that the young Kikuyu-Nandi men, are referred to as 'nephews'. By re-inventing such kin and friendship relations, the internally displaced Kikuyu women who now stay 70 Km from their former farms in a place called Langas, can now access both their farm lands and market places at Burnt Forest. Furthermore, these relations are made to endure through a principle of sharing. For example, now women not only use Nandi labour on the farms but also the produce that they get from land is transported to the market by young Nandi men. The former stereotype of viewing the Nandi as lazy and incompetent in farming is being replaced. Some of the food crops such as potatoes, green peas, carrots, cabbages, tomatoes, and legumes and the grain crops that women sell especially maize, sorghum and millet (female crops) are either got from their farms or bought from their 'sisters' (Kikuyu women married to the Nandi) and also from the Nandi women still staying in the interior of Burnt Forest. In this way, the Kikuyu women have again worked out a principle of sharing in the form of offering previously dominantly held marketing opportunities and linkages to their Nandi counterparts (Field notes August – October 2001- full text in Achieng' 2004:111 -112).

Who has a capacity to distribute and what is to be redistributed?

Drawing inference from the case study above, those with a capacity to redistribute are those who have resources which can be divided on terms agreed upon to those with less or no access to resources. For example, whereas Kikuyu had entitlement to land and markets, the Kalenjin held the right to access these entitlements. To be granted this access and freedoms of usage, the Kikuyu would have to share the spoils of the land in the form of either employing Kalenjin labour or allowing the Kalenjin access markets by sharing market information, allowing access to hegemonic held market networks and marketing outlets. Thus finding mechanisms for sharing land, labour and markets between the privileged and the less privileged among the community, was the unspoken code. However, by upholding stereotypes of viewing the Kalenjin as lazy, primitive and not gifted in either matters of the land or markets, the Kikuyu sowed seeds of division by violating this unspoken code that ensured social cohesion. Evidently, it is important to analyse the kind of resources available in a place and the basis on which this is regulated.

How is sharing regulated?

From the above case study, Kikuyu women have come up with several regulatory mechanisms. In the first instance, they have reinvented kin and neighbourhood relations in such a way that it is not the cultural aspect that is emphasized rather what is given prominence is interaction among group members sharing the same space and in this way sharing the same social reality. In this manner, redistributive alliances are formed based on a broader identity category defined from a trans-local ethnic and gender co operation perspective. Indeed, this illustrates that a move from group membership marked by ethnic/blood relations, to one marked by sharing the same social

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[4] For an analysis of politization of ethnic conflicts in the Rift Valley, refer to Kagwanja (1998)

reality by virtue of sharing the same space (social citizenship) is possible. The aspect of trans-locality as relations defined through co operation across space dissolves the ethnic consciousness by introducing a broader type of consciousness of unity by virtue of sharing the same reality and social space. Mechanisms that support trans-local ethnic and gender co operation (part of redistributive alliances) are key elements in achieving this kind of social citizenship. By way of policy thus redistributive alliances based on trans-local co operation could further occur at different levels, by looking at different social groups and their categories and deducing what each category from each level could redistribute to the next least level.

Conversely, several social and political analysts of conflict and post-conflict societies have decried the potential of what they classify as political economy (market based relations) and socio cultural institutions like intermarriages in bringing about social and political transformation by negotiating new identities and security at various levels. For example, Mamdani (2001:4, 20 – 33) in his analysis of the Rwandan genocide questions why Hutu and Tutsi intermarriage or interaction on the sphere of market exchange did not stop the grotesque killing. He thus argues that we have to critically look at the political scenario of the day to understand such an overwhelming sense of injustice that engulfs groups previously living cordially amongst themselves.

Inverting this observation and from a sociological point of view, the critical question I ask here is why such social action from below that form fertile ground to nurture principles for a redistributive justice, has not been able to change the prevalent social system that is practiced from above? Such an inversion makes us of necessity to look at what is occurring/not occurring, discussed/not discussed at the level of the public sphere.

Zooming on to the public sphere: Further notes on uncoupling the system from the life-world

The foregoing question posed interrogates why principles that societal groups at the micro level work out, which allow equitable sharing of common goods in society among different societal groups and which maintain a peaceful co-existence, two necessary prerequisites for development, have not succeeded in changing divisionary systems engineered at the macro level?

My argument is that so long as debates at the level of the public sphere do not change their course from sectarian politics to critical policy oriented discussions (Olukoshi 2002, Radriamaro 2002, Aina-Akin, Chachage and Yao 2004), a level of civic consciousness and courage nurtured, encouraged and maintained among different societal groups and the exclusion of 'missing groups', for example the continuous rural-urban divide discouraged, then the desired transformations are bound not to occur. A look at the current Kenyan public sphere testifies to the above postulations. It shows that despite the current multiplicity of players that participate in the public sphere what is still lacking in critical discussion at this level is social policy and development related issues by the variety of actors. The question is both why such debates are lacking and how the above mentioned debates can be introduced and sustained in this arena.

Case study two

Political ethnic pluralism as agenda setting at the level of the public sphere and a new ethos for a practical redistributive justice

Borrowing a leaf from female social movements

Tabitha is a member of the Kenya Women's Political Caucus[5] (KWPC). I met Tabitha in one of the meetings held by the Rural Women's Peace Net[6] (RWPN). This time round we were discussing the Kenyan constitution and what should be changed there in. Tabitha is a lawyer and holds an independent office with two other female colleagues in Nairobi. She is a single mother with three children. As she explained to me, she does a whole range of voluntary work which involves going to the rural areas to sensitize women on the Kenyan law. In this way, she also gets potential clients whom she represents in court. She especially takes up cases that are put across by women. As she put it, the famous Wambui Otieno case[7] made her conscious of breaking the language of the State law to the women. She became a member of

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[5] Aduol Adhiambo (2001) and Galloy Martine (1999) have analyzed the beginnings, the objectives and the agenda of the KWPC

[6] The RWPN is an amulgamation of Christian women groups working towards peace in conflict torn rural areas. It is a group that I did research with in the Rift Valley Province of Kenya For the composition, objectives and analysis of activities of the group refer to Achieng' 2004

[7] see Atieno Odhiambo (1992) for a detailed analysis

the KPWC out of her conviction to join other women in deliberating on issues that face women in the Kenyan society.

Female social movements, despite not being recognised as such, have been at the forefront of the struggles for realising a new social order in many societies (Awasom 2002, Gouws 2004, Imam, Mama and Sow 1995, Maathai 1995, Nzomo 1998). In the case study presented below, I show how two women groups, one urban based and the other rural have initiated a trans-local female political space through networking, initiating collective action and support systems where debates occurring in the rural areas are taken up at the level of the public sphere.

There are a number of observations to be inferred from the above quoted excerpt. Firstly is the composition of this leftist group. it is mainly made up of professional women working in the capital city of Nairobi. This qualifies it under 'elitist' groups. Whereas the agenda of RWPN is peace and they articulate and legitimize their voices by appealing to motherhood in a political way and appealing to the bible, the KWPC does these through the constitution making process and appeal to democratic governance. The main agenda of the KWPC is the review of the constitution and seeing how the under representation of women and their issues can at last feature in the debates at the national assembly level. The latter is what Wee (1995:10) in her writing of the position paper by DAWN on the occasion of the Fourth World Conference on Women Beijing on the gains secured by women and the move forward into the 21st century has put forward as a framework of sites of change.

For my analysis their debate on issues of identity, citizenship and access to entitlements is most captivating. In the rural areas women debate this issue as ethnic pluralism acted out in their vision of trans-local ethnic and gender co operation and the formation of redistributive alliances. The KWPC takes the same issues up but this time articulating them as the need for democratic governance and how a broader concept of citizenship can be envisaged in society and implemented in the constitution. Furthermore, this group legitimizes its voice based on the constitution and the constitution making process. Moreover, the two groups are trying to work together by first minimize their different agendas and ways of doing through being sensitive to how things are done, for example, in the villages, finding ways of bringing discussions to the rural groups and carrying opinions on to the wider public sphere. This minimizes the rural urban divide by bringing in more voices to bear on critical issues that are being discussed/should be discussed. This I conceptualize as a trans-local political space.

I further argue that once members in society start deliberating upon how relations and interactions amongst themselves are occurring and how they should occur and how such relations occur elsewhere, then, there is a high likelihood that reflection on mechanisms for co-existence among different social groups at different levels will occur. Consequently, a civic consciousness emerges about the possibilities and benefits of pluralistic ethnic relations (ethnic pluralism) despite ethnic differences. In this manner, a wider conceptualization of citizenship as social evolves. This consciousness is further enhanced by the existence of the different interethnic alliances in society who by virtue of sharing the same space work out possibilities of equitable access to social, economic and political entitlements found in the place of their interaction. This consciousness turns political once debates are directed on to the public sphere and made open. That is an exercise of voice by all on the advantages and disadvantages of pluralistic relations. In this manner, discussions on an ethical basis from which relations and interactions in society proceeds are brought to the fore. Certainly, redistributive justice and how it occurs in society (and as has been explored and variously illustrated above) lays the foundation for this.

Conclusion: redistributive justice - the potential concept, agenda and ethos for an African development discourse

From a commonsensical perspective, redistributive justice means sharing. Analytically, redistributive justice as a concept interrogates the different levels in society and how principles of sharing of societal common goods (redistributive alliances) and their regulatory mechanisms (trans-local ethnic and gender co operation as a basis for social citizenship) operate to ensure that the least members in society are accorded access to a decent level of entitlement to ensure quality of life.

Furthermore, redistributive justice has as its agenda, the formation of redistributive alliances and networking groups (especially to minimize the rural-urban divide) for the exercise of voice especially at the level of the public sphere with a view to changing sectarian politics and capitalizing on social policy issues for overall development.

As an ethos redistributive justice necessitates us to confront ourselves, our ways of doing and our current ways of living in relations to others. This is with a view of reinstating moral consciousness and principles of living with others in a cohesive manner.

Two questions are however still at large. These are on the one hand, the kind of governance institutions emergent of the life-world that regulates a practical redistributive justice. Secondly, is the question of concrete policy issues that are context specific that ought to be debated upon. These concerns necessitate critical dialogue among social analysts (especially sociologists, economists and political scientists) and between social analysts and policy makers.

Indeed, if adopted and policy issues debated with it in mind, redistributive justice has the transformative potential and could well be the concept, agenda and ethos for an African development into the new era.

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