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Justice and capabilities in the postcolony: Extending Sen to the Jamaican and South African contexts

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Abstract

This article explores briefly the practical as well as theoretical issues that arise when Amartya Sen's evaluation of justice through the capabilities afforded citizens in a society is applied to postcolonies like Jamaica and South Africa. It argues that the application of the capabilities approach to the circumstances of the postcolony gives rise to the need for an expansion of its purview as the informational focus of Sen's theory of justice. This is so because of the manner in which domestic as well as external forces and interests function so as to limit in particular the material conditions necessary for freedom and self-actualization in the postcolony. As examples the article engages briefly with the way in which multinationals and multilateral lending agencies in pursuit of their interests have adverse impact upon capabilities in Jamaica and South Africa, affecting in turn the quality of material life, as well as that of democratic governance in both states. In doing so it broaches the important issue of the failure to engage thoroughly with the reality of the limited maneuverability, both at the domestic and also the international levels, that issues from the role of the developing state in the global political economy (as peripheries for the extraction of raw materials, according to Immanuel Wallerstein's World Systems Theory), which I think haunts the utilization of the capabilities approach to understanding justice and development in the postcolony.

Keywords

Capabilities, Jamaica, justice, postcolonial, Amartya Sen, South Africa

This article will engage with Amartya Sen's noteworthy endeavors in *The Idea of Justice*[1] by briefly exploring the possibilities that are afforded when we apply the evaluative insight of his capabilities approach to developing states like Jamaica and

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South Africa. Both countries are here considered in the framework of the *postcolony* as articulated by Achille Mbembe.[2] The idea of the *postcolony* is meant to recognize the persistence of colonial type relations and particularly the colonial disposition to governance (consisting of rule and domination as primary ingredients in the relationship between the state and its subjects), even after the granting of formal national independence and other such symbolic indicators of the end of metropolitan rule.[3] I argue that meaningful application of the capabilities approach to the circumstances of the postcolony demands an expansion of its purview as the informational focus of Sen's theory of justice. When the paradigmatic point of departure shifts from the developed liberal state, to its 'developing' or otherwise mutated other, the character of the concern of the capabilities approach, more specifically its potential for decontextualized, ahistorical evaluation of opportunities and freedom of choice available to individuals, has to be accordingly compensated for. In the postcolony, the pressing need for access to the basic resources necessary to sustain human life comes to bear acutely. The distribution of primary goods (understood here in the sense that John Rawls uses it to delimit material as well as social necessities), the various factors affecting access to these goods, and the impact such things have upon the capabilities individuals possess have to be considered in light of the broader sociohistorical and global context that contributes to shaping these realities.

My engagement with South Africa and Jamaica focuses on the manner in which interests largely external to each state adversely affect the access citizens have to the basic necessities of life and by implication their range of options for self-realization. Ultimately, such limitations come to bear upon their freedom and thus on the quality of their lives as citizens in purportedly democratic states. To an important extent, the enduring socio-economic and political circumstances of these state formations have to be understood in relation to the experience of colonial domination and its aftermath. This kind of contextualization of capabilities, and the range of factors inhibiting them or affecting their distribution, is precisely what a theory of justice demands when applied to the realities of the postcolony. In what follows I engage briefly with the way in which multinationals and multilateral lending agencies in pursuit of their interests have adverse impact upon capabilities in Jamaica and South Africa, affecting in turn the quality of material life, as well as that of democratic governance in both states. In doing so I broach the important issue of the failure to engage thoroughly with the question of the structure of the global political economy and the limiting role of developing states within in it. This lack hampers the application of the capabilities approach to development and justice in post-colonial thinking.[4]

Although it is not customary to raise the issue of historical and social specificity when grappling with the internal mechanics of a theory of justice in the modern world I do think it is appropriate in this instance given that part of the allure of Sen's stress on capabilities in his comparative approach lies precisely with its flexibility, which allows for such engagement. The evaluative thrust of the capabilities approach positions it more favorably to avoid the sort of awkward paradox whereby Rawls, for instance, could forward a theory of justice and not engage with the seminal instances of injustice that so profoundly shaped the modern western liberal state. Two such instances in the case of the United States are namely the subjugation of the Native American population and the

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enslavement of Africans. To the extent that it does not set out to be ahistorical in the manner that marks transcendentalist theories of justice and is therefore not similarly limited in the scope of its evaluation, Sen's theory of justice, in particular its evaluative capabilities component, should comfortably bear considerations about the impact that the vestiges of colonial domination have upon formerly colonized societies.

Sen's capabilities approach is important in its venture beyond the limitations of traditional evaluations of development that focus in the main on so-called objective measures like a country's Gross Domestic Product (GDP), its Gross National Product (GNP), or its Gini coefficient. Sen wants to bring into focus instead the quality of lives that the state is able to facilitate and whether or not its citizens are able to realize their aspirations as they see fit. As he describes it, 'individual advantage is judged in the capability approach by a person's capability to do the things he or she has reason to value'.[5] This facilitation of their disparate conceptions of fulfillment helps the theory avoid the pitfalls of the kind of transcendentalism that we encounter in the work of Rawls and other social contract theorists who venture in search of that ideal configuration of institutions and constitutional measures that presumably brings about justice irrespective of historical and socio-cultural specificity. As alternative to this fleeting illusion a more worthwhile and effective theory of justice, in Sen's opinion, should favor instead a comparative approach in which the evaluation of a range of choices about just arrangements might actually lead to the enhancement of justice in the real world. The aim of the comparative approach to a theory of justice is not to derive perfectly just institutional arrangements per se. It is, rather, to discover the means by which levels of justice in existing society might be increased.

The Idea of Justice employs the principle of *naya* where concern with the quality of human life takes priority over the principle of *niti* for which justice is mainly the outcome of rules and regulations objectified in ideal institutional arrangements of the sort touted by transcendentalist tendencies. The concern with the quality of human life and the degree of personal fulfillment afforded citizens necessitates a shift from focus on the distribution of primary goods that characterizes standard conceptions of justice. Consideration of the distribution of primary goods was one of the means by which Rawls sought to temper the heavy institutionalist leaning of his theory of justice. Sen harks back to Aristotle's insight that such things as wealth and other primary goods are but means to a greater end for human life, that of freedom. Freedom for the citizen in the political association is manifested in the range of options she is able to choose from, of her own volition, in pursuit of her own definition of self-fulfillment; it manifests in the extent of her capabilities.

If we adhere to strict Aristotelian logic in Sen's means–end conceptualization of the relationship between primary goods and their tertiary realization in things such as freedom and individual fulfillment the prioritization of ends in his theory becomes even more pronounced. From this point of departure wherein lies the philosophical foundation of Sen's insight, we can engage more critically with the move to grant optimum value to freedom as an end of social life. The political experience of the instances of the postcolony I have indicated for consideration stands as testament to the fact that there are circumstances in which freedom, whatever the degree of it attained or however it is conceived, is simply not enough. The subordination of material disparities in the

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evaluation of justice entails the risk of reifying the very inequalities that might curb capabilities to begin with. There is in fact a rather eerie way in which the discourse about capabilities can fit neatly into more sinister neo-liberal, market-oriented designs. For example, there is the matter of its recognition of the implications of material disparity, but nevertheless its uncanny evasion of the question of the place of redistribution in the search for just outcomes.

In the interest of being evaluative in the manner that Sen declares, the capabilities approach when applied to the circumstances of the postcolony has to account for how factors beyond the control of the state serve to limit the range of choices afforded citizens, thereby limiting their capabilities. It is worthwhile to evoke here a spirit of enterprise that has since passed from the popular academic scene. It is a currently unsexy manner of proceeding that began with Walter Rodney's appropriation of Karl Marx which led to his recognition of the extent to which the linkages in global capitalism function according to an underlying logic for which roles of states are designated and enforced by the vast chain that links demand to exploitation and production to consumption. In the aftermath of the de-colonization of the non-European world from mainly European domination, dependency theorists drew upon this insight to make a case for the extent to which economic growth in developing states was hampered by enduring patterns of trade stemming from colonial relations, as well as from the internal social and political dynamics through which these trade arrangements were sustained.

The seminal struggle for states that emerged in recent times from the vestiges of colonial domination has been to marshal the formal structures inherited from their prior condition of unfreedom into the creation of viable democratic entities. The struggle is one that has taken on seemingly Sisyphean characteristics. For the mass of the populations in these formerly colonized geographies, freedom and citizenship have simply not translated into the sort of outcomes originally envisioned in the immediacy of the defining struggle for national liberation. A major obstacle in the path of the realization of the distribution of capabilities consistent with the kind of just arrangements Sen has in mind has been the way that factors external to the postcolony impact the distribution and access to primary goods on the part of its subjects.

One need only consider the recent strikes by platinum miners in South Africa at the Lomin owned Marikana mine near Johannesburg and the subsequent response of the state to get a sense of the implications of the relationship between international capital and politics in the postcolony for any concern with justice. As a vestige of the apartheid period, the vulgarity of rule and domination was evident in the move by the South African National Prosecuting Authority to charge 270 surviving miners with the murder of 34 of their colleagues who were killed by security forces during the confrontation. With this episode we are presented with the profound impact that market forces, here in the shape of a multinational corporation, can exert upon the degree of access citizens have to the material resources necessary to increase their freedom and the range of their capabilities. Much is at stake in the demand for a wage increase consistent with the degree of risk involved in drilling for platinum. After all, South Africa produces roughly 80 percent of the world's platinum.[6]

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A proper evaluation of the capabilities of the black South African miner has to take into account not only the totality of circumstances by which he is brought to his current condition of economic disadvantage, but also the way in which global capital, here in the form of the multinational corporation, limits his scope for *action* in the creative and open-ended sense that Hannah Arendt uses the term. In aid of such analysis, Severine Denuelin and Frances Stewart have raised appropriately, as a challenge for the capabilities approach, 'the difficulties posed by the overwhelming power of large corporations so that in many contexts the [so-called] democratic consensus is shaped by them'.[7]

A similar case can be made for the extent to which the austerity measures currently being reaffirmed by the government of Jamaica in yet another effort to be in accord with the dictates of IMF policy will, once again, have the consequence of limiting the capabilities of the vast majority of that country's population. As one of the world's most indebted countries, Jamaica prostrates itself before the multilateral lending agency chiefly to maintain the IMF's stamp of approval in order that it may access other sources of multilateral funding.[8] The IMF conditions that typically accompany this approval call for a reduction in public expenditure in such areas as education, public sector employment and social services provision. Over three decades of their employ, Jamaica has seen little improvement in the country's economic standing. Consistent with trends elsewhere in the Third World, national debt has instead ballooned. Public angst and violent social unrest in response to the enforcement of the stipulated fiscal measures have taken the Jamaican postcolony at times to the brink beyond which looms a greater catastrophe, the possibility of complete state failure.

What is important for consideration here is the externality of these stipulations that are slanted heavily toward debt-servicing and the impact that they come to have on the domestic capabilities of citizens as a result. An interesting dimension of the restrictions brought to bear has to do with the fact that the implementation of unpopular public policy in accordance with the edicts of macro-economic orthodoxy usually issues forth from the commanding heights of government, generally against the grain of popular expectations. To this extent one sees a vulgar deployment of the democratic mandate in a manner that runs afoul of the democratic spirit and the popular aspirations that inform it. One sees virtually a defilement of the democratic spirit to the extent that public policy thereby imposed has the long-term effect of limiting capacities for self-actualization.

We bear witness to an even more pronounced departure between popular democratic aspirations of subjects and the imperatives of rule in the case of the South African postcolony, and furthermore to a conscribing of capabilities as a by-product of the demands that international capital brings to bear on public policy. The extent of alarm that it triggers in the South African case might have partly to do with the fact that as a democratized society it is fresh upon the global scene. The popular expectation that something other than the modus operandi for African states might transpire is therefore still in the political imagination of many, both inside and outside of the young state. The challenge to the advance of freedom and capabilities manifested initially in the abandonment of the Reconstruction and Development Program (RDP) and its replacement by the optimistic pro-market measures of the Growth Empowerment and Redistribution (GEAR) has produced a bit more sting perhaps because such political maneuvering in the South African postcolony has yet to acquire the full banality that marks its manifestations

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elsewhere on the African continent. The recent episode between the Marikana miners and the South African state might be but a flashpoint along the path to the development of such an order of things and the violence required to inaugurate it. With certainty it represents also the degree to which extra-state actors are able to bring to bear upon the postcolony such levels of influence that can limit the expansion of freedom and capabilities by affecting the access to and distribution of resources therein.

While extraordinarily useful for its broadened definition of indices relevant to the pursuit of justice, I question whether Sen's comparative capabilities approach sufficiently grapples with the continued ways in which domestic options in the postcolony are overdetermined by the unequal positions of states in a global capitalist order the priorities of which are increasingly dictated by a small set of multinational corporations and multilateral lending agencies. Although it improves upon the abstract approaches of John Rawls and classic social contract theory by virtue of its exploration of specific political circumstances more is demanded of Sen's comparative approach if it is to help to make sense of what current developments in the global economy mean for the pursuit of justice in the developing world. The challenge is fitting and most opportune. Where else might we measure the true utility of a theory of justice than in the throes of the injustice wrought historically by colonialism and currently by the relations of global corporations and agencies to domestic actors who become limited thereby in their ability meaningfully to exercise freedom and establish stable, prosperous democracies? Of course, such a theory would have to begin first with recognition of the implications of this experience for any meaningful pursuit of justice in these circumstances. The subjects in that rendition of Sen's theory would be thereby located in even more concrete political reality than he affords in *The Idea of Justice*.

Notes

1. Amartya Sen, *The Idea of Justice* (Cambridge, MA: the Belknap Press of Harvard University Press, 2009).
2. See Achille Mbembe, *On the Postcolony* (Berkeley and Los Angeles: University of California Press, 2001).
3. South Africa presents us with somewhat of a deviation insofar as national independence was secured very early in the 20th century under white minority rule. It has been recognized nevertheless that colonial type relations persisted between the white minority and the majority nonwhite population up to the granting of universal suffrage and the election of 1994. For an early discussion of the matter at the height of racial segregation see Anton Lembede, 'Some Basic Principles of African Nationalism'. *ilangalase Natal* (24 February 1945).
4. Severine Deneulin and Frances Stewart, 'Amartya Sen's Contribution to Development Thinking', *Studies in Comparative International Development* 37 (2) (Summer 2002): 61–70.
5. Sen, *The Idea of Justice*, p. 231.
6. See Francesca Freeman, 'Palinum Swings on Strife: Labor Tensions in South Africa Keep Pressure on Metal', *The Wall Street Journal* (23 September 2012), section C, p. 10; accessible @: http://online.wsj.com/article/SB10000872396390444165804578010760721476612.html Nigel Gibson, 'The Marikana Massacre: A Turning Point for South Africa?', *Truthout* (1 September 2012), accessible @: http://truth-out.org/news/item/11237-the-marikana-massacre-a-turning-point-for- south-africa

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7. Deneulin and Stewart, 'Sen's Contribution'.
8. Jake Johnston and Juan Antonio Montecino, *Jamaica: Macroeconomic Policy, Debt and the IMF* (Washington, DC: Center for Economic Policy Research, May 2011), p. 12; Colin Bullock, 'With or Without the IMF, It is Jamaica's Problem', *The Gleaner* (18 June 2012), accessible @: http://jamaica-gleaner.com/gleaner/20120618/lead/lead6.html

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