

## **POLITICAL JUSTICE**

### **Democratizing power: civic engagement in decision-making**

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*“Every man has a sphere of discretion, that sphere is limited by the co-ordinate sphere of his neighbor. The maintenance of this limitation, the office of taking care that no man exceeds his sphere, is the first business of government. Its powers, in this respect, are a combination of the powers of individuals to control the excesses of each other. Hence is derived to the individuals of the community a second and indirect province, of providing by themselves or their representatives, that this control is not exercised in a despotic manner, or carried out to an undue excess”<sup>1</sup>*

### **Introduction**

The purpose of this background paper is to stimulate discussion within and among civil society organizations about political justice. The intention is to raise some of the complex and interrelated concepts that are brought to the fore by the notion of political justice. I will explore the relationship between civil society and political justice and ask the question whether political justice is a realistic aspiration or an utopian ideal. I will propose that a democratic system of governance is the most legitimate political system that will guarantee citizen control of political decision-making. I will raise some questions about whether democracy is working, whether democracy ought to deliver and is delivering human development and whether democracy as currently constructed can withstand the onslaught of a globalizing economy. I propose some illustrative areas in which civil society can work in order to strengthen citizen participation in political decision-making. The suggestions in this paper are made as a starting point for a robust discussion about the need to democratize power realizing that there are different view points about democratic governance.

### **Civil Society and Political Justice**

The term “civil society” is as broad as it is diverse. It is not my intention in this paper to open up debate about what comprises civil society, there are numerous forums in this conference in which it is appropriate to engage in that discussion. I will proceed on the basis that civil society refers to the set of institutions, organizations and processes situated between the state, business and the family. It includes voluntary and non-profit organizations for social participation and engagement.

It is important right from the outset to understand why it is relevant and probably urgent for civil society to concern itself with the promotion of political justice and the need to

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<sup>1</sup> William Godwin, 1793: Enquiry into Political Justice

democratize political decision making. In order to do that one needs to reflect somewhat on the notion of political justice itself, what it entails and what it encompasses. Political justice has to do with how the state relates to its citizens regarding liberty and equality. It is the exercise of just political power that comes from the consent of the governed. If it exists, political justice will mitigate social conflict, and conflict usually occurs over equal access to opportunity. In the modern societies of today we need to concern ourselves with how that consent is given, what political arrangements result in just and legitimate political power and what systems guarantee that its exercise is not despotic and unduly excessive?

I found the following to be a pertinent definition of politics

*“a conciliation of naturally different interests, whether these interests are seen as material or moral, usually both”<sup>2</sup> .*

If we agree with the hypothesis that a primary *raison d’etre* for the coming into being of civil society organizations is to articulate and aggregate citizen’s interests then politics, political power and its control become of immediate interest to civil society. Wittingly or unwittingly President Robert Mugabe of Zimbabwe may have provided a useful starting point to this discussion when he said

*“Whose cause do we fight for? Whose interests do we advance: ours and our people’s or those of Tony Blair and George Bush?”<sup>3</sup>*

A point that needs to be consistently underlined is that the interests represented by civil society organizations, governments, business, etc. are almost always going to be varied, diverse and different. If politics is to serve a useful purpose it needs to be organized in a way that gives voice and space to all in society especially those traditionally sidelined from decision-making processes such as women, children, people with disabilities, ethnic and indigenous minorities, those who face a real danger of being discriminated against or completely excluded from participating in political decision making. If such space and voice can be made real my contention is that we will be closer to the notion of political justice

### **Democracy and Political Justice**

To the extent that political justice connotes the notion of fair and equitable exercise of political power a discussion of a political system that has the capacity to deliver political justice becomes imperative. A closer look at political arrangements that will promote and protect equal opportunities and equitable sharing of resources is therefore warranted. Before going much further in this discussion the question needs to be asked whether the aspiration for political justice is realistic or it is simply an utopian ideal? The notion of justice is relative and value laden. I will therefore restrict my discussion to an exploration of how democracy can be made more effective as a way of giving control and equality to the citizen. If one proceeds on the premise that political justice can be attained by a system of governance that incorporates accountability, transparency and

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<sup>2</sup> Bernard Crick: A meditation on democracy (p261), an essay in *The changing nature of democracy*, United Nations University Press, 1998

<sup>3</sup> Robert Mugabe: Quoted in Zimbabwean daily newspaper, the Herald of February 24, 2004, in a speech attacking the opposition for selling out to the west.

participation, one can convincingly put the proposition forward that democracy is the most legitimate form of governance.

The question naturally arises, so what is democracy? A lot has been said about what is and what is not a democracy, from Plato, Aristotle, Machiavelli, Napoleon, Marx, Rousseau, Churchill, Jefferson, Gandhi, Nkurumah, Nyerere, Schumpeter, Dahl, Diamond and others. For purposes of generating a practical discussion about democracy, I would like to steer us away from the trap of definitions and typologies. I will propose some basic principles of democratic governance through which I will examine the current state of political engagement at different levels as well as make some suggestions regarding civil society roles and responsibilities.

A close look at the struggles of communities and civil society reveals that there are two fundamental principles regarding democratic governance: popular control and political equality. In this context democracy can be described as *“a political concept concerning the collectively binding decisions about the rules and policies of a group, association or society. Such decision-making can be said to be democratic to the extent that it is subject to the controlling influence of members of the collectivity considered as equals”*<sup>4</sup>.

In order to give life to these lofty principles, a set of values has to be nurtured and sustained. Let me also point out quickly here that the substance of these values is fertile ground for civil society engagement and efforts to promote political justice. The following are some of the values needed to realize popular control of political decision making processes and political equality:

- Participation – rights to participate, capacities and resources to participate, agencies for participation and a participatory culture
- Authorisation – through free and fair elections, referenda, choice of office bearers and programmes, control of elected over non-elected executive personnel
- Representation – legislatures representative of main currents of popular opinion, public institutions representative of social composition of the electorate
- Accountability – clear lines of accountability, legal, financial, political, and to ensure effective and honest performance, civil service and judiciary integrity
- Transparency – government open to legislative and public scrutiny
- Responsiveness – accessibility of government to electors and different sections of public opinion in policy formation, implementation and service delivery
- Solidarity – tolerance of diversity at home, support for democratic governments and popular democratic struggles abroad.

### **Is democracy working?**

The values stated above are not novel in any way but there is a tendency among those who promote democracy to take them for granted. I think there is value for civil society

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<sup>4</sup> International IDEA Handbook on Democracy Assessment: David Beetham, Sarah Bracking, Iain Kearton and Stuart Weir: Kluwer Law International, 2002

to examine these values and their implications for the different campaigns and interventions that you are involved in as civil society organizations. A discussion of these values raises another set of pertinent questions: if these values do not represent new or radical thinking, if indeed most civil society organizations are preoccupied with the promotion of these values, why should we be talking about a democratic deficit, why should we be expressing concern about whether democracy is working, why should we be questioning whether the “third wave” of democratization was indeed a wave or an illusion? These questions and many others cannot simply be attributed to an academic interest in political discourse but are indicative of the fact that democratic governance may be at a cross-roads of some sort.

While we should acknowledge that democratic progress has been fairly dramatic across the globe during the last two decades or so, we also need to accept the fact that there are serious challenges and obstacles that face democratic governance today. Such factors as the decline of public confidence in public institutions, the lack of public trust in politics, the growing costs of political competition, weak competencies of institutions of democracy and governance including civil society, poorly designed political systems, violent conflict and growing intolerance, do undermine the notion of political justice.

The questions raised in the preceding paragraph are related to the quality of democratic governance that would result in political justice. The current thinking and trend, especially regarding new democracies is that democracy has failed to consolidate. This brings into the fray another complex concept, that of democratic consolidation.

### **Democratic consolidation**

Some scholars of political theory have argued that the notion of democratic consolidation is a contradiction in terms since democratization should be a flexible ongoing process that has the capacity to recreate itself and endure. Others have argued that it is too simplistic and problematic to look at democratization as a linear progression from an authoritarian regime to a democratic one, but that it is a multi-dimensional process with different but critical components developing at different paces. A discussion of democratic consolidation is compounded further by lack of agreement on objective methodologies to assess democratic quality and progress. For purposes of this discussion I suggest that we consider democratic consolidation as consisting of *“transforming the ad hoc political relations that have emerged into stable structures in such a way that the ensuing channels of access, patterns of inclusion, resource distribution, and norms about decision-making conform to an overriding standard”*<sup>5</sup>

Taking the above definition of democratic consolidation as a starting point the next level of the discussion should be about the role of civil society in democratic consolidation. A major challenge facing democracies today is the need to build strong political institutions that bridge the gap between the government and the citizens. Most of the new democracies lack effective institutional mechanisms to restrain and monitor the exercise

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<sup>5</sup> Philippe C. Schmitter : The Consolidation of Democracy, in the Changing Nature of Democracy: UN University Press (1998), p32

of power eventually leading to the erosion of the quality and legitimacy of governance. Accountability will be greatly enhanced in instances where citizens can participate in public debates and decision-making processes beyond the election of government representatives every four or five years. The notion of ongoing democracy dialogue at local and national levels assumes paramount importance in this regard. Debates and dialogue between different actors about their different roles in democracy building will contribute to policies that engender democratic equality. Another important area for civil society engagement is the strengthening of institutions of democracy and governance. Such areas as electoral systems design and strengthening of political parties at both local and national levels are areas worthy of civil society interventions.

### **Political Power and Development**

So far I have proceeded to discuss the notions of political justice, equality, control of political power and democracy on the premise that these concepts arise and are played out in the arena of sovereign nation states. Political science and theory have evolved on the understanding that national boundaries demarcate the basis on which individuals are included and excluded from participation in decisions affecting their lives. There is a growing perception that democracy has failed to deliver both economic and social development. This perception has often been used to explain the rise in nationalism and ethnic tensions due to unmet expectations. It raises the question whether democracy should be pursued as an intrinsic or instrumental good and whether political justice seeks substantive equality or equality of opportunity? Is it appropriate to expect democracy to deliver human development?

The linkage, either way, between democratic systems of governance and economic development needs to be acknowledged. This is especially important for civil society organizations to the extent that most of civil society programmes and initiatives are concerned with improving the quality of people's lives. There is however no empirical evidence that shows that a democratic political system necessarily results in economic development. By advocating for political justice citizens are demanding that effect be given to their civil and political rights in a way that enables them to organize, mobilize and push for better living conditions. I will contend therefore that it is appropriate for citizens to judge democracy by what it is able to deliver regarding their well being.

### **The Nation State, Citizen Participation and Globalization**

It can be argued that democracies are better at addressing the needs of their citizens because they are more accountable to their populations than authoritarian regimes. Increasing levels of poverty and the growing disparities within and between democracies throws into doubt whether democracy as currently configured will deliver political justice. Forceful arguments are increasingly being made that challenge in a very fundamental way the concept of democratic governance as we have traditionally known it. The hypothesis is that:

*“.....the locus of effective political power can no longer be assumed to be national governments ..... the idea of a political community of fate – of a self determining*

*collectivity – can no longer meaningfully be located within the boundaries of a single nation state alone. Some of the most fundamental forces and processes which determine the nature of life-chances within and across political communities are now beyond the reach of individual nation states”<sup>6</sup>*

Indeed it is the realization that fundamental processes of governance have bolted the nation state stable and can only be tamed in the global jungle that has given rise to the growth of the world social movement that is militantly resisting further unmitigated advances of globalization. Globalization has been described as “a set of processes which shift the spatial form of human organization and activity to transcontinental and interregional patterns of activity, interaction and the exercise of power. It involves a stretching and deepening of social relations and institutions across space and time ....”<sup>7</sup> While it is important to critically examine democracy in light of new power dynamics as a result of intensified globalization, civil society organizations need to be cautious about proceeding as if globalization is a new phenomena suddenly thrust upon us. If one takes a close look at the history of humanity there has always been an overlap of interests and constituencies between societies. What has changed now is the intensity of overlap and interconnectedness of issues that were previously almost entirely dealt with in the confines of the nation state. The rapid advances made in information, communication and transport technologies have reconfigured the space in which political power is being exercised. The challenge for civil society is to seek a legitimate role that will address the increasing erosion of democratic governance through new forms of globalization.

Besides shaking the foundations upon which democracy has hitherto been constructed, new forms of globalization have also given birth to a global civil society movement, including global networks such as CIVICUS that have the capacity to bypass national governments and act directly in world politics. We have seen, through global coordination of ideas and campaigns, the evolution of a sphere of society that is distinct from the state with forms and principles of its own that can influence internal political relations within states. It can safely be asserted that current arrangements of global governance are woefully inadequate to deal with forces of globalization that have the potential to grossly undermine citizens’ control of political decision making. The impact of globally coordinated civil society campaigns on such issues as debt relief and eradication, trade issues in the context of the World Trade Organization, war and a host of other issues needs to be acknowledged. Civil society organizations need to seriously evaluate whether such campaigns are giving voice to the ordinary citizens. To whom should international civil society organizations be accountable to? Whose interests do they represent? As civil society organizations there is need to remain actively engaged in the current debates and processes aimed at democratizing global governance and ensure that such processes result in improved control of political decision making by the citizen. I would leave the conceptualization of new notions of democratic governance, such as cosmopolitan and transnational democracy to academics to continue fleshing out. If as stated earlier in this paper, the overall goal of civil society organizations is to improve the

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<sup>6</sup> David Held: The transformation of Political Community: Rethinking Democracy in the Context of Democratization: The Democracy Sourcebook

<sup>7</sup> Ibid, p157

quality of life of citizens, serious attention needs to be paid to those initiatives that strengthen institutions and mechanisms that give political voice to the citizen.

### **Potential Areas for Intervention**

#### **Democracy Dialogue**

At the risk of sounding prescriptive I will suggest potential institutions and processes that need strengthening in order to realize political justice. To the extent that democracies are expected to deal with conflicting interests through political processes and institutions, it is important that there is ongoing dialogue between stakeholders about key issues. In older or established democracies dialogue often happens through institutions whose roles have been defined over time. In new and consolidating democracies there are high levels of polarization between key actors and there is little agreement about the rules of the game. Political dialogue conducted on the basis of democratic values and principles highlighted earlier in this paper will assist political systems to be more inclusive, participatory and accountable. Civil society organizations can play a variety of roles that will facilitate dialogue on democracy building at local, regional and national levels.

#### **Elections and Electoral Processes**

If political justice is about citizens having effective control over political decision making then the area of elections and electoral processes is a key candidate for attention. The concern about preoccupation with elections as if that is all there is to democracy is understandable. However if there is agreement that elections and electoral processes are the vehicle through which citizens give up their power, then credible and legitimate electoral processes become central to political justice. A major challenge for electoral processes is lack of trust and confidence by the citizens. Political systems that do not foster genuine political competition, political structures that do not accommodate diversity, weak electoral management capacity of electoral bodies, ill adapted electoral systems design and a partisan media that does not play an effective role of allowing citizens access to information, are some of the factors that engender mistrust and lack of confidence. Civil society organizations need to explore initiatives that can be undertaken to address these problems.

#### **Political Parties**

Political parties are the primary vehicle through which citizens' interests are aggregated and articulated. However political parties remain the most ignored of political institutions. They have the potential to be effective and accountable actors in democracy building. Political parties face many challenges, both in the political context and legal environment in which they work; and in their internal organization, management and functioning. Throughout the democratic world political parties find themselves in crisis, increasingly disliked and distrusted, suffering catastrophic declines in membership and failing to attract new intellectual and organizational energy. In emerging democracies, the weakness of parties presents high risks. Parties are expected to play a particularly

active and responsible role in the process of democratisation, but they face an uphill struggle to organise and finance themselves, if not parties of government, and at the same time to lead and educate their constituencies which tend to expect very rapid dividends from democracy and impeccable behaviour on the part of their leaders. Civil society organizations need to explore concrete options for the strengthening of political parties if political justice is to become a reality.

### **Global Governance**

Good governance at the national and local level will remain a key factor to effective and equitable participation in the global economy. Increasing demands for far reaching reforms in global governance institutions are perfectly legitimate if one considers the serious inequalities that characterize global governance.

It has been noted that “In the ideal world, there would be a balancing of the interests of the powerful and the weak, of the rich and the poor, global governance would be based on democratic and participatory decision-making processes that lead to fair outcomes”<sup>8</sup>. The question to be raised is what should be the role of civil society organizations in democratizing global governance? Civil society organizations have exerted a great deal of pressure in a variety of ways to bring about more accountability and transparency in global governance. Such campaigns have been haphazard and have tended to focus on anti-globalization advocacy. The structural inequalities in international institutions such as the UN Security Council, the Bretton Woods institutions, the WTO, etc. have perpetuated unequal decision-making. It is important that civil society organizations should continue to coordinate and mobilize at the global level. The advocacy and lobbying campaigns undertaken by civil society organizations need to be conducted in a framework that gives effect to democratic principles and values. Given the diversity of the civil society movement, legitimate questions are being raised about whose interests the global civil society movement represents. The unequal capacities between northern and southern organizations and their representation roles in international forums is an issue that needs to be dealt with in a manner that gives voice to the marginalized. Civil society organizations should continue to oppose the usurping of the roles of national governments and democratic rights by global institutions. They should advocate the development of a system of global governance that respects national democratic prerogatives based on respect of fundamental human rights.

### **Conclusion**

As stated in the introductory part of this paper, the intention has not been to provide in depth analysis for the issues raised but to flag the issues as useful entry points for a discussion by civil society organizations and actors to examine citizen control of political power. A discussion of political justice should not be undertaken as an end in and of itself. It needs to be considered in the context of the other themes that are the focus of this conference namely; economic justice, social justice and civic justice. It should be

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<sup>8</sup> World Commission on the Social Dimension of Globalization: A report published by the International Labor Organization (ILO), February 24, 2004

one of the means to realize a just world. Civil society is equally problematic by virtue of its diversity and nature. Due to the interconnectedness between social, economic and political actions, political justice is a key issue for most civil society organizations, more directly for some than others. The overriding concern should be to ensure that citizens are treated equally and they exercise effective control of the exercise of political power. We need to be realistic and acknowledge the fact that the majority of current political arrangements do not give voice to the citizen at local, national and global levels. There is an urgent need to propose and implement political reforms while at the same time thinking out of the box and coming up with innovative architecture to manage power relations.

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