

**RAWLSIAN JUSTICE AND POVERTY REDUCTION  
IN SOUTHERN SUDAN**

**BY  
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**A Thesis Submitted in Fulfillment of Requirements for the Degree of Doctor of Philosophy  
in Political Philosophy in the Department of Philosophy and Religious Studies,  
University of Nairobi**

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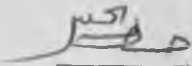
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# DECLARATION

This Ph.D. dissertation is my original work and it has not been presented for an academic degree in any other university or higher learning institution.

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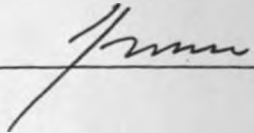
  
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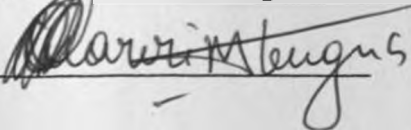
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## DEDICATION

I dedicate this Ph.D. thesis to my uncle Charles Amum and also to Mama Lois Anderson who always encouraged me and prayed for my success when they were alive. May almighty God rest their souls in eternal peace. Also I dedicate this work to Taar my first born son and Duria his mother. May this work contribute to effective philosophy of poverty reduction, pursuit of sustainable human development and enduring peace in Southern Sudan.

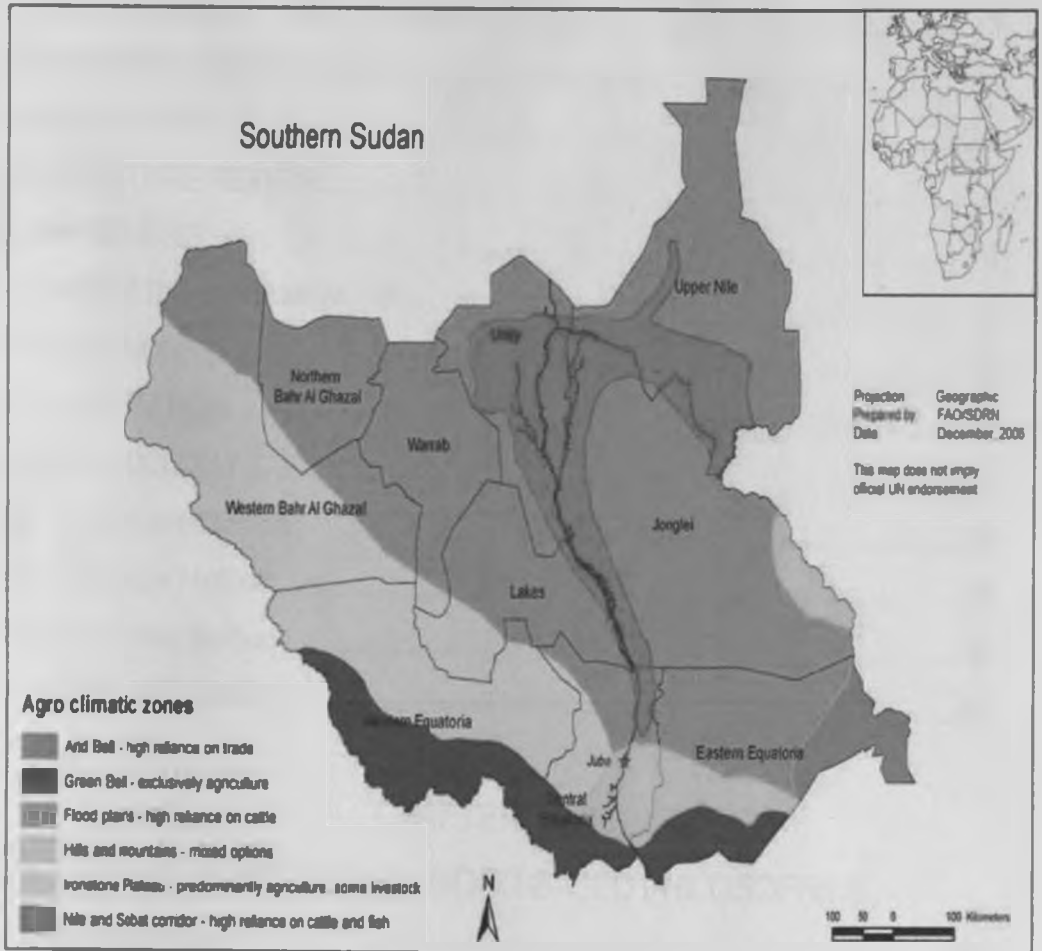
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# MAP OF SOUTHERN SUDAN



SOURCE: United Nations Mission in the Sudan

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## ABBREVIATIONS

<b>AAPA:</b>	Addis Ababa Peace Agreement
<b>CPA:</b>	Comprehensive Peace Agreement
<b>GDP:</b>	Gross National Product
<b>GNP:</b>	Gross Domestic Product
<b>GoNU:</b>	Government of National Unity
<b>GoS:</b>	Government of the Sudan
<b>GoSS:</b>	Government of Southern Sudan
<b>ICSS:</b>	Interim Constitution of Southern Sudan
<b>IDPS:</b>	Internally Displaced Persons
<b>IMF:</b>	International Monetary Fund
<b>ISSLA:</b>	Interim Southern Sudan Legislative Assembly
<b>JAM-Sudan:</b>	Joint Assessment Mission-Sudan
<b>LP:</b>	<i>The Law of Peoples</i>
<b>MDGs:</b>	Millennium Development Goals
<b>MTDF:</b>	Multi-Donor Trust Fund
<b>NGOs:</b>	Non-Governmental Organizations
<b>PL:</b>	<i>Political Liberalism</i>
<b>SHHS:</b>	Sudan Household Health Survey
<b>SAF:</b>	Sudan Armed Forces
<b>SPLMA:</b>	Sudan People's Liberation Movement/Army
<b>SPLA:</b>	Sudan People's Liberation Army
<b>TJ:</b>	<i>A Theory of Justice</i>
<b>WTO:</b>	World Trade Organization

## ABSTRACT

This thesis deals with three independent but interconnected themes. The first theme is John Rawls' Philosophy of Justice. The second theme is the problem of poverty in Southern Sudan. The third theme is the Policies and Work Plans of Government of Southern Sudan (GoSS) – and the related projects of Non-governmental Organizations and agencies – aiming at reducing poverty in Southern Sudan.

These themes comprise the elements of the hypothesis that: ***Firm philosophical foundation of Rawlsian Justice is the missing link in the intentions of the Government of Southern Sudan for Poverty Reduction.*** Thus, the objectives of the thesis are to apply Rawlsian Justice as the philosophical framework for the policies and action plans of the Government of Southern Sudan and to conscientise its employees on the value of this type of justice for poverty reduction.

Rawlsian Justice basically prescribes that a fair structure of the basic institutions of human societies should always be in place for the sake of peace, stability, development and prosperity in the world. This should start with equal distribution of the primary goods, especially to the least privileged members of human societies but without shifting poverty to the privileged members. Hence, Rawls was against unjust practices like slavery, colonialism, racism, minority oppression, gender bias, and foreign wars and invasions, some of which were justified by some good-based philosophical tenets – Utilitarianism, Teleological Perfectionism, Ethical Egoism and Rational Intuitionism.

Rawls critiqued these philosophies (particularly Utilitarianism) and developed his 'right-based' Liberal Egalitarianism as an alternative philosophy of justice, peace and development for the contemporary world. He supported this new philosophy with some elements of Classical Contractarianism and Deontological Constructivism, which valued

the primacy of the rational choice for equality of the dignity of every human person and decency of every human community through liberty of righteous conscience. He summarized this philosophy into “Two Principles of Justices as Farness” and their corollary; the Eight Principles of “The Law of Peoples.”

Notwithstanding, Rawlsian philosophy has been critiqued by some philosophers, academicians and professionals for different reasons. These critical debates revitalized the fundamental questions about human societies and the search for sustainable solutions to human predicaments within the continuous History of Political Philosophy. And even with the critique, Rawlsian Justice has stood its ground as a relevant philosophy for poverty reduction because of its special focus on improvement of life quality and opportunities for the poor people without contempt to the rich ones.

Having examined Rawlsian Philosophy in details, the author of this thesis used it as a theoretical framework for analyzing and explaining the phenomena of poverty in Southern Sudan, especially the efforts exerted by the GoSS to reduce its prevalence. The author applied a combination of descriptive, analytical and prescriptive methods to test the hypothesis qualitatively. He found out from the documented policies and action plans of the GoSS and from the views of its employees that Rawlsian Justice is the missing or the weak link in the policies and actions against poverty in Southern Sudan. Majority of employees in the GoSS accepted Rawlsian Justice as a solution to poverty.

In the conclusion and summary of the thesis, the author recommends the application of Rawlsian Justice as the suitable philosophical foundation for enhancing equitable public policies actions aimed at poverty reduction, sustainable development, durable peace and human prosperity in Southern Sudan. He also recommends that poverty and equity studies like Rawlsian Justice be made part of development studies in higher learning and research institutions in Southern Sudan.

# CHAPTER ONE

## THE GENERAL INTRODUCTION

### 1.0 BACKGROUND OF THE PROBLEM

Poverty has been prevalent in Southern Sudan for long time despite the available resources (material and human) that could reduce or even eradicate it. Part of exacerbation of this problem was the elongation of the civil war in this region, right from the time of the independence of the Sudan from Anglo-Egyptian Colonialists in 1956. The war was provoked by many factors. The most serious of these was the gross injustice committed by the central government in Khartoum against the citizens living in the periphery of Southern Sudan. Even during the decade of the relative peace that resulted from Addis Ababa Peace Agreement (AAPA) in 1972, poverty continued to be the biggest human challenge in Southern Sudan. Most of the inhabitants failed to secure the expected equitable peace and development dividends. This situation provoked a fully fledged civil war from 1983 up to 2005.<sup>1</sup>

On the 9<sup>th</sup> January 2005, a Comprehensive Peace Agreement (CPA) was signed in Nairobi by the Government of the Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A ) to end the war. The CPA offered as a priority a vision for confirming a united Sudan if the people of Southern Sudan find this option attractive in terms of being peaceful, just, developed, democratic and prosperous. The CPA also offered another option of secession for independence of Southern Sudan from the North

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<sup>1</sup> See Arop Madut-Arop, *Sudan's Painful Road to Peace: A Full Story of the Founding and Development of SPLM/SPLA* (Oxford: Book Surge, 2006). Also see Lam Akol, *SPLM/SPLA: Inside an African Revolution* (Khartoum: Khartoum University Press, 2001), pp.1 – 11. See the *Joint Assessment Report of the Staff of the IMF, World Bank and UN* to the “Third Sudan Consortium” (Oslo-Norway, May 6 – 7, 2008), pp 3 – 4.



through a referendum for self-determination in 2011 if the people of this war-ruined region find it unattractive to live in a united Sudan.<sup>2</sup>

But though the war was ended and the right vision was set, still the peace dividends remained to be desired by the majority of the people in Southern Sudan. Poverty and injustice has remained prevalence and persistence in addition to the negative effects of war. The war had wrecked the little infrastructure and services that were available and blocked the utilization of the untapped resources (including human powers) for noble purposes. The new government of the CPA's era at all levels (national, regional, state and local) has been slow to realise reconstruction and construction in Southern Sudan for improvement of livelihood of the people. The socio-economic and political privileges had remained limited to be accessed by the common people, except for the few elites.<sup>3</sup>

Even the regional and international NGOs, and also the bilateral and multi-lateral aid agencies – who had many projects for the recovery and development in Southern Sudan – did not do much to mitigate the alarming rate of poverty. Some of their personnel had worked in the opposite direction; they diverted most of the poverty reduction fund to pay for their own salaries and other privileges. Some of them became involved in private commercial business under the coverage of humanitarian aid. Thus, the poor people of Southern Sudan remained desperate and vulnerable in the face of both the government and non-government institutions that had declared to eradicate poverty in this region.<sup>4</sup>

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<sup>2</sup> See *The Comprehensive Peace Agreement Between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army* (Nairobi-Kenya, 9th January 2005), Ch.I; The Machakos Protocol.

<sup>3</sup> *The Executive Summary of the Joint Report of Government of National Unity and Government of Southern Sudan on "Sustaining Peace Through Development (2008 – 2011)"*, Vol. I (Oslo-Norway, May 6 – 7, 2008), pp. 2 – 6.

<sup>4</sup> Yoanes Ajawin and Alex de Waal (eds.), *When Peace Comes: Civil Society and Development in Sudan* (Asmara: the Red Sea, 2002).

Also most of the poor people themselves had been apathetic in facing the challenge of poverty in Southern Sudan. Some of them had developed a culture of poverty and defied the culture of development. They loiter unproductively because they knew that their hard-working relatives and friends would provide for their basic needs at the end of the day because of the culture of communal sharing. Even some of the employed poor graduates feel at ease to sit idle in government offices and under other shelters from morning till sunset without worrying to plan for a better future. Very few of them take their unoccupied time to pursue some additional private income generating projects to subsidise their meagre monthly salaries.

## 1.1 PROBLEM STATEMENT

History shows that poverty has been an old phenomenon as the age of humankind itself. In few centuries ago, vast differences in the quality of life among nations did not exist. There were no substantial economies nor advanced technologies. It was only 200 years ago that the gap between the rich and the poor countries began to emerge. Parts of reason for these imbalances were: Slave Trade and Racism; Western Colonialism; Post Colonialist Imperialism; Natural Calamities and Dependency Syndrome.<sup>5</sup>

Starting from 1990s, the issue of poverty alleviation has become a forefront agenda of governments, UN agencies, World financial institutions, and NGOs, among others. This is because the size of the poor-rich divide has become the greatest challenge facing the human race. For instance in 1995, the World Summit for Social Development held in Copenhagen identified poverty as a major threat to the future of humankind, especially in developing countries. Here, the fight against poverty was billed as a battle against

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<sup>5</sup> Abel Gitau Mugenda. *Social Science Research: Theory and Principles* (Nairobi: Applied Research & Training Services, 2008).

underdevelopment in reference to laying the foundation for sustainable development. Each participating country was asked to develop a national anti-poverty plans and allocate resources for poverty reduction with involvement of the poor people themselves. Each country was expected to specify the targets and evaluate periodically the performance towards poverty reduction goals.<sup>6</sup>

However, nothing much has been done to improve the quality of life of the poor people despite this declared intention. For example, the UNDP have found that the developing countries are most affected by poverty with about 24 countries in Sub-Sahara Africa registering negative progress on the MDGs. These countries are characterized by high unemployment rates, young populations, huge external debts, to mention but few. The available resources in these countries have not been used in the most optimal way especially by those entrusted with the management of public resources.<sup>7</sup>

During the negotiations and after the signing of the CPA<sup>8</sup> between the Government of the Sudan and SPLM/A in Kenya, intentions for poverty reduction and eradication occupied the centre of the new Government in the Sudan, especially at the level of the Government of Southern Sudan (GoSS). The CPA has set a constitutional way forward for addressing the disparities and imbalances in the sharing of wealth, power, security and services between the centres and the peripheries in the Sudan.<sup>9</sup>

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<sup>6</sup> <http://www.un.org/esa/socdev/wssd/index.html>

<sup>7</sup> *Ibid.*

<sup>8</sup> The CPA was negotiated on the basis of political strategy of building a secure, peaceful, just, democratic, civilized, advanced and developed Sudan that is united on a free will of its dignified citizens. The CPA spelt out clearly the need for adopting just and fair policies that can bridge the gap between the 'periphery' and the 'centre'. It obliges the post war government to encourage the participation of the grassroots in government decisions so that the local demands and needs of the people can be identified and met appropriately.

<sup>9</sup> *The Comprehensive Peace Agreement Op.cit.*

As the ruling party in Southern Sudan and with insights from Reports of Joint Assessment Mission (JAM-Sudan)<sup>10</sup> between the years 2004 – 2005, the SPLM prepared a framework<sup>11</sup> for peace and development with the intention of implementing it through a tripartite partnership of the public, the private and NGOs or Civil Society Sectors. In this framework, poverty eradication was identified as a priority. The framework became the overall guideline in developing policies and work plans of the different ministries of the GoSS (in the sovereignty, economic and services sectors) where poverty reduction and eradication is mentioned in each of these documents as an important mission to accomplish. Also the CPA provisions were incorporated into the Five-Year National Strategic Plan, which mentions poverty eradication and achievement

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<sup>10</sup> Joint Assessment Mission (JAM)–Sudan, “*Framework for Sustained Peace, Development and Poverty Eradication*” Vol.1, March 18, 2005. JAM-Sudan was managed by a Core Coordinating Group (CCG) comprising of representatives from the Government of the Sudan (GoS), the Sudan People’s Liberation Movement (SPLM), the United Nations, the World Bank, Inter-Governmental Authority on Development (IGAD), IGAD Partners Forum (IPF), Political Parties, Civil Society, Non-governmental Organizations (NGOs) and the Private Sector. It used a comprehensive methodology with a wider participation of the local, national, regional and international development partners. The purpose was the recovery, reconciliation, prosperity and restoration of the Sudanese dignity as well as upholding fundamental and basic human rights and good governance that will enable the government of the Sudan with all its levels – in the interim period of the Comprehensive Peace agreement (CPA) – to realize and sustain peace dividends and confidence-building among all Sudanese. The following are the thematic areas tackled by JAM: 1) institutional development and capacity-building (e.g., institutional assessments, civil service, and decentralization); 2) Governance and Rule of law (e.g., constitutions development, legal coding, police, security, human rights, anti-corruption, media freedom, transparency, peace-building, and democratization); 3) Economic policy and management (e.g., macro-economic policy, fiscal policy, public expenditure management, and efficient central banking system); 4) Productive Sector (e.g., agriculture, livestock, fisheries, forestry, irrigation and private sector development); 5) Basic Social Services (e.g. health, HIV/AIDS, and education); 6) Infrastructure (e.g., transport and civil works, communications, water and sanitation, and energy); 7) Livelihoods and Social Protection (e.g., Demobilization, Demilitarization and Reintegration (DDR), repatriation and resettlement of Internally Displaced People (IDPs) and refugees, community driven development planning, creation of employment, and demining action); and 8) Information (data collection and analysis, monitoring and evaluation). JAM report was unique and reliable in the sense that it was conducted on community basis for twelve months of engagement, and undertaken with extensive donor and civil society participation together with the government of the Sudan and the rebel movement. See <http://www.unsudanig.org/JAM-report-volume-I.pdf>

<sup>11</sup> SPLM Economic Commission. *SPLM Strategic Framework for War-to-Peace Transition* (New Site: Kapoeta, Southern Sudan, August 2004). The SPLM key elements of the strategic framework for War-to-Peace transition are: 1) poverty eradication; 2) sustainable economic growth with agriculture fuelled by oil money as the engine of growth; and 3) industrialization in a wider Pan-African and global context. The SPLM acknowledged the destruction done by the long civil war in Southern Sudan: devastation of institutional and physical infrastructure, diminishment of fiscal resources and damage of financial management system, weakened networks of civic engagement and reduction of service delivery, and weakening of capacities for the functioning of governance structure with democratically accountable mechanism.

of the other MDGs as one of the crucial national goals for making and keeping the Sudan United, Secure, Civilized, Advanced, and Developed.<sup>12</sup>

But finding a single solution that can break the transgression of the intra and inter-generation progression of poverty, especially in areas like Southern Sudan seems to have eluded development experts, political parties, governments, donors and NGOs or Civil Society. Hence, there is a strong argument that poverty eradication requires a combination of approaches that would specifically promote efficient and transparent use of local resources (including human capital), public funds and foreign aid; that would promote and strengthen fair international trade; that would increase internal and global security; that would achieve gender equity; and that would ensure human prosperity.<sup>13</sup>

However, in the process of pursuing these multiple considerations, it is important to ground the whole activity on a firm philosophical basis or framework. This seems to be absent in many policies and actions against poverty. One option for this philosophical framework is Rawlsian Justice<sup>14</sup> because it is a pro-poor and not anti-rich philosophy. According to Rawls, as far as equitable socio-economic and political development is concerned every citizen has a right to live as a well-off person and nobody should be allowed to live under disadvantages of poverty.<sup>15</sup>

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<sup>12</sup> The Sudan National Council for Strategic Planning. *Five-Year Plan (2007 – 2011): Goals, Challenges and Opportunities* (Khartoum: Published by the Ministry of Council of Ministers HQs, 2007), pp.2 – 11. The pillars for the strategic aims of this Five-Year Plans are: 1) Sustainability of Peace, Sovereignty and National Consensus; 2) Citizenship and Sudanese identity; 3) Sustainable Development; 4) Poverty Eradication and Fulfilment of the other MDGs; 5) Good Governance and the Rule of Law; 6) Institutional Development and Capacity-building through continuous Assessment and Evaluation; 7) Communication and Information Technology; and 8) Development of Scientific Research Methods.

<sup>13</sup> Mugenda, Op.ct. Also see The World Development Report (2000/2001) at <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/0,,contentMDK:20195989~pagePK:148956~piPK:216618~theSitePK:336992,00.html>

<sup>14</sup> "Rawlsian Justice" is a jargon used in Political Philosophy discipline to refer to the ideas of and American Philosopher called John Rawls.

<sup>15</sup> John Rawls. *A Theory of Justice* (Cambridge, MA: Oxford University Press, 1971) and *Political Liberalism* (New York: Columbia University Press, 1993).

Rawls' main intention for his philosophical principles was to make them foundations of international justice, humanitarianism, peace and development in a realistic utopian mode.<sup>16</sup> Thus, Rawlsian Justice could act as foundation for poverty reduction in Southern Sudan because of its special attention to the least privileged peoples.

Despite the availability of economic wealth and socio-political powers in Southern Sudan, many of its inhabitants have been experiencing abject poverty, ruthless conflicts and striking inequalities. Some researchers identified this problem not as that of the scarcity of resources, but the prevailing unjust economic and socio-political structures.<sup>17</sup> And within this overall context of injustice, the author of this thesis specifically looks at the problem of poverty in Southern Sudan as that of lack of foundation of "Justice as Fairness" in government policies and behaviours of its employees at different levels.

The absence of such type of justice is part of the reasons for the escalation of decades of wars in Southern Sudan as the centres of government powers tried to oppress and marginalize the people at the peripheries of the country. Not only this, but some poor people in Southern Sudan have contributed to the existence and continuity of their own poverty in addition to the negative consequences of absence of good governance and leadership. Also the foreign interventions have exacerbated the persistence of poverty because, for example, many relief handouts and charitable works became mismanaged. Even the national and multi-national economic institutions failed to resolve the problem of poverty in Southern Sudan despite their strategies of poverty reduction and eradication.<sup>18</sup> Thus, since the absence of "Justice as Fairness" as the foundation of

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<sup>16</sup> John Rawls. *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).

<sup>17</sup> Ajawin and de Waal, *Op.cit.*

<sup>18</sup> Graham Handcock. *The Lords of Poverty: The Power, Prestige, and Corruption of the International Aid Business* (New York: Atlantic Monthly Press, 1994).

those attempts stands out to be the main reason for existence and persistence of poverty, the author of this thesis confines his research on this type of justice within the government institutions and their employees in Southern Sudan.

## **1.2 OBJECTIVES**

- 1.2.1** To analyze the root causes and effects of poverty in Southern Sudan.
- 1.2.2** To suggest to the GoSS that the available valuable resources (material and human) in Southern can make a dignified difference in livelihoods of the people living there if managed and utilized equitably with fairness.
- 1.2.3** To subscribe Rawlsian Justice as the normative foundation for the policies and actions of the Government of Southern Sudan.
- 1.2.4** To enlighten and conscientise the employees of the Government of Southern Sudan about the significance of Rawlsian Justice in the efforts for sustainable development and stable peace aiming at inclusive human prosperity.
- 1.2.5** To add to the available academic debates more insights and knowledge on the tripartite link of poverty reduction, equitable human development and sustainable peace for decent and dignified living in human societies.

## **1.3 LITERATURE REVIEW**

Academic literature on 'Equity and Poverty Reduction in Southern Sudan' is scarce. No academic work on 'Rawlsian Justice and Poverty Reduction' has been carried out before in the context of Southern Sudan. The main reason is that John Rawls has not been known well in the academic and common circles in the Sudan. This makes a research of this kind a challenging endeavour, as it starts from no previous experience. Notwithstanding, some literature are available (though from different perspectives and

contexts), which have implicit implications in the direction of “Justice as Fairness” for poverty reduction in Southern Sudan. There is enough relevant literature that deals with the subject of poverty and justice on a global level, especially from the researches and reports of the World Bank, the United Nations, religious institutions, bilateral aid agencies, NGOs and professional individuals. Some of these could be related analogically to the case of Southern Sudan.

Dixon and Macarove<sup>19</sup> define poverty from different angles – physical, social, moral and religious. These authors examine the relative and absolute aspects of poverty comprehensively. They highlight the major reasons that made poverty a persistence phenomenon to be God’s will, sense of superiority by the wealthy, laziness of the poor, dynamics of socio-economic systems, political controls and strategies, and implications of sexism, racism and xenophobia. They conclude that there are no equity-based anti-poverty programmes available in spite of the so many poverty alleviation strategies that had been drawn directly or indirectly, intentionally or unintentionally in different countries and by different institutions and individuals. Most of these strategies recommend only social security, job creation, economic development, and community development for the resolution of poverty. Also the implementation of these recommendations overlooks the fact of the “hidden and forgotten poor.” These categories of the poor are marginalized and denied the benefit from the anti-poverty programmes and actions. I owe these authors for giving me a critical insight on the important of a just and fair foundation for poverty reduction.

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<sup>19</sup> John Dixon and David Macarove (eds.), *Poverty: A Persistent Global Reality* (London: Routledge, 1998).



Narayan<sup>20</sup> defines poverty as a multidimensional phenomenon that affects the physical, psychological, cultural, social, political and economic well-being of human individuals and communities. He emphasizes the need for the empowerment and involvement of the poor (by the State and Civil Society institutions) in designing the anti-poverty strategies and actions. He also stresses the importance of acknowledging gender and age balance in the aims and process of poverty reduction. I owe this author for enlightening me on multi-dimensional aspects of poverty.

Thompson<sup>21</sup> discusses the problem of poverty historically, politically, socially, economically and ethically. He asserts that the obligation to respond to the needs of the poor should be rooted in the pursuit for justice (locally and internationally), rather than on mere kindness and charity. He acknowledges the effects of the hangovers of colonialism, and also the hindrances of the unfair controlled globalization by multi-national/transnational corporations and powerful states in the world. The author criticizes politically stringed foreign aid, grants and loans that had caused unbearable debts in the poor countries. He also condemned the destructiveness of violence and war, which had continued to contribute to the spread of poverty in Africa. Based on these realities, the author recommends that the globalization should be utilized to improve the living standards of the local employees, and also to relieve debts in the poor African countries that have adopted good governance and sound economic policies for achieving the MDGs and fair trade.

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<sup>20</sup> Deepa Narayan, *Empowerment and Poverty Reduction: A Sourcebook* (Washington DC: The World Bank, 2002).

<sup>21</sup> Milburn J. Thompson, *Justice and Peace: A Christian Primer, 2<sup>nd</sup> ed.* (Maryknol and New York: Orbis Books, 2003).

Karelis<sup>22</sup> asserts that the conventional explanations of poverty are incorrect. That is why the anti-poverty policies built upon them are failing to resolve the prevalence of poverty in many human societies. Using science, history, fables, philosophical analysis, and common observation, the author draws a link between consumption and satisfaction in reference to poverty and riches. And based on this linkage, he explains what keeps poverty in the midst of wealth of many nations. The author recommends that the mentality of the well-off nations should get changed so that their economic policies become pro-poor.

However, I find Karelis' approach as reductionist because poverty is not solely an economic problem. Even if the poor were involved in the design and change of hyper economic policies of developing countries, poverty will continue recurring as long as these policies remain divorced from the sense of "Justice as Fairness" in terms of equal security of the primary goods. Karelis' approach is not fair because it is anti-rich in its argument for a pro-poor paradigm shift in economic globalization. It undermines the possibility that some poor people are potential oppressive and unjust capitalists.

Stenger<sup>23</sup> states the optimism for turning Africa into a continent of light rather than darkness. He argues that this turn is possible if the sons and daughters of Africa work harder to foster good governance, reduce poverty and unemployment, advocate for mass education, and control the deadly diseases. According to him, helping the poor charitably is not enough to eradicate poverty if the unjust pyramidal social system remains intact. Also when the poor become accustomed to being helped freely, they slowly develop dependency syndrome. Having laid down these facts, the author

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<sup>22</sup> Charles Karelis, *The Persistence of Poverty: Why the Economics of the Well-Off Can't Help the Poor* (Connecticut: Yale University Press, 2007).

<sup>23</sup> Fritz Stenger (ed.), *Africa is not a Dark Continent: Tangaza Occasional Papers/ No.17* (Nairobi: Paulines, 2004).

recommends that sound policies and strong institutions should be established to enable African countries achieve better economic performance and political stability. I owe this author, especially on the point that it is not enough to criticize African governments idly without recommending alternative solutions to the problem of poverty and other threats to the dignity of human life.

Ahmed and Sorbo<sup>24</sup> states that a lasting peace and political stability in the Sudan can be achieved if the people and the government deal openly with the key issues of economic improvement. These authors analyzes the history of conflict in the Sudan and stressed that there were moments when the promises of acceptable framework for a resolution emerged, but also there were moments when these promises were dishonoured with a resultant provocation of a violent search for other alternative solutions. This is because many leaders in the government of the Sudan lacked the political will to disregard their personal and constituency interests in order to do justice to the whole country. I owe these authors for sharpening my understanding of roots causes of civil war in the Sudan.

Ajawin and de Waal<sup>25</sup> argue that continuous dialogue on vital issues of democracy and social justice in the Sudan is necessary for sustaining a lasting peace. They condemn the political instability, prolonged military regimes, and war in Southern Sudan, which prevented the full utilization of the abundance valuable resources. They recommend the following strategies for poverty reduction: elimination of unproductive government expenditures, improvement of social services (especially education and health) and basic infrastructure, reformation of the judiciary so that it becomes independent, promulgation of anti-corruption laws, strengthening of public institutions, reformation of public service, engagement of civil society, and enhancement of roles of women and

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<sup>24</sup> Abdel Ghaffar M. Ahmed and Gunnar M. Sorbo (eds.), *Management of the Crisis in the Sudan: Proceedings of Bergen Forum 23 - 24 February 1998* (Bergen: Bergen University Press, 1998).

<sup>25</sup> Ajawin and de Waal. Op.cit.

youth in the development process. I owe these authors for educating me about the role of the civil society for ensuring good governance and poverty reduction in the Sudan.

The *JAM-SUDAN*<sup>26</sup> reports that the CPA has offered an opportunity to address the root causes of the conflict in the Sudan and set a pace for prosperous future for Sudanese generations. It presents a vision of effective decentralization and equitable sharing of resources in the Sudan, with a special consideration to the least developed areas like Southern Sudan. Based on this context and in reference to realization of the MDGs, the JAM-Sudan recommends reforms in government policies, creation of new institutions, and capacity building for the locals so that they become empowered to drive the wheel of development in both public and private sectors. I owe this document for my in-depth understanding of the challenge of poverty in Southern Sudan.

The CPA<sup>27</sup> lays the foundation for addressing the problem of injustice and poverty in the Sudan through sustainable peace and equitable development. It aims at bridging the gap between the centres and the peripheries. It grants the rights of the grassroots to participate in the governance of their affairs in a decentralized system with devolved and divided powers. It gives the people of Southern Sudan the right to control and govern their regional affairs within the umpire of the Interim National Constitution of the Sudan until the result of their referendum for self-determination for secession and independence or continuation of unity and dependency on Northern Sudan in 2011.

The ICSS<sup>28</sup> defines Southern Sudan as comprising of former three Provinces: Greater Bahr el Ghazal, Greater Equatoria and Greater Upper Nile, based on the boundaries of January 1, 1956. This territorial jurisdiction is subject to additional adjustment if the

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<sup>26</sup> JAM-Sudan, Op.cit.

<sup>27</sup> *The Comprehensive Peace Agreement*, Op.cit.

<sup>28</sup> *The Interim Constitution of Southern Sudan* (Juba-Sudan, October, 2005).

simultaneous referendum for the residents of Abyei Area in 2011 resulted in their joining Southern Sudan. This document set the basic rules for the legalized management of the shared government power and wealth in Southern Sudan. It also expresses the need to manage the natural resources wisely for the benefit of both the present and future generations. The ICSS affirms the commitment of the GoSS to eradicate poverty and attain the MDGs in Southern Sudan. I owe this legal document for my understanding of the duty of the GoSS during the interim period.

Sandel<sup>29</sup> argues that the pluralistic liberal society is the best because it offers alternative moral and political values to be chosen freely by the citizens. Such society has to be governed with objective principles of justice that do not presuppose any particular conception of the good. This author traces modern liberalism back to Kantian tradition and interprets Rawlsian philosophy as the most influential recent expression of Kant's deontology. He supports Rawlsian "liberal deontological project" but criticized Rawls' limitation of liberalism to deterministic and individualistic conception of human person without due regards to communitarianism. I owe this author for my in-depth understanding of John Rawls' Philosophy of Justice.

Daniels<sup>30</sup> presents arguments 'For' and 'Against' Rawlsian Justice from different scholars: those who criticized or supported Rawls' methodology, relevance of his theory to reality of the modern world, the content and the logical coherence of his ideas, and his claim for Kantian deontology. With this critique, the author affirms that Rawlsian Justice is one of the greatest contemporary attempts for revitalizing the practical normative questions about justice, peace and development in societies with their diverse cultures,

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<sup>29</sup> Michael J. Sandel, *Liberalism and the Limits of Justice*, 2<sup>nd</sup> ed. (Cambridge: Cambridge University, 1998).

<sup>30</sup> Norman Daniels (ed.), *Reading Rawls: Critical Studies on Rawls' A Theory of Justice* (Oxford: Basil Blackwell, 1975).

politics and economies. Richards<sup>31</sup> supplement Daniels and presents a number of critical academic articles on Rawls' "Two Principles of Justice."

Weithman<sup>32</sup> gives a brief background of John Rawls: his unique personality, his optimism about the goodness of human persons, his contribution to socio-political and moral philosophy, and his dedication to the good of all human persons in multicultural communities. He concludes that Rawlsian philosophy took to the height the pursuit for human decency and dignity in the world. Nancy Kokaz<sup>33</sup> shares this view by affirming that Rawlsian philosophy is the best ethical policy judgement for contemporary global poverty eradication policies and actions.

Rawls<sup>34</sup> revitalizes the philosophical debates about social, cultural, political and economic issues and problems in the modernizing and globalizing world. This author put "Justice as Fairness" at the basis of successful liberal democracies and decent hierarchies. He justifies this foundation with an idea of "Hypothetical Contract" reached under a fair "Circumstance of Justice" in the "Original Situation" characterized by "Veil of Ignorance" for the impartiality in the free rational choice for the "Two Principles of Justice" by the cooperative and autonomous Original Persons. Here it is agreed that 1) "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all;" and 2) "Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under the conditions of fair equality of opportunity." I chose

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<sup>31</sup> Henry S. Richardson (ed.), *The Two Principles and Their Justification* (New York: Garland Publishing, 1999).

<sup>32</sup> Paul Weithman, "John Rawls: A Remembrance". *The Review of Politics*, 65/1(Fall 2003), 5 – 10.

<sup>33</sup> Nancy Kokaz, "Poverty and Global Justice" in *Ethics and International Affairs* 21/3(Fall 2007), pp. 317 – 334.

<sup>34</sup> Rawls (*A Theory of Justice*), Op.cit.

Rawls' ideas on justice to be the core theoretical reference of my dissertation on the problem of poverty and issue of equity in Southern Sudan.

Miller<sup>35</sup> presents arguments on principles of "Social Justice" from popular opinions of different individuals and communities about this subject. This author gives credits to Rawlsian Justice and the methodology for its justification. He acknowledges that Rawls gave philosophy an empirical touch in his reflective and critical approach to Social Justice. He recommends the need for continued debates on civil liberties, rights, duties, opportunities, and basic goods and services for good of the liberal human societies. I owe him for sharpening my understanding of Rawlsian Justice and liberal democratic societies in the modern world.

#### **1.4 HYPOTHESIS**

***Firm philosophical foundation of Rawlsian Justice is the missing link in the intentions of the Government of Southern Sudan for Poverty Reduction. This overall hypothesis is correlated to the following sub-hypotheses.***

- 1.4.1** Injustice in the distribution of the basic goods and services has led to prevalence of poverty in Southern Sudan.
- 1.4.2** The prevalence of poverty has contributed to the spiking of conflicts and wars in Southern Sudan with the resultant insecurities, instabilities and displacement of many communities and individuals from their acquainted livelihoods.
- 1.4.3** The recurrent of conflicts and insecurities in many parts of Southern Sudan has hindered the progress in the exerted efforts for poverty reduction and sustainable human development in this region.

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<sup>35</sup> David Miller, *Principles of Social Justice* (Cambridge, MA: Harvard University Press, 1999).

## 1.5 THEORETICAL FRAMEWORK

Poverty has continued to exist as the biggest human challenge in Southern Sudan not because of lack of sufficient resources, but rather because of absence of equity in government policies and actions as well as negative behaviours of the people against the fundamental human rights. The available literature about this phenomenon presents this case with low regard to equity. Most of the knowledge presented in this literature lean more to analytical description of the problem of poverty without much concern about the normative prescriptions for solutions.

From my evaluation of the policies and work plans of the GoSS, from my interview with some employees, and from my personal experience about Southern Sudan and in comparison to some countries, I came to realize that Rawlsian Justice has not been given a chance in the declared and tacit institutional and personal intentions of resolving poverty in this region. This is partly because of continuous chains of conflicts and instabilities, and also because of fear by most of the leaders and elites about the burdens of the responsibility of applying equity principles like Rawlsian Justice.

It has been manifested in some countries like Norway, Holland, Germany and Mexico that equity (rather than mere charity) leads to significant progress in the reduction of poverty.<sup>36</sup> Southern Sudan has remained a poor region for decades because of lack of equity in sharing the needed goods and services. In this regard, it is highly probable that

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<sup>36</sup> The World Bank, *World Development Report 1997: The State in a Changing World* (Oxford: Oxford University Press, 1997); The World Bank, *World Development Report 2000/2001: Attacking Poverty* (Oxford: Oxford University Press, 2000/2001), United Nations Millennium Project, *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (2005), available at <http://www.unmillenniumproject.org/reports/fullreport.htm>; United Nations Statistics Division, *Social Indicators of Poverty*, available at <http://www.un.org/Depts/unsd/social>; and International Labour Organization, *Perspective on Poverty* (2005), available at <http://www.ilo.org/public/english/comp/poverty/perspcct.htm>



Southern Sudan will get relieved from the prevalence of abject poverty if Rawlsian Justice is applied comprehensively as the theoretical foundation for the public policies and work plans of its government. Not only this, but also it is highly probable that an equitable government and decent people in Southern Sudan could promote a just and strong private sector where employment opportunities are availed as one of fundamental pillars for poverty reduction strategies.

In short, the Rawlsian Justice can enable the government and the people of Southern Sudan to reduce poverty, achieve sustainable economy, harmonize the politics, maintain peace, and promote decent livelihoods for all the citizens without any negative discrimination or marginalization.

Cementing the government policies and actions on Rawlsian Justice and adhering to 'Rule of Ethics' in Southern Sudan can lead to successful poverty reduction efforts. The Rule of Ethics operates on these Principles of Morals:

- 1) ***The Principle of Violating the Moral Negative:*** every human person or community should always avoid the morally negative thought, behaviour or action in any place and at any time.
- 2) ***The Principle of Promoting the Moral Positive:*** every human person should always think, behave and act in a manner that promotes the morally positive values for the good of human society and the natural environment.

These two principles are in line with John Rawls' Two Principles of Justice, except that they are not conditioned by "the lexical order" or "priority rule." They are also grounded in the intuition that all human persons are born as potentially capable of doing good or evil. Therefore, it is the responsibility of any human society (through its governance system and leadership values) to make sure that it is the good human potentials that

should become actualized in the life process of each individual member. One of the fundamental tools for this actualization is the quality education and skills trainings that are designed to meet the multi-dimensional human needs for a holistic development and promotion for the dignity of every human person.

## **1.6 DEFINITIONS AND CLARIFICATIONS OF KEY CONCEPTS**

### **1.6.1 “Ethical Framework”**

“Ethical Framework” is a general guideline which surrounds or frames a theory or praxis in reference to what is good versus what is bad, what is right versus what is wrong, what is dignifying versus what is devastating, what is humane versus what is brutish, what is just versus what is unjust, what is artificial versus what is natural, what is necessary versus what is contingent, what is actual versus what is potential, and what is possible versus what is impossible. It is a value-judgement and a normative prescription from experienced or foreseen circumstantial consequences of human activity or passivity (both rationally and emotionally) in the society and the larger physical ecosystem.

### **1.6.2 “Rawlsian Justice”**

‘Rawlsian Justice’ – is John Rawls’ approach to justice where all human persons are supposed to have the right to equal primary (“thin”) goods like liberty and opportunities, wealth and income, and bases of social recognition under the “circumstance of justice”: scarcity, abundance, interests and motivations. Rawlsian Justice is justified on the capability of human persons for the rational choice for a decent destiny and the means of reaching it with responsibility and dignity. It gives the ‘right-based’ ethics priority over the ‘good-based’ one, and makes justice the foundation of happiness rather than the vice versa. It reconciles individualistic capitalism with communalistic socialism in a form of “Liberal Egalitarian” synthesis. Rawlsian Justice allows inequalities only in distribution

of secondary (“thick”) goods or luxury, but on a condition that these should not cause any harm, especially to the least privileged individuals. Rawlsian Justice assumes the character of “fairness” because it is pro-poor without contempt against the rich. It is broader than the classical views of distributive, retributive, restorative, and commutative justice because it goes beyond “due-ness” and “teleology-ism”. Rawlsian Justice puts into consideration the intermingling factors that enable human societies to get relieved from poverty and other challenges so as to pave a way for attaining sustainable peace and equitable development.

### 1.6.3 “Justice”

“Justice” is the first virtue of social institutions, as truth is of systems of thought. ‘Substantive Justice’ in the context of Rawls’s philosophy is basically about the rights of individual human persons that should be safeguarded institutionally. Rawls calls these rights ‘social primary goods’ because they are the necessary needs for living a decent life and pursuing other prospects or plans inter-generationally as well as intra-generationally. Substantive Justice is not merely about what people deserve or what is due to them as is the case in the traditional definition and typology of justice (e.g. distributive, corrective, retributive and commutative); it is about equal enjoyment of primary goods and fairness in enjoyment of secondary goods by members of human societies. ‘Procedural Justice’ ensures Substantive Justice because it adheres to fairness, impartiality and universality in the distribution of the primary goods. It is called “Pure Procedural Justice” when it aims at achieving right results in ideal sense. It is called “Perfect Procedural Justice” when it aims at achieving right results based on fixed logical standards. It is called “Imperfect Procedural Justice” when it leads to actual and logical results with possibility of errors.<sup>37</sup>

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<sup>37</sup> See Rawls (*A Theory of Justice*), Op. cit., pp.64, 85, 86, 110 – 114.

#### **1.6.4 “Utilitarianism”**

'Utility' is the property of any act, omission, rule or object that tends to produce an advantage, a benefit, usefulness, a satisfaction, and pleasure/happiness for someone. It is a kind of 'good' or whatever a person regards as preferably and desirably attainable for his or her well-being. Philosophy that considers utility as the only 'value' or 'good' in human life is called 'Utilitarianism' and philosophers that fall within is philosophical trend are called 'Utilitarians'.

#### **1.6.4 “The Basic Structure”**

“The Basic Structure” of the society is the arrangement of society’s main institutions into a unified system of social cooperation that provides an all-embracing framework in which individuals, associations, nations, governments and peoples execute their life plans over time. Principles of Justice as Fairness apply directly to this structure as a whole, and indirectly to its constituent parts – Family Unit, Political Constitution, Legal Property and Economic Organization – guaranteeing the fundamental rights and duties, liberties and obligations, opportunities and responsibilities for citizens and leaders.<sup>38</sup>

#### **1.6.5 “Well-ordered Society”**

“Well-ordered Society” is a cooperative social union of obligations and justice where individuals, citizens and peoples' rationally plan and execute their life prospects complementarily according to varieties of their talents, abilities, efforts and achievements. It is characterized by peacefulness, security, stability and non-imperialism. Its basic legal system satisfies certain requisite conditions of legitimacy in the eyes of its own people. It upholds the principle of humanitarianism and respects the fundamental human rights. It upholds public reasonableness and toleration of diversities

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<sup>38</sup> Rawls (*The Law of Peoples*), Op. cit., p.156. Also See Rawls (*Political Liberalism*), Op. cit., pp.258, 276.

in the conception of good. It is effectively regulated by a public sense of justice. Its members view themselves as mature, rational, free, equal, amicable and decent persons. The Well-ordered Society is not only confined to democratic systems because decent hierarchical regimes can also be well-ordered if they adhere to the two principles of justice as fairness. The totality of the Well-ordered Society is impossible to be realized by one or few persons alone; it is for participatory communities and generations where individual 'self' is realized within the activities of many 'selves'.<sup>39</sup>

### **1.6.6 “Social Cooperation”**

In Rawlsian understanding, “Social Cooperation” is distinct from mere socially coordinated activity. The Social Cooperation should be guided by public recognition and acceptability in form of rules and procedures that regulate the conduct of individuals, families, associations or governments in their daily life. According to Rawls, “Sense of Justice” is the capacity and the willingness (if not the desire) to understand and act from the public conception of fairness that can lead to Social Cooperation and stability. It is consonant with love of humankind, which comes from “fellow-feeling.”<sup>40</sup>

### **1.6.7 ““Primary Goods”**

“Primary Goods” are what every human person need for living a decent and dignified life. Without these goods a person or a community will find it impossible to pursue their life plans. These goods are necessary conditions for realizing the moral powers of the moral personality. They are all-purpose means for a sufficiently wide range of final ends shaped by various facts about human wants, abilities, nurture and social interdependence. They are necessary general social background conditions for pursuing rationally the other secondary goods (call it luxury). They are the primary objective

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<sup>39</sup> Rawls (*A Theory of Justice*), Op. cit., pp.441 – 488, 522 – 528, 563 – 565).

<sup>40</sup> Rawls (*Political Liberalism*), Op. cit., pp.16,19. Also see Rawls (*A Theory of Justice*), Op. cit., p.512.

characteristics of the fair social, political and economic institutions. Rawls categorized them into 'natural' and 'social' primary goods. Nonetheless, for him, the social primary goods are what matters in the pursuit of "Justice as Fairness" because they are determined structurally by the society. The natural primary goods have no 'justice-value'; they can only influence society indirectly.<sup>41</sup>

### **1.6.8 "Natural Duty"**

"Natural duty" is the unconditional requirement for mutual aid (benevolence) and non-maleficence for the needy and the innocent persons. Its principles apply to moral persons without presupposition for consent or voluntary acts. These principles have no necessary connection with social institutions or policies in which they are applied. They are diverse and irreducible to general or specific ones. Though different, the natural duty is connected with 'social obligation' that arises conditionally and necessarily from voluntary acts and consent (express or tacit) that bind those who assume public offices or pursue their aims within public systems. The principles of obligation arise in part from the specifications of institutional rules because they are owed to definite individuals who cooperate to establish and maintain just and fair basic structure of human society.<sup>42</sup>

### **1.6.9 "Reasonable Pluralism"**

"Reasonable Pluralism" is a compromise between the political and non-political spheres. It is characterized by reasonable comprehensive doctrines for what is valuable and ideal for human life and character, be it religious or non-religious. It is a political conception of justice that mainly underwrites liberal constitutional democratic societies whose

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<sup>41</sup> Rawls (*Political Liberalism*), Op. cit., pp.18 – 19. Also see Rawls, "Social Unity and Primary Goods" in *John Rawls: Collected Papers*. Op. cit., pp. 367 – 370. See Rawls (*A Theory of Justice*). Op. cit., pp. 60 – 62.

<sup>42</sup> See Rawls (*A Theory of Justice*), Op. cit., pp.113 – 116.

principles, ideals, and standards satisfy the reciprocity criterion. It is mainly about the common enjoyment of the basic rights and liberties by all the citizens on equal basis.<sup>43</sup>

#### **1.6.10 “Overlapping Consensus”**

“Overlapping Consensus” refers to how supporters of different comprehensive religious, ideological and moral doctrines can agree on a specific form of political organization narrowly focused on “Justice as Fairness.” It is a module that can fit into any number of worldviews that citizens might have. Each reasonable citizen affirms this common module from within her or his own perspective. Rawls sees Overlapping Consensus as a feasible basis of democratic and social stability because it enables the citizen to endorse Justice as Fairness within either the gain or lost of political power.<sup>44</sup>

#### **1.6.11 “Public Reason”**

“Public Reason” is a view about the kind of reasons on which citizens justify their actions in accordance with laws and policies in order to promote, for example, value of family in securing orderly production and reproduction of society and preservation of its culture from one generation to another; bringing up of children as equal and innovative future citizens; gender freedom and equality; and freedom of conscience and religion.<sup>45</sup>

#### **1.6.12 “Reflective Equilibrium”**

“Reflective Equilibrium” means working back and forth reflectively from both ends of different thoughts or approaches. It does not demand fixed proceedings from deductive top-down indubitable first principles or *a priori* (necessary and self-evident) truths. Also it

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<sup>43</sup> Rawls (*Political Liberalism*), Op. cit., p.173.

<sup>44</sup> John Rawls, “The Idea of An Overlapping Consensus” in *Oxford Journal of Legal Studies*, Vol.7, No.1, (Spring, 1987): 1 – 25.

<sup>45</sup> Rawls (*The Law of Peoples*), Op. cit., pp. 159 – 166. See also Rawls (*Political Liberalism*), Op. cit., pp.139, 191 – 193.

does not rely only on bottom-up inductive approach of a *posteriori* truths for reaching moral and political conclusions. It considers normative claims as subject to reviews and new understanding of the principles of justice according to the given circumstance. It demands evaluation of the given moral or political views by testing them against the 'considered judgments' or 'informed public reason' at all levels of generality without giving priority to one category of judgment (whether abstract or concrete). That is, it considers the general and the entire package for the overall acceptability, abstraction, plausibility, coherence and adequacy in particular cases. Rawls categorized it into the "Wide Reflective Equilibrium" that relies on and utilizes the sources of abstract thinking – in social theory and in any relevant discipline; and the "Narrow Reflective Equilibrium" that is limited to political philosophy. It is "a notion characteristic of the study of principles which govern actions shaped by self-examination."<sup>46</sup>

### 1.6.13 Lexical Order

"Lexical Order" is a serial or stage-sequence procedures of choosing and applying the principles of Justice as Fairness in human societies. It requires that the principle with utmost priority be exhausted and satisfied before considering other principles with lesser priorities within the same system. That is, the next principle is not allowed "to come into play until those previous to it are either fully met or do not apply." Here the first principles in the serial ordering should always be given absolute weight without exceptions. Rawls borrowed this concept from the mathematical term "lexicography" – i.e., matching numbers with letters, like '1' for 'a' and '2' for 'b' where 'two' comes necessarily after 'one' and 'a' necessarily before 'b'.<sup>47</sup>

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<sup>46</sup> Rawls (*A Theory of Justice*), Op. cit., pp.20 – 21, 48 – 49, 579. Philosopher Nelson Goodman introduced "Reflective Equilibrium" as an approach to justifying the principles of inductive logic. Also see [http://en.wikipedia.org/wiki/Reflective\\_equilibrium](http://en.wikipedia.org/wiki/Reflective_equilibrium)

<sup>47</sup> Rawls (*A Theory of Justice*), Op. cit., pp.42 – 43.



#### **1.6.14 “Poverty Reduction”**

“Poverty Reduction” is a strategy for minimizing the prevalence of destitution and deplorable situations in human societies. This concept has been propagated mostly by the World Bank, the IMF, the WTO, the UN and many NGOs as an enhancement of the strategy of the Roman Catholic Church for charitable option for the “Poorest of the Poor.” It is considered as a realistic and gradual approach for “Poverty Eradication.” It is a strategy and a step towards holistic human development and progress in a peaceful environment. Its meaning is interchangeable with “Poverty Alleviation.”

#### **1.6.15 “Poverty”**

“Poverty” is a multi-dimensional phenomenon that negates the pursuit and enjoyment of dignity and decency of human beings due to insufficiency or deprivation of opportunities and choices that could promote their development or well-being, especially in terms of capabilities and achievements. For instance, according to Nobel Laureate Amartya Sen poverty is related to absence of instrumental freedoms of economic entitlements, political rights, social opportunities, transparent guarantees and protective security.<sup>48</sup> Poverty implies the inability to live long, healthy and creative human life. It also signifies the inability to be knowledgeable and enjoy a decent standard of living. It is the lack of dignity, self-respect and integrity. In short, poverty is the bad phenomenon that deprives people of their basic human worth. It is the opposite of wealth and riches.

#### **1.6.16 “The Poor People”**

The poor people are those who live without freedom of action and choice and even without power, voice and significant achievements that the rich people take for granted. They are the people who are exposed to ill treatment and other humiliations practiced by unjust institutions of the state and by unfair private sector, especially with regard to

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<sup>48</sup> Amartya Sen. “On understanding Development” Keynote Address to the 25th Annual Third World Conference, Chicago, Illinois, 1998.

adequate access to equal representation in the decision-making fora and processes. These deprivations deny the poor people the kind of valuable human life as enshrined in the Bill of Rights and enjoyed equally by the people who are not poor.

### **1.6.17 “Southern Sudan”**

“Southern Sudan” is a region of the Sudan located southwards at borders with Central African Republic, Democratic Republic of Congo, Uganda, Kenya and Ethiopia. The geographical area of Southern Sudan is 650,000 km<sup>2</sup> (out of 2,505,805 km<sup>2</sup> of the whole area of the Sudan). The land of Southern Sudan is rich of natural resources, moderate climate, fertile soil, fresh water (from rain, rivers, lakes, and swamps), animals, plants, oil, natural gas, gold, and other valuable minerals. The political territory of Southern Sudan comprises of ten decentralized Federal States that are linked to the National Government through the GoSS. The population of Southern Sudan is about 12 million people comprising of fifty-five micro-nationalities (tribes) with unique cultures, religions, religions and geographical territories.<sup>49</sup>

### **1.6.18 “Government of Southern Sudan(GoSS)”**

The “Government of Southern Sudan (GoSS)” is a semi-autonomous interim government of the region of Southern Sudan seated in the town of Juba since 2005. It is comprised of the Office of the President of the GoSS, Interim Southern Sudan Legislative Assembly (ISSLA), twenty four Ministries, nine Commissions, and other six independent executive bodies. It supervises public affairs of the ten states of Southern Sudan and links them with the National Central Government in Khartoum (the capital city of the Sudan). The GoSS will remain to be the government of the people of Southern Sudan until the result of the referendum for their right to self-determination in 2011. If the

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<sup>49</sup> *Interim Constitution of Southern Sudan*. Op.cit., Chapter One, Article 1. See also The SPLM Economic Commission. Op.cit., pp.58 – 65. See further, Raphael Koba Badal, *Development Potential of Southern Sudan: Strategies and Constraints* (Omdurman: Fellow M.O Beshir Centre for Sudanese Studies, 2003), p.2

result becomes secession from the North, then the GoSS will become fully autonomous government of the new independent country of South Sudan.<sup>50</sup>

## 1.7 JUSTIFICATION

The problem of poverty in Southern Sudan is mostly human-made. Thus it can be resolved if just and fair policies are put in place, and strictly observed in the different sectors of the institutions of the GoSS – economic, social, cultural, political, intellectual, and emotional). Justice as Fairness is rarely considered in Southern Sudan by the government, the people, the private sector, and the NGOs that are engaged in poverty reduction, development, and peace-building projects/programmes. Therefore, this type of research will act as a pioneer in this direction.

Since no research works of this kind have been initiated before in this region, this dissertation will act as the pioneer in the normative “direction of equity” for poverty reduction in Southern Sudan. It will set the agenda of broadening and diversifying the discussion and practices that are aimed at reduction of poverty. It is highly probable that the ethical framework of “Justice as Fairness” would enable the GoSS to engage the people in dialogue and non-violence approach for resolving the arising conflicts over rights and duties, especially the development process and peace-building.

There is already a concern on international level to alleviate extreme poverty. This is documented in the international Millennium Development Goals (MDGs) and other poverty eradication strategies. However, the MDGs are still considered as a work of charity and kindness rather than a duty for the “will to apply equity” in human societies.

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<sup>50</sup> *Interim Constitution of Southern Sudan*, Op. cit.

Because of this limitation, the efforts for achieving the MDGs by 2015 have remained futile and ineffective in war ravaged poor regions like Southern Sudan.

Rawlsian Justice proposes gradual, comprehensive, comprehensible and open-minded approach – both at the abstract and the concrete levels – for a solution. That is why it employs the methodology of “Reflective Equilibrium” and adopts “Realist Utopia” in the quest for protection of human dignity and decency in democratic or hierarchical societies. Rawlsian Ethical Framework is designed to make a change to unjust social, cultural, economic and political institutions. This change is more possible within the context of liberal democratic system of governance that has been provided in the CPA. Also the SPLM – the majority ruling party in the GoSS and in governments of the ten States of Southern Sudan – has put “Poverty Eradication” as its top agenda in the post-war Southern Sudan.<sup>51</sup> If these strategies are cemented on Rawlsian justice, it is highly probably that poverty could get reduced in Southern Sudan.

## 1.8 METHODOLOGY

This thesis employed combined methods because it acknowledges that the issue of poverty reduction is a multidimensional and complex problem. Also the choice for Rawlsian Justice as the core theoretical framework compels the researcher to use multiple methods because Rawlsian Justice touches on different issue of poverty, equity, development and peace. In each of the supporting chapters, the author gives a short introduction of the main idea followed by elaborate claims, premises or warrants. The author ends every chapter with a brief conclusion that puts into a nutshell the main points and their link to the title and hypothesis of the dissertation.<sup>52</sup>

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<sup>51</sup> SPLM Economic Commission. Op. cit. Also see Late Dr. John Garang’s Speech in Nyayo Stadium on the Day of signing the Comprehensive Peace Agreement (Nairobi – Kenya, 9th January 2005).

<sup>52</sup> Nancy Wood, *Perspectives on Argument*, 3rd ed. (New Jersey: Upper Saddle River, 2001).

### **1.8.1 Descriptive Method**

The author of this dissertation used this method to describe the circumstance of Poverty and explain Rawlsian Philosophy of Justice from the literature review, and also in data generated from institutions of Government of Southern Sudan and the individual views of its employees. He used this method in most of the supportive materials of the thesis, especially on the discussion of the phenomenon of poverty in Southern Sudan.

### **1.8.2 Analytical Method**

The author employed this method for analysing and explaining the gathered data about poverty and Rawlsian Justice. He used the method to trace and identify the root causes of poverty in Southern Sudan, and to evaluate the attempts by the government and the related non-government institutions to address this human challenge.

### **1.8.3 Normative Method**

The author used this method to recommend ways forward for resolving the problem of poverty in Southern Sudan. These recommendations are drawn from the value judgments of the reviewed literature and analyzed data. The recommendations are supposed to act as moral norms for resolving the problem of poverty in Southern Sudan.

## **1.9 SCOPE AND LIMITATION**

The scope of this dissertation is limited to Rawlsian Justice and to the case of phenomenon of poverty in the context of Southern Sudan through the institutional policies of the GoSS and the views of its employees. It does not venture into other theories of Justice, except when there is a relevant connection for clarification or

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distinction. Also the dissertation does not venture elaborately into non-governmental institutions that are involved in poverty reduction activities in Southern Sudan, except in relation to the GoSS (directly or indirectly).

The limitation is intended for giving the researcher a keen and specific focus on the problem of poverty and Rawlsian Justice in Southern Sudan. The focus is for the sake of generating specific and objective recommendations that could contribute to resolution of the problem of poverty in Southern Sudan. The researcher is conviction that it is the very government and the very people of Southern Sudan who could reduce their own poverty in a sincere manner, especially when they base this effort on pursuit for equity and respect for dignity of humanity in every citizen.

Even with this limitation of the scope, the researcher did not accord himself immunity from prejudices and biases since he is an insider of the site of his case study. However, he tried to be objective by constantly consulting with his supervisors, colleagues and other researchers and experts who understood the internal affairs of Southern Sudan. Also the researcher acknowledged the transitional obstacles that are available with post-war situation in Southern Sudan, especially the weaken public sector.

Poverty reduction and development tasks are mostly long term endeavours; their fruits do not appear in few years. The researcher acknowledged this fact. Also he acknowledged the enormous tasks required for satisfying the high expectations of the poor people of Southern Sudan after the end of their decades of civil war and the ruins it has left behind socially, politically and economically. He tries to be realistic as possible with his recommended solutions to the challenge of poverty and development in Southern Sudan. As much as the researcher acknowledges the importance of humanitarian relieves and charitable handouts for emergency cases, yet he does not

recommend short-lived solutions for the problem of poverty and issue of development in Southern Sudan. He is convinced that 'equity-based' solutions for poverty challenges are more reliable with high probability of success though these solutions may be hard to pursue overtime. Their success depends on the will to do the right thing. The people and government of Southern Sudan have the capacity for this achievement.

## CHAPTER TWO

# RAWLS' CRITIQUE OF GOOD-BASED PHILOSOPHIES

### 2.0 INTRODUCTION

This chapter presents a brief biography of John Rawls and his critique of 'Good-based'<sup>53</sup> philosophies. Rawls grew up in a middle class family. He lived in liberally democratic and economically capitalistic American society. Injustices of 'Black-white' discrimination and 'Poor-rich' classification had been fashionable there and justified by Utilitarianism and other Good-based ethical theories (like Teleological Perfectionism; Ethical Egoism and Rational Intuitionism) for the sake of maximizing utility by any means for the greatest number of people or the few best ones. But for Rawls, 'utility' should always be achieved with the right procedures and dignified means that do not cause harm to any human person or society. That is, the good should be right.

### 2.1 JOHN RAWLS' BRIEF BIOGRAPHY

Frank Thilly said a "philosopher is both a product of the contemporaneous and preceding cultures and a decisive formative influence on the social and cultural achievements of the ages which will follow."<sup>54</sup> The same holds for John (Jack) Bordley Rawls who was born on February 1921 in Baltimore, Maryland in the United States of America. His parents were Christians and political activist. They were middle class white

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<sup>53</sup> The term 'good' applies to a thing or an experience that is of worth, possesses desirable qualities, or satisfies some need. Goods are of many kinds and since the time of Aristotle and perhaps other ancient thinkers, philosophers have distinguished between "intrinsic goods" (valuable in and of themselves, such as health and happiness), and extrinsic or "instrumental goods" (a means to something else, such as money and medicine).

<sup>54</sup> Frank Thilly, *A History of Philosophy*, 3rd ed., revised by Ledger Wood (New York: Holt, Rinehart and Winston, 1965), p.4.



citizens who lived among a big poor black population. They took care of Rawls's education until he completed his primary and secondary schools successfully. Rawls got Bachelor of Arts degree in Philosophy (with *summa cum laude*) in Princeton University. He then went for two-year compulsory Military National Service for USA army<sup>55</sup> during World War II. After this, he did his postgraduate studies and got Master of Arts and Doctor of Philosophy degrees in philosophy.<sup>56</sup>

Rawls taught philosophy in some renowned USA universities. He also attended a number of philosophical fellowships and interdisciplinary seminars in the United Kingdom (UK) as well as in USA. That wide spectrum of interaction and exchange of ideas with prominent philosophers, academicians, professionals and students, gave him a better opportunity for intellectual maturity. He became the editor of *Philosophical Review Journal*, the chairman of the American Philosophical Association and the head of Philosophy Department in Harvard University. Rawls continued to work as a professor of philosophy in this university till he died at his home in Lexington, Massachusetts on 24<sup>th</sup> November 2002.<sup>57</sup>

Rawls wrote many philosophical articles and few books. His first book, *A Theory of Justice* (1971) became a masterpiece in the revitalization of thematic debates in the contemporary political philosophy. He adjusted some of its weaknesses in his other books, *Political Liberalism* (1993), *The Law of Peoples* (1999), and *Justice as Fairness: A Restatement* (2001).

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<sup>55</sup> John Rawls also completed a course in the Signal Corps and he served in the Regimental Headquarters Company, and also in an Intelligence and Reconnaissance (I & R) Unit. During his time overseas, Rawls was in 128<sup>th</sup> regiment of the 32<sup>nd</sup> infantry division. He did not get into a situation of combats with the enemy though he once escaped death narrowly from an ambush of Japanese Army.

<sup>56</sup> Thomas Pogge, "A Brief Sketch of Rawls's Life" in *Development and Main Outlines of Rawls's Theory of Justice*. Henry S. Richardson, ed. (New York and London: Garland Publishing, 1999), pp.2 – 6.

<sup>57</sup> Paul Weithman, "John Rawls: A Remembrance" in *The Review of Politics*. Vol. 65, No.1 (January 2003):5.

Rawls' ideas on "justice as fairness" came up at the time when the Civil Rights, Black Liberation and Anti-Vietnam War movements were very forceful in USA politics.<sup>58</sup> It was also the time when human rights ideology was becoming stronger, especially after the collapse of the League of Nations and the formation of the United Nations in 1945. Also by that time, the Roman Catholic Church became bold in voicing out the need for 'Justice and Peace' that came out forcefully in the resolutions of the Vatican II Council (1962 – 1965) and Synod of Bishops (1971).<sup>59</sup>

Rawls was interested in creating peaceful order in human society through commitment to fair justice. He manifested his philosophy in his lifestyle. He looked at the world optimistically with a conviction that inhumane human societies can get reformed. He believed in individual excellence within a social cooperation for a common flourishing. He did not want to see some people very poor when there were available opportunities to enable them get out of poverty. He did not like the rich nations to boast of their wealth selfishly because behind these riches lies gross historical injustices. For him, being well-off and privileged in terms of "primary goods" ought to be the right for all the people without any discrimination or marginalization.<sup>60</sup>

Paul Weithman (his student) described Rawls as a man in whom "justice was a passion and humility a second nature...a great philosopher and an exemplary teacher...a splendid human being in whom the right and the good came together."<sup>61</sup> Weithman also described Rawls as a man with unique quality of concentration, creativity, clarity and

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<sup>58</sup> See Bernard LaFayette, et. al., *A Structured Guide and Introduction to Kingian Nonviolence: The Philosophy and Methodology* (Galena, Ohio: Institute for Human Rights and Responsibilities, 1996).

<sup>59</sup> See David J. Bosch, *Transforming Mission: Paradigm Shifts in Theology of Mission* (New York: Maryknol, 2000).

<sup>60</sup> Weithman, Op. cit. pp.7 – 14.

<sup>61</sup> *Ibid.*, pp.10 – 13.

honesty.<sup>62</sup> Also some African professors of philosophy acknowledged Rawls' philosophy for harmonising the globalisation and democratisation of the contemporary world.<sup>63</sup>

## 2.2 RAWLS' CRITIQUE OF UTILITARIANISM

The weaknesses of Utilitarianism provoked Rawls to come up with a new philosophy of justice. Rawls criticized Utilitarianism as unfair basis for the basic institutions of human society since this ethical school of thoughts endorsed injustices for the sake of efficiency and maximization of 'utility.' He also disagreed with its conclusion that the 'right' is a derivative of the 'good.' He rejected utilitarian simplistic consideration of consequences of actions, omissions and rules as the only criterion for justifying the maximum good. Notwithstanding, Rawls cautioned that utilitarianism should not be criticized on a narrower scope. Broadly, this good-based ethics has the credibility of addressing some transient social and economic issues better than other philosophies. He said:

During much time of modern moral philosophy the predominant systematic theory has been some form of utilitarianism. One reason for this is that it has been espoused by a long line of brilliant writers who have built up a body of thought truly impressive in its scope and refinement. We sometimes forget that the great utilitarians, Hume and Adam Smith, Bentham and Mill, were social theorists and economists of the first rank; and the moral doctrine they worked out was framed to meet the needs of their wider interests and to fit into a comprehensive scheme. Those who criticized them often did so on a much narrower front.<sup>64</sup>

The mentioned philosophers in this quotation are the prominent founding fathers of Utilitarianism. It is important to sketch their basic philosophies for a better understanding of Rawlsian Justice.

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<sup>62</sup> *Ibid.*

<sup>63</sup> See Joseph M. Nyasani, *Legal Philosophy: Jurisprudence* (Nairobi: Consolata Institute of Philosophy, 1995), pp. 21 – 22. Here Prof. Nyasani calls John Rawls “an eminent contemporary philosopher” and regards Rawls's book, *A Theory of Justice* “a contemporary classic.” Also see the article “Globalization and the Quest for Human Well-Being” presented in the Plenary Session by Professor Wainaina in the *Conference on Africa, Globalization and Justice*, at The Catholic University of Eastern Africa in Nairobi, 17th – 19th May 2006. Here Prof. Wainaina compares Rawls' philosophy on priority of liberty over economy as a basic human need with Odera Oruka's philosophy on priority of economy over liberty as a basic human need.

<sup>64</sup> Rawls, *Op. cit.*, pp.vii – viii.

### 2.2.1 Historical Fathers of Utilitarianism

Socrates pupils, **Aristippus (435 – 356 B.C)**, said that pleasure should be the only highest good for human beings. For him, human beings should enjoy themselves in the present time; they should not suspend the present pleasure for uncertain future happiness. However, **Epicurus (341 – 270 BC)** modified this theory of intense pleasure to a moderate one, which he thought would likely produce long-term satisfaction or happiness through self-control, friendship and wisdom. This Greek philosopher affirmed what his predecessors said – that happiness was the ultimate goal of all sentient beings and, therefore, it should be the highest good in the ranking of the higher values.<sup>65</sup>

Nonetheless, according to Epicurus, the pursuit for happiness ought to be guided with prudence because some pleasures are accompanied by pains. For him, the intellectual joy should be given the priority of choice (over physical pleasure) because it is an everlasting value. Intellectual joy recalls the past, anticipates the future and utilizes the present in a syndicated and harmonious manner. It gives a person an everlasting mental peace. Contrarily, Intellectual pain should be avoided because it causes mental instability from the conflicting present experience, past memory, and future imagination. However, short-term physical pain should be allowed if it could lead to higher intellectual pleasure and happiness.<sup>66</sup>

According to Epicurus, justice should be based on expediency rather than on mere rationality because its value depended on pleasure it gives to a person or a society. People acted justly when it was to their advantage and not for the sake of fairness or

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<sup>65</sup> Harol Titus H. and Morris Keeton, *Ethics For Today, 5th ed.* (New York: Litton Educational Publishing, 1973), pp.151 – 152.

<sup>66</sup> Epicurus, “On the Nature of Things” and “Fragments on Ethics” in *The Stoic and Epicurean Philosophers*. Whitney J. Oates, ed. (New York: Random House, 1940), pp.40 – 44, 50 – 51.

right. Thus, for him, there was nothing inherently evil in injustice because some injustices produce happiness to some human beings. Good results should justify bad means. That is, people should only focus on the successes in life even if using unfair and unjust means to achieve this.<sup>67</sup>

**David Hume (1711 – 1776)**, the Scottish philosopher, invented the term “Utilitarianism” though he did not develop it into a systematic moral theory. He regarded rationality as “the slave of passions.” For him, rules of morality were reported sentimental habits and not conclusions of reasons. In this line of thought, Hume considered “sympathy” and “self-interests” as the driving forces of morality and justice. He argued that certain human actions were good because they promoted the best passion, happiness.<sup>68</sup>

According to Hume, if human beings were in a situation of dire scarcity of basic needs for survival, any talk about unjust actions became absurd and irrelevant. Likewise, if the same people were in a situation of extravagant abundance of goods and services, any talk about justice became obsolete. This is to say that moderation creates realistic “Circumstance of Justice” because ‘abject poverty’ or ‘extreme riches’ invalidate the value of “justice” or “fairness in human society.”<sup>69</sup>

**Adam Smith (1723 – 1790)**, the Scottish Philosopher of ‘laissez-faire’ economy endorsed Hume’s utilitarian philosophy that morality and justice were driven by human passion rather than human reason. Inclinations and interdependence for basic needs led people to interact with each other sympathetically and empathetically. According to Smith, comparative awareness of being the object of other people’s judgments made

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<sup>67</sup> *Ibid.*

<sup>68</sup> David Hume, *A Treatise of Human Nature, Bk. III, Pt. I*. L.A. Selby-Bigge, ed. (Oxford: The Clarendon, 1888), pp.457.

<sup>69</sup> See David Hume, *An Enquiries Concerning the Human Understanding and Concerning the Principles of Morals, 2nd ed.* L.A. Selby-Bigge, ed. (Oxford: the Clarendon, 1902).

human persons to evaluate their actions in accordance with the agreed conception of the “public good.”<sup>70</sup>

For Smith, the public good should be generated on individual basis in the ‘free market economy.’ Since the “invisible hand” of the private sector is behind the success of the liberal capitalism, the visible authoritarian hand of governments should be removed from this market. According to him, egoism in privatized commercial transactions did not lead to the selfish war of all against all. Instead, it led to the benefit of all the people (directly or indirectly). The free market competitors are capable of managing and maximizing their profits without conflicts. But since freedom and self-interest could get out of control if left unchecked, Smith said that a lean government should be allowed in a very limited manner to regulate the market games and competitions.<sup>71</sup>

**Jeremy Bentham** <sup>72</sup>(1748 – 1832), the English philosopher and jurist, aimed at developing a practical ethical theory, which he thought could provide a comprehensive scientific framework for a reformed social policy and constitutional legislation in Great Britain. According to him, English legal system was founded on unscientific jumble of historical prejudice and religious superstitions rather than on scientific definition of human beings as ‘pain-pleasure organisms.’ He valued the “felicific happiness-making calculus” and preferred quantitative hedonistic pleasure for the greatest number of

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<sup>70</sup> Adam Smith, “Theory of Moral Sentiments” in *The Essays of Adam Smith* (London: Alexander Murray, 1886), p.18, 24, 75 and pp.163 – 166.

<sup>71</sup> See Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations* (London: Encyclopaedia Britannica, Inc., 1982).

<sup>72</sup> Jeremy Bentham lived in the period of American Revolution with its Declaration of Independence (July 4, 1776), French Revolution (1789 – 1799) with its Declaration of Rights of Man and of the Citizen, the Napoleonic Wars (1799 – 1815) with its expansionism, and the early stages of Industrial Revolution with its passion for productivity for surplus. He was uncomfortable with administrative and legal injustices and abuses on the poor waged-workers and prisoners of his time. He aimed to realize democratic transformation with an establishment of honest government, given the phenomenon that parts of Europe and North America were moving towards recognition of human rights, social justice, value of the individual, and scope of human innovative capacities to control and modify the nature through modern technology.

people. This is directly evident in his saying “if the game of push-pin furnishes more pleasure, it is more valuable.”<sup>73</sup>

According to Bentham, the state ought to promote the greatest quantity of pleasure and security to the majority of the citizens, if not all of them. Also, the state ought to prevent and elevate the greatest pain and suffering endured by the majority of the citizens. It should regulate individuals' conduct and social behaviour on the basis of 'Greatest Happiness Principle.' This is where the government draw its legitimacy and moral authority on the governed.<sup>74</sup>

**John Stuart Mill** <sup>75</sup>(1806 – 1873), the English philosopher and economist aimed at re-designing Utilitarianism so that it could handle the complexities of the sophisticated age and help in the efforts for the reform of British Parliament. He differed with Bentham (his godfather) on the principle of 'hedonistic quantity' because of the possibility of the “tyranny of the majority” on the minorities. Though he regarded happiness as the supreme good, he rejected its 'synonymization' with beast-like or “swine pleasures.” He preferred maximization of 'hedonistic quality' of intellectual maturity for the greatest number of people. For him, people should not calculate every little effect of action in order to determine the pleasure-pain consequences. They could still rely on common sense, experience and history for their judgments and moral justifications of utility. They

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<sup>73</sup> Jeremy Bentham, “The Rationale of Reward” in *The Works of Jeremy Bentham* (Edinburgh: Tait, 1838), Bk. II, Sec.i, p.253.

<sup>74</sup> Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*. J. H Burns and H.L.A. Hart, eds. (London: Athlone, 1970), pp.11 – 10, 38 - 40.

<sup>75</sup> Though Mill advocated for laissez-faire approach to economy and development, he was also a strong supporter of social reforms: worker education, democratic producer cooperatives, redistribution of wealth, shorter working days, taxation of unearned gains from land, social control of monopoly, and women representation. He supported these measures because he mistrusted totalitarian government. He wanted to guarantee to individual workers the benefits of their freedom in production. He was a common sense and a moderate utilitarian conservative.

should find happiness in life enjoyments and fulfilling functions, rather than external search for material pleasures.<sup>76</sup>

Mill rejected Hume's and Smith's theory of human sentiments as the core driving force of morality and justice. For him, rationality has a high value because "It is better to be a human dissatisfied than a pig satisfied, better be a Socrates dissatisfied than a fool satisfied."<sup>77</sup> He ranked justice as number one in moral regulation of social interactions, though other moral values are important as well in unique contexts. He said:

Justice is a name for certain moral requirements, which, regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others: though particular cases may occur in which some other social duty is so important, as to overrule any one of the general maxims of justice.<sup>78</sup>

According to Mill, human societies should become civilized by instituting responsible liberal democratic government and by promoting standardized scientific knowledge with continuous updates. Government interference with individuals' liberties is justifiable when it aimed at preventing activities that could cause suffering. If individual persons could freely look after their own business, they would be far better off than when their businesses were patronised by a dictatorial government. Further, a government that encouraged pluralistic participation and representation of the citizens in state operations could be better, tolerable, and stable even in its shortcomings. For him, truth comes out clearly and overcomes falsity in a pluralistic society that respects human rights.<sup>79</sup>

For Mill, the government should promote individual liberty so that a just, cooperative, cohesive, peaceful, self-reliant, and progressive civilized human society is made

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<sup>76</sup> John S. Mill, *Utilitarianism, On Liberty, Essays On Bentham*. Mary Warnock, ed. (Glasgow: William Collins Sons and Co., 1962), pp. 256 – 278, 296 – 321.

<sup>77</sup> John S. Mill, *Utilitarianism*. Oskar Pies, ed. (Indianapolis: Bobbs-Merrill Publishers, 1957), pp.11 – 14.

<sup>78</sup> Mill (*Utilitarianism, On Liberty, Essays on Bentham*), Op. cit., pp.315 – 316.

<sup>79</sup> *Ibid.*, pp.256 – 278.



possible. It should educate, inform, train, and empower the children as well as the ignorant adults without gender bias.<sup>80</sup>

From the above brief exposition of the main ideas of the founding fathers of Utilitarianism, it is evident that they are much concerned about 'what-is-good' more than 'what-is-right' for the civilized and liberal democratic human society. They focus on the issues of 'good character', 'good actions' and 'good life.' Though all of them agree that happiness is a good consequence of intrinsic pleasure, and sadness a bad consequence of intrinsic pain, yet they differ whether pleasure or pain is instrumentally and quantitatively measurable.

These philosophers view the problem of justice as one part of the larger issue of maximizing utility for human beings. They stress that it is good for the government to ensure and promote liberty and opportunity for competitive innovation and responsible self-development within the social and material circumstances of justice. For them, justice is founded on the quest for happiness, and thus it can be sacrificed for the sake of generating greatest happiness for the majority or the minority.

## **2.2.2 Utilitarianism in General**

Generally, Utilitarianism is the good-based moral theory which prescribes that human actions, omissions, rules, policies, and institutions should draw their value from the utility they produce for the greatest or the best number of human persons; and also from their capability to prevent evil, pain, or sadness and reduce it to a minimal level if unavoidable. This utility should be hedonistically calculated or understood either in intrinsic or extrinsic terms.

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<sup>80</sup> John S. Mill, *Principles of Political Economy* (New York: Holt, Rinehart and Winston, 1957), pp.23 - 40.

Utilitarianism defines morality as that which produces good consequences' over bad ones – whether during or after the act, omission or rule – irrespective of the agent motives. It considers 'the right' as a derivative of 'the good'. It defines 'justice' as one of the good consequences and not a prime virtue of the basic structure of human society.<sup>81</sup>

The Utilitarians are called 'Hard Universalists' when they regard the principle of utility as the only prime moral principle for human individuals and societies. For this group, any action, omission or rule which promotes this principle is morally right; and any which does not is morally wrong if not neutral.<sup>82</sup>

Utilitarian maxims for evaluating moral issues and cases and determining informed decision can be summarized follows:

- i. **Look at the possible consequences of an action, omission or rule:** How severe or how mild are they in short-terms or long-terms?
- ii. **Determine who will be affected by the permitted action, omission or rule:** How many people become happy? How many people become sad? Are they the majority or are they the best minority?
- iii. **Maximize happiness:** Which action, omission or rule brings forth the greatest net pleasure and happiness to all the people or to the majority or to the best minority?
- iv. **Minimize pain:** Which action, omission or rule causes less pain and suffering and which one causes severe pain and suffering to all the people or to the majority or the best minority?<sup>83</sup>

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<sup>81</sup> John Christman, *Social and Political Philosophy: A Contemporary Introduction* (London and New York: Routledge, 2002), pp.10 – 14.

<sup>82</sup> Nina Rosenstand, *The Moral of the Story: An Introduction to Ethics, 3rd ed.* (Mountain View, Ca: Mayfield Publishing Company, 2000), p. 169.

<sup>83</sup> Judith A. Boss, *Analyzing Moral Issues* (London: Mayfield Publishing Company, 1999), p.23.

### **2.2.3 The Specific Schools of Utilitarianism**

Though all Utilitarians agree that the principle of maximum pleasure (happiness) and minimum pain (suffering) is the focal point of morality, they still disagree about the nature and extent of this principle. Some of them prescribe quantitative while others opt for qualitative or mixed hedonism.

#### **2.2.3.1 Act Utilitarianism**

Generally, it prescribes to moral agents to always do acts that give greatest quantity or quality of pleasure to all the people or to the majority or the best minority. It also obliges them to prevent pain or minimize it to lesser number of the people (if unavoidable).<sup>84</sup> “Universal Act Utilitarianism” takes into account all the people affected by the acts. “Limited Act Utilitarianism” considers only the majority or the best minority affected by the acts.<sup>85</sup> For example, if the act of reducing poverty in Southern Sudan can benefit all the people there or the majority or the best minority, then the Act Utilitarians regard it as morally good even if wrong and unjust means were used to achieve this.

#### **2.2.3.2 Rule Utilitarianism**

Generally, it prescribes that moral agents should always follow the rules that give greatest quantity or quality of pleasure to all the people or to the majority or the best minority. It also prescribes that they should follow the rules that permit less pain (if unavoidable) to the minimal number of the people.<sup>86</sup> “Universal Rule Utilitarianism” prescribes for the observance of rules that give greatest quantity or quality of good to every human person. It also permits lesser amount of pain (if unavoidable) to every person. “Limited Rule Utilitarianism” prescribes for rules that give greatest quantity or

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<sup>84</sup> Rosenstand, Op.cit., p.191.

<sup>85</sup> Richard T. Garner, *Moral Philosophy: A Systematic Introduction to Normative Ethics and Meta-ethics* (New York: Macmillan Company, 1967) p.57.

<sup>86</sup> Rosenstand, Op. cit., p.192.

quality of good to the majority or the best minority of the people. It also permits lesser amount of evil (if unavoidable) to minimal number of people.<sup>87</sup> For example, if the rules or policies of poverty reduction in Southern Sudan can benefit all the citizens or the majority or the best minority of them, then the Rule Utilitarians regards it as morally good irrespective of the means that have been used.

### **2.2.3.3      *Ideal Utilitarianism***

This school states that the sole object of morality is not mere production of maximum extrinsic pleasure to all the people or the majority or the best minority of them. Rather, it ought to be the promotion of intrinsic aesthetic experience of friendship, love and intellectual civilization. Thoughts and actions that propagate pain, hatred, and all kinds of evils should be shunned because of the intrinsic disvalue and bad consequences they bring to humankind.<sup>88</sup> For instance, if reduction of poverty in Southern Sudan results in more friendship, love and intellectual maturity for the people there, then the Ideal Utilitarians regard this as morally good (even if it is achieved by unfair means).

### **2.2.3.4      *Theological Utilitarianism***

This school holds that the goodness of an action, omission or rule depends entirely on God's Will. Also the badness of an action, omission or rule is determined by God's condemnation. This school believes that God is good and always desires maximum good for human persons. He created them in his image as good people who should always do good things in multiplication. He punishes evil doers and saves the good doers from suffering and pain.<sup>89</sup> For instance, if God commands that poverty should be

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<sup>87</sup> Garner. Op. cit., p. 71.

<sup>88</sup> Thomas Mautner, ed, "Utilitarianism" in *The Penguin Dictionary of Philosophy* (London: Penguin Books, 2000).

<sup>89</sup> *Ibid.*

reduced in Southern Sudan to eliminate destitutions, then Theological Utilitarians regards poverty reduction as morally good irrespective of what people say about it.

#### **2.2.4 The Summarized Arguments of Utilitarianism**

All the above mentioned schools of Utilitarianism (except the theological one) consider human beings as the measure of all things. They do not base their moral justification on the existence of God, the independence of Soul or any other dubious metaphysical entity beyond human power. They only rely on human intuition and experience for determining the utility. In short, they are empiricists. Their arguments can be summarized as follows:

##### ***i. Argument for Equal Consideration of Interests:***

- 1) All human persons matter equally;
- 2) Each person's interests should be given equal weight;
- 3) Unity of equal interests of individual persons gives the totality of maximum utility of the human society;
- 4) Therefore, morally good acts, omissions or rules are the ones which lead to the maximized overall interests of the people by any means.

##### ***ii. Argument for Teleological Consideration:***

- 1) The good is to be maximized because it has an intrinsic primary value over other ends;
- 2) Individual persons should count equally as ends in themselves and in their efforts to maximize the intrinsic good by any means;
- 3) Therefore, maximizing the intrinsic good in the world should be a priority over treating all people fairly as equals.

In his critique of Utilitarianism as presented below, it should be noted that Rawls had no qualm with the promotion of maximum good and prevention of maximum evil as

prescribed by Utilitarianism. He only disagreed with the claim of Utilitarians that the promotion of maximum good and permission for minimum evil (if unavoidable) was the only single principle from which 'justice' should derive its moral value. According to Rawls, justice should guide the process of achieving good moral results. In other words, it should be pursued in accordance with the right procedures and fair means.

### 2.2.5 The Weaknesses of Utilitarianism

Considering its history and arguments, Rawls' criticized Utilitarianism for glorifying the good consequences or utility without considering the circumstances of justice involved in the process. According to him, ignoring the means used in achieving the maximum pleasurable end-results amount to rejecting the primacy of "justice as fairness" in regulating individuals and their institutions rightly.<sup>90</sup>

According to Rawls, Utilitarianism had justified injustices (like slavery, invasions, colonialism, gender abuse, and workers impoverishment) for the mere sake of hedonism. This caused conflicts and instability because it was not right (though it might be good) to violate the fundamentality of human self-esteem and dignity. These injustices questioned the ethical credibility of Utilitarianism for guiding institutions of civilized human societies.<sup>91</sup>

Rawls also criticized Utilitarianism for claiming comprehensiveness when its principle (of maximizing the good and minimizing evil) was limited to personal conduct without prior consideration for "the basic structure" of society, which socialized and categorized individual persons as privileged or underprivileged. Utilitarianism failed to prove

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<sup>90</sup> John Rawls, "Outline of Decision Procedure for Ethics" in *John Rawls: Collected Papers*. Samuel Freeman, ed. (Cambridge, MA: Harvard University Press, 1999). pp.9 – 13, 95.

<sup>91</sup> Rawls, "Distributive Justice: Some Addenda" in *John Rawls: Collected Papers*, Op. cit., p.169. See also Rawls, "Kantian Constructivism in Moral Theory" in *John Rawls: Collected Papers*, Op. cit., pp.344.

comprehensively and practically that maximizing satisfactions was a guarantee for happiness because some people had lived worriedly and unhappily despite their possession of goods in abundance.<sup>92</sup>

Rawls criticized Utilitarianism for failing to harmonize diverse conceptions of justice. Its exclusive conception of justice as benevolence and efficiency conflicts with the conception of justice as reciprocity and fairness. The first conception is based on 'the good and the service' while the later is based on 'the right and the duty.'<sup>93</sup> The agonizing social conditions of the oppressed and the oppressing majority or minority – like despotic royal families, authoritarian elites and outraged mobs – in the history of Western Humanities reveal the weakness of Utilitarianism in handling human society fairly without destructive conflicts.<sup>94</sup>

According to Rawls, Utilitarianism dictated the conception of the good and left no room for autonomy of plurality of cultures in informing this conception. It found it difficult and even impossible to measure or predict all the consequences of acts, omissions or rules in an objective manner.<sup>95</sup> It failed to limit the selfish preferences and interests of the individuals and peoples in a universal and impartial manner in terms of "primary goods." Because of its selectivity and inconsistency, Utilitarianism became futile in its attempt to impose utility as the natural dictate for human functions. It failed to achieve a consensus in regard to the conception of utility it prescribed.<sup>96</sup>

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<sup>92</sup> Rawls (A Theory of Justice). Op. cit., pp. 26 – 27. See also Rawls, "Legal Obligation and the Duty of Fair Play" in *John Rawls: Collected Papers*, Op. cit., p.125.

<sup>93</sup> Rawls, "Justice as Fairness: Political not Metaphysical" in *John Rawls: Collected Papers*, Op. cit., pp. 390 – 427. See also "Justice as Reciprocity" in *John Rawls: Collected Papers*, Op. cit., pp. 215 – 216, 219.

<sup>94</sup> John Rawls, "Kantian Constructivism in Moral Theory" in *Journal of Philosophy*, 77/9 (Fall 1980): 528 – 530.

<sup>95</sup> Rawls, "The Idea of an Overlapping Consensus" in *John Rawls: Collected Papers*, Op.cit., pp.427 – 434.

<sup>96</sup> Rawls, "Themes in Kant's Moral Philosophy" in *John Rawls: Collected Papers*, Op.cit., p.512, 521.

According to John Rawls, all the above-mentioned weaknesses of Utilitarianism disqualified it to claim moral comprehensiveness and credibility. These weaknesses subjected Utilitarianism to doubts because it could not guarantee fairness in regulating the basic social, political, and economical institutions of the pluralistic human society. Thus, Rawls detached his philosophy of justice from a direct link to Utilitarianism.<sup>97</sup>

## 2.3 RAWLS' CRITIQUE OF ASSOCIATE THEORIES OF UTILITARIANISM

Utilitarianism used other ethical theories like Ethical Egoism, Rational Intuitionism, and Teleological Perfectionism to justify its moral claims of predominance. Rawls also criticized these associate theories of Utilitarianism.

### 2.3.1 Ethical Egoism

Ethical Egoism is the moral theory that self-good or self-interests ought to be the most important consideration in life. This theory can be categorized as:

- 1) "Individual Ethical Egoism," which states that '*everyone*' ought to act for '*my good*' and abstains from actions that bring bad consequences on '*my well-being*';
- 2) "Personal Ethical Egoism," which states that '*I*' ought to act for '*my good*' and omit actions that are harmful for '*my well-being*'; and
- 3) "Universal Ethical Egoism," which states that '*everyone*' should act for '*his/her own good*' and abstains from actions that bring bad consequences on '*his/her well-being*'.<sup>98</sup>

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<sup>97</sup> Rawls, "Social Unity and Primary Goods" in *John Rawls: Collected Papers*, Op.cit., p.384.

<sup>98</sup> Jacques P. Thiroux, *Ethics: Theory and Practice*, 8th ed. (Upper Saddle River: Pearson Prentice Hall, 2005), p.37.



According to Ethical Egoists<sup>99</sup>, the basic moral code is the self-centred promotion of the good consequences and prevention of the evil results by any means possible. For them, it is not bad to use other human persons for one's selfish advantage even if this degrades their well-being and self-interests. Here, the moral primacy and emphasis of acts, omissions or rules lies in concepts 'my' and 'her/his.' The concept 'their' is secondary and only significance at the level of means. Ethical Egoism was expounded by Epicurus, Thomas Hobbes, Ayn Rand, Robert Olson, and John Hospers, among other philosophers.<sup>100</sup>

Rawls looked at Ethical Egoism as Utilitarianism stressing self-interest (in isolation of other social factors). He criticized it as an absolutist and subjectivist theory that has no respect to complementarities of social institutions. According to him, this theory defines human persons as self-interested and isolated competing beings rather than altruistic cooperating social beings. Thus, this ethics cannot allow consensus for public conception of fair justice, since it lacks the capacity for compromise and cooperation in the situation of diverse interests.<sup>101</sup>

Rawls criticized Ethical Egoism as unfair ethical theory because it is concerned with self-interest and self-gratification of the privileged, the cunning, the strong and the powerful human persons in expense of the least privileged, the ignorance, the weak and the powerless ones. It does not care for the future generations. It does not even appreciate

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<sup>99</sup> Note that 'Ethical Egoism' is not synonymous with 'selfishness' (which could be behaviour that is not in the egoist's self-interest at times). For example, if I am always acting selfishly, people may hate me and generally treat me badly, so it might be more in my self-interest not to be selfish. I might even go so far as to be altruistic in my behaviour at least some of the time – when it is in my own self-interest to be so, of course. Also it is important to note that Ethical Egoism is not necessarily individualistic because it can involve a human group or a corporate institution as well. Ethical Egoism has a connection with Psychological Egoism which holds that all people look after themselves only. However, Psychological Egoism is only descriptive and not normative.

<sup>100</sup> Thiroux, Op. cit., p.38.

<sup>101</sup> Rawls. "The Idea of an Overlapping Consensus" in *John Rawls: Collected Papers*, Op.cit., pp.421 – 422. See also Rawls (*A Theory of Justice*), Op. cit., p.7

or blame the consequences of the past generations. According to him, this theory cannot ensure harmony, order, security, stability and fairness in human societies.<sup>102</sup>

### 2.3.2 Rational Intuitionism

Rational Intuitionism<sup>103</sup> is an ethical view that a human person possesses inward *a priori* capability of direct and immediate moral apprehension, judgment and choice for actions or omissions or rules, irrespective of external influences or justification from previous knowledge. It identifies human persons as rational and conscientious beings, possessing basic 'connatural knowledge' and common sense. This possession enables any human persons to make moral judgment spontaneously without worrying about inter-subjective or objective popular standards in taking alternative choices. Rational Intuitionism has been common in the intellectual heritage of the Western history of philosophy. The philosophers who relied most on this idea were Pythagoreans, Baruch Spinoza, Immanuel Kant, Henri Bergson, G.E Moore, among others.<sup>104</sup>

Rawls critiqued Rational Intuitionism for being so open-ended and vague for a specific reasonable moral judgment and choice. This open-endedness makes it uncontrollable and unstable to be a consensual moral standard for human institutions.<sup>105</sup> Rational Intuitionism "consists of a plurality of first principles, which may continually conflict and give contrary directives in diverse particular types of cases."<sup>106</sup> It has no explicit method,

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<sup>102</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp.xiv – xxx, 299 – 303.

<sup>103</sup> According to Henry Sidgwick, the term 'intuitionism' was coined by John Stuart Mill from the word 'intuition'. Intuition refers to form of knowledge or cognition which is independent of direct experience and reason. The intuitive faculty in human person is the intrinsic quality of human mind which apprehends the common sense encounter. Intuition is similar to mathematical axioms (self-evident propositions that require no proof) and mystical revelation (truth that surpasses the power of human intellect). But it is not instinctive knowledge because it involves an instant judgment and choice. Thus, came the name 'Rational Intuitionism'. See Henry Sidgwick, *The Methods of Ethics, 7th ed.* (London: Macmillan, 1962), p.101.

<sup>104</sup> Sidgwick, *Op.cit.*, p.101, 206, 387.

<sup>105</sup> Rawls, "Themes in Kant's Moral Philosophy" in *John Rawls: Collected Papers, Op.cit.*, pp.511 – 512.

<sup>106</sup> Rawls (*A Theory of Justice*), *Op.cit.*, p.34.

nor priority rules, for weighing these principles against one another.<sup>107</sup> It depends on human instinct and conscience; a fallible faculty liable to human error and guilt if not well-informed and checked inter-subjectively or evidentially for ensuring objectivity.<sup>108</sup>

According to Rawls, if 'the good' is only an intrinsic value with 'indefinable' and 'un-analyzable' qualities as Rational Intuitionists define it, then it becomes impossible to evaluate and make objective judgement and choices for the good of human societies through communal shared responsibilities.<sup>109</sup>

### 2.3.3 Teleological Perfectionism

Teleological Perfectionism is the ethical view that 'the good' is the ultimate excellence (virtue) and the most important perfect end at which all human activities should aim irrespective of the means used in the process. Human beings are structured in such a way that they aim at flourishing life.<sup>110</sup> Further, this theory maintains that the objective good is independent from human experiences, desires and judgments because it is a pre-determined metaphysical value.<sup>111</sup> Plato, Aristotle, Thomas Aquinas, Herbert Spencer, Charles Darwin, among other philosophers, belong to this school.

Rawls critiqued Teleological Perfectionism as an ethics of professional elites and intellectual class of people. It did not care about the poor or the least privileged persons in the society. According to him, a moral theory should not discriminate against any person on the basis of birth, natural intelligence or social status because these

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<sup>107</sup> *Ibid.*

<sup>108</sup> Rawls, "Justice as Reciprocity" in *John Rawls: Collected Papers*, Op.cit., p.190, 219.

<sup>109</sup> John Rawls (*The Law of Peoples*), Op.cit., p.5 and Rawls (*A Theory of Justice*), Op.cit., pp.395 – 403.

<sup>110</sup> John Christman, *Social and Political Philosophy: A Contemporary Introduction* (New York: Routledge, 2002), p.104.

<sup>111</sup> Rawls (*A Theory of Justice*), Op. cit., p. 25. See also "Justice as Fairness: Political not Metaphysical" in *John Rawls: Collected Papers*, op.cit., pp.394 – 395.

opportunities are not meritocratic on individual basis. They are either received as natural gifts or social privileges.<sup>112</sup>

Also according to Rawls, Teleological Perfectionism had no capacity to reconcile and resolve the arising disagreements from pluralities of human virtuous and cultures. It cannot achieve flexibility, cooperation, compromise and consensus for a reasonable conception of the good for human society because it prescribes only a single purpose for human life, predestined authentic virtuousness. It gives justice and fairness a secondary role in regulating human institutions.<sup>113</sup>

## 2.4 CONCLUSION

This chapter discussed the good-based ethical theories in details (especially Utilitarianism) because these philosophies are crucial for understanding Rawlsian justice. Though Rawls was convinced about the central insight of Utilitarianism that every human person ought to promote happiness or pleasure and prevent unhappiness or pain whenever possible, yet he objected to the claim that the whole normative ethics should be analyzed in terms of that simple good-based formula. According to him utilitarianism should not be an end in itself. Pursuing the 'good' without insuring that it is done rightly is a shakeable foundation for justice that should draw its moral force from fairness. Any attempt to make justice a derivative of the good regardless of the right is doomed to bias, prejudice, partiality and unfairness in human societies. According to Rawls, Justice is a prime virtue of decent and dignified human societies and should be founded on right-based philosophies because it is a derivative of the right.

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<sup>112</sup> Rawls (*A Theory of Justice*), Op.cit., pp.426 – 430.

<sup>113</sup> *Ibid.*, pp.396 – 407, 411– 412, 424– 425.

## **CHAPTER THREE**

# **RAWLS' SUPPORT OF RIGHT-BASED PHILOSOPHIES**

### **3.0 INTRODUCTION**

This chapter attempts to understand further the motives behind Rawlsian Justice. Rawls did not invent his philosophy of justice without relying on some important contributions of the previous philosophies. He supported the right-based ethical theories, particularly, the Classical Contractarianism and the Kantian Deontological Constructivism with their attachment to the spirit of Enlightenment, Reformation, Liberalism and Free Market Economy. Rawls' idea of "moral persons" and "well-ordered society" in the circumstance of justice had much in common with the basic characteristics of these philosophies. These philosophies affirmed Rawls' basic stand that the right procedures should always justify the good results so that nobody becomes disadvantaged unfairly in the process of human development and prosperity.

### **3.1 CLASSICAL SOCIAL CONTRACTARIANISM**

The classical social contract tradition in political philosophy was an ancient idea. Nonetheless, some modern and early contemporary philosophers were the ones who gave it a full attention and scientific touch. This was due to influences of the new forces of philosophic enlightenment, humanistic renaissance, religious reformation, scientific revolution, industrial revolution, democratic governance, and free market economy.

Based on the positive legacies of these philosophers, Rawls developed a right-based 'Liberal Egalitarian' political philosophy. According to him, this project would be comprehensive to address the fundamental question of political, social and economic justice in the contemporary world. He said:

[justice] has been the focus of liberal critique of aristocracy in the seventeenth and eighteenth centuries, of the social critique of liberal constitutional democracy in the nineteenth and twentieth centuries, and of the conflict between liberalism and conservatism at the present time over the claims of private and legitimacy (as opposed to the effectiveness) of the social policies associated with what has come to be called the "welfare state."<sup>114</sup>

### 3.1.1 Influence of Enlightenment

The social contract tradition became forceful with the Enlightenment philosophers. These philosophers glorified the power of human reason for understanding and controlling the physical world scientifically and in accordance with moral dictates for social harmony. They rejected paternalistic authoritarianism, blind traditionalism, teleological metaphysicalism (including dogmatic theology), and rigid scientism. They encouraged freedom of common sense, inquiry with scientific methodology of induction, and analysis from mathematical reasoning and deduction. They fervently believed that scientific and artistic knowledge would lead automatically to improvement and stability of humankind. Also they argued that values like equality, freedom and fraternity were necessary for reforming the societies and governments.<sup>115</sup>

Some historians have said that after the Enlightenment Era, Western civilization was never the same again: the supporters of absolutism resorted to enlightened despotism, advocates of aristocracy went for enlightened devolution of powers, and promoters of monarchy turned to sovereignty of the people. The quest for democratic transformation

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<sup>114</sup> Rawls (*Political Liberalism*), Op. cit., pp. 21 – 22.

<sup>115</sup> Munroe Eagles and Larry Johnston, *An Introduction to Democratic Government* (Ontario: Broadview Press, 1999), pp. 175 – 177.

was reinforced by the emergence of 'Middle Class' over feudal aristocrats or the bourgeoisie who had been exploiting and downgrading the poor masses of the 'Working Class.' The emerged proletariats' leaders managed to mobilize and win the support of the pauperised downtrodden masses to topple the industrial elites and change government institutions in favour of the change-makers.<sup>116</sup>

The Enlightenment was supported by the poor masses because they hoped it would restore their lost dignity and give them the necessary moral comfort of a decent living condition. This was because it codified and propagated the idea that all human persons were created rational, free and equal in order to pursue and live a life of happiness in a fraternal manner. However, the Enlightenment thinkers failed to understand that the emerging Middle Class could also exploit the democratic opportunity to assume the rejected role of the feudal masters against the Low Class.<sup>117</sup>

But though the Enlightenment *Philosophes*<sup>118</sup> wrote endlessly and talked radically in support of free speech and religious toleration, yet censorship and bigotry remained intact in most European countries. Though the 'Physiocrats' promised that both the individual and the society will benefit from the new *laissez-faire* economy, yet the working masses remained poor and perhaps poorer in the urban slums of agriculturally mechanized and industrially innovative Europe.<sup>119</sup>

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<sup>116</sup> *Ibid.*

<sup>117</sup> Roy T. Matthews and Dewitt Platt, *The Western Humanities*, 4<sup>th</sup> ed. (Mountain View, CA: Mayfield, 1998), pp. 453 – 479.

<sup>118</sup> 'Philosophes' is a French word for philosophers in an informal sense. They were small band of popular writers who intended to influence public opinion with their ideas. They avoided the common methods of academic scholars such as engaging in philosophical debates or writing only for colleagues. Instead, they tried to reach out to large audiences through novels, essays, pamphlets, plays, poems, and stories. And when possible, they openly attacked what they deemed to be evil in the society and supported rulers who favoured reforms and progressive change of human societies in consonance with morals.

<sup>119</sup> Matthews, *Op. cit.*, pp. 426 – 427.

Also though the American Revolution with its 'Declaration of Independence' for rights to "life, liberty, and pursuit of happiness," the French Revolution with its 'Declaration of the Rights of Man and Citizen' to civility, "liberty, equality and fraternity," and the British 'Magna Carta' promised to offer democratic political power to disenfranchised groups and liberal economic gains to the impoverished citizens, yet the benefits were only reaped by the few elites in expense of the poor masses. Worst to mention, women and slaves were denied benefits from the declared values; they were confined to the margin of public affairs unrecognized, disenfranchised and without education.<sup>120</sup>

### 3.1.2 Legacy of the Reformation

Enlightenment was a secular offshoot, which sprang from the call of Protestant Christians for reforms in religious institutions. The Reformation was a rebellion against ecclesiastical supremacy of the dogmatic Catholic Popes in Western Christendom. It was also a rebellion against the Catholic orthodoxy on Western citizen, not only spiritually but also culturally, politically and economically. The Reformationists looked to the glorified history of humanity and into the bible for inspiration and values for improving the living conditions of individual members of human societies. Notwithstanding, they did not glorify extremely the Classical Greco-Roman legacies of human ideas and achievements like what the Renaissance proponents did. They did not also admire passionately the early Christian Church like the Scholastics.<sup>121</sup>

The Reformation Era brought to the fore the 'Protestants' Individualism and Frugality' (including the unmediated free and direct human relationship with God) in the history of the Western World. It rejuvenated the idea of contract between the citizens and their

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<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*, p. 345.



rulers, instead of that between citizens and their laws or God as it was done in ancient and medieval periods of human civilizations.<sup>122</sup>

But despite its agenda of developing science, technology, politics, morality and religion in a free fashion, the Reformation was accompanied by challenges of resistance, confrontation, and religious wars between the hostile Catholic Popes and the Reformation leaders (including Emperors, Kings, Knights, Governors and Common Christians). Nonetheless, the bitter experience of religious wars gave way for toleration and mutual respect to the multiple differences of beliefs and doctrines.<sup>123</sup>

The Reformationists redefined the natural rights in terms of subjective concrete personal choices rather than detached authoritative divine rights. However, these subjective rights were to be exercised according to the dictates of intellectual human reason and moral conscience. They also developed the sense of individualism and nationalism in Western culture and politics. They promoted liberal democratic ideals and individual choices for living a frugal life in the society.<sup>124</sup>

But regrettably – though it looked proper by that time – the Reformation leaders, especially Martin Luther and John Calvin, affirmed male rule and female submission within the family. They denied women access to schools (while requiring them to know the bible) and participation in public decision-making forums. They advocated for a theocratic state in which the government was subordinated to Protestant Church in the name of God. That state was to enforce strict 'Puritan' ethical discipline in both public and private functions of the citizens. The Calvinism encouraged thrift, industry, sobriety, business success and capitalism as a blessed economic trend. For the Calvinists,

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<sup>122</sup> Eagles and Johnston, Op.cit., pp.174 – 175.

<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*

accumulation of wealth was tantamount to God's plan of grace and happiness for humankind, while poverty a disgrace tantamount to devil work.<sup>125</sup>

### 3.1.3 The Quest for Liberalism

The driving force behind the reformation and enlightenment was the quest for 'Liberalism'<sup>126</sup>. Liberalism buttressed individual liberty within a consensual system of enforceable rights under a legitimate government that was committed to the implementation of the rule of law, protection of property, and prevention of harm to the citizens. Within this framework, the liberals prescribed that individual human persons should be enabled to freely cultivate their own particular interests, and unlock their diverse potentials in an environment of social security and peace. This implied reforms of the conservative traditional institutions and replacing them with rationally and liberally designed instruments of limited and accountable government through constitutionally guaranteed political and civil rights. Almost all modern liberals agreed that their common objective was the enlargement of individual's opportunities and choices in life.<sup>127</sup>

The main unique characteristics of Classical Liberalism can be summarized as follows:

- 1) Valuation of the primacy of the individual persons as free, equal, responsible, reasonable and consensual beings;
- 2) Artificiality and conventionality of human society as what individual persons chose and agreed to form with toleration, cooperation, solidarity, and reasonableness; and

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<sup>125</sup> Matthews, Op. cit., pp. 358 – 360.

<sup>126</sup> 'Liberalism' is a philosophical approach which affirms that the world consists of naturally free, equal, rational, responsible and self-interested individual persons who are essentially prior to their societies and governments, and who are capable of regulating themselves independently and self-reliantly for what they want to achieve in life.

<sup>127</sup> Eagles and Johnston, Op. cit., pp. 179 – 183.

- 3) Instrumentality of human character in the constitutionality of social, political, and economic institutions for the promotion of individuals' self-interests and well-being under an accountable limited government.

Though Classical Liberalism opposed anarchy and absolutism, and promoted the free market economy and individualism in an open society, its proponents were biased towards the interests of the wealthy classes more than the poor masses. Karl Marx criticized it for that reason and opted for Social Liberalism. According to him, profits maximization that accrued from competitiveness and efficiency in socio-economic and political functions should be condemned if it only accumulated wealth, prestige and power for the bourgeoisie in the expense of the working poor.<sup>128</sup>

Thus, in spite of its attractive ideology that individuals know what is best for them, Liberalism allowed the poor masses to be exploited and kept impoverished by the privileged class. Poverty and destitution cannot be the best option of any sector of human society. Liberalism granted the impoverished masses the freedom to generate economic wealth, social prestige and political power but it did not bother to guarantee them enjoyment of these values, particularly the primary goods that are basically needed by all. This is because it lacked egalitarian touch that could guarantee the well-being of all human persons politically, socially, culturally and economically.<sup>129</sup>

### 3.1.4 The Power of Free Market Economy

The quest for Liberalism became the inspiration for 'Free Market Economy.'<sup>130</sup> For example, the French Physiocrats and some English economist like Adam Smith, Thomas

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<sup>128</sup> Karl Marx, *Das Capital*. Vol.I (Chicago: Charles H. Keer Publishing Co., 1906), pp. 189 – 196.

<sup>129</sup> Matthews, *Op. cit.*, p. 481.

<sup>130</sup> The 'Free Market Economy' is the practical side-effect of the new scientific rationalism of the Enlightenment era with its resultant technological advancement from inventions that sparked the Industrial Revolution and global adventures.

Malthus and David Ricardo theorised against mercantilism and introduced 'laissez-faire' system of economy as the alternative with focus on agriculture, manufacturing and commerce. They argued that unrestricted acquisition and enjoyment of private property was necessary for individual freedom and the social well-being. Their basic premise was that both the individual and the society would automatically benefit when all the people were allowed to serve their own self-interest instead of working for the good of the state. According to Smith, individual entrepreneurs who act mutually for their enlightened capitalistic self-interests in wealth making would raise the standard of living for all the people in the process.<sup>131</sup>

The general norms of the Free Market Economy can be summarized as:

- 1) Economic production should be undertaken for the purpose of trade and exchange according to the free law of 'demand and supply';
- 2) Individual persons or corporate groups should obtain the goods and services they consume or supply through free, private, independent, and competitive business purchase; and
- 3) The free market operations should be according to the capitalists' and the entrepreneurs' ability to hire labourers and pay them wages so that they can produce goods and provide services that are exchangeable in terms of surplus value, benefits and interests.<sup>132</sup>

The characteristics of the Reformation and the Enlightenment – especially their glorification of free innovative powers of human reason and conscience of the competitive individualism or corporatism – were express in the different versions of the Classical Social Contractarianism as sketched below here.

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<sup>131</sup> Matthews, Op. cit., pp. 427, 452 – 453.

<sup>132</sup> Eagles and Johnston, Op. cit., pp. 177 – 179.

### 3.1.5 Hobbes' Social Contract Version

**Thomas Hobbes (1588 – 1645)**<sup>133</sup>, the English philosopher and a scientifically trained classicist, believed that everything and every act could be explained by mechanistic natural laws through various states of motion and energy. He based his Social Contract version on a pessimistic hypothetical context of human beings in the “State of Nature.” He characterized this state with violent competition over scarce goods. He pictured human beings in that state as ruthless, brutal, solitary, miserable, poor, nasty, and uncooperative. He compared men in that state to wolves that act parasitically on each other as continuous enemies, making their life span unbearable and short.<sup>134</sup>

According to Hobbes, this pathetic situation occurred because the people in the state of nature had no native sense of good or evil, right or wrong, justice or injustice for their judgments. These people were anarchical beings whose survival was determined by two passionate egoistic sovereign masters:

- 1) Pursuit for pleasure and power for gain and glory achieved by rivalling with other men; and
- 2) Fear of pain and death that result from insecurity and suspicion against the other competing violent men.

Nevertheless, and in spite of the “solitary, poor, nasty, brutish, and short” lives of those anarchical men, Hobbes still believed that they had the monopoly of their own absolute

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<sup>133</sup> It is said that Thomas Hobbes came up with the above described pessimistic nature of human persons (in the state of anarchy) because he grew up in England at the time of religious, social and political unrests and destruction, which could not get controlled by the weak government of that time. For him, the important of the government lied in authoritative and absolute control of the destructive impulses of men for the sake of peace and happiness. If an autocratic government could achieve this, then it is the right form of government.

<sup>134</sup> Thomas Hobbes, *Leviathan*. C. B. MacPherson, ed. (Harmonsworth: Penguin, 1968), pp. 125 – 215.

freedom through 'natural law.'<sup>135</sup> They knew – guided by the negative golden principle: Do not do unto others what you wouldn't like them to do unto you – that the dreadful state of nature could get averted through strong laws reached by means of social contract, which legitimized an absolute monarchical government to safeguard the welfare of the society as a whole rather than individual interests.

For Hobbes, the social contract had to be final and irrevocable (except in case of infliction of pains or killings). The absolute monarch was to be the only final authority to adjudicate and resolve the arising conflicts in reference to the agreed conventional conception of good, right, and justice. He could be effective in that duty because he would not be in conflict with himself when he deals with internal strives of citizens or with external encroachment by the enemies. According to Hobbes, many sovereign rulers have the tendency of competing for absolute power to rule with superiority. This competition is a recipe for conflicts and wars that contradict the prime duty of the Monarch; prevention of the people from falling back into the undesired state of nature.<sup>136</sup>

Rawls used Hobbes' idea of hypothetical social contract but with an optimistic approach. He used the term 'original position' rather than the 'state of nature' to justify the choice of his proposed principles of "Justices as Fairness." Like Hobbes, Rawls believed that his principles would guarantee sustainable cooperation, order, peace, stability, decency, dignity and well-being in human societies. Thus, he assumed that decent people would choose these principles as the foundation for regulating their basic institutions.<sup>137</sup>

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<sup>135</sup> The Concept of 'natural law' is connected with 'Deism', where God is seen as a clockmaker who has created the world and left it on its own (after the push) to function and regulate itself freely with non-stop. The proponents of that law define it as eternal, unchanging and understandable by human reason rather than by isolated mere faith. They believed that the natural law was written in the heart of human persons by virtue of their participation in humanity. Hugo Grotius (1581- 1645) developed that concept and prescribed that the nation-states should be guided by the natural law in their functions and relations. For him, it was the natural law which enabled mortal rational beings to improve their lives and create a just and fair human society.

<sup>136</sup> Hobbes, Op. cit., pp. 125 – 190.

<sup>137</sup> Rawls (*A Theory of Justice*), Op. cit., p.135.

### 3.1.6 Locke's Social Contract Version

**John Locke (1632 – 1704)**, a British philosopher, based his Social Contract version on an optimistic and real primitive anthropological setting. He repudiated Hobbes's political absolutism together with the idea of 'Divine Rights of Kings.' For him, the only way to rule the people peacefully is when they have offered their consent (express or tacit) to the ruler. This consent is possible because of the goodness of human nature. The primitive human beings were capable of surviving and living together peacefully, cordially, mutually, cooperatively, and reciprocally in the "state of nature".

Locke's political philosophy was influenced by his empirical epistemology. He held that at birth, human mind was a "*tabula rasa*" – an empty slate – ready to record eternal experiences and arranges them into abstract concepts through internal faculties. Also human beings possessed moral innate ideas of good, evil, right, wrong, pleasure and pain based on the "natural law".<sup>138</sup>

According to Locke, though the pre-political state of nature was characterized by perfect freedom, equality and independence, it did not amount to unrestrained licence. Each one of the individuals there was limited by non-maleficent duties and responsibilities for the well-being of humanity. That was why they agreed to abandon the savage state of nature and form a civil society with a government to regulate it according to enforceable just laws. The main purpose of that government was to safeguard private property achieved from labour without waste to the common natural resources which are supposed to be shared with both present and future generations. The government should guarantee happiness of the property-owning citizens. It should to be branched

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<sup>138</sup> See John Locke, *An Essay Concerning Human understanding*. P. Nidditch, ed. (Oxford: Oxford University Press, 1975).

into legislative, judiciary and executive powers, and entrusted with fiduciary prerogatives based on checks and balances. The division of authorities and duties of the government should be aimed at making the work efficient.<sup>139</sup>

According to Locke, social contract was irrevocable and inviolable only in the case of the established civil society; not the government. Individuals could withdraw their consent and trust from the government if it abrogated their right to life, property and happiness. Though they surrendered their sovereignty to it, they did it in a limited sense only. People can rebel and overthrow tyrannical government when it breached their fiduciary trust. For Locke, this rebellion is a necessary action for avoiding the situation of falling back into 'state of war' and anarchy. But the revolution option should be the last resort after exhausting all the peaceful avenues for the reforms of the failing government. The civil society or the political community should form a legitimate government after the untrustworthy one has been deposed.<sup>140</sup>

Rawls borrowed some of his ideas of 'Hypothetical Contract' from Locke, especially the optimistic picture of human persons as reasonable, free, equal, responsible, moral, consensual, tolerative, cooperative, law-abiding, amicable, and peaceful. Nonetheless, he rejected Locke's ideas of unequal weight of rights for the property-less poor people. He also rejected Locke's consideration of slaves as property of their masters. Further, he rejected Locke's idea of revolution against bad government because this caused blood in most cases. Instead, Rawls opted for "civil disobedience" or "conscientious refusal" against the unfair policies of the government.<sup>141</sup>

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<sup>139</sup> John Locke. *Two Treatise of Government*. Peter Lasslet, transl. (Cambridge: Cambridge University press, 965), pp.186 – 295.

<sup>140</sup> *Ibid.*, pp. 214 – 217, 424 – 429.

<sup>141</sup> See Rawls (*A Theory of Justice*), Op. cit., pp. 333 – 382.



### 3.1.7 Rousseau's Social Contract Version

**Jean-Jacques Rousseau (1712 – 1778)**, the French philosopher, based his version of the Social Contract on an optimistic primitive anthropological setting like Locke. He supported liberalism and argued that human beings were originally born into the state of nature as free, equal, unchained and peaceful. He described them as “noble savages” who roamed in the forests like other animals to get their basic wants from the free gifts of nature. He also described them as simple, ignorant, innocent, poor, and happy people. These original peoples followed their own whims because they were not obliged by any universal moral principle. There was no conflict amongst them because they did not scramble for private property and the gifts of nature. They did not regard any specialized skill in any of them as a difference to be rewarded favourably in isolation of the contribution of other members.<sup>142</sup>

The first solitary men agreed to become social beings in order to live as a community and enjoy the benefits of collective efforts and company. But this contract did not imply surrendering the independence of their economic works, particularly land to any authority apart from them. The introduction of the private property, especially land ownership, division of labour, valuation of exchange, maximization of profitable production, and capitalistic accumulation of wealth, brought into that society the evils of exploitation, inequality and injustice. What began as equal distribution of goods and services turned into unequal concentration of wealth and power in the hands of few people. This injustice was passed to the next generations with its resultant political unrest against the despotic monarchs.<sup>143</sup>

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<sup>142</sup> Jean-Jacques Rousseau, *The Social Contract*. G. D. H. Cole, et al, eds. (London: Everyman, 1973). Bk.I., Ch. 6.

<sup>143</sup> *Ibid.*

According to Rousseau, development from that simple initial condition into a complex civilization could have been a blessing were it not followed by the seeds of selfishness and corruption in privatizing the gifts of nature. The civilization chained human beings everywhere and turned them into unfair and lethal competitive violent beings. The remedy for this predicament could come from re-adopting the spirit of the state of nature. But since this return-to-the-glory is untenable, reforms for “moral purpose” remains the option for protecting and promoting civil rights, freedoms and equality for attaining happiness. These reforms could guarantee safety of every man in the process of social, political and economic development.<sup>144</sup>

Rousseau defined liberty not as the absence of law but rather the absence of dependency on others. That is, people were free only when they acted as self-regulating and self-determining beings. For example, if each citizen is granted the right to vote and participate in drafting laws according to the “General Will,”<sup>145</sup> then these laws would be considered as embodiment of what is best and honourable for the entire society. Also the legitimacy of the government comes from the General Will as a result of direct democratic participation of the governed in the affairs of their nation-state. For

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<sup>144</sup> Rousseau, Op. cit. According to Rousseau, morality arises only within the civil state as a function of the “General Will” or what is best for the entire community. Therefore, for him, morals are products of society based on what is generally agreed to be good or bad, right or wrong. Ethics is not prior or independent from the society. As the citizens determine their morals, they also become moral beings by obeying the laws they have promulgated themselves.

<sup>145</sup> Rousseau defines the “General Will” (*Volonté Générale*) as the civic impulses of citizens seeking to pursue the common good within their community. He regards it as the embodiment of the collective motives of all the citizens (and not of the majority or the minority). He identified it with the public conception of freedom, in which participation in the common life of a community liberates citizens from the chains of a narrow selfish individualism. He contrasts the General Will with the “Particular Will” of individuals. Rousseau states that individuals in a democratic society possess two Wills or two contrary inclinations for acting politically, socially, economically and morally: 1) The Particular Will of individuals, which represents their selfish impulses or the urge to satisfy their personal interests and desires with little regard to the community good; and 2) The General Will or the public identity based on the civic capacity for promoting community good. The tension between these two impulses demonstrates the conflict between the Particular and the General Wills. But Rousseau argues that the General Will of the people, not the Individual Will of the Kings, Nobles or Clergy should be the basis of the laws that govern the community. According to him, since the General Will represents the voice of the people, it is tantamount to the voice of God. This concept is said to have motivated the overthrow of the French Monarchy and Aristocracy in later years.

Rousseau, the sovereignty was “all the people” and never any thing less than all the people; it never depended on the whims of one person or few individuals.<sup>146</sup>

In Eagles and Johnston words, “Rousseau’s understanding of the relationship between liberty and equality, and of the collective participation of citizens in their common good, makes him a powerful source of the communitarian tradition that has developed within modern democratic thought.”<sup>147</sup>

Though Rawls agreed with Rousseau that liberal democratic politics should shape the economy and society, and that the choice and consent of the people should be honoured in the society for the sake of harmony and justice, yet he rejected his total demonization of human civilization and the private property. Rawls endorsed Rousseau’ agenda of reforms of society and government but rejected his call for return to the primitive anthropological state of nature to regain the lost glory of human goodness. Rawls criticized Rousseau’s version of Social Contract for neglecting the plight of ‘voiceless poor’ in the urban societies because it only justified the General Will in reference to the people with capacity to participate directly in the government affairs.<sup>148</sup>

In summary, most of the above-mentioned Classical Social Contract philosophers were trying to prove that human persons are born capable of being reasonable, free, equal, cooperative, peaceful, just and fair in managing their lives in the pluralistic societies. Rawls supported this point and built his philosophy on it. He held that the principles of Justice as Fairness should be prior to the basic arrangements of the human society (including the governments) so that dignity and decency of all human individuals and societies are preserved and secured.

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<sup>146</sup> Rousseau, Op. cit.

<sup>147</sup> Eagles and Johnston, Op. cit., p. 89.

<sup>148</sup> Rawls (*A Theory of Justice*), Op. cit., pp. 140, 264, 540.

## 3.2 KANTIAN DEONTOLOGICAL CONSTRUCTIVISM

Immanuel Kant (1724 – 1804) was an epistemologically revolutionary German philosopher who admired the instrumental physical order of nature and intrinsic “Moral Law”<sup>149</sup> within human persons. His deontological constructivism was an attempt to bridge the gap of opposition between English Empiricism and Continental Rationalism. According to him, empiricism and rationalism are complementary epistemologies because “thoughts without content are empty, intuitions without concepts are blind.”<sup>150</sup>

In his theoretical philosophy, Kant discussed the “phenomenal world.” For him, this ‘world of appearance’ was understandable within the intuitions of time and space, and through the *a posteriori* methods of science, logic and mathematics only. However, Kant believed that it was possible to make “synthetic *a priori* judgements” but only transcendently through the intuitive and categorized human mind that is constituted naturally as active recipient of information. He grouped the mental categories as follows: 1) Quantity (unity, plurality and totality; 2) Quality (reality, negation and limitation), 3) Relation (substance-and-accident, cause-and-effect and reciprocity); and 4) Modality (possibility, existence, and necessity). According to him, these cognitive transcendental categories are applicable perceptually to scientific experience but not conceptually to metaphysical abstraction (like freedom and justice). Any attempt to mix up the

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<sup>149</sup> Kant defined the “Moral Law” as the Good Will informed by Human Reason. This Will is manifested in the “Categorical Imperative” – i.e., the voice of duty, the sense of ought, or the positive command which arose within the morally sensitive free persons. This Imperative is *a priori* (i.e., derived from the reason itself) and applicable to experience of human motives and treatment universally. He presented the Moral Right in correspondence with certain duties and principles, which he regarded as objectively valid and derived purely and reflectively on the rational agency.

<sup>150</sup> Jacques P. Thiroux, *Ethics: Theory and Practice*. 8<sup>th</sup> ed. (New Jersey: Upper Saddle River, 2004), pp. 59 – 62.

theoretical realm of metaphysics with the practical realm of morals will produce impossible contradictions called “antinomies”.<sup>151</sup>

In his practical philosophy (or ethical deontological constructivism), Kant discussed the possibility of the noumenal world. For him, this world is comprehensible only through enlightening reason, which directs the autonomous will of human persons in the process of acting rightly, universally, impartially, objectively, necessarily, consistently, responsibly and truthfully for the good of humanity. It is not influenced by contingent inclinations. Human persons have to possess “free will” for them to be moral beings.<sup>152</sup>

### 3.2.1 Enlightening Reason for the Autonomous Good Will

According to Kant, the Enlightened Reason and the Autonomous Good Will are the basic foundations of moral values and principles. Every capable rational human person is bound intrinsically by the universal moral duty to act rightly for the dignity of human life and treat human persons as ends in themselves. This is because human persons are fundamentally the valuable “moral seats” who should never be used as means.<sup>153</sup>

For Kant, to be moral is to reject non-universal principles that carry ulterior motives against the ‘Autonomous Wills’ of human persons. Faithful adherence to moral obligations gives meaning to the inviolable and inalienable rights of human persons. Morality is not primarily concerned about the ‘ends’ but ‘powers’ and capabilities of being moral and purposeful beings who choose their ends rationally and freely. In short, the ‘Ought’ implied the ‘Can’.<sup>154</sup>

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<sup>151</sup> See Immanuel Kant, *Prolegomena to Any Further Metaphysics* (New York: Barnes and Noble, 1978). See also Immanuel Kant, *Critique of Pure Reason, Critique of Practical Reason, and Other Works on Theory of Ethics*, 6<sup>th</sup> ed., T.K. Abbot transl. (New York: Longmans, Green and Co., 1909).

<sup>152</sup> Kant, (*Prolegomena to Any Further Metaphysics*), Op. cit.

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*

### 3.2.2 Motive of Acts for the Maxims of Praxis

According to Kant, the 'Autonomous Moral Motive'<sup>155</sup> of acts should be the pivotal point for assessing and evaluating human praxis. The standard maxims for the right actions should be the "Categorical Imperative,"<sup>156</sup> which should necessarily be applied to the human "Kingdom of Ends."<sup>157</sup> These imperatives can be formulated as follows:

- 1) "Act only according to that maxim by which you can at the same time will that it should become a universal law."
- 2) "Act only so that the will through its maxims could regard itself at the same time as making universal laws."
- 3) "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means."<sup>158</sup>

According to Kant, since the primary role of the pure practical reason is to influence the 'Will' for the Will's sake, any moral person should be free, autonomous, purposive, equal, reasonable, responsible and cooperative to make this possible. For him, both the "noumenal" and the "phenomenal" arenas or the 'ideal' and the 'practical' realities of human person should complement each other in the life process.

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<sup>155</sup> For Kant, 'Autonomous Moral Motive' means acting from the intrinsic "good will" informed by "pure reason" out of duty for the moral law, rules or principles. He differentiates it from 'Heteronomous Motive' – acting from the desire for wants, interests or gains, and being moved by the consequences and winds of circumstances. The Good Will is the most important human attribute in terms of morals. The Heteronomous Motive is secondary to it.

<sup>156</sup> "The Categorical Imperative" is the key phrase in Kant's philosophy. He calls it categorical because it is unconditional, necessary and absolute demand for moral conduct of the dignified human persons, regardless of their individual impulses. He calls it imperative because he looks at it as a moral command (or law/maxim) for rational and autonomous human persons who should create a humanitarian society as a kingdom of ends. Here the moral agents are inseparable from the ends they pursue. He contrasts the Categorical Imperative with the 'Hypothetical Imperative' or the maxim for acting conditionally for contingent ends, consequences, circumstances, or desires. Here the moral agents are defined as separable from the purposes for which they act.

<sup>157</sup> The "Kingdom of Ends" is another key phrase in Kantian ethics. It is the situation where each human person is simultaneously an autonomous self-controlled legislator with other humans, and at the same time, bound by the universal moral law for the universal respect for the essence of humanity in each person.

<sup>158</sup> Immanuel Kant, *Metaphysical Foundations of Morals* (Indianapolis: Bobbs-Merrill, 1959), pp. 39 – 40.

Kant's deontological constructivism gives the priority to the sense of duty done with right procedures. The end results and pursuit of happiness should only be justified from the right procedures.<sup>159</sup> According to him, human society should function in accordance with universal moral principles that do not presuppose any particular conception of the good or any influence from external circumstances. Human society should promote the worth of every member in terms of the 'constructed' conception, Social Contract and Categorical Imperative; that is, without compromising universality, consistency, necessity, and impartiality of the treatment of every person as an end and never a means to other ends. Hence, his moral system is called Deontological Constructivism.

### 3.2.3 Kant's Version of Social Contract

Kant's version of the Social Contract was not an historical setting but an ideal imagination aimed at justifying the necessity of establishing and maintaining humanitarian and peaceful human society. This society should always respect the free will of the people and treat them as equal rational beings with civil rights. Commitment to social justice and adherent to the rule of law is an imperative for preservation of human dignity within this society.<sup>160</sup>

According to Kant, the society is a creation of human individuals. The common interests and desire for cooperation enabled the people to transcend their selfishness and prioritize the common good. The primitive solitary human individuals lived with severe impediments of savagery and decadence. However, pushed by the sense of morality within them and also by the demands of external natural circumstances, these individuals thought it wise to come together and live as a community of the Kingdom of

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<sup>159</sup> Thiroux, Op. cit. p. 77.

<sup>160</sup> See Kant (*Critique of Practical Reason, and Other Works on Theory of Ethics, 6<sup>th</sup> ed.*), Op. cit.

Ends. They promulgated just laws to guide their institutions and defined their responsibilities towards each other with commitment, truthfulness and trust.<sup>161</sup>

The nub of Kantian ethics lies at its universal and timeless commitment to the respect of human dignity and decency in the purposive “Kingdom of Ends” where rationality outweighs emotionality. This duty is possible because each person is capable of fulfilling it. It prevents human persons from the tendency to treat humanity as a means for the sake of good and pleasurable ends. Duty to preserve humanity should come before enjoyment of any form of good.

Rawls regarded his theory of justice as an offshoot of Kantianism. He said:

The theory that results is highly Kantian in nature. Indeed I must disclaim any originality for the views I put forward. The leading ones are classical and well known. My intention has been to organize them into a general framework by using certain simplifying devices so that their full force can be appreciated. My ambitions for the book will be completely realized if it enables one to see more clearly the chief structural features of the alternative conception of justice that is implicit in the contract tradition and point the way for to its further elaboration.<sup>162</sup>

Nonetheless, though the characteristics that Rawls assigned to his contracting persons in the Hypothetical Original Position were Kantian in nature, yet they deviated from it in interpretation as it will be clarified in the next chapter. Unlike Kant, Rawls held that the moral duty was not for the duty sake but rather for the purpose of promoting personal and institutional righteousness. According to Rawls, there was no pure duty because every duty is influenced by historical, cultural, social, political, economical and natural circumstances. Unlike Kant, Rawls was much concerned about the ‘Circumstance of Justice’ within human societies and not about the ‘Circumstance of Morality’ within human individuals. Also he was much concerned about the conception of the “thin good”

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<sup>161</sup> *Ibid.*

<sup>162</sup> *Ibid.*, p. viii.



and the sense of “justice as fairness” in the society more than within individual persons. Both Kant and Rawls are much concerned about world peace and stability because without these values human development cannot be possible. For them, lack of peace and stability is a strong reason for inviting poverty and destruction in the world.

### **3.3 CONCLUSION**

As a prelude to critical understanding of Rawlsian Justice, it was important to know the basic details of the Classical Contractarianism and Kantian Deontological Constructivism. Rawls supported the right-based ethics but with some adjustments for suiting it to his Liberal Egalitarian Project. He believed that the sense of right and the duty for justice are crucial elements for establishing liberal and decent human societies and governments. Since human beings can recognize themselves as rational, equal, free, reasonable, responsible, consensual, truthful, accountable, trustworthy, cooperative, tolerable, fair, faithful, committed, and peaceful beings, it is not impossible to achieve a decent and dignified peaceful and developed human world for all human persons. In this world, Justice and Fairness should always be the prime virtues for the basic social, political and economic institutions.

# CHAPTER FOUR

## EXPOSITION OF RAWLSIAN JUSTICE

### 4.0 INTRODUCTION

This chapter presents Rawls' philosophy of justice in details. With his project of 'Liberal Equality', Rawls intended to bridge the methodology gap between the normative and the descriptive approaches in humanities and social sciences. He employed "Reflective Equilibrium" and "Avoidance" methods, and also the "Maximin Criterion" for the "Rational Choice" out of the "Lexical Order" and "Overlapping Consensus" of "Public Reason" to justify the context and the subject-matter of his philosophy. Rawlsian philosophy has revived normative ethics in public policy and personal conduct, especially the congruence of the 'primacy of the sense of justice' with the 'conception of the primary goods' in the basic institutions of human societies. According to Rawls, decent and dignified human life is achievable in just, peaceful and stable societies where no member is subjected to degrading situations like poverty.

### 4.1 RAWLS' MAIN INTENTION

Rawls' philosophy of justice was a contemporary attempt to revive the value of political philosophy and rescue it from its moribund due to the dominance of analytical philosophy in the Anglo-American academic circle. He thought that this rescue could be effective if it synthesized the empirical with the normative methods in a complementary manner rather than diverging rivalry intolerance. He considered seriously the Kantian idea that the way people 'looked' at the world in actual sense was often closely related

to the way they 'ought to look' at it in ideal sense, and with the motive of acting from the "natural duty of justice", which requires fair and equal treatment of all human persons as ends in themselves.<sup>163</sup> Having studied critically and taught ethics and political philosophy in American Universities, Rawls was capable of initiating and developing "Liberal Egalitarianism" to challenge Utilitarianism.<sup>164</sup>

## 4.2 RAWLS' PROJECT OF JUSTICE AS FAIRNESS

Rawls designed his 'substantive justice' in the beginning according to the hypothetical idea of a 'closed liberal democratic society' characterized by "fair system of cooperation" of free, equal, rational, reasonable and responsible moral persons who live together in peace and decency according to the considered "sense of justice" and "conception of the good." The "Circumstance of Justice" of that society determines the right of every member to "primary goods" without discrimination or infringement. Notwithstanding, Rawls later extended that thought-experiment to the 'opened consultative hierarchical societies' which respected human dignity and promoted human decency to all its members with toleration to the considered plural moral judgements. He also used it for realizing international justice, peace and humanitarianism for the peoples of the world.

The main objectives of Rawls' Liberal Egalitarian project for justification of his idea of "Justice as Fairness" can be summarized as follows:

- a) Reviving of the Classical Social Contract philosophical tradition but with a focus on the fairness of the "basic institutions"<sup>165</sup> of the society rather than on justification of the legitimacy of the government only;

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<sup>163</sup> Rawls (*A Theory of Justice*). Op. cit., pp. 178 – 180.

<sup>164</sup> Rawls (*The Law of Peoples*), Op. cit., pp. 4 – 11, 176 – 180.

<sup>165</sup> Rawls used the term 'institution' to refer to traditions, beliefs, and practices which are well established and widely held as fundamental part of human cultures. Formal institutions refer to the 'rule of games' or laws, codes and regulations that structure the interaction of state and society. Informal institutions refer to the un-

- b) Constraining coherently the choice of moral principles for the society, politics and economy so that they are free from crude intuitionism;
- c) Ruling out the moral principles whose applicability is not determined by publicly agreeable fair procedures and techniques;
- d) Disqualifying Utilitarianism as the right moral basis for political philosophy because it allowed immoral serfdom, slavery, colonialism, racism and religionism to be practiced institutionally in Western Societies for the sake of maximizing pleasure of the well off people;
- e) Affirming the centrality of individuality and complementarity of communality in the social, political and economic life of human beings;
- f) Strengthening the idea of "Property-Owning Democracy"<sup>166</sup> by creating a large 'Middle Class' but without conflict with the 'High Class' of human societies;
- g) Weakening the idea of "Property-Owning Bourgeoisism" which dehumanizes the 'Low Class' of human society and keep them active only for the sake of fulfilling the selfish interest of the rich;

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codified norms and attitudes that underpin the formal rules and determine how those rules are actually interpreted.

<sup>166</sup> 'The rights of ownership' may come from appropriate occupancy, uncontested property, labour, gratuitous gifts, fair trade, legitimate inheritance, honest accession, and long-time prescription in a good faith. In ownership titles, the 'substance', the 'use' and the 'results' can either be public or private, full or limited, and direct or indirect. (See Milton A. Gonsalves, *Fagothey's Right and Reason: Ethics in Theory and Practice*, 9th ed. Ohio: Merrill, 1989. pp.411 – 413). Rawls considers these in his idea of the 'Property-Owing Democracy' borrowed from James Meade. This democracy refer to a regime where resources, means of production and income are widely (though not equally) distributed and held by the citizens in a fair manner. It is contrasted to 'capitalist welfare systems,' which presuppose extreme inequalities in property ownership and taxation of the income of the rich for charitable subsidizing of the poor (directly or indirectly). The capitalist system classifies the society discriminately and empowers a small sector of elites to control the preponderance productive sources, resources and income for a private gain and luxury. It works in reverence to the bourgeois theory that exalts 'good luck' and intelligence for accumulating wealth from the free and privatized market (even in the midst of mass poverty). That is, if a person is fortunate enough to be born with special talents or into a wealthy family, region or country, then he/she is justified for disproportionate rewards over the unlucky ones. The communal welfare system' is opposite and against the capitalist welfare system. In summary, the Property-Owning Bourgeois-ism justifies the person who owns a demandable commodity to make any amount of profit out of it in the expense of those who are in need of the supply. The owner can relax his/her individual productive efforts by using the property-less people to work for him/her in generating more income for surplus and luxury. See Rawls (*A Theory of Justice*), Op. cit., pp.266 – 273, 276 – 280).

- h) Appreciating individual persons, nationals and peoples who are more responsible and reasonable in the process of cultivating natural assets for the right purposes, but not rewarding these assets as such since they are free gifts without merits;<sup>167</sup>
- i) Prioritizing the Two Principles of Justice as Fairness and making them the prime virtues for the basic structure of human society<sup>168</sup>; and
- j) Achieving, a just, fair, peaceful, stable and humanitarian world of all peoples who respect the reasonable plural conceptions of the good.

#### 4.2.1 Synthesizing Libertarianism with Egalitarianism

Rawls relied (in some aspects) on Libertarianism for the development of his new project. This is because Libertarianism prioritizes justice and rights over other moral values. Libertarianism stipulates basically that human individuals are primarily interested in liberty because it enabled them to secure their rights and desires in life prospects. It supports and promotes the private ownership of the resources and means of production irrespective of the mode of their acquisition. It justifies the necessity of the state and lean government for managing conflicts that may result from the pursuits of individual interests and preferences in a free-market economy and liberal politics. Though it encourages pluralism in the conception of the good, Libertarianism rejects any unfair interference from others (particularly the government) on the choices of individual persons or groups. However, Libertarianism does not endorse anarchy with its uncontrolled licences to do any act. It accepts only minimal government interference on private activities of individuals or groups when there is a grave danger of competition.

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<sup>167</sup> Rawls accepted 'meritocracy' in his system of Liberal Equality but only in a weak sense for the reasons that: 1) the performance of tasks by those most qualified provides some insurance that recipients of their service will benefit; and 2) those with the requisite skills should have the opportunity to cultivate those skills for the experience and "the realization of self which comes from a skilful and devoted exercise of social duties." He allowed merits for the naturally advantaged persons in that sense only so as to cover the costs of professionalizing the talents in term of training and education, and also to attract individuals to places and associations where they were most needed to help the society, especially the less fortunate members. See Rawls (*A Theory of Justice*), Op. cit., pp.101 – 12, 315, 529.

<sup>168</sup> Rawls (*A Theory of Justice*), Op. cit., pp.90 – 117, 457.

Adam Smith, Robert Nozick, Robert Kane, Harry Frankfurt, amongst others, are the core representative philosophers of Libertarianism.<sup>169</sup>

Rawls had no qualms with the reasonable Libertarianism but he was reserved about its disregard to the influences of historical legacies in the distribution of goods, services and other necessities for decent human living. Rawls was also sceptical about Libertarianism negligence of fair justice in the questions of individualistic acquisition and transfer of the holdings and entitlements without consideration to the society as a whole.<sup>170</sup>

To avoid falling into the weaknesses of Libertarianism, Rawls synthesized it with the strong elements of Egalitarianism. This is because Egalitarianism calls for equal distribution of goods, services and other necessary social and political needs of human individuals and communities. It emphasizes uniformity in the citizens' conceptions of the good and the right. It strongly recommends affirmative action in the production, distribution, acquisition and ownership of the commonly needed resources and services. It advocates for the necessity of state with a maximal government whose interference into the choices of the individuals and the people is justifiable only for ensuring their equality. Egalitarianism rejects any inequality, discrimination, exploitation, alienation, oppression, and marginalization in the social, political, and economic institutions of human communities. Philosophers like Karl Marx, Michael Walzer, Elizabeth Anderson, Sen Amartya, among others, are the known Egalitarians.<sup>171</sup>

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<sup>169</sup> Stephen Mulhall, *Liberals and Communitarians* (Oxford: Oxford University Press, 1992). Also see Will Kymlicka. *Contemporary Political Philosophy: An Introduction, 2<sup>nd</sup> ed.* (Oxford: Oxford University Press, 2002), pp.107 – 153. See Noam Chomsky, *Government in the Future* ( New York: Seven Stories Press, 2005).

<sup>170</sup> Rawls (*Political Liberalism*), Op. cit., pp. 262 – 265. Also see John Rawls, *Lectures on the History of Political Philosophy*. Samuel Freeman. ed. (Cambridge, MA: Harvard University Press, 2007).

<sup>171</sup> Kymlicka, Op.cit, pp.166 – 199, Rawls (*A Theory of Justice*). Op. cit., pp.102 – 203, and Ronald Dworkin, *Sovereign Virtue: the Theory and Practice of Equality* (New York: New York University Press, 2000).

Rawls had no quarrel with Egalitarianism as long as it limited its call for equality in enjoying the right to the primary goods. He considered human persons as willing to “share in one another’s fate” irrespective of the contingent accidents of nature and conventional influences of social stratifications. However, Rawls criticized crude Egalitarianism for overlooking the diversities and pluralities that have shaped human societies in different times and space. Also he criticized Egalitarianism for lacking proper background fairness in its argument for justice in terms of ‘allocative’, ‘stabilizing’, ‘transfer’, and ‘distributive’ aspects of equity. He criticized it as detrimental to the merits of the unique individual efforts and competitiveness in the society.<sup>172</sup>

#### 4.2.2 Synthesizing Liberalism with Conservatism

Rawls also synthesized ‘Liberalism’ with ‘Conservatism’ for the positive building of his Liberal Egalitarianism. Liberalism is the core ideology of the *laissez-faire* Industrial Capitalism. Individualism is its core principle: human beings are morally equal within their unique and free identities, which enable them to pursue their individual conception of ‘the good’ and ‘the sense of justice.’ It upholds the bill of rights that defines the relationship between the state and the individuals or groups. Liberal philosophers believe in toleration as the best guarantee for individual liberty and social cooperation for human flourishing within the diversities of “reasonable pluralism.” They advocate for constitutionalism and limited government, which conduct its business with checks and balances of the separated and devolved powers.<sup>173</sup>

Rawls understood Liberalism as an antithesis of Conservatism. Though he considered it as an important ideology, he was reserved about its tendency for anarchism and rebellion against historical legacies. That was why he adopted some positive elements

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<sup>172</sup> Rawls (*A Theory of Justice*), Op. cit., pp.102 – 103, 274 – 277. See also Rawls (*Lectures on the History of Political Philosophy*), Op. cit.

<sup>173</sup> Andrew Heywood, *Politics* (London: MacMillan Press, 1997), Op. cit., pp. 40 – 46.

of Conservatism to tame crude Liberalism. Conservatism is the ideology that asserts adherent to strict traditions, customs, heritages, authorities, and law and order. Conservatism regards the care for the less fortunate people as a moral and socio-political obligation on the prosperous and the privileged persons. It also considers human situation as largely determined by luck, accidents of birth, influences of nurture, and influences of society. Conservatism encourages paternalistic custody of property and exteriorization of people's personalities.<sup>174</sup>

In his synthesis of Liberalism with Conservatism for nourishing the Liberal Egalitarianism project of Justice as Fairness, Rawls took the freedom of choice to be the crucial element for human individuals and societies. Nevertheless, that choice should be constrained by the quest for equal rights to primary goods with the duties and responsibilities attached to them. He argued that that no human being deserved natural assets or social privileges as merits to be rewarded individualistically. The fortunate human persons are supposed to help the unfortunate ones so that they can live with the same human dignity from the possession of the primary goods.<sup>175</sup>

### **4.2.3 Justifying the Preferential Choice for Justice as Fairness**

With all the syntheses of the strengths of the ideologies presented above, Rawls' was striving to prove the necessity of preferential choice for his Liberal Egalitarian project of Justice as Fairness for the basic structure of human societies. With the incorporation of the strong points of other philosophies into his system, he aimed at justifying that his Philosophy of Justice is capable of accommodating the complexities of human diversities without serious conflicts. For him, this capability could attract the rational, the

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<sup>174</sup> *Ibid.*, pp. 40 – 46.

<sup>175</sup> Rawls (*A Theory of Justice*), Op. cit., pp. 102 – 103, 106, 110 – 111.



reasonable, the free and the equal social contractors to choose “Justice as Fairness” as the outstanding one amongst other alternative theories of justice.

Rawls believed that his system lead necessarily to fair social cooperation based on the “public reason” and “overlapping consensus” amongst individual citizens or peoples of the different parts of human world. The chosen principles would guarantee justice in the society because the parties who decided to choose them were not motivated by selfishness. They acted out of mutual disinterest and public concern about the need for the maximality of the primary goods for all the members. They were immune from biases and prejudices when they came together and agreed to design and choose this alternative approach to justice. That immunity made them to be trustworthy in producing a fair system of justice for regulating the basic social, political and economic institutions nationally and internationally for the good of humanity.<sup>176</sup>

Rawls prescribed that “Justice as Fairness” should be the first virtue of social life. It should enjoy primacy because it was adopted from fair procedures and references. The “Basic Structure” of the “Well-ordered Society” should be grounded on this justice. It should be adopted as the basic public philosophy because it has the capacity of upholding “reasonable pluralism” in the local, national and international affairs.<sup>177</sup>

#### **4.2.4 Asserting the Overlapping Consensus in Reasonable Pluralism**

With his project, Rawls also aimed to defend a conception of justice that was centred on notions of ‘liberty and reciprocity’<sup>178</sup> divorced from extreme comprehensive religious,

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<sup>176</sup> Rawls, “Commonweal Interview with John Rawls (1998)” in *John Rawls: Collected Papers*, Op. cit., p. 622. See also Rawls (*Political Liberalism*), Op. cit., pp.105 – 106.

<sup>177</sup> Rawls, “Kantian Constructivism in Moral Theory” in *John Rawls' Collected Papers*, Op. cit., p.347.

<sup>178</sup> According to Rawls a system of justice that accommodates both “natural liberty” and “social reciprocity” is necessary for the well-ordered human societies. This system compensates the deprived individuals or peoples who suffer in life due to unavoidable natural determinants and social contingencies.

metaphysical or moral doctrines. According to him, an “overlapping consensus” between the comprehensive and liberal values of the reasonable plural democratic and hierarchical constitutional regimes is possible when these values are pursued according to the free moral dictates of reasonable “Public Reason” and/or of “the Law of Peoples.”

Rawls believed that the reasonable public consensus would make the basic fundamental human goods more secure and less dependent on the shifting and conflicting historical circumstances, social phenomena and ideological tendencies. It would avoid the weaknesses of the political liberalism of John Locke and John Stuart Mill who mixed up religion with politics in the question of good governance in the basic institutions of civilized human societies.<sup>179</sup>

### 4.3 CENTRALITY OF RIGHTS IN RAWLSIAN JUSTICE

Rawls built his political moral system mainly on the ‘liberal concept of rights.’<sup>180</sup> He conceived human rights as distinct from constitutional rights – i.e., rights of liberal democratic citizenship and political institutions – both on individualistic and associationist sense. For him, human rights are the necessary (though insufficient) standard for “the decency of a society’s political institutions and of its legal order.” Their viability depends on the political will of the governments and also on the reciprocal cooperation of the citizens.<sup>181</sup>

According to Rawls, the ‘International Community’ (or United Nations) could be justified in imposing diplomatic or economic sanctions, and even using military force to prevent

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<sup>179</sup> See Rawls (*Lectures on the History of Political Philosophy*), Op.cit.

<sup>180</sup> “Liberal rights” are the valid and licit entitlements that citizens claim against the state, corporate group or individual persons who have the appropriate duties to grant and respect them.

<sup>181</sup> Rawls (*The Law of Peoples*), Op. cit., p.80.

gross violations of the fundamental human rights in any part of the world. Human rights set the limits of toleration within the pluralism of human societies because these rights are inalienable, inviolable, universal and 'ungambleable' whatsoever the case.<sup>182</sup>

Rawls took the concept of 'liberal rights' as the centre of his philosophy of justice. He understood how this concept is central for the modern political discourse that deals with the issues of justice in human societies. He opted for this conception because it balances and checks 'individualism' against 'communalism'. For Rawls, crude communalism is detrimental to liberal rights and community welfare. Also 'conservative rights'<sup>183</sup> can lead to resistance of human innovations and development.

#### 4.4 BASIC MORAL ASSUMPTIONS IN RAWLSIAN JUSTICE

Rawls developed his Liberal Egalitarianism in accordance with the following basic moral assumptions and principles of moral system of justice:

- 1) It should be rationally based and yet not devoid of emotions;
- 2) It should be logically consistent and yet not rigid and inflexible;
- 3) It should be teachable and 'promulgateable' for understanding;
- 4) It must adhere to universal applicability for the general humanity and yet be applicable to particular individuals and situations; and
- 5) It must have the ability to resolve conflicts among human beings in reference to their rights, privileges, duties and responsibilities.<sup>184</sup>

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<sup>182</sup> *Ibid.*, pp.78 – 80.

<sup>183</sup> 'Conservative rights' is based on the concept of 'the Right' – that is, the pre-determined objective moral order of human community (including its governing structures). Rights in this context are not properties of individuals: they are only enjoyed by individuals by virtue of their membership in the moral community where they ought to collectively participate in 'what is Right'. This conservative concept has its legacy in the ancient Greek and the Christian medieval philosophies that defined the social relations hierarchically according to the dictates of natural or divine determinism.

<sup>184</sup> Thiroux, Op. cit., pp.154 – 159.

With the above assumptions, Rawls intended to address these main issues:

- 1) How to attain order and stability in the society without falling into weaknesses of situationism and intuitionism; and
- 2) How to harmonize individuals' and groups' freedoms, responsibilities, rights and duties for the sake of dignifying humanity in the world.<sup>185</sup>

## 4.5 METHODS OF RAWLSIAN JUSTICE

Rawls called his method "Reflective Equilibrium" because he thought it was capable of swinging back and forth between extreme ends of egalitarianism and libertarianism, liberalism and conservatism, individualism and communitarianism, and between democracy and hierarchy. He enhanced that with the method of 'Avoidance', which bracketed metaphysical and epistemological controversies in favour of liberal political approach to justice. He used the apparatus of 'Original Position' with its 'Veil of ignorance' to justify the impartiality, universality and fairness of his system of justice.

### 4.5.1 The Method of Reflective Equilibrium

This method aimed to move Rawlsian Justice between general conception and specific interpretations, which are compartmentalised according to the necessity of their priority and 'lexicality.' Reflective Equilibrium proceeds from "both ends" while it adjust or prune moral judgments in reference to considered reflection about justice and fairness. It swings between theoretical conceptions and concrete facts for practical and coherent application of the normative prescriptions without conflicting with cognitive descriptions. What matters in this method is whether the premises are the ones that "we do, in fact accept"<sup>186</sup> For Rawls, "No political conception of justice could have weight with us unless

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<sup>185</sup> *Ibid.*, pp.159 – 171. Also see John Rawls, *Justice as Fairness: A Restatement*. Erin Kelly, ed. (Cambridge, MA: Belknap Press, 2001).

<sup>186</sup> Rawls (*A Theory of Justice*), Op.cit., p.19.

it helped to put in order our considered convictions of justice at all levels of generality, from the most general to the most particular.”<sup>187</sup>

Because of this method, Rawls made his ‘Philosophy of Justice’ flexible so that it could transcend uniformity and embrace plurality in the complex and opened contemporary world that respects the sense of “Justice as Fairness” with basic reference to primary goods. For example, respect for pluralism and co-existence of human societies and governments gave way to the formation of the UN with an international authority on member states in terms of peace-keeping and humanitarianism.

#### 4.5.2 The Method of Avoidance

This method requires abstinence from discussing issues that are out of the scope of the considered political and moral values. It also avoids venturing into contentious and comprehensive claims of epistemic truth-value, metaphysical nativity, and religious fundamentalism. Rawls adopted this method out of his critical understanding of Modern Political Philosophy, which prioritized the value of rational reasonableness rather than theological dogmatism that caused the wars of religions in 16<sup>th</sup> and 17<sup>th</sup> centuries.<sup>188</sup>

Though Rawls used this method in his later definition of justice in terms of political liberalism, he did not deny the importance metaphysics, epistemology and religion for human understanding and living. With this procedure, he only wanted “to create an entirely secularized vision of society in which purified doctrine of public reason is deemed the only legitimate arbitrator of political debate.”<sup>189</sup> He employed this method to avoid contentions over ideologies that are connected with faith rather than reason.

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<sup>187</sup> Rawls (*Political Liberalism*), Op.cit., p.45.

<sup>188</sup> *Ibid.*, pp. xxxvi, 10. Also see Rawls, “Justice as Fairness: Political not Metaphysical” in *John Rawls: Collected Papers*, Op.cit., pp.393 – 395.

<sup>189</sup> <http://www.nysun.com/arts/philosopher-of-our-times/54265/>

### 3 The Apparatus of the Original Position

Rawls used the apparatus of the "Original Position" with its "Veil of Ignorance"<sup>190</sup> to show the necessity of setting a neutral, impartial, universal, objective, amicable, and reciprocal circumstance of justice for engineering fair principles. He used this apparatus as an analytical device for justifying the choice of the Two Principles of Justice as the basis of justice. For him, the resultant principles of justice from such circumstance would be suitable for regulating the basic structure of human society with order, dignity, stability, justice, decency and prosperity. He also used it for acknowledging the significance of 'mutual respect' of the contracting parties of each other as moral and prudent persons who are capable of the best choices for equitable human society.

Rawls imagined the contracting persons in the Original Position as rational liberal, equal, and decent human persons. However, their knowledge of particular sciences and facts about themselves and their society was covered by the Veil of Ignorance. They had knowledge of general facts about the over-all situation and history of themselves and their society.<sup>191</sup> Thus, they were never disadvantaged or advantaged by the fortune of "the natural lottery" (abilities and talents) or by conventional contingencies of social arrangements, or by historical accidents within and between the generations.<sup>192</sup>

Though shielded from particular facts, these persons planned and acted within the natural conception of "thin good" and natural "sense of fair justice." These made them capable of promulgating and obeying the prescribed moral law. These also enabled them to

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<sup>190</sup> Rawls' idea of the "Veil of Ignorance" is similar to 'Socratic Method of Ignorance.' Rawls and Socrates used these devices to justify objectivity, impartiality and universality. But while Socrates used it for epistemological purposes, Rawls used it for ethical and political purposes.

<sup>191</sup> Rawls (*A Theory of Justice*), Op.cit., p.128.

<sup>192</sup> Rawls, "The Independence of Moral Theory" in *John Rawls: Collected Papers*, Op.cit., p.292.

participate and cooperate fully in socio-political and economic affairs of their society with honour to their communal ties.<sup>193</sup>

Rawls conceived the 'Original Persons' not as bare epistemological or metaphysical beings. He conceived them as determinate moral and political self-interested human beings pursuing their mutual benefits without envy. Because they preferred avoidance of risks of unpredictable outcomes, these persons opted for a scheme of fair principles of justice whose application ensured equal access to primary goods by all humans.<sup>194</sup>

In short, Rawls' idea of the Hypothetical Contract by the Original Persons in Original Position was not about the justification of the best form of government. It was about the necessity of realizing fair procedures and principles of justice that could regulate reasonably and stably the basic institutions of well-ordered human societies. He used it as a thought experiment of a "realistic utopia" with higher abstraction about human goodness and desire for the well-being in the world. For him, theoretical imagination could motivate real human persons to act practically. Rawls's 'strategy'<sup>195</sup> was basically to determine the content and the ranking of the considered principles of justice and then justify them in the context of "Rational Choice Theory" based on reasonable consensus in a fair "circumstance of justice," and also on the context of Kantian conception of human persons as autonomous and dignifying beings.<sup>196</sup>

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<sup>193</sup> Rawls (*A Theory of Justice*), Op.cit., p.136. Also see Rawls, "Kantian Constructivism in Moral Theory" in *John Rawls: Collected Papers*, Op.cit., pp.357 – 358.

<sup>194</sup> Rawls (*A Theory of Justice*), Op. cit., pp.136, 152. Also see Rawls, "Kantian Constructivism in Moral Theory" in *John Rawls: Collected Papers*, Op.cit., pp.357 – 358.

<sup>195</sup> Rawls' 'Strategy' was similar to that of *Philosophes'* technique of "historie raisonnée" – hypothetical history – of 18th century; a means of dealing with the nature and history of humankind as though it was liberated from corruption and distortion of capitalistic socialization and industrial civilization. It is an imagination equipped with anticipated answers based on intuition for goodness. Here the particular historical facts are laid aside so that they do not distort and influence the desired intuitive solutions to the pressing problems of social justice. See Robert Nisbet, "The Pursuit of Equality" in *Public Interest*, 35 (Fall, 1974): 229 – 230.

<sup>196</sup> Thomas E. Hill, Jr., "Kantian Constructivism in Ethics" in *Ethics*, 99 (Fall, 1989):752 – 770.

#### 4.5.4 The Lexical Order and the Priority Rule

The “Lexical Order” is a serial prioritisation, which demands satisfaction of conditions required by the “First Principle of Justice” before considering the ‘Second Principle’. It also demands that within the Second Principle of Justice, the first part should be satisfied or proven inapplicable before moving to the second and other parts.<sup>197</sup>

From the Lexical Order, comes the “Priority Rule.” According to Rawls, the First Priority Rule requires that: 1) “a less extensive liberty must strengthen the total system of liberty shared by all;” and 2) “a less than equal liberty must be acceptable to those with the lesser liberty.”<sup>198</sup> But within this prioritization, ‘Justice as Fairness’ should always come before efficiency and welfare because: 1) “an inequality of opportunity must enhance the opportunities of those with the lesser opportunity” and 2) “an excessive rate of saving must on balance mitigate the burden of those bearing this hardship.”<sup>199</sup>

Rawls used the Lexical Order and its Priority Rule to prevent any exchange or sacrifice of the basic political rights and liberties with mere socio-economic benefits.<sup>200</sup> He categorized the “General Conception” of Justice as Fairness into two particular forms: the “Principle of Greatest Equal Liberty” and the “Principle of Fair Opportunity and Difference” with its corollary, the “Principle of Average Utility.”<sup>201</sup> He argued that securing the First Principle serves the higher-order value of justice and correct the injustices condoned by Utilitarianism in the name of maximization of utility by any means.<sup>202</sup>

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<sup>197</sup> Rawls (*A Theory of Justice*). Op.cit., p.43.

<sup>198</sup> *Ibid.*, p.302.

<sup>199</sup> *Ibid.*, p.303.

<sup>200</sup> *Ibid.*, p.152.

<sup>201</sup> Rawls “Preface to the French Edition of *A Theory of Justice*” in (John Rawls: *Collected Papers*), Op. cit., p. 418.

<sup>202</sup> Rawls (*Political Liberalism*), Op.cit., pp.317 – 324.



#### 4.5.5 The Maximin Criterion and the Rational Choice

Rawls employed the “Maximin Criterion”<sup>203</sup> as a strategy of justifying the “Rational Choice” of his Principles of Justice. According to him, this criterion requires the cooperating human persons to inspect, select and choose an array of alternative principles of distribution of primary goods that guarantee fair outcome from the best worse possible end. This is to avoid the risk of gambling with any minimum requirement for living a decent human life. The basic primary goods are the minimal basis for any prospect of human life within every human person and should never be compromised.<sup>204</sup>

The Maximin Criterion corresponds with the principle of choosing the lesser evil for the greater good but without reference to Utilitarianism. The lesser evil should be chosen amongst the evil alternatives, not for the sake of greater good only, but also for the sake of the good of all human persons affected by the worse situation. Rawls also conceived the worse situation as comparable to the one in which the ‘enemies’ would be the executors of the agreed principles of action in assigning roles and positions to their opponents in the society. That is, if the chosen principles of justice in that context did not guarantee fairness in their application, the enemies could use them to oppress their opponents and make them worse off individuals or peoples. For him, the best outcome in a fair Circumstance of Justice would have been decent or wealthy living standards but history and experience have proven the opposite of this; poverty continued to affect many people. The way out from this human predicament could be the application of the principles of Justice as Fairness in the basic political, social and economical structures of the democratic liberal and hierarchical decent human societies.<sup>205</sup>

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<sup>203</sup> The Maximin Criterion is different from John Harsanyi’s principle of “Average Utility Maximization” which is chosen by ‘Original Person’ in the ‘Original Position’ without determinate motivation. See John Harsanyi, “Cardinal Utility in Welfare Economics and in the Theory of Risk-Taking” in *Journal of Political Economy*, 61(Summer 1953): 434 – 435.

<sup>204</sup> Rawls (*A Theory of Justice*), Op.cit., pp.33, 152 – 157.

<sup>205</sup> *Ibid.*, pp.152 – 156.

According to Rawls, counting on the Maximin Criterion in the Circumstance of Justice is for avoiding the devastating effects of getting into “strains of commitment” for uncertain conditions of choices. For him, a fair ‘Social Contract’<sup>206</sup> should be done in ‘good faith’ and should be based on fair principles of justice. There should be sincere commitment by every citizen and every generation to uphold to the agreed fair principles of justice in order to ensure the availability and accessibility of the primary goods to all human persons for reducing poverty and misery.<sup>207</sup>

According to Rawls, the ‘Principle of Efficiency’<sup>208</sup> is not the best of the worse choices for the society. This principle is indeterminate and opened to conceptualisations that do not value the primacy of justice. For example, it could be interpreted as “Pareto Optimality.”<sup>209</sup> This means that efficiency carries with it sacrifices that might be unfair to some members in the overall economic activities, particularly the poor ones.<sup>210</sup>

Also according to Rawls, the ‘Principle of Desert’<sup>211</sup> is not the best of the worse choices because the natural talents or abilities on which it is justified are accidentally arbitrary. The Principle of Deserts carries with it external contingent influences, which makes some persons (without individual efforts) ahead of others in the competition. The facts of

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<sup>206</sup> Rawls idea of procedures for choice of principles of Justice as Fairness is similar to Milton A. Gonsalves’ idea of validity of contracts: 1) the contracting parties must be competent persons; 2) the matter of the contract must be suitable; and 3) the consent of the parties must be mutual, free and in proper form. See Milton A. Gonsalves (*Fagothey’s Right and Reason: Ethics in Theory and Practice*, 9<sup>th</sup> ed.), Op.cit., pp.425 - 426.

<sup>207</sup> Rawls (*A Theory of Justice*), Op. cit., pp.130 – 136.

<sup>208</sup> The “Principle of Efficiency” is based on the idea that more results of accumulated surplus in wealth should be achieved with less cost by any means in a shortest time possible.

<sup>209</sup> “Pareto Optimality” states that no person can be made better off without making another person worse off. If people want progress they must also accept using others as means.

<sup>210</sup> Rawls (*A Theory of Justice*), Op. cit., pp. 66 – 75.

<sup>211</sup> The “Principle of Desert” is also known as the “Principle of Merits”: It states that each individual should be rewarded according to his talents, efforts and contribution in the work done. This principle is much desired by the professionals and technicians in the maximal free-market economy and minimal free-market government in the globalizing new world because it favours them and justifies their claims even if unfair to the less privileged members of the society.

“natural lottery” on which those alternative principles are justified do not deserve to be called merits. Also the contingent “social asset” and benefits enjoyed by the privileged persons in the expense of the burdens borne by all the contributing members of society (directly or indirectly) disqualify any claim for isolated private desert for luxury.<sup>212</sup>

Given the weaknesses and the loopholes of the other alternative principles of justice, Rawls found his philosophy of justice as the best of the worse choices in the “Original Situation” and for practical application in the actual human circumstances. He tried to design his philosophy in a way that he perceived as fair to every member of human society. He ensured that individuals or people are treated equally in the enjoyment of the fundamental necessary primary goods. Inequality should be allowed only in the enjoyment of the non-fundamental goods for luxury but not at all in the primary goods.<sup>213</sup>

## **4.6 THE CONTEXT OF JUSTICE AS FAIRNESS**

Contextualization is a prerequisite for a comprehensive and critical understanding of ideas of a philosopher. To understand Rawls' philosophy, it is important to contextualize it within the limits of 'circumstance of justice' where the primary goods are regarded as non-negotiable. Also it is important to locate it within the limits of 'circumstance of humanity' where every person is considered as an end and never a means.

### **4.6.1 The Circumstance of Justice**

According to Rawls, his philosophy got its relevance from the context of “circumstance of justice” – the heritage of David Hume in Western political philosophy. Rawls

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<sup>212</sup> Rawls (*A Theory of Justice*), Op. cit., pp.67 – 74.

<sup>213</sup> Here Rawls differs with Aristotle who regards 'luxury' and 'leisure' as the necessary conditions for living a cultivated and flourishing human life, especially in political participation and leadership. For Rawls, it is the primary goods which should be the necessary conditions for effective participation in social, political and economic activities and human flourishing.

acknowledged Hume's idea and took it further beyond the mere economic problem of scarcity of natural resources in the different human conditions. He re-defined that circumstance as "the normal conditions under which human cooperation is both possible and necessary... typically marked by conflict as well as an identity of interests."<sup>214</sup>

Categorizing the Circumstance of Justice into "objective circumstance" and "subjective circumstance,"<sup>215</sup> Rawls argued that Justice as Fairness should always be regarded as the prime social virtue for managing the "moderate scarcity" in any human circumstance where individuals or peoples compete for their goods and rights. Hence, he used the idea of 'circumstance of justice' as the background conditions that gave rise to the necessity of constructing, choosing and agreeing on the principles of Justice as Fairness. He prescribed his idea to be the safest one amongst other alternative theories of justice because it does not gamble with the basic needs of human persons. For him, if his idea of justice is adopted, it would regulate the various social, political and economic arrangements equitably in a win-win manner. It will not confiscate the wealth of the rich nor will it keep the poverty of the poor. It will only guarantee the enjoyment of primary goods by every human person in the society.<sup>216</sup>

According to Rawls, the Circumstance of Justice should be understood beyond mere material scarcity of physical resources. The constraints of logical coherence (non-contradiction), formal political publicity and metaphysical finality should be considered as

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<sup>214</sup> Rawls (*A Theory of Justice*), Op. cit., p. 126.

<sup>215</sup> According to Rawls "objective circumstance" of justice focuses on scarcity and abundance of natural resources in the context of demography and history of human society while "subjective circumstance" of justice focuses on personal plans and social cooperation or differences over the natural and social resources due to different purposes and interests of the cooperating or conflicting individuals or groups who are influenced by diverse philosophical, religious, socio-political, and economic doctrines. The focus here is on the person more than the individual. The difference between 'personality' and 'individuality' is that personality is a subjective consciousness opened to others while individuality a subjective consciousness closed to itself. See Rawls (*Political Liberalism*), Op. cit., pp. 29 – 35.

<sup>216</sup> Rawls (*A Theory of Justice*), Op.cit., pp.126 – 128.

well. Also the chosen principles of Justice as Fairness should be comprehended generally according to public knowledge and with complete adjudication for the finality of the choice for regulating steadily the basic structure of well-ordered society. These constraints would guarantee the fairness of the circumstance under which the neutral persons choose the principles of justice that they consider as fair for all members.<sup>217</sup>

#### 4.6.2 The Characteristics of Original Contractors

In the circumstance of justice, Rawls imagined the contracting persons as lacking the following kinds of specific information and knowledge:

- 1) They do not know how the various alternatives of justice will affect their own particular cases in future;
- 2) They do not know how the particular facts about their natural fortune, historical heritages and social status will affect them;
- 3) They do not know the conception of their 'thick goods' and the attached particular plans and prospects of their living conditions;
- 4) They do not know their special psychological features such as aversion, risk, optimism or pessimism;
- 5) They do not know the particular circumstances of their own society, economy, politics, civilization and cultural achievements;
- 6) They do not know the generation they will belong to and the contingencies that will make them to compete with one another over the acquisition of goods; and
- 7) They do not know who will adjudicate over their quest for the distribution of the needed and wanted goods. <sup>218</sup>

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<sup>217</sup> *Ibid.*, pp.126 – 135.

<sup>218</sup> *Ibid.*, pp.136 – 147.

Also Rawls imagined the original contracting parties in the Original Positions as having general information and knowledge about themselves and their societies because:

- 1) They know that the basic primary goods are needed by everyone in the system of social cooperation, regardless of his/her status in the hierarchy of the basic structure of society;
- 2) They know the general facts about their social organization, political affairs, economic conditions, generation achievements, and psychological needs;
- 3) They know about the general benefits from social cooperation and the need for promulgating principles of justice that can adjudicate fairly their claims over the distribution of goods and services; and
- 4) They know about the general facts (like social theory) that affect their deliberation and choice of the principles of justice for governing their basic institutions with order, harmony, decency and happiness.<sup>219</sup>

Unlike the Classical Social Contractarians, Rawls stripped the original persons from any envious motives for the maximum primary goods enjoyed by any of them. He also stripped them from selfish competition over these goods. According to him, these persons have to do away with any intention of dishonouring the agreed principles of justice which were achieved for pursuing disinterested advantage. They ought to observe these principles (even if difficult at times) since they are attached to unanimous “strains of commitment.” They have to commit themselves reciprocally in implementing these principles in the basic structure of their society.<sup>220</sup>

Rawls believed that the possession of the general knowledge and the ignorance about the particular information prevented the Original Persons from rigging the principles of

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<sup>219</sup> *Ibid.*, pp. 4, 136 – 147, 128, 245.

<sup>220</sup> *Ibid.*, pp. 80 – 81, 530 – 541, 145, 176, 427.

justice in order to serve their special interest selfishly. They assumed that these preferred principles would be fair for the basic structure of their society in terms of promoting the basic rights and liberties for all the members. They acted like “heads of families” though they did not share a common conception of the “thick good”. They only had a common conception of “thin good” necessary for realizing their potentials.<sup>221</sup>

As equally moral and socially political, these Original Persons were characterized by the following connected stages of psycho-moral development: Firstly, they learnt to live their first social union according to “morality of authority” based on family love and paternalism. Secondly, as their socialization scope expanded to other broader unions beyond the family, they learnt to live according to “morality of association” based on cooperative virtues (justice and fairness, fidelity and trust, integrity and impartiality). And thirdly, as they got involved in the public activities of citizenship, they learnt to live according to “morality of principles” based on just and fair institutional arrangements.<sup>222</sup>

## **4.7 THE SUBJECT-MATTER OF JUSTICE AS FAIRNESS**

The subject-matter of Rawls' philosophy of justice is the “primary goods” in the fundamental social, political and economic institutions (what he calls the “basic structure of society”). Rawls was much concerned about fair principles of justice that could ensure enjoyment of primary goods by all human persons without discrimination.

### **4.7.1 The Contracting Parties in the Liberal Society**

Here the hypothetical social contract takes place in a closed, complete, self-contained and self-sufficient liberal democratic society that had no relation with other external

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<sup>221</sup> *Ibid.*, pp. 2 – 6, 128 – 131, 145, 190, 245 – 249, 462, 327.

<sup>222</sup> *Ibid.*, pp. 462 – 466, 472 – 474.

societies. The hypothetical original persons entered that contract by virtue of birth and exited it by loss of death within the context of liberal political culture. Rawls called this the “first session” of the Original Position where the principles of Justice as Fairness got imagined, drafted, adopted and implemented in the basic institutions of the society.<sup>223</sup>

According to Rawls, the social contract was possible and reliable in the Original Position because it was entered by individual persons who were rationally self-interested but also mutually disinterested about the distribution of the basic primary goods. Because of the fair terms of cooperation over time, these contractors were capable of choosing principles of Justice as Fairness for the sake of securing primary goods for every citizen, especially the least advantaged members.<sup>224</sup>

It is within this context of ‘closed liberal society’ that Rawls wrote *A Theory of Justice* (*TJ*). This book discussed a comprehensive moral and political conception of “Justice as fairness” in line with the Classical Social Contract tradition. With the help of analogical device of hypothetical Original Position, *TJ* deals with the problem of conflicts which arise as a result of natural or conventional differences in public life.<sup>225</sup>

According to Rawls, lifting the ‘thick’ Veil of Ignorance in the first session required consideration of the following stages:

- 1) **Hypothetical Contract Stage:** here the hypothetical parties deliberate as individual free moral persons in the Original Position behind a ‘thin’ Veil of Ignorance. They draft and develop principles of justice out of imagination for a possibility of actualizing fairness in the basic structure of a well-ordered society.

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<sup>223</sup> Rawls (*Political Liberalism*). Op. cit., pp.12, 40 – 41.

<sup>224</sup> *Ibid.*, pp.12, 40 – 41.

<sup>225</sup> Rawls (*The Law of Peoples*). Op. cit., p.177.



- 2) **Constitutional Convention Stage:** here the delegated parties of different interests deliberate on the practicality and need for the application of the imagined and drafted principles of 'Justice as Fairness' in the actual basic structure of their society.
- 3) **Legislative Billing Stage:** here the parties act as imaginary legislators with fuller knowledge of the required conditions of assessing the legislated principles and adopting them as bill of rights (i.e., as legal rights and obligations) for all the citizens.
- 4) **Executive Administering Stage:** here the parties act as imaginary administrators (or executors) of the legalized principles of 'Justice as Fairness' in the basic institutional structure of their society.<sup>226</sup>

With the above "four-stage sequence", Rawls intended to justify a range of ideals of justice without compromising the fairness in the process. According to him, the good results of a well-ordered human society should be pursued with right and fair procedures. The procedural rules themselves should be part of the basic structure of the society cemented on the principles of 'Justice as Fairness.'

Rawls later limited and adjusted the first session of his philosophy of justice to the liberal political aspects based on public reason and overlapping consensus of the actual citizens of pluralistic human societies. His second book, *Political Liberalism (PL)*, deals elaborately with this adjustment to the understanding of 'Justice as Fairness.' *PL* discussed the problem of conflicts arising from rigid and irreconcilable "comprehensive doctrines,"<sup>227</sup> principles, standards and precepts. It handled these problems in a manner

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<sup>226</sup> Rawls (*A Theory of Justice*), Op. cit., pp. 195 – 201.

<sup>227</sup> "Comprehensive Doctrine" is the view that holds for all kinds of subjects and values; ranging from the ideal conduct/character of individuals to society as a whole (family, associations, communities and nations). See Rawls (*Political Liberalism*), Op. cit., pp.11 – 14.

that preserved the diversified unity and stability of the basic structure of Western pluralistic society. *PL* presents 'Justice as Fairness' as a free-standing view of the basic social structures of free constitutional democratic institutions that tolerate and accommodate pluralism.<sup>228</sup>

In the *PL*, Rawls used the same device of 'Hypothetical Contract' to arrive at principles of 'Justice as Fairness' that were utopian but realistic for practical application that avoided radical intuitionism. He used this 'thought experiment' to confer a universal point of view of justice on the particular outlook of reasonable comprehensive doctrines. He tried to avoid absolutism that springs from endorsing the uniformity of the comprehensive doctrines. Thus, he bracketed the religious, metaphysical and epistemological repercussions on his revised philosophy of justice. He thought that this reductionist approach would save his Liberal Egalitarian project from doctrinal complications. According to Rawls, "we should not expect justice as fairness or any account of justice, to cover all cases of right and wrong. Political justice needs always to be complemented by other virtues."<sup>229</sup>

Rawls interpret 'Justice as Fairness' in *PL* with a specific focus on institutionalization of the guarantees of citizens' basic rights and liberties. He believed that such guarantees would lead to a lasting security, peace, decency, civility and mutual recognition in the world. For him, this aim could be achieved with commitment, open-mindedness, toleration and reasonable compromise within the pluralities of the conceptions of good. Rawls considered the representative citizens in his *PL* as actual members living in liberal democratic society and enjoying primary goods equally without fixed final ends.<sup>230</sup>

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<sup>228</sup> Rawls (*Political Liberalism*), Op. cit., pp.133 – 134. Also see Rawls (*The Law of Peoples*), Op. cit., p.177.

<sup>229</sup> Rawls (*Political Liberalism*), Op. cit., pp.11 – 14, 21, 43 - 44.

<sup>230</sup> Rawls, "Commonweal Interview with John Rawls" in John Rawls: Collected Papers. Op.cit., p.617. Also see Rawls (*Political Liberalism*), Op.cit., p.41.

#### 4.7.2 The Contracting Parties in the Opened Societies

In the “second session” of the hypothetical Social Contract, the parties involved included the peoples of opened and decent consultative hierarchical societies, and not the people of closed liberal democratic societies alone. Here, the impartiality and universality conditions apply to the contracting peoples within international ‘Circumstances of Justice’ rather than to individual circumstances only. Since the delegates in this session cared more about the higher-order interests of distribution of ‘primary goods’ in a mutually disinterested manner, they found it reasonable to choose principles of justice that could regulate their interactions and actions for the common good.<sup>231</sup>

*The Law of Peoples (LP)* discusses mainly the problem of conflicts arising from the burdens of reasonableness in extending ‘Justice as Fairness’ to be the basis of laws that are needed for regulating the interests of the peoples of the world.<sup>232</sup> Here Rawls put the emphasis on the fundamental human rights, peace and security, and humanitarian assistance as the viable norms for moral practices in the international relations, and for the sake of cultural, social, political, economic and religious toleration and solidarity.<sup>233</sup>

Rawls proposed the following principles of the “Law of Peoples”<sup>234</sup> as the foundation of international justice, humanitarianism, peace and development:

- 1) Peoples are free and independent, and their freedom and independence are to be respected by other peoples;
- 2) Peoples are to observe international treaties and undertakings without using double standards;

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<sup>231</sup> Rawls (*The Law of Peoples*), Op.cit., pp.43, 60 – 75.

<sup>232</sup> *Ibid.*, p.177.

<sup>233</sup> Rawls, “The Law of Peoples” in *John Rawls: Collected Papers*, Op. cit., pp.529, 536.

<sup>234</sup> “Peoples” is a Rawlsian term for pluralistic political communities.

- 3) Peoples are equal and are parties to the agreements that bind them according to reasonable overlapping consensus;
- 4) Peoples are to observe a duty of non-intervention into others' internal affairs without their request;
- 5) Peoples have the right of self-defence but no right to instigate war for reasons other than self-defence;
- 6) Peoples are to honour the fundamental human rights without rigidity;
- 7) Peoples are to observe certain specified restrictions in the conduct of war as a last resort for urgent needed solution; and
- 8) Peoples have a duty to assist other peoples living under unfavourable conditions because of lack of just or decent political, social, and economic structures in their communities.<sup>235</sup>

Notwithstanding, Rawls regarded these principles as incomplete in isolation; some of them might be superfluous and irrelevant in some situations. Yet, he believed that “free and independent well-ordered peoples are ready to recognize” all or some of these principles for governing their conduct reciprocally and complementarily in the pursuit for international cooperation.<sup>236</sup>

Thomas Pogge summarized Rawls' argument in the Second Session as follows:

- 1) We care more deeply about equality and we would very much like it to be the case that you are not so much worse off than we are;
- 2) But, unfortunately, it is not realistic to expect that we would actually comply with more egalitarian global institutions at the present time because peoples are already different;

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<sup>235</sup> Rawls (*The Law of Peoples*), Op.cit., p.37.

<sup>236</sup> *Ibid.*, pp.37 – 43.

- 3) The common history of injustices and wrongs, has produced unequal peoples and national territories as they are now and will be in future;
- 4) But since no one would benefit from futile attempts to maintain impracticable institutions, we should all be contented with the status quo of the global inequalities if it makes the least advantaged nations and peoples well-off than they would have been;
- 5) Therefore, peoples must share the same planet with its limited depleting resources in a spirit of 'Justice as Fairness', 'Political Liberalism', and 'The Law of Peoples'.<sup>237</sup>

Rawls is trying to argue that all human persons should be rich in primary goods without any compromise or risk. The principles of 'Efficiency', 'Merits' and 'Average utility' have failed to achieve this moral demand for common human dignity. The alternative is the principles of "Justice as Fairness", which do not eliminate other principles of justice in the distributive shares but only give them secondary significance.<sup>238</sup>

Though Rawls borrowed ideas from history of political philosophy to justify his arguments in the *TJ*, the *PL*, and the *LP*, yet he departed from the tradition of merely analyzing the meta-ethical concepts or constructing foundationist axioms. He understood human society as both natural and conventional in one way or another. That is why the principles of justice should be designed to ensure the good of humanity in every individual person and in all national citizens or international peoples as a natural duty for conventional equity.<sup>239</sup>

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<sup>237</sup> Thomas W. Pogge, "An Egalitarian Law of Peoples" in *Philosophy and Public Affairs*. 23(Summer 1994): 178 – 179.

<sup>238</sup> Rawls (*A Theory of Justice*), Op.cit., pp.146 – 147.

<sup>239</sup> Rawls, "The Domain of the Political and Overlapping Consensus" and "Commonweal Interview with John Rawls" in *John Rawls: Collected Papers*, Op.cit., pp.493, 617.

### 4.7.3 The General Conception of Justice as Fairness

This General Conception is only about qualitative distribution of the social primary good in a general sense. It requires that individuals, citizens or peoples should be treated equally in the distribution of the primary goods. It gives the least advantaged people a kind of moral veto to reject any inequality that denies them equal access to primary goods. It is simply “the difference principle applied to all primary goods including liberty and opportunity and so no longer constrained by other parts of the special conception.”<sup>240</sup> It reads:

*All social primary goods – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any of all these goods is to the advantage of the least favored.*<sup>241</sup>

As this General Conception is susceptible to conflict in regard to plurality of the primary goods, Rawls broke it down into specific interpretation based on prioritization of the fulfilment of the most important element to the lesser important one in the basic structure of the society. He calls this “Lexical Order of the Priority Rule.” However, he eliminated the General Conception in his later writings because of this susceptibility.

### 4.7.4 The Two Principles of Justice as Fairness

Within the specific compartmentalization of the General Conception of Justice as Fairness, Rawls permits inequality under the condition that it should benefit the least advantaged persons. For him, this can be done without damage to the “Priority Rule”<sup>242</sup> of the basic principle of fair shares within each category. The specific two principles have strong egalitarian elements in their demands for the “Greatest Equality of liberty” and “Fair Equality of Opportunity” in the distribution and acquisition of the primary goods.

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<sup>240</sup> *Ibid.*, p.83.

<sup>241</sup> *Ibid.*, p.303 (*Italic* and *Bold* is my own emphasis).

<sup>242</sup> According to Rawls, the priority rules within the categories of the special conception of Justice as Fairness is meant for basic liberties and not for the general liberty.

It is only in second part of the Second Principle that Rawls deviated from egalitarianism in order to adopt some libertarian element of inequality with a “Fair Difference.”

#### **4.7.4.1 The First Principle: Political Equality**

Rawls calls his specific first principle of justice as “Greatest Equal Liberty Principle” because it guarantees maximum system of equal basic liberties to all. This principle is prior to the second principle for the reason that ‘Liberty’ can be restricted only for the sake of protecting the overall system of liberties like freedom of thought, freedom of conscience, freedom of association, freedom of political participation in elections, and freedoms defined by the liberty and integrity of the person as well as by the rule of law.<sup>243</sup> These liberties are “the background institutions necessary for the development and exercise of right and justice under political and social conditions that are free.”<sup>244</sup>

Rawls presented the First Principle of Justice as Fairness in the following formulations:

***Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.***<sup>245</sup>

***Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, only those liberties, are to be guaranteed their fair value.***<sup>246</sup>

***Each person has an equal right to the most extensive scheme of liberties compatible with a similar scheme of liberties for all.***<sup>247</sup>

***Each citizen is guaranteed a fully adequate scheme of basic liberties, which is compatible with the same scheme of liberties for all others.***<sup>248</sup>

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<sup>243</sup> Rawls (*A Theory of Justice*), Op.cit., p.227.

<sup>244</sup> Rawls, “Social Unity and Primary Goods” in *John Rawls: Collected Papers*, Op.cit. p.366.

<sup>245</sup> Rawls (*A Theory of Justice*), Op. cit., p.302 (***Italic and Bold*** is my own emphasis).

<sup>246</sup> Rawls (*Political Liberalism*), Op. cit. p.6 (***Italic and Bold*** is my own emphasis).

<sup>247</sup> *Ibid.*, p.271 (***Italic and Bold*** is my own emphasis).

<sup>248</sup> Rawls (*Justice as Fairness: A Restatement*), Op.cit. p.290 (***Italic and Bold*** is my own emphasis).

From these formulations, you can see how Rawls is compassionate about realization of “liberties” for every citizen. Though he used different wording, still he maintained the meaning of his First Principle of Justice. According to him, the First Principle is for ‘distributive justice.’ He intended it to be applied to the most basic structure of society in accordance with both moral and political conceptions of justice in terms of fairness.<sup>249</sup>

#### **4.7.4.2 The Second Principle: Socio-economic Opportunity**

Rawls calls his Second Principle of Justice as ‘Equal Opportunity and Fair Difference Principle.’ This principle is supposed to guarantee fairness in regard to opportunity and inequality of the distribution and acquisition of the basic socio-economic goods to individuals or citizens in a well-ordered society. It has to be ratified only after the First Principle has been fulfilled. Its application is restricted by the overall system of political basic rights and liberties. Rawls formulated the Second Principle of Justice as follows:

***Social and economic inequalities are to be arranged so that they are both:  
(a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and  
(b) attached to offices and positions open to all under the conditions of fair equality of opportunity.***<sup>250</sup>

***Social and economic inequalities are to satisfy two conditions:  
First, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and  
Second, they are to be to the greatest benefit of the least advantaged members of society.***<sup>251</sup>

***Social and economic inequalities are permissible provided that they are:  
i) to the greatest expected benefit of the least advantaged; and  
ii) attached to positions and offices open to all under conditions of fair equality of opportunity.***<sup>252</sup>

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<sup>249</sup> Rawls (*Political Liberalism*), Op.cit., p.88.

<sup>250</sup> Rawls (*A Theory of Justice*), Op.cit., p.302 (*Italic and Bold* is my own emphasis).

<sup>251</sup> Rawls (*Political Liberalism*), Op.cit., p.6 (*Italic and Bold* is my own emphasis).



***Social and Economic inequalities must satisfy two conditions:***

***(a) All offices and positions must be open to all under conditions of fair equality of opportunity;***

***(b) Economic inequalities are only permitted insofar as they are to the greatest benefit of the least well off members of society. The reason that the least well off members gets benefited is that it is assumed that under the veil of ignorance, under original position, people will be risk averse. This implies that everyone is afraid of being part of the poor members of society, so the social contract is constructed to help the least well off members.***<sup>253</sup>

You can see from the different formulations and priority arrangement of the sub-section of the Second Principle that Rawls maintain the same ideas in spite of different wordings. Though this principle contains elements of economic efficiency, social merits, average utility, and caring welfare, it considers them only in accordance with the lexical order. In the first formulation, Rawls gave priority to institutions. However, he changed this arrangement in the later three formulations where he gave priority to the people. He is saying here that people should come first because they are the ones who created institutions by social contract. That is, institutions should serve the people. In all the formulations, Rawls maintains his stand that the primary goods should be given priority over utility, merits or efficiency. This implies that the poor people who lack adequate primary goods should be attended to by the society as a priority. He said:

Society should try to avoid the region where the marginal contributions of those better off are negative, since, other things equal, this seems a greater fault than falling short of the best scheme when these contributions are positive. The even larger difference between rich and poor makes the latter even worse of, and this violates the principle of mutual advantage as well as democratic equality.<sup>254</sup>

According to Rawls, the role of the Second Principle is “to ensure that the system of cooperation is one of pure procedural justice.”<sup>255</sup> Equality of opportunity for the positions

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<sup>252</sup> *Ibid.*, p.271 (***Italic and Bold*** is my own emphasis).

<sup>253</sup> Rawls (*Justice as Fairness: A Restatement*), Op.cit. p.290 (***Italic and Bold*** is my own emphasis).

<sup>254</sup> Rawls (*A Theory of Justice*), Op.cit., p.79.

<sup>255</sup> *Ibid.*, p.87.

and office should be opened to all members because “if some places were not opened on a basis fair to all, those kept out would be right in feeling unjustly treated even though they benefited from the greater efforts of those who were allowed to hold them.”<sup>256</sup> The discriminated members will become debarred from realizing their life plans and prospects as their skills get blocked and their social duties thwarted. According to Rawls, the Second Principle should be applied generally to income and property taxation, fiscal and economic policy, and background of the basic social and political institutions.<sup>257</sup>

Rawls' main target in the Second Principle is the promotion of “Property-owning Democracy” rather than the mere “Welfare State.” The reason is to prevent a small part of society from controlling directly the economy and indirectly the social life of the individuals, citizens or peoples. The Property-owning Democracy avoids elites' hegemony, not by mere 'redistributive justice', but by ensuring that there is widespread ownership of productive assets (raw materials, resources, and means of production) and human capitals (abilities, professions and skills) in human societies. According to Rawls, if fair justice has to be done, the basic institutions should put these assets and capitals under the control of cooperating citizens in a general and accessible manner, rather than risking putting it under the control of few selfish competing individuals or companies.<sup>258</sup>

In the Second Principle, Rawls strongly argued that inequality should not be justified on the basis of historical accidents, social contingencies or natural abilities and talents, because these characteristics can never be deserved as merits by any individual person in isolation of the social capital. According to him, no individual person can survive without a nature, a history or a society to take care of him or her in the life process and

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<sup>256</sup> *Ibid.*, p.84.

<sup>257</sup> Rawls, “Distributive Justice” in *John Rawls: Collected Papers*, Op. cit., pp.151 – 152. Also see Rawls, “A Kantian Conception of Equality” in *John Rawls: Collected Papers*, Op.cit., p.262.

<sup>258</sup> Rawls, “Preface for the French Edition of A Theory of Justice” in *John Rawls: Collected Papers*, Op. cit., pp.419 – 420.

prospects. However, inequality may be justified only, and only if it does not create a rift in the distribution of the primary goods, especially to the poor people. He said:

Undeserved inequalities call for redress; and since inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for... in order to treat all persons equally, to provide genuine equality of opportunity, society must give more attention to those with fewer native assets and to those born into the less favorable social positions... The naturally advantaged are not to gain merely because they are more gifted, but only to cover the costs of training and education and for using their endowments in ways that help the less fortunate as well.<sup>259</sup>

According to Rawls, the Two Principles of Justice as Fairness may be applied effectively under the following situations:

- 1) The Liberal Constitutional Democracy;
- 2) The Reasonable Free Market Economy;
- 3) The Self-sufficient Associations or Big-scale Societies;
- 4) The Consultative Decent Hierarchical Societies.

Also for him, it should be the mutual interests of equal citizenship for the common public good that drive the voting and consensus for adopting of the principles of Justice as Fairness. That was why he presented the First Principle in a manner that gave immunity to the basic liberties against the possible infringements of the majority on the minority or vice versa. He also secured the primary goods from any tendency to sacrifice them in the name of luxurious prosperity by few individuals or by many people in the society. In short, the primary goods should be equalized for all persons.<sup>260</sup>

Rawls focus on the “least advantaged” members of society remains stable and intact in all the different formulations of the Two Principles of Justice except interchanging it at times with the synonyms “least favored”, “least well off” or ‘poor’ members of the society.

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<sup>259</sup> Rawls (*A Theory of Justice*), Op.cit., pp.100 – 102.

<sup>260</sup> Rawls, “Kantian Conception of Equality” in *John Rawls: Collected Papers*, Op.cit., p.255. See also Rawls (*The Law of Peoples*), Op.cit., pp.60 – 75.

He also fluctuated the specification of the “primary goods” between the phrases “basic rights” and “basic liberties” without drawing a line of differentiation between them – i.e. he used both of them once at times in the phrase “basic rights and liberties”. He also kept intact his high regard to the value of individuation of every human person by constant use of the phrase “Every person” which he synonymised at times with the phrase “Each citizen”. The strength and uniqueness of Rawls’ Philosophy of Justice lies on these focuses, specification and individuations.

#### 4.7.5 The Primary Goods

At the centre of Rawls’ philosophy of justice is the notion of “Primary Goods.”<sup>261</sup> These are general social background conditions necessary for “realizing the powers of moral personality and all-purpose means for a sufficient wide range of final ends” presupposing various general facts about human wants, abilities, nurture, relation, cooperation and social interdependence. Rawls was much concerned about the ‘Chief Social Primary Goods’ because this is where his idea of Justice as Fairness gets its strength as the first virtue of the basic institutions of human society.<sup>262</sup>

In his formula of the General conception of Justice as Fairness, Rawls identified the Primary Goods as “liberty and opportunity, income and wealth, and the bases of self-respect.” He divided them into two, where the “liberty” occupied the First Principle of Justice and the rest occupied the Second Principle of Justice. He was not much concerned about the “Natural Primary Goods” because these are out of the domain of

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<sup>261</sup> Rawls defined “Primary Goods” as objective characteristics of the basic institutions of the society and of people’s situation with respect to their basic needs. He categorizes them as ‘natural primary goods’ (like health and vigour, intelligence and imagination, and education) and ‘social primary goods’ (the chief of which are liberty and opportunity, income and wealth, authority and responsibility, and self-respect). Rawls also refers to them as the necessary basic rights and liberties for all human persons in the world. He did not list ‘education’ as a primary social good but considered it as a special value “in enabling a person to enjoy the culture of his society and to take part in its affairs, and in this way to provide for each individual a secure sense of his own worth”. See Rawls (*A Theory of Justice*), Op. cit., p. 101.

<sup>262</sup> Rawls, “Social Unity and Primary Goods” in *John Rawls: Collected Papers*, Op.cit., pp.366 – 370, 385.

conventional morality, which depends on responsible 'choice' and 'contract' rather than determinism and intuitionism.<sup>263</sup>

With sufficient Primary Goods at hand, people can generally be assured of greater success in carrying out their multi-purpose intentions in life. The execution of the different plans and expectations in life process depends on the availability of the Primary Goods for every human person regardless of his or her social, political or economical status in the society. In short, the Primary Goods should be the necessary values for pursuing dignified life prospects of both the rich and the poor alike.<sup>264</sup>

According to Rawls, the primacy of the urgency of the Social Primary Goods makes the questions of justice a priority virtue in "interpersonal comparison" in the basic structure of the society.<sup>265</sup> However, "the share of primary goods that citizens receive is not intended as a measure of their psychological well-being...Nor does it try to estimate the extent to which individuals succeed in advancing their ends, or to evaluate the merits of these ends."<sup>266</sup> For him, the quest for primary goods is out of the reasons for justice rather than the "long-standing sentiments and commitments."<sup>267</sup>

According to Rawls, the limitation of the Primary Goods to the moral persons within the context of social cooperation is based on "thin theory of the good" rather than on "thick" one. This means that the 'thin theory' is prior to the principles of Justice as Fairness. In this regard, the thin theory of the good makes the social contract for Justice as Fairness possible in the conventional society of human persons. Nonetheless, Rawls regards this priority unsubstantial enough to undermine the priority of the right on which he founded

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<sup>263</sup> *Ibid.*, p.385.

<sup>264</sup> Rawls (*A Theory of Justice*). Op.cit., pp.60 – 63, 90 – 95, 101.

<sup>265</sup> Rawls, "Social Unity and Primary Goods" in *John Rawls: Collected Papers*, Op.cit., pp.364, 370.

<sup>266</sup> *Ibid.*, p.370.

<sup>267</sup> *Ibid.*, p.372.

his philosophy of justice. For him, the 'thick' theory (deals with particularities and their pluralities) should only be considered as secondary in the quest for justice.<sup>268</sup>

#### 4.7.6 The Basic Rights and Liberties

Rawls limited his philosophy of justice in its second session to the search for "political liberalism" and "law of the peoples", which could promote the "basic rights and liberties" in the pluralistic human societies. He listed these rights and liberties in the following indexes: freedom of choice from diverse opportunities, liberty of conscience, freedom of thought, freedom of movement, freedom of association, freedoms specified to maintain the liberty and integrity of person (including rights to personal property), powers and prerogatives of offices and positions of responsibility in the basic institutions of society, income and wealth, the social bases of self-respect, and all the rights and liberties covered by the rule of law.<sup>269</sup> According to him, these goods are essential if citizens are to have a lively sense of their own worth as moral persons and to be able to realize their highest-order interests and advance their ends with self-confidence.<sup>270</sup>

The basic rights and liberties are the specialized primary goods of Rawls' specific political approach of his Liberal Equality Project. These elements are the core principles in the "International Convention on Civil and Political Rights" adopted by the United Nations General Assembly Resolution 2200 A (XXI) of 16<sup>th</sup> December 1966 that came into force on 23<sup>rd</sup> March, 1976. They are also the main elements of the Social Teaching of the Roman Catholic Church, especially the call for preferential option for the poor.

According to Rawls, the "overall system of liberties" should remain unlimited by any other purpose except the promotion of liberty *per se*. Notwithstanding, he acknowledged

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<sup>268</sup> Sandel (*Liberalism and the Limits of Justice, 2nd ed.*), Op.cit., p.26.

<sup>269</sup> Rawls. "The Priority of Right and Idea of the Good" in *John Rawls: Collected Papers*, Op.cit., p.454.

<sup>270</sup> Rawls. "Social Unity and Primary Goods" in *John Rawls: Collected Papers*, Op.cit., p.366.

that it is difficult, or perhaps impossible, to give a complete and perfect indexes of rights and liberties because of the complexity of the pluralities of human societies and their institutional structures.<sup>271</sup>

#### 4.8 RAWLS' JUSTIFICATION OF JUSTICE AS FAIRNESS

The main ground for valuing Justice as Fairness<sup>272</sup> is that it should be applied practically to the basic structure of the decent and liberal human societies. Rawls argued that this application will guarantee, first and foremost, the enjoyment of the right to primary goods by every human person in these societies without discrimination on the basis of the majority or the minority. Whether a human person falls within the category of the majority group or the minority clique, he/she needs to have primary goods in full and together with everyone else in the society. There should never be gambling or compromise with the primary goods because the success of every human person's life plans and choices rest on the availability of these goods.

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<sup>271</sup> Rawls, "A Kantian Conception of Equality" in *John Rawls: Collected Papers*, Op.cit., pp.259 – 260. The "basic structure of society" is the core focus for the application of Rawls' philosophy of justice. Rawls defines it as the public system of rules defining the scheme of activities that lead human beings to live and act together for their common good. He also calls it "the basic institutions of the society" that assign to each member (individual or corporate) certain recognized rights and liberties, and also duties and responsibilities over their life time. According to him, the family is also a basic structure though it operates according to the "Principle of Fraternity", which is out of the range of the political conception of justice. The family involves more sentimental ties of love from the natural duty rather than conventional social obligation. Rawls defines the 'Principle of Fraternity' as the idea of "not wanting to have greater advantages unless this is to the benefit of others who are less well off...members of a family commonly do not wish to gain unless they can do so in ways that further the interests of the rest." According to Rawls, Justice as Fairness is meant to apply to institutions that deal with the natural facts as well as conventional ones like aristocratic and caste societies, but not to the natural facts themselves (like the family *per se*) because these are amoral and without justice-value. See Rawls (*A Theory of Justice*). Op.cit., pp.84 – 87, 106.

<sup>272</sup> According to Rawls, 'fairness' is fundamental to any system of justice. It deals with the question of mutual treatments of human persons in their competitive cooperation with one another for the good of their society. The question of fairness arises in human joint activities and the rules involved in the share of benefits and burdens. He regards a practice as fair when it satisfies the principles which those who participate in it could propose to one another for mutual acceptance under the circumstance of freedom and self-authority. At each stage of the process, fairness of procedure should determine the just end result. The general priority of fair procedures for guaranteeing just outcomes of the chosen principles led Rawls to call his theory "Justice as Fairness. See Rawls, "Justice as Fairness" in *John Rawls: Collected Papers*, Op.cit., p.59.

Based on these considerations, Rawls argued that Justice as Fairness should be the “first virtue of social institutions” because it distribute the fundamental rights, duties, responsibilities, privileges, opportunities, and all the needed values for human cooperation and interdependency in achieving decent and dignified life that is free from poverty and devastations of wars.

Rawls argued that the ‘Good’ and the ‘Right’ are inseparable in his system of justice for basic structure of society where human persons are obliged to treat one another as complementary valuable ends of human dignity and never as means for utilitarianism. That is, the Right and the Good are congruent in his system of justice because they are the considered moral intuitions and convictions of the rational, free, equal, cooperative, amicable, and reasonable human persons or peoples who live with desire of creating a well-ordered, tolerable, peaceful, co-existing, dignified and decent plural human world.<sup>273</sup>

Before Rawls came up with his philosophy of justice, he observed and thought about the following social phenomena that have characterized human living:

- 1) There are many human persons who live poorly because they lack sufficient primary goods; the ‘low class’.
- 2) Also there are few human persons living richly because they have sufficient primary goods and also other secondary goods in abundance and extravagancy; the ‘high class.’
- 3) Further, there are so many human persons in the world who live decently in an average living standard; enjoying with dignity no more than the primary goods; the ‘middle class’.

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<sup>273</sup> Rawls (*A Theory of Justice*), Op.cit., pp.20 – 25, 179, 318, 321, 330. Also see Rawls. “The Law of Peoples” in *John Rawls: Collected Papers*, Op.cit., pp.536 – 537.



According to Rawls, there is no moral ground for allowing the first category of the poor class or even continuing its *status quo* in human society. All human beings are born into the society so that the society can help them grow up and live their life with dignity, decency, order, peace and prosperity. Therefore, existence of the second category of the average class along side with the first category of the rich class (as mentioned above) is an indication of lack of Justice as Fairness, because it is morally wrong and socially dangerous to allow many or few people to live in poverty while there are more than the primary goods available to relieve them from poverty.<sup>274</sup>

However, from the analysis of the same phenomena, Rawls finds a moral ground for the co-existence of the second category of the average class with the third category of the wealthy class as expressed above. According to him, there is nothing wrong in enjoying extravagance goods as long as they are enjoyed in the midst of 'mass decency' without conceding to poverty and insecurity. In short, the third category should be the starting point of living standard of every human person or peoples in the world. A country with majority in this category indicate existence of fair plural basic structures in terms of well-ordered society, good governance, and sustainable economy based on congruence of "sense of justice" with the "conception of the good."<sup>275</sup>

Rawls' philosophy of justice is an attempt to justify that accumulation of wealth by few individuals in the midst of poverty of the masses, is unjust and unacceptable morally. According to Rawls, the poor should be given the priority of benefits of the distribution of the primary goods so as to elevate them into the average standard of living (the middle class). The rich class should not be proud to accept doing justice to the poor class

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<sup>274</sup> Read Rawls' formulation of the "General Conception of Justice" as Fairness with its specific interpretation as the "Two Principles of Justice" and you will get this message implicitly.

<sup>275</sup> Reflect on Rawls' interpretations and justification of his "Principles of Justice as Fairness" and the "Law of the Peoples" and you will grasp his message as I have explained it.

because they did not get their wealth on their own independent capacities and efforts or even on their own isolated luck in life. The history of their riches can show that they got the accumulated wealth and luxury as a result of exploitation of the free natural endowments and social contributions. Also history and experience indicate that many people are poor in the world, not because of their own faults or bad luck in life, but rather, because of the disadvantages of the injustices imposed on them in the basic institutions of their societies.<sup>276</sup>

According to Rawls, the rich do not lose more than their luxury and extravagancy when they accept to implement the principles of “Justice as Fairness” with their corollaries; the “Political Liberalism” of the reasonable plural citizens or nations and the “Law of the Peoples” for the diverse systems of the plural peoples of the World. It is a natural duty and also a social obligation for the well off members to help the least advantaged members of the human society to get out of poverty and other destructive phenomena.

With this justification, Rawls is saying that it is morally desirable for any human person to be in middle class or in the high class (at best). But it is morally unacceptable to see any human person tormented by poverty in the low class. In short, poverty must be eliminated in human societies so that the category of the 'low class' withers away.

By this justification, Rawls is stressing that human societies should only be characterized as middle and the high classes.<sup>277</sup> Nothing less than these two categories should be allowed to take control of any human individual, citizens, nations or peoples. This shall make the world a safe place by avoiding the consequences of gross disorder

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<sup>276</sup> Rawls (*A Theory of Justice*), Op.cit., pp. 321, 54 – 58, 100 – 106, 274 – 292.

<sup>277</sup> What makes Rawls different from Karl Marx here is that Rawls is not anti-rich in his advocacy for the elimination of poverty in the world. He does not support elimination of the rich class in his call for elimination of the low class because he believes that it is impractical to think of a classless society. Rawls have no qualm with existence of two classes; the high class and the middle class.

and subsequent insecurities that result from nasty injustices and poverty. For him, the human world must be a humane world of dignity, decency, liberty, equality, fairness, justice, prosperity and peace.

In his *Philosophy of Justice*, Rawls gives priority to the question of political rights rather than economic benefits. He stresses that right politics is a prerequisite for prosperous good economy. However, he acknowledges that politics is not necessarily a guarantee to successful economy. A country may be economically well off with dirty politics but this can only endure on a temporal basis. Dirty politics downgrades the quality of decent living for some citizens who have valuable economic potentialities but are denied the opportunity to actualize them.<sup>278</sup>

Based on this understanding Rawls arranges his philosophy of Justice to guarantee the following core characteristics of a successful human society:

- 1) A list of certain basic rights, liberties and opportunities (familiar with constitutional democratic regimes);
- 2) A high priority of the fundamental freedoms and responsibilities with a special respect to claims of the common good; and
- 3) Measures assuring for all citizens, nations and peoples adequate all-purpose right means for making effective use of their basic freedoms and basic goods for the betterment of humanity socially, politically and economically with diverse but complementary efforts of human work.<sup>279</sup>

Rawls presents this philosophy systematically with a gradual move from the context of egalitarian representative individual persons in the hypothetical circumstance of justice

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<sup>278</sup> Rawls (*A Theory of Justice*), Op.cit pp. 106 – 108.

<sup>279</sup> Rawls, "The Law of Peoples" in *John Rawls: Collected Papers*, Op.cit., pp.536 – 537.

to liberal representative citizens in the real circumstance of justice in the context of Western domestic democratic civil society. However, he later applied his philosophy to the non-egalitarian representative peoples beyond the Western context; the non-democratic but decent and reasonable consultative hierarchical societies. He considered his philosophy as a realistic utopia for the quest of justice, peace and prosperity.<sup>280</sup>

#### 4.9 ORIGINALITY AND STRENGTH OF RAWLSIAN JUSTICE

Though Rawlsian justice follows the footsteps of the Classical Social Contract theories and Kantian Deontological Ethics, yet it differs uniquely from them. The purpose of Rawls' version of the Social Contract was not merely to justify the need for social togetherness, social order and peaceful cooperation in isolation of the value of justice. It was not aimed to justify simplistically the necessity of government for ensuring stability, peace and well-being of the governed as Hobbes did. It was not to justify the sovereignty of the people based on theological assumption of the 'Law of Nature' and "Natural Rights" rather than "Divine Rights" like Locke did. It was not even to justify the sovereignty of the people based on theological assumption of the "General Will" which signify the "Voice of God" rather than 'Individual Wills of the Kings' as Rousseau did.

Rawls' purpose was to ensure "Justice as Fairness" with Political Liberalism, Social Pluralism, Economic Prosperity, and International Quest for Peace in the world. He acknowledges that this is an enormous task whose success requires intuitive prudence of mutual reasonableness, cooperation, and fair-mindedness of the responsible governments and decent peoples of the world. He recommended "civil disobedience"<sup>281</sup> and "conscientious refusal"<sup>282</sup> against unfair laws and policies of the

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<sup>280</sup> *Ibid.*, pp.533 – 537.

<sup>281</sup> According to Rawls, the problem of "Civil disobedience" is that it is an individual choice. Its difficulty is one of the conflicts of natural duties to comply with laws and to oppose injustice. It is accepted as reasonable

government. Notwithstanding, these recommendations were not supposed to lead to anarchy of the governed nor to overthrow of the irresponsible government revolutionarily. They should not extend beyond the call for reform of the rejected public laws and policies that are detrimental to human dignity and decency.

Rawls version of the hypothetical contract also incorporates some element of Kantian deontological ethics with its metaphysical assumption of human persons as autonomous moral beings in the kingdom of ends. Nevertheless, his philosophy does not go along with Kantian pure theory of rights; it does not consider the right as *a priori* or self-evident moral truth. Rawls regards his theory of justice as a political conception adopted out of public reasonable consensus without pre-determinism. He avoided metaphysicalism and epistemologicalism in his philosophy of justice and peace. Instead, Rawls developed his philosophy in flexible manner that enables it to fit into plural contexts of the circumstances of equity in the world.<sup>283</sup>

The originality of Rawlsian Justice lies in its call for the 'Rule of Justice as Fairness' in the basic institutions of human societies and in the conceptual capacity of the peoples. This should be evident in the constitutions, legislations, policies and programmes of the government and in the conceptual understanding of the individuals and peoples within and across generations. These institutions ought to distribute the primary goods equally and also the secondary goods fairly without causing disadvantage and misery to any

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under the conditions that: 1) it should be limited to the protest against grave injustices, especially infringement on the basic liberties and rights of the citizens; 2) it should be the last resort after exhausting the legal means of redress; and 3) it should not lead to a breakdown of respect for the rule of law. See Rawls (*A Theory of Justice*), Op.cit., pp.371 – 377.

<sup>282</sup> Rawls recommends "Conscientious Refusal" in severe cases of unjust war and oppression, religious persecution, starvation and misery, genocide and mass murder planned by the government of any society. In this case any individual should always follow his or her conscience whether to execute the command or defy it because of the cruelty and callousness involved. See Rawls (*The Law of Peoples*), Op.cit., pp.4 – 7.

<sup>283</sup> Rawls, "Justice as Fairness: Political not Metaphysical" in (John Rawls: Collected Papers), Op.cit., pp.394 – 395, 402, 409.

human person or any human people. Nevertheless, though Rawls requires the moral and political citizens to accept the considered political constitutions and basic social institutions as right and appropriate if (but not only if) they reflect elements of Justice as Fairness, yet he left opened the possibility of other alternatives. He said:

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason, justice denies that the loss of freedom for some is made right by a greater good shared by others....an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising.<sup>284</sup>

Rawlsian Justice “stands as a beacon of rationality and common decency, as we strive to find our way out of the morass of greed, malice and callousness that now besmirches our political landscape.”<sup>285</sup>Rawls is honoured as “The Philosopher of Our Times” who understood the classical philosophers and updated their relevance in the promotion of human dignity and decency.<sup>286</sup>His modesty in speculative curiosity made him an outstanding philosopher in the secular contemporary world, where human beings are supposed to live peacefully and responsibly with legitimate and respectful governments who revere human life that is free from negative disadvantages like poverty.<sup>287</sup>

## 4.10 CONCLUSION

The main idea of Rawlsian Philosophy is that the basic structure and institutions of human societies should be regulated by the principles of “Justice as Fairness”, “Political Liberalism” and the “The Law of Peoples”. The focal point of this is the primary social,

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<sup>284</sup> Rawls (*A Theory of Justice*), Op.cit., pp.3 – 4.

<sup>285</sup> Ernest Partridge, “John Rawls – A tribute” in <http://gadfly.igc.org/liberal/rawls.htm>

<sup>286</sup> Steven B. Smith, <http://www.nysun.com/arts/philosopher-of-our-times/54265/>

<sup>287</sup> *The Internet Encyclopedia of Philosophy* <http://www.utm.edu/r/rawls.htm>

political and economic goods. The distribution of these goods should be based on reciprocity and fraternity and never on selfishness and competition. This is to guarantee that the “Fairness of the circumstances under which agreement is reached transfers to the fairness of the principles agreed to.”<sup>288</sup>

According to Rawls, the irreconcilable comprehensive philosophical, religious or moral doctrines; differences and complexities of social, political and economic interests or preferences; and the burdens of objective and unbiased judgments that put people into perpetual conflicts, ought to be settled in spirit of dialogue with openness to fair compromise of a rational choice and prioritization for the basic needs. Thus, Rawlsian philosophy has revitalized in a forceful and farfetched sense the debates about the private and public institutions in the contemporary context. It generated arrays of criticism and support from different academic schools.

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<sup>288</sup> Rawls, “Reply to Alexander and Musgrave” in *John Rawls: Collected Papers*, Op.cit., p.236.

# CHAPTER FIVE

## CRITIQUE OF RAWLSIAN JUSTICE

### 5.0 INTRODUCTION

This chapter presents the criticism and support of Rawlsian Justice. This philosophy generated a wider critical attention to its methodology, content and context, and logic and meaning in addition to criticism and credit for Rawls' flexibility in dealing with complex issues of human societies. Rawls opened a 'Pandora Box' in political philosophy after a long slumber from discussing the questions of Justice, Liberalism, Peace, Inter-cultural relations and Humanitarianism within the basic structures of human societies or peoples. Rawls' philosophy gained relevance in the contemporary political philosophy because it has become the pivotal point of reference for the arising problems and issues such as the agenda of poverty reduction which has assumed an international concern in terms of the Millennium Development Goals.

### 5.1 WEAKNESSES OF RAWLS' PHILOSOPHY OF JUSTICE

Despite its strengths, Rawlsian philosophy has some weaknesses in its methodology and strategy, content and context, and in its logic and meaning. Also the flexible and lenient personality of Rawls posed some concerns. For example, he said that his theory of justice is a "higher order of abstraction"<sup>289</sup> from Classical Contractarianism and Deontology, yet he wanted to bridge the abstract norms with the concrete practices in the basic institutions of human societies. Also he said his theory was a challenge and a

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<sup>289</sup> See Rawls (*A Theory of Justice*). Op.cit., p.viii.



superior alternative to the dominant Utilitarianism, yet he used some elements of Utilitarianism to justify it. Further, he said his theory was “highly Kantian in nature”, yet he went against “Categorical Imperative” and “Intuitionism” in most of his arguments.<sup>290</sup>

### 5.1.1 Problems with Rawls' Personality

Rawls' flexibility made him unpredictable in some cases. His supporters found it difficult to defend his ideas when he was alive because of his embarrassing switch of stance when he responded to his critics. He was ready to disown some of his ideas easily and disclaim the originality of his views when criticized seriously.<sup>291</sup> This easy-going tendency made people to doubt him as a meticulous academician ever responsible for what he said; it defeats the purpose of intellectual ownership and consistency.

In reading Rawls's works, I discovered that he was fond of giving wetting introductions and prefaces without follow-up elaboration. In other words, Rawls was quick to promise doing something he was not going to do. For example, though he talked of higher order of abstraction of his philosophy, what he discussed had much to do with concrete human situation: he argued lengthily about how to deal with the phenomenon of poverty of the least privileged human persons in the midst of wealth of the well off members.

### 5.1.2 Problems with Methodology

The method of 'Reflective Equilibrium' used by Rawls can be interpreted as a licence to unfixed options which can lead to difficulty in the process of the 'rational choice.' This method creates a kind of Cartesian doubt since everything is considered to be in the flux without specific direction. Its strategy of the support of many considerations and fitting

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<sup>290</sup> Joel Feinberg. “Rawls and Intuitionism” in *Reading Rawls: A Critical Studies on Rawls' A Theory of Justice*. Norman Daniels, ed. (Oxford: Basil Blackwell, 1975), pp.117 – 118. Also see Oliver A. Johnson, “The Kantian Interpretation” in *The Two Principles and Their Justification*. Henry Richardson, ed. (New York: Garland Publishing, 1999), pp.59 – 60.

<sup>291</sup> Rawls (*A Theory of Justice*), Op.cit., p.viii.

them together into one coherent view is untenable, given the limited scope that Rawls had resorted to in his later idea of political liberalism for the opened societies.<sup>292</sup>

Also the Method of 'Avoidance'<sup>293</sup> or 'Bracketing' employed by Rawls as an attempt to neutralize the controversies from the comprehensive metaphysical, epistemological, religious and moral doctrines makes his works semi-helpless to deal with the pressing complex human realities in the pluralistic globalizing world. These doctrines influence peoples' thought patterns in one way or another. It is a mistake to avoid discussing them rigorously even in political matters. Talking of "reasonable consensus" does not make sense if the issues that requires consensus are not discussed and exhausted freely. It has been noticed in many cases that avoidance and indifference accumulate issues and turn them into blasting problems. For example, history recorded that destructive religious wars and Islamic terrorisms occurred due to indoctrinations of authoritarian dogmatism.

Kurt Baier criticized Rawls for resorting to a narrow political conception of justice in order to avoid the long-standing religious, metaphysical or epistemological and moral controversies. For him, this limitation reduces the sense of philosophy in Rawls ideas. As controversy has formed the core part of philosophy and its history, avoiding or bracketing it would mean morbidity to philosophical endeavour.<sup>294</sup>

Joseph Raz shared Baier's criticism and said "the fact that endorsing the theory leads to their achievement – makes the theory true, sound, valid, and so forth

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<sup>292</sup> The Internet Encyclopedia of Philosophy, Op.cit., p.3. Also See Roger P. Ebertz, "Is Reflective Equilibrium a Coherentist Model?" in *Reading Rawls: A Critical Studies on Rawls' A Theory of Justice*, Op.cit., pp.312 – 319.

<sup>293</sup> Rawls' Method of Avoidance demands that we should neither assert nor deny any controversial account of religious, metaphysical, or moral views. This is for the purpose of reaching toleration and consensus out of liberal pluralism. Each man or woman must be free to hold his or her view about the good life. Notwithstanding, views must remain as individual and private convictions. See John Rawls, "The Idea of an Overlapping Consensus" in *Oxford Journal of Legal Studies*, 7(1987):12 - 13.

<sup>294</sup> Kurt Baier, "Justice and the Aims of Political Philosophy" in *Ethics*, 99(1989):790.

[epistemologically]...There can be no justice without truth.”<sup>295</sup> On the same track, Jean Hampton said “the activity of philosophy is itself based upon substantive metaphysical beliefs about the nature of human beings.”<sup>296</sup> Paul Weithman adds to this criticism by saying that “Political theory as Rawls practices it may be done without metaphysics, but political philosophy as he conceives it need not be.”<sup>297</sup> Further, according to Daniel Bell, if Justice as Fairness depends on peoples’ shared conventional understanding of their societies, then Rawls’ ideas of justice becomes cultural rather than philosophical endeavour.<sup>298</sup> It is unjustifiable to avoid or bracket metaphysical and epistemological questions in his philosophy of justice.<sup>299</sup>

Jürgen Habermas criticized Rawls’ Avoidance Strategy as a great hindrance to the development of political philosophy in a free-standing manner. According to him, “dispute concerning concept of rationality and truth” cannot be avoided in political philosophy. Being Contractualist and Deontologist at the same time is not an easy matter to handle; it requires courage to face the unavoidable philosophical controversies with open-mindedness. Also philosophy is an open-ended endeavour that should be understood from different angles without tendency of avoidance.<sup>300</sup>

Some thinkers see Rawls’ “Original Position” as too presumptive on human nature, given the fact that human beings live with opened possibilities which do not necessarily lead to their well-being as individuals or as a communities. The “Veil of Ignorance” which

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<sup>295</sup> Joseph Raz, “Facing Diversity: The Case of Epistemic Abstinence” in *Philosophy and Public Affairs*, 19(1990):15.

<sup>296</sup> Jean Hampton, “Should political Philosophy Be Done Without Metaphysics?” in *Ethics*, 99(1989):814.

<sup>297</sup> Paul Weithman, “Liberalism and the Political Character of Political Philosophy” in *The Liberalism-Communitarianism Debate: Liberty and Community Values*. Delaney C.F., ed. (Maryland: Rowman and Littlefield Publishers, 1994) p.207.

<sup>298</sup> Daniel A. Bell, *Communitarianism and Its Critics* (Oxford: Oxford University Press, 1993). pp.55 – 89.

<sup>299</sup> *Ibid.*, pp.55 – 89.

<sup>300</sup> Jürgen Habermas, “Reconciliation Through the Public Use of Reason: Remarks on John Rawls’s Political Liberalism” in *Journal of Philosophy*, 92(1995):131.

is supposed to make the Original Position independent, universal, impartial and fair for every member, is impaired by the imposed ignorance about pluralism of the conceptions of the “thick good.” It is unfair to confine the propagation of the “sense of justice” in the world to a uniform conception of the “thin good” only (as Rawls did). Justice should deal with the conflicting conceptions of ‘all goods;’ be it thin or thick.<sup>301</sup>

Further, Rawls’ hypothetical strategy of the “Original Position” has been criticized as unreal to be applied to the actual condition of human society.<sup>302</sup> Hypothetical agreement alleged to have been reached in that Position “is not simply a pale form of an actual contract; it is no contract at all” and hence, not morally significance practically though it is illuminating intellectually.<sup>303</sup>

Other thinkers criticized Rawls for using a methodology that mixes up intellectual imagination with experiential application. They argued that even if Rawls’ hypothetical persons were pictured to be ignorant about their particular interests, this does not necessarily follow that they will be so in actual sense. Real people do not perceive themselves as unencumbered selves prior to their ends because each of them posses “particular traits.” Otherwise, such perception can reduce human persons to disembodied substrates that are impossible to be pinned down into concrete facts. This mismatch pulls Rawls back to the contentions between the inductive methods of empiricism with the deductive methods of rationalism, despite his attempt to bridge them like what Immanuel Kant did.<sup>304</sup>

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<sup>301</sup> Samuel Scheffler, “Moral Independence and the Original Position” in *Philosophical Studies*, 35(1979):400, 402. Also See Dworkin, “The Original Position” (in *Reading Rawls: A Critical Studies on Rawls’ A Theory of Justice*), Op.cit., pp.25 – 50.

<sup>302</sup> Wayne Proudfoot, “Rawls on the Individual and the Social’ in *Journal of Religious Ethics*, 2(1974):123.

<sup>303</sup> Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977), p.151.

<sup>304</sup> Michael Sandel, *Liberalism and Limits of Justice* (Cambridge: Cambridge University Press, 1982), pp.94, 100. Also see Richard Rorty, “Postmodernist Bourgeois Liberalism” in *Hermeneutics and Praxis*. R. Hollinger, ed. (Notre Dame: University of Notre Dame Press, 1985), p.217. Further, see Benjamin R. Barber, “Justifying

Norman Care criticized Rawlsian justice for mixing up the “Rational Choice” with the “contract procedures.” For Care, the social contract procedure is supposed to be a way of articulating or formulating a theory rather than a method of choosing between alternative theories. Also he criticized Rawls’ claim of “Justice as Fairness” as a rival to Utilitarianism when both theories are rooted in Classical Contractarianism. He said that Rawls “lacks the capacity to show how important criticisms of systems of practices and institutions as unjust provide good reasons for rational and benefiting proponents of such systems to move away from them.”<sup>305</sup>

Iris Young criticized Rawls’ imaginative circumstance of justice. According to him, any substantive conception of justice “must be anchored in the particular social circumstances in which it exists and which purports to evaluate, and hence be limited in application only by them.” Justifying speculatively the preferential choice for principles of Justice as Fairness in Original Position, is not necessarily a practical proof. Also Young regards Rawls’ methodology as contradictory because it purports “to develop a conception of justice independent of particular social circumstances, and yet at the same time derives from particular social circumstance and be applicable only to them.”<sup>306</sup>

John Harsanyi criticized Rawlsian “Maximin Criterion” for rational evaluation of the institutional arrangements and policies. Harsanyi regards this criterion as driven by fear rather than reason as Rawls thinks. The hypothetical irrationality renders the Original Position illegitimate; hence, a problematic conjecture of Justice as Fairness for the real situational analogy. According to him, Rawls had failed to give convincing justification for

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Justice: Problems of Psychology, Politics and Measurement in Rawls” (in *Reading Rawls: A Critical Studies on Rawls’ A Theory of Justice*), Op.cit., pp.296 – 297.

<sup>305</sup> Norman S. Care, “Contractualism and Moral Criticism” in *Review of Metaphysics*, 23(1969):99 – 100.

<sup>306</sup> Iris Young, “Towards a Critical Theory of Justice” in *Social Theory and Practice*, 7(1981):294.

rejecting that “the only principle of the rational choice under uncertainty is the principle of the maximization of the expected utility.”<sup>307</sup>

On the same line, Musgrave criticized the Maximin Criterion as impractical and detrimental to the needed motivation for human innovation.<sup>308</sup> For him, the choice of equality of the rights to the primary goods does not promise much gain and glory for individuals or communities. This choice carries some kind of “Prisoner’s Dilemma”<sup>309</sup> and fails to guarantee a promising life. The Maximin Criterion generates a dilemma because it is based on egoistic calculations while at the same time it purports to advance the common well-being of the people. It can only make sense if considered like the intellectual “Faith Wager”<sup>310</sup> of Blaise Pascal. The Maximin Criterion can also lead to weird choices which might endanger Rawls’ contractors with extinction. If this becomes the option, then Rawls’ “Principles of Justice” will become a dead letter with no existing member to implement them in the real world.

Further, Rawls methodology has been criticized for its shortcomings in dealing with the diversities inherent in his favourite “Property-Owning Democracy.” If democracy is driven by ownership of property, then the poor people are the losers in such system. Those

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<sup>307</sup> John Harsanyi, “Can the Maximin Principle Serve as a Basis for Morality?: A Critique of John Rawls’ Theory” in *American Political Science Review*, 69 (1975):595 – 599, 604 – 605.

<sup>308</sup> R. A. Musgrave, “Maximin, Uncertainty, and the Leisure Trade-off” in *Quarterly Journal of Economics*, 88(1974):232.

<sup>309</sup> The “Prisoner’s Dilemma” presents four unpredictable optional choices faced by two prisoners who are partners but who wanted to advance their self-interests of freedom. Each of them is faced with the following difficulties: 1) If I confess but my partner doesn’t confess, I go free while my partner get twenty years in jail; 1) If my partner confess but I don’t confess, my partner goes free while I get twenty years in jail); 3) If I don’t confess and also my partner doesn’t confess, we both get one year in jail; and 3), If I confess and my partner confesses too, we both get five years in jail. See David Gauthier, *Morals by Agreement* (Oxford: Oxford University Press, 1986), pp.79 – 80.

<sup>310</sup> According to Pascal, since the question of God existence or non-existence is infinitely incomprehensible by human reason, we must make a wager. The best wager is to believe in God and in authentic Christian life because if you win the bet you will gain eternal bliss as a reward, and if you lose it, you will have still gained perennial morality from the acquired habit of Christian love. The worst wager is to adopt atheism because if it happened that God exists, you will get eternal punishment. Therefore, it is reasonable for everybody to believe in God without worry about proofs of His existence or non-existence. See Blaise Pascal, *Pencees*. A. J. Krailsheimer, Transl. (London: Penguin Books, 1970).

who want to continue benefiting selfishly from this system will also work hard to ensure that masses of people live in poverty. This betrays Rawls' intention to eliminate gross institutional inequalities in human societies by implementation the principles of Justice as Fairness and their corollaries; the Political Liberalism and the Law of the Peoples.<sup>311</sup>

From my evaluation, the bracket between which Rawlsian justice is situated restricts the acclaimed liberalism of his works. Also the pendulum on which Rawlsian justice is hanged (within this bracket) subjects the proposed principles into a kind of anarchy and instability. The pendulum of the reflective equilibrium pushes the chosen "Principles of Justice" back and forth infinitely according to the demands of the pressing situations. Any of these Principles can get adjusted from time to time or from place to place without remorse about strict adherence to their conservation and promotion.

### 5.1.3 Problems with the Context and Content

Also the context and content of Rawlsian philosophy has been criticized by some philosophers. According to Kai Nielsen, Rawls' theory of justice failed to connect convincingly the realms of imagination and that of reality. This mismatch is sufficient reason to reject objectivity of the Two Principles of Justice in the concrete real world.<sup>312</sup> Also according to Robert Nisbet, Rawlsian Justice can only be accepted as a first virtue of human society within an imaginative context because it lacks reality evidences.<sup>313</sup>

David Lyons questions the motives of Rawlsian Justice against the Utilitarianism. According to him, Utilitarianism may only probably be rejected by the contracting parties if its Maximin Criterion is unfavourable to the desired interest of any of them.

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<sup>311</sup> Gerald Doppelt, "Rawls System of Justice: A Critique form Left" in *Nous*, 15/3(1981):276.

<sup>312</sup> Kai Nielsen, "The Choice Between Perfectionism and Rawlsian Contractarianism" in *Interpretation*, 6(1977):133, 139.

<sup>313</sup> Robert Nisbet, "The Pursuit of Equality" in *Public Interest*, 35(1994):110.

Nonetheless, under the “favourable conditions of the Maximax Criterion”, it is likely that they will go for the principle of average utility instead of the principles of Justice as Fairness. Also despite the Veil of Ignorance, the parties in that Original Position will still be motivated by what maximizes their individual expectations and utility even if it is risky. People do not fear to take risks when there is a possibility of success at the end of the process. This has been witnessed in the free market economic entrepreneurship and also in democratic political campaigns for control of government power.<sup>314</sup>

Also according to Will Kymlicka, Rawls' theory of justice cannot stand on its own without acknowledging some elements of Utilitarianism. This is because “every once in a while (perhaps only in moments of crisis), we all engage in a collective and democratic process of utilitarian decision-making to revise our everyday rules and institutions.”<sup>315</sup> He regards Rawls as being naïve about the importance of Utilitarianism.

Michael Sandel criticized Rawls for misusing the idea of the ‘Circumstance of Justice’ which he borrowed from David Hume. According to Sandel, Hume account was perspicuously utilitarian and totally empirical. It was economical in terms of scarcity of goods. Its subjective aspect consists partly in sentimental motivations of members and also in the way they perceive these motivations. It is not based on objective rational choice as Rawls used it in his theory of justice.<sup>316</sup>

While Rawls claims that his philosophy is an offshoot of Kantianism, he rejects Kant's argument that ‘antagonism’ is the mother of progress.<sup>317</sup> Again, rather than defending Kantian deontology, Rawls went ahead to detach his ‘original persons’ from

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<sup>314</sup> David Lyons, “Rawls Versus Utilitarianism” in *Journal of Philosophy*, 69(1972):544 – 545.

<sup>315</sup> Kymlicka (*Contemporary Political Philosophy: An Introduction*), Op.cit., pp. 31, 87.

<sup>316</sup> Sandel (*Liberalism and Limits of Justice, 2<sup>nd</sup> ed*), Op.cit., pp.34 – 36, 173.

<sup>317</sup> Immanuel Kant, “Idea of a Universal History” in *Kant's Political Writings*, Hans Reiss, ed. (Cambridge: Cambridge University Press, 1970), pp. 45 – 46.



metaphysical foundationalism. He favoured political conception of human persons and societies in reference to the classical social contract tradition. This detachment contradicts Rawls' intention of synthesizing Deontology with Contractarianism.<sup>318</sup>

Rawls' Liberal Equality was criticized of simplistic optimism about the success of 'liberal democracy' and its capability for toleration of pluralism, stability of the world and peacefulness of nations. Nevertheless, the recent cases of the invasion of Iraq by Anglo-American military forces and their combats against terrorism in Afghanistan, for example, posed a major blow to such optimism. Great democracies that were supposed to be civilized and humane have turned out to be arrogant and brutal, especially to fundamentalist Muslims and countries that encourage Islamic fanaticism. These cases generate pessimism about Rawls' optimism in public consensus on fundamental norms of justice and peace in the world.<sup>319</sup> The issue of toleration, especially for political pluralism is complex, contentious and tricky to handle piecemeal in the manner Rawls did. But the tricky part here is that social ethics is not supposed to be neutral or compromising about what is wrong and evil.<sup>320</sup>

Also according to Joseph Raz, Rawls failed to present "exhaustive analysis of the features of modern constitutional democracies which makes his theory suited to them."<sup>321</sup> William Galston supports Raz criticism and analyzed Rawls' optimism about Anglo-American democracy as based on these virtues: General virtues (courage, law-abidingness, and loyalty); *Social* virtues (independence and open-mindedness); *Economic* virtues (work ethics; capacity to control self-gratification and adaptability to technological change); and *Political* virtues (capacity to discern and respect the rights of

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<sup>318</sup> Sandel (*Liberalism and Limits of Justice, 2<sup>nd</sup> ed.*), Op.cit., p.189.

<sup>319</sup> Joshua Cohen, "Moral Pluralism and Political Consensus" in *The Idea of Democracy*, David Coop, et al, eds. (New York: Cambridge University Press, 1993), p. 270.

<sup>320</sup> Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), p.116.

<sup>321</sup> *Ibid.*

others, willingness to demand only what can be paid for, ability to evaluate the performance of those who are holding public offices and willingness to engage in public discourse). Galston dismissed Rawls' argument that these virtues are needed in any human society – large or small, agrarian or industrialized, democratic or authoritarian, pluralistic or homogenous as impractical generalization. The conflicting ideologies of governance in the different parts of the world falsify Rawls' attempt to establish 'Overlapping Consensus' on these virtues.<sup>322</sup>

According to Will Kymlicka, the idea of “active and responsible liberal citizenry” – on which Rawlsian justice is anchored – is slowly diminishing because of apathy, passivity and withdrawal of many people from involvement in public affairs. The recent phenomenon shows that many people are becoming more interested in private socio-economic life rather than political life. This shift makes the practical application of Rawls' philosophy in the basic structure of society implausible contextually.<sup>323</sup>

According to Rothstein, Rawls overstepped the primacy of “mutual trust” and adopted instead “Justice as Fairness” to be the first virtue of the well-ordered human societies. Without such trust in the first place, social cooperation and public consensus will always remain shaky and unattainable.<sup>324</sup> This is to say that the 'self' is not prior to the ends it pursues in the complete life span. Therefore, it is the 'sense of community confidence' and not the 'sense of justice' that should be the prime virtue of social cooperation and peaceful progress of human beings.<sup>325</sup>

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<sup>322</sup> William Galston, *Liberal Purposes: Goods, Virtues, and Duties in the Liberal State* (Cambridge: Cambridge University Press, 1991), pp.221- 221.

<sup>323</sup> Kymlicka (*Contemporary Political Philosophy: An Introduction*), Op.cit., pp.290 – 293.

<sup>324</sup> Bo Rothstein, *Just Institutions Matter: The Moral and the Political Logic of the Universal Welfare State* (Cambridge: Cambridge University Press, 1998), pp.164 – 165.

<sup>325</sup> Roberto Alejandro, “Rawls' Communitarianism” in *Canadian Journal of Philosophy and Policy*, 23 (1996):83.

Rawls thought his project would likely bring a compromise between socialism and capitalism. However, the capitalists look at Rawlsian justice as unfair for competitive and efficient progress of the private sector within the environment of free market economy. Also the socialists look at it as a hindrance to public redistribution of economic goods and services on the basis of absolute equality for all the people; be they rich or poor.<sup>326</sup>

Michael Sandel criticized Rawls' Liberal Egalitarianism for failing to explain why people who are communitarians in private life should become liberals in public life. According to him, even if Rawls' philosophy is interpreted as 'liberal leftist' in the context of social democracy, still it will have a problem of classification of society into 'the well off' and 'the least well off' members.<sup>327</sup> Therefore, Michael Walzer argued that the Socialists and Communitarians will reject Rawls' endorsement of private ownership of economy with its individualistic accumulation of the surplus value, even if his philosophy tries to distribute the primary goods on equal basis to every member of the society.<sup>328</sup>

Charles Taylor regards Rawls' philosophy of justice as sociologically naïve. According to him, the fact that people share similar beliefs about justice is not enough to sustain economic solidarity, social cooperation, or political legitimacy in the complex contemporary human society.<sup>329</sup> Though it is possible for people with conflicting ends to agree on a procedure for arriving at public ranking of the values, it is also possible for them to disagree or remain neutral about the choice of such values. Therefore, Rawls' idea of overlapping public consensus on Justice as Fairness is untenable.<sup>330</sup>

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<sup>326</sup> Hugo Adam Bedau, "Social Justice and Social Institutions" in *Midwest Studies in Philosophy*, 3(1978):171.

<sup>327</sup> Sandel (*Liberalism and Limits of Justice*, 2<sup>nd</sup> ed.), Op.cit., p.149.

<sup>328</sup> Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Blackwell, 1983). Also see R.H. Tawney, *Equality*, 4<sup>th</sup> ed.(London: Alan and Unwin, 1964), p.113.

<sup>329</sup> Charles Taylor, "Alternative Futures: Legitimacy, Identity and Alienation in Late Twentieth Century Canada" in *Constitutionalism, Citizenship and Society in Canada*. Alan Cairns and Williams Cynthia, eds. (Toronto: University of Toronto Press, 1985), p.225.

<sup>330</sup> Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), pp.126 – 132.

Jonathan Wolff regards Rawls' Liberal Equality as relevant only from a purely philosophical point of view rather than political conception. According to him, Rawlsian justice is based on misplaced ethos of equality and fairness because it does not differentiate between involuntary and voluntary inequalities.<sup>331</sup> And according to Elizabeth Anderson, this lack of distinction leads to disrespectful and paternalistic pity on the poor people by the rich ones.<sup>332</sup>

### 5.1.3.1 Flaw in Distribution of Primary Goods

The mutual advantage in Rawlsian distribution of the primary goods has been criticized by some thinkers. According to Gauthier, Rawls' "Fair Difference Principle" does not promote the rights of all the people to certain advantages. It can only benefit the rich people who may find it difficult to assist the poor if the costs of applying justice affect their luxury. This difficulty is an indication that the primary goods alone cannot offer people "inherent moral status."<sup>333</sup>

Also Robert Nozick criticizes Rawls' distributive justice as lacking a fair basis for property rights. According to him, the *provisio* of the "Fair Difference Principle" is an infringement on the private property of the rich who have acquired rightly the entitlement for their well-being. Compensation for the 'undeserved natural talents' by the *provisio* of benefiting the least advantage persons as a priority, is a servitude to the rich and denial of enjoyment of the privately earned privileges by the talented individuals.<sup>334</sup>

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<sup>331</sup> Jonathan Wolff, "Fairness, Respect, and Egalitarian Ethos" in *Philosophy and Public Affairs*, 27/2(1998):97 – 122.

<sup>332</sup> Elizabeth Anderson, "What is the Point of Equality?" in *Ethics*, 99/2(1999):287 – 337.

<sup>333</sup> David Gauthier, *Morals by Agreement* (Oxford: Oxford University Press, 1986), p.222.

<sup>334</sup> Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp.51, 172 – 177. Nozick presents his theory of entitlement as: 1) Justice in Acquisition where a "person who acquires a holding in accordance with the principles of justice in acquisition is entitled to that holding"; 2) Justice in Transfer where a "person who acquires a holding in accordance with the principle of justice in transfer, from someone else

For Nozick, private property rights should be exercised freely in accordance with “Maximax Rule” rather than “Maximin Criterion.” He criticized interference with the wealth of the rich and abilities of the talented as stipulated in Rawlsian Principles of Justice. This interference is incompatible with “self-respect”, which Rawls regards as the most important primary goods. Nozick prioritized “fair initial acquisition of goods” to Rawlsian “fair initial distribution of goods.” According to him justice should start with the right acquisition of entitlements rather than equal distribution of primary goods.<sup>335</sup>

George Sher criticized Rawls of denying individual reward for unique intrinsic talents. Talents are intransitive, and thus deserve personal merits. Rejecting personal deserts leaves a hollow in any serious programme of justice because reward for talents is a necessary motivator for unlocking fruitful potentials for a flourishing human society.<sup>336</sup> And for Allen Buchanan, Rawls has failed to give a practical balance of advantages and disadvantages in his justice of the distribution of the primary goods.<sup>337</sup>

In his index of the primary goods, Rawls has excluded the natural resources like potable water, refined air and arable land because he does not regard these to have justice-value. This exclusion has been criticized as a non-concern from Rawls for the environmental conservation against technological pollution. For example, according to

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entitled to the holding, is entitled to the holding;” and Justice in Rectification where “no one is entitled to a holding except by (repeated) application” of ‘Justice in Acquisition’ and ‘Justice in Transfer.’

<sup>335</sup> Robert Nozick (*Anarchy, State, and Utopia*), Op.cit. pp.262 – 264. Cohen summarizes Nozick’s Maximax Rule as follows: 1) People own themselves and should not be owned by others; 2) But the external world is initially unowned before it is appropriated by the people; 3) An individual or a group can acquire absolute rights over a disproportionate share of the unowned external world; 4) Once a private property has been appropriated, a free market in capital and labour is morally require for the consented transfer of such entitled appropriation; 5) Therefore, private appropriation of the external world should not be conditioned with the well-being of the poor. See G.A Cohen, “Self-Ownership, World Ownership, and Equality” in *Justice and Equality: Here and Now*. F. Lucash, ed., (Ithaca, NY: Cornell University Press, 1986), pp.108 – 135.

<sup>336</sup> Gorge Sher, “Effort, Ability, and Personal Desert” in *Philosophy and Public Affairs*, 8(1979):376 – 380.

<sup>337</sup> Allen Buchanan, “Distributive Justice and Legitimate Expectations” in *Philosophical Studies*, 28(1975):424- 425.

Brent Singer absence of environmental ethics in Rawlsian Justice implied endorsement of injustice for the present and the future human generations. He went further to argue that Rawls' discussion about the natural duty of non-maleficent is biased because it is aimed at protecting human persons without consideration to other sentient beings.<sup>338</sup>

Also according to Amartya Sen, Rawls' index of the primary goods is insufficient and arbitrary for evaluating and determining justice or injustice in the society. He regards Rawlsian Justice to have ignored the comparative endowments and capabilities that are connected to sex, age, natural environment and interpersonal relationships. For Sen, the differences that spring from these characteristics and factors will always make individuals or communities unequal even if granted equal bundles of primary goods.<sup>339</sup> Also Adina Schwartz argued that the 'imagined desire' of the people in the Original Position to maximize the primary goods for everyone is different from the practical responsibility to implement such desire, hence, it cannot justify the preferential choice for Rawls' principles of justice over other principles.<sup>340</sup>

Will Kymlicka finds a difficulty with Rawls' argument that the primary goods make every human person well off even if he/she is untalented, handicapped or disabled. Scientific experience shows that some of the people who have disabilities do not live a satisfactory and dignified life even when primary goods are availed to them in abundance.<sup>341</sup>

Ronald Dworkin questions Rawls' argument that both social and natural inequalities should be compensated by the well off members of human societies because they are

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<sup>338</sup> Brent Singer, "An Extension of Rawls' Theory of Justice to Environmental Ethics" in *Environmental Ethics*, 10(1988):220 – 221, 231.

<sup>339</sup> Amartya Sen, "Justice: Means versus Freedom" in *Philosophy and Public Affairs*, 19(1990):112 - 121.

<sup>340</sup> Adina Schwartz, "Moral Neutrality and Primary Goods" in *Ethics*, 83(1973):307. See also Allen Buchanan, "Revisability and Rational Choice" in *Canadian Journal of Philosophy*, 5(1975):395.

<sup>341</sup> Kymlicka (*Contemporary Political Philosophy: An Introduction*), Op.cit., pp.70 – 71, 74, 154.

undeserved independently by any individual. He wonders why Rawls is “ambition-sensitive” but “endowment-insensitive” in his desire to promote dignity of human beings through equal distribution of the primary goods. For Dworkin, Rawls’ distributive justice could have done a better job if it were both “ambition sensitive” in regard to accountability for personal choices and also “endowment-sensitive” in regard to individualistic reward for utilizing the natural talents responsibly and effectively.<sup>342</sup> Still on this line, Will Kymlicka criticized Rawls’ argument for equality of primary goods to be unfair to those who value the life of poverty as a virtue.<sup>343</sup>

Nancy Fraser criticized Rawlsian Justice as lacking an inclusive strategy of “politics of redistribution” of the primary goods. According to her, Rawls has intentionally shied away from discussing ‘exploitation’, ‘marginalization’ and ‘deprivation’<sup>344</sup> of the less powerful individuals and peoples by the powerful ones in the globalization process. This avoidance strategy creates doubts about the sincerity of Rawls in advancing the welfare of the least privileged members of human societies through distribution of primary goods. Not only this, but also she criticized Rawlsian Justice of falling short to address the tendencies of Euro-American societies to dominate the whole world culturally and technologically without respect for others’ heritages and roots.<sup>345</sup>

The questions which Rawls tried to answer in his arguments for the equal distribution of the primary goods can be summarized as follows:

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<sup>342</sup> Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, Massachusetts: Harvard University Press, 2000). Also see Dworkin, Ronald. “What is Equality? Part I: Equality of Welfare: Part II: Equality of Resources” in *Philosophy and Public Affairs*, 103/4(1981):311.

<sup>343</sup> Kymlicka (*Contemporary Political Philosophy: An Introduction*), Op.cit., pp.70 – 74.

<sup>344</sup> These three terms are connected: ‘Exploitation’ means having the fruits of one’s labour appropriated by others. ‘Marginalization’ means being confined to unrecognizable work or even excluded totally from the labour market, and ‘Deprivation’ means being denied access to goods and services that are needed for achieving a prosperous standard of living.

<sup>345</sup> Nancy Fraser, “Social Justice in the Age of Identity Politics; Redistribution, Recognition and Participation” in *The Tanner Lectures on Human Values*, Vol, XIX. Grethe Peterson, ed. (Salt Lake City: University of Utah Press, 1998), pp.1 – 67.

- 1) Should individual persons owe the society for their natural assets when the society has not created these assets in them? Rawls' affirmative answer to this question attracted many critics.
- 2) Should the hardworking individual persons who utilize their natural talents effectively be obliged to compensate those who do not exert efforts to unlock their natural capabilities effectively? Rawls' affirmative answer to this question attracted more critics.
- 3) Is the society obliged to compensate the unfortunate individuals who got natural faults on their life without being caused by the society? Rawls' affirmative answer to this question attracted more other critics.
- 4) If natural talents and contingent social circumstances are matters of luck in any person's life, is there a moral basis to oblige the lucky people to assist the unlucky ones? Rawls' affirmative answer to this question generated a serious controversy in ethics.
- 5) If no human person is supposed to gain or lose from the presence or absence of the arbitrary common natural and social assets, how does natural duty to do justice becomes relevance here? Rawls answers this question by saying that a free gift should also be given out freely. There should not be individualized merits for naturally or socially acquired talents. This answer generated more controversies in political philosophy.

These questions are not easy to answer because they are extension of the open debates about the nature of human society. There is no clear factual cut as to whether human society is natural or conventional; there can only be an imaginative cut. As far as it is true that there cannot be a human society without human individuals, it is also true that human individuals cannot survive in isolation of human society. In other words, society and individuals are complementary aspects of human life: each individual needs



the society and the society is composed of individual members. Therefore, such kind of debate is just like the debate about the existence and non-existence of God; it does not change anything about the fact of human individuals and societies. That is why Rawls did not waste time here. He went ahead to propose what he thought is the right thing to do for the good of humanity in the context of complementarities of the primacy of both human societies and individuals.

### **5.1.3.2 Difficulty of Multi-cultural Compromise**

Not only did Rawls meet critics of his arguments in the *TJ* but also he lost some of his supporters when he tried to adjust and limit the scope of his theory of justice in the *PL* with a hope for multi-cultural compromise. But Thomas Hill Junior criticized the premises Rawls offered in support of his arguments for the durability of stability. These premises are inadequate and lack objective empirical evidences. For him, Rawls' argument about the "overlapping consensus" on the conception of the good in the multicultural milieu is only imaginary as "Many people seem to be doctrineless ethical pluralists, with diverse opinions on particular matters...winning the allegiance of the major religions and philosophical theories (for justice as fairness) would still not ensure stability..."<sup>346</sup> Cultures are complex to be harmonized limitedly with "Principles of Justice as Fairness."

Also some thinkers criticized the principles of international humanitarianism that were proposed by Rawls in *LP*. They considered these principles as superficial to regulate diverse and relative peoples of the world. They see the *LP* as presenting the same aims of the Universal Declaration of Human Rights (and the supplementary International Conventions and Treaties), which are suspected of Western prejudices and biases.<sup>347</sup>

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<sup>346</sup> Thomas Hill, Jr., "The Stability Problem in Political Liberalism" in *Pacific Philosophical Quarterly*, 75(1994): 342.

<sup>347</sup> See Ali A. Mazrui, "Neo-dependency and African Fragmentation" in *Philosophy from Africa, 2<sup>nd</sup> ed. A Text with Readings*, P.H. Coetzee and A.P. J. Roux, eds., (Cape Town: Oxford University Press, 2002), pp.538

Thomas Pogge criticized *LP* as lacking evidence for proving that the conservative hierarchical societies are capable of tolerating the liberal peoples and vice versa. He doubts whether the ideas of human rights which were pioneered by liberal nations could work in the basic institutions of authoritarian societies even if these peoples are decent as Rawls argued.<sup>348</sup> According to Allan Gibbard, this doubt is a proof that heterogeneous human societies are so complex to be united on Rawlsian principles of *LP*.<sup>349</sup>

Further, Pogge does not see comparative evidences for Rawls' preference of non-egalitarian 'Law of Peoples' over the egalitarian one in the multi-cultural world. According to him, what Rawls presented is just his personal conviction about the laissez-faire economic order and liberal politics within the context of international cooperation and toleration. Also Pogge criticizes Rawlsian *LP* of hastening to talk on the dignity of the peoples without addressing the historical arbitrariness of their national boundaries. History says most countries (even continents) were founded by militant conquerors or colonialists without due respect to the established identities and legacies of the indigenous peoples – i.e., their cultures, languages, symbols, and traditional system of governance and economy, among others. Since Rawls argued rightly in the *TJ* and the *PL* that fairness of the circumstance of justice is a *sine qua none* for the fairness of the agreed principles of justice, he should have not avoided discussing the historical roots of international injustice on the less developed countries and continents.<sup>350</sup>

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– 539. Also See H. Odera Oruka, "Ideology and Culture: The African Experience," *Ibid.*, pp.60 – 62, Emevw Biakolo, "Categories of Cross-cultural Cognition and African Concition," *Ibid.*, pp.9 – 18., and Kwame Gyekye, "Person and Community in African Thought," *Ibid.*, pp.297 – 312.

<sup>348</sup> Thomas Pogge, "An Egalitarian Law of Peoples" in *Philosophy and Public Affairs* 23 (1994): 215 – 216.

<sup>349</sup> Allan Gibbard, "Human Evolution and the Sense of Justice" in *Social and Political Philosophy: Midwest Studies in Philosophy*, 7<sup>th</sup> ed., Peter A., et al., eds. (Minnesota: University of Minnesota Press, 1982), p.43.

<sup>350</sup> Thomas Pogge, "An Egalitarian Law of Peoples" in *Philosophy and Public Affairs* 23 (1994):197 – 198, 213 – 214.

Richard Hare considers the re-stated idea of hypothetical contract in the Original Position by John Rawls in the *LP* as fictional and ostentatious. According to him, though Rawls attempted to extend his theory of justice to international issues of peace and humanitarianism, he failed to grant equal weight of interests to the least advantaged states and peoples. Instead, he discussed the duty for charity by the well of nations towards the least advantaged nations rather than the duty for international justice.<sup>351</sup>

### 5.1.3.3 *Inconvenience from Gender Bias*

Susan Okin looks at Rawlsian Justice as suiting the interests of male members of human societies only. According to her, the “Original Position” – on the basis of which Rawls tried to justify the preferential choice for the Principles of Justice as fairness – portrays a masculine conception only. Here the Original Contractors are considered as “assembly of [male] heads of families.”<sup>352</sup> Though Rawls regarded the ‘family’ as one of the basic structures of human societies where the members learn their first lessons of morality and get socialised for responsible citizenship, yet he limited its effectiveness to the realm of privacy of care, love and fraternity without publicity.<sup>353</sup>

According to Susan, Rawls avoided discussing female oppression and marginalization in his works because he was afraid that this could affect the element of Kantianism in his theory of justice. Kant looked at them as decadent human beings characterized by sympathy, compassion, love and emotive responsiveness rather than rationality. Also Susan opposed Rawls’ idea of tolerating the ‘Decent Conservative Hierarchical Societies’ because this implied compromising with the infringed women values.<sup>354</sup>

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<sup>351</sup> Richard M. Hare, “Ethical Theory and Utilitarianism” in *Utilitarianism and Beyond*. Amartya Sen and Bernard Williams, eds. (Cambridge: Cambridge University Press, 1982), p.106.

<sup>352</sup> Susan Okin, *Justice, Gender and Family* (New York: Basic Books, 1989), pp.173 – 186.

<sup>353</sup> Susan Okin, “Justice and Gender” in *Philosophy and Public Affairs*, 16/1(1987):49.

<sup>354</sup> Susan Okin, “Reason and Feeling in Thinking about Justice” in *Ethics*, 99/2(1998):234.

Susan Okin objects to any approach of justice that keeps the 'family' out of discussion because this will mean accepting the continuation of marginalization and oppression of women by men in the families and denying them public recognition and leadership.<sup>355</sup> For her, if the issues of justice are not openly discussed at the level of families, this will always remain detrimental to the larger human society because children are supposed to learn and practice the right values like equality, fairness, reciprocity, respect, recognition, cooperation, and peacefulness from their families. She said:

If gendered family institutions are not just but are, rather, a relic of caste or feudal societies in which responsibilities, roles, and resources are distributed, not in accordance with the two principles of justice but in accordance with innate differences that are imbued with enormous social significance, then Rawls whole structure of moral development seems to be built on uncertain ground.<sup>356</sup>

#### 5.1.4 Problems with Logic and Meaning

Besides the weaknesses in its content and context, Rawls' philosophy of justice has been criticized for lacking sound logic and clear meaning. For example, the different formulations that Rawls presented about the Two Principles of Justice can be interpreted as confusion rather than clarification. Also the lexical order and the priority rule that put liberty and justice over efficiency and welfare, are contrary to the methodology of Reflective Equilibrium and also to Rawls' intention of synthesizing human values regardless of primacy. Not only this, but also Rawls' use of different wording for the same principles of justice questions the 'principleness' in his theory.

Paul Ricoeur criticized Rawlsian Justice as fallacious. For him, "circularity wins out over the linearity claimed by the theory of justice on behalf of the independence of the work's theoretical core."<sup>357</sup> This fallacy is evident in this question-answer form:

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<sup>355</sup> Susan Okin. *Women in Western Political Thought* (Princeton: Princeton University Press, 1979), p.200.

<sup>356</sup> Susan Okin. "Reason and Feeling in Thinking about Justice" in *Ethics*, 99/2(1989):237.

<sup>357</sup> Paul Ricoeur, "On John Rawls' *A Theory of Justice*: Is Pure Procedural Theory of Justice Possible?" in *International Social Science Journal*, 42(1990): 561.

1. What would ensure *the fairness* of the deliberative situation that could lead to agreement concerning a *just* arrangement of institutions? The idea of the 'original position' and the famous allegory accompanying it, the 'veil of ignorance', is Rawls' answer.
2. What *principles* would be chosen behind the veil of ignorance? The reply to this question is to be found in Rawls' description, interpretation and correct ordering of the two 'principles of justice'.
3. What *argument* could persuade the deliberating parties to choose unanimously Rawls' principles of justice rather than Utilitarianism? The Rawls' answer lies in the Maximin argument borrowed from game theory and transposed to the sphere of economics.<sup>358</sup>

According to Ricoeur, Rawls' answers to the above questions offer nothing new apart from circulation of the same ideas: the Original Position and the Veil of Ignorance will lead to fairness of the adopted Principles of Justice by guaranteeing the maximinity of the Primary Goods for everybody in a well-ordered Basic Structure of the decent human societies, and vice versa. Also Anthony Mardiros views Rawls' central thesis as circular in its definition that "virtue is what is intuited to be virtue by the virtuous man."<sup>359</sup>

Norman Daniels criticized Rawls' distinction between 'liberty' and 'worth of liberty' as meaningless because 'liberty' is a value by itself; it does not need qualification.<sup>360</sup> Further, Jeremy Waldron criticized Rawls for failing to see the primacy of love and affection in everyday life. According to him, love outweighs Justice as Fairness.<sup>361</sup>

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<sup>358</sup> *Ibid.*, pp.555 – 556.

<sup>359</sup> Anthony M. Mardiros, "A Circular Procedure in Ethics" in *Philosophical Review*, 61(1952):225.

<sup>360</sup> Norman Daniels, "Equal Liberty and Unequal Worth of Liberty" in *Reading Rawls: Critical Studies on Rawls' A Theory of Justice*. Op. cit., p. 40

<sup>361</sup> Jeremy Waldron, *Liberal Rights: Collected Papers 1981–1991*(Cambridge: Cambridge University Press, 1993), pp.370 - 390.

Will Kymlicka criticized Rawls for using the term 'priority' equivocally as an attempt to justify the 'neutrality' and deontology of Justice as Fairness, and making it superior to Utilitarianism and Perfectionist Teleology.<sup>362</sup> According to him, though Rawls said that his principles of justice are mainly aimed at addressing inequalities that affect people's 'life-chances', yet he failed to differentiate between the 'chosen' and 'un-chosen' inequalities. Though he tried to give the basic index of the most needed primary goods, yet Rawls excluded the natural primary goods from his system of justice.<sup>363</sup> Also Michael Sandel wondered here why Rawls' tends to think that the natural assets are "common assets, rather nobody's assets?"<sup>364</sup>

Hugo Adam finds Rawls' definition of 'basic structure of society'— institutions, constitutions and principles – as vague, inadequate and uncertain. According to him, Rawls was much concerned about how the basic structure of his hypothetical society ought to embody the principles of Justice as Fairness. He did not bother to explain what this structure will be like in actual sense. He failed to connect convincingly the 'Ought' with the 'Is'. Rawls committed fallacy of mismatched imagination with reality.<sup>365</sup>

John Deigh criticized Rawls for defining the "social basis of self-respect" in reference to the fear of loss of recognition. According to him, Rawls did not include the act of concealment in this definition. He forgot that 'covering up' or 'hiding' is part of "shame's natural expressions,"<sup>366</sup> which hinders individual participation in social union. Also according to Larry Thomas, Rawls' borrows the concept 'self-respect' from Black

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<sup>362</sup> Will Kymlicka, "Rawls on Teleology and Deontology" in *Philosophy and Public Affairs*, 17/3(1988):117 – 190.

<sup>363</sup> Kymlicka (*Contemporary Political Philosophy: An Introduction*), Op.cit., pp.74, 78, 155, 279.

<sup>364</sup> Sandel (*Liberalism and the Limits of Justice*, 2<sup>nd</sup> ed.), Op.cit., p.96.

<sup>365</sup> Hugo Adam Bedau, "Social Justice and Social Institutions" in *Midwest Studies in Philosophy*, 3(1978):169 – 170.

<sup>366</sup> John Deigh, "Shame and Self-esteem: A Critique" in *Ethics*, 93(1983):243 – 244.

Consciousness Movement but defined it to mean 'self-esteem'. He failed to identify that 'self-esteem' is a psychological concept while 'self-respect' a sociological one.<sup>367</sup>

According to Hugo Adam, Rawls' distinction between the 'pure' and 'quasi-pure' procedural justice' in social and economic policies, and also between 'perfect' and 'imperfect' procedural justice in political policies, does not justify the claims for the superiority of his theory of justice over other alternative theories. For him, "insofar as Rawls has an argument for his view that social justice is a case of pure procedural justice, its fundamental form is a simple disjunctive syllogism."<sup>368</sup> This disjunction contradicts Rawls' main intention of bridging the procedural with the substantial aspects of Justice using Reflective Equilibrium method. It is impractical to separate elements of purity and impurity or perfections and imperfections in the institutional arrangements of human society. The 'pure' and the 'perfect' are only social, economic and political ideals that motivate the individuals or the people to aim high in their life choices and prospects.

## 5.2 STRENGTHS OF RAWLS' PHILOSOPHY OF JUSTICE

The list of the critics as well as the supporters of Rawls' Philosophy of justice and peace is long and inexhaustible. John Rawls has become influential philosopher of the contemporary world because of wide attention and attraction from both sides. The criticisms that Rawlsian justice encountered affirm Henry James View that "to criticize is to appreciate, to appropriate, to take intellectual possession, to establish in fine a relation with the united thing and to make it one's own."<sup>369</sup>

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<sup>367</sup> Larry Thomas, "Rawlsian Self-Respect and the Black Consciousness Movement" in *Philosophical Forum*, 9(1977 - 1978):303 - 305.

<sup>368</sup> Hugo Adam Bedau, "Social Justice and Social Institutions" in *Midwest Studies in Philosophy*, 3(1978):172 - 173.

<sup>369</sup> Quoted in Amy Gutmann, "The Central Role of Rawls's Theory" in *Dissent*, 36(1989):338.

Despite weaknesses and loopholes in his Liberal Egalitarian theory of justice and peace, still Rawls has scored undeniable strong points for betterment of human individuals, societies or peoples. According to Amartya Sen, the significance of fairness in Rawls' argument on justice lies in its management of inequalities and avoidance of harm to both the well off members as well as the least well off ones.<sup>370</sup> Also according to Greenawalt Kent, though many details in Rawls' philosophy are incomplete and unpersuasive, yet he provided "strong arguments both for substantial constraints of public reason and for allowing some scope for comprehensive views in political judgment."<sup>371</sup>

Rawlsian philosophy has pioneered critical studies of the pressing contemporary moral issues in the society, politics, economy and culture, using interdisciplinary normative and descriptive approaches complementarily. It has touched issues like human decency, wealth, poverty and their institutionalization in reference to Justice as Fairness, Reasonable Liberal Pluralism, Diversified Equality, Constructive Inequalities, Toleration of Inter-cultural Uniqueness, Pursuit of Peace, Humanitarianism, and the Quest for Impartiality and Reflectivity of International Law of Peoples. Rawls said:

If men's inclination to self-interest makes their vigilance against one another necessary, their public sense of justice makes their secure association possible. Among individuals with disparate aims and purposes a shared conception of justice establishes the bonds of civic friendship; the general desire for justice limits the pursuit of other ends...One may think of a public conception of justice as constituting the fundamental charter of a well-ordered human association.<sup>372</sup>

According to Rawls, the Principles of Justice as Fairness "provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of benefits and burdens of social cooperation."<sup>373</sup> In other words, these

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<sup>370</sup> Amartya Sen, "Welfare Inequalities and Rawlsian Axiomatics" in *The Two Principles and Their Justification*, Op.cit., p.85.

<sup>371</sup> Greenawalt Kent, "On Public Reason" in *Chicago-Kent Law Review*, 69(1994):689.

<sup>372</sup> John Rawls (*A Theory of Justice*), Op. cit., p.5.

<sup>373</sup> *Ibid.*, p.4.



principles do not distribute primary goods as a matter of charity; but rather as a duty for justice. This is the nub of Rawls' uniqueness.

Paul Weithman acknowledged that Rawls was a philosopher whose project of Liberal Egalitarianism was shaped by political, economic and sociological judgments about American multicultural society and other cultural heritages over the world.<sup>374</sup> Also Joshua Cohen considers Rawls' idea of 'Overlapping Consensus of Reasonable Pluralism' as a strong approach for harmonising different aims, objectives, aspirations, beliefs and practices of human communities. For Cohen, this is appropriate as "we need to accommodate the ideal to the real because the real manifests the ideal."<sup>375</sup>

According to Rawls, the main cause of poverty lies in unfair and unjust basic institutions of human societies, and not really in scarcity of resources. This point is a strong diagnosis of case of poverty. Thus, Rawlsian Justice managed to offer a strong prescription for the correct treatment of poverty by setting up just and fair basic institutions with good governance and prudent leadership. Not only this, but also Rawls presents undisputable argument that the society should only hold its poor members responsible for their choices under fair conditions of justice. Otherwise these underprivileged members have inviolable right to be assisted with a priority in the distribution of the primary goods. Securing people's fair shares of the primary goods (rather than leaving them to selfish preferences for extra-primary goods), should be the locus of any system of justice that aims at promoting human dignity and decency.<sup>376</sup>

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<sup>374</sup> Paul Weithman, "Liberalism and the Political Character of Political Philosophy" in *The Liberalism-Communitarianism Debate: Liberty and Community Values*. Delaney C.F., ed. (Maryland: Rowman and Littlefield Publishers, 1994), p.207.

<sup>375</sup> Joshua Cohen, "Moral Pluralism and Political Consensus" in *The Idea of Democracy*. David Coop, et al, eds. (New York: Cambridge University Press, 1993), p.288.

<sup>376</sup> John Rawls, "A Well-Ordered Society" in *Philosophy, Politics and Society*, eds. P. Laslett and J. Fishkin (New Haven: Yale University Press. 1978), pp.14 – 15.

According to Will Kymlicka, Rawls presented a strong point in saying that individuals and peoples should be treated as equals, not simply by removing all inequalities, but rather by elimination only the inequalities that cause some of them to become disadvantaged because of being denied primary goods.<sup>377</sup>

For Allen Buchanan, Rawls' use of the hypothetical device of the Veil of Ignorance is a higher-order diachronic aspect of philosophy presenting a strong justification of rational projection of human ideals based on "conception-succession" of principles of equity.<sup>378</sup>

John Harsanyi considered Rawlsian philosophy as strong because of the relevant questions and issues it generated in the field of political philosophy. According to him, Rawls has offered a "significant contribution to the ongoing debate on the nature of rational morality."<sup>379</sup> This is because Rawls' Liberal Egalitarian project touches on broad spectra of normative and empirical contemporary moral issues and problems of societies, politics, and economies from both 'leftists' and 'rightists' perspectives:

- 1) To what extent are people poor due to natural misfortune in their lives, unequal determinants for their societies, or due to their own irresponsible choices?
- 2) Should the rich be obliged to help the poor who are irresponsible and careless about their own well-being, or should they help only the responsible poor people who work hard to improve their living conditions, or should they equalize the assistance regardless of choices and responsibilities of the poor members?
- 3) Should governments remedy involuntary or voluntary disadvantages in the society? Can any government succeed in trying to address the undignified conditions of the citizens who voluntarily put themselves into such conditions?

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<sup>377</sup> Will Kymlicka (*Contemporary Political Philosophy: An Introduction*), Op.cit., pp.43, 55.

<sup>378</sup> Allen Buchanan, "Revisability and Rational Choice" in *Canadian Journal of Philosophy* 5 (1975):393, 407 – 408.

<sup>379</sup> John Harsanyi, "Can the Maximin Principle Serve as a Basis for Morality?: A Critique of John Rawls' Theory" in *American Political Science Review*, 69(1975): 594, 604.

- 4) Have the Welfare States managed to help poor citizens to overcome their disadvantages, or have they created classes of Welfare dependant poor who are ever caught up in poverty traps and perpetual marginalization?<sup>380</sup>

According to Amy Gutmann, Rawls' method of Reflective Equilibrium has resolved the procedural hurdles whether it is the individuals or communities that should be prior in any system of justice. Also it resolved the problems of inconsistency, extremism, and inadaptability of conservatism in the history of philosophy.<sup>381</sup> Though Rawls' Philosophy prioritizes liberal rights as the starting point of socio-political justice, he does this in reference to other relevance values. He does not ignore the fact that individuals are born into pre-established societies. Also he does not deny the logical truth that the expanded size of the individuals led to the formation of societies in different parts of the human world. It is within this logical framework that Rawls came up with his idea of hypothetical social contract to justify the need for adopting Justice as Fairness as the prime virtue for well-ordered societies. Rawls' Reflective Equilibrium method made it easier to connect this logical truth with the concrete reality of human individuals and communities without procedural difficulty of levelling and prioritization.<sup>382</sup>

According to Paul Ricoeur, Rawls' idea of "Realistic Utopia" has become an outstanding contribution in the discipline of Political Philosophy. Also Rawlsian Philosophy has "the substantial merits of taking us beyond to warmed-up utilitarianism of much current liberal theory while avoiding the gross idealism that attempts or afflicts anti-utilitarians of the centre and right."<sup>383</sup> Further, Arthur DiQuattro identified the strength of Rawlsian

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<sup>380</sup> Kymlicka (*Contemporary Political Philosophy: An Introduction*), Op.cit., p.158.

<sup>381</sup> Amy Gutmann, "The Central Role of Rawls's Theory" in *Dissent*, 36(1989):342.

<sup>382</sup> Paul Ricoeur, "On John Rawls' *A Theory of Justice*: Is Pure Procedural Theory of Justice Possible?" in *International Social Science Journal*, 42(1990):554.

<sup>383</sup> C.B Macpherson, "Rawls' Model of Man and Society" in *Philosophy of the Social Sciences*, 3(1973):348.

philosophy in its being a 'realistic utopia.' For him, Rawls managed to treat the questions of justice, liberalism and peace in reference to empirical pluralities of the basic structure of human societies. Rawls used historical legacies for enriching imaginative futuristic expectations for welfare of human individuals and their communities.<sup>384</sup>

The respect of multiculturalism – that Rawls voiced out strongly in his later adjustment of his philosophy – is a valid point to consider in the contemporary globalizing world. Without this respect, it will be very difficult to unify the world on one purpose of preserving and promoting human dignity. With respect to each others' uniqueness, the complexity of peoples of the larger world could get harmonized constructively.<sup>385</sup>

According to Dennis Thomson, the complementarities in Rawls' philosophy of justice make it capable of accommodating diverse global challenges, especially the persisting phenomenon of poverty.<sup>386</sup> Also Thomas Pogge praised Rawls' concern for the plight of the poor nations in the competitive modern world. He said:

Relative poverty breeds corruptibility and corruption. Powerful foreign governments support their favorite faction of the local elite and often manage to keep or install it in power through financial and organizational help for winning elections, if possible, or through support for security forces, coup d'état or "revolutions" otherwise. Third-world politicians are bribed or pressured by firms from the rich societies to cater to their sex tourism business, to accept their hazardous wastes and industrial facilities, and to buy useless products at government expense. Agri-business, promising foreign exchange earnings that call to be used for luxury imports, manage to get land use converted from staple foods to export crops. Wealthy foreigners get coffee and flowers year round, while many locals cannot afford the higher prices for basic foodstuffs. Examples could be multiplied; but I think it is indisputable that oppression and corruption in the poorer countries, which Rawls rightly deploras, is by no means entirely homegrown.<sup>387</sup>

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<sup>384</sup> Arthur DiQuattro, "Rawls and Left Criticism" in *Political Theory*, 11(1983):68. Also see Thomas Pogge. "An Egalitarian Law of Peoples" in *Philosophy and Public Affairs*, 23(1994):224.

<sup>385</sup> Amartya Sen, "Justice: Means versus Freedom" in *Philosophy and Public Affairs*, 19(1990):120.

<sup>386</sup> Dennis Thomson, "Democratic Theory and Global Society" in *Journal of Political Philosophy*, 7/2(1999):111 – 125. Also see Kokaz. Op.cit., p.317 – 334.

<sup>387</sup> Thomas Pogge. "An Egalitarian Law of Peoples" in *Philosophy and Public Affairs*, 23(1994):213 – 214.

Joel Feinberg commends Rawls' idea of Civil Disobedience and Conscientious Refusal (rather than violent revolution) as the best way to neutralize continuation of gross injustices in the world. According to him, disobedience to unjust laws and policies within the fidelity to the rule of law and social order is an effective device for change and reforms of the societies and governments without causing destruction and instability.<sup>388</sup>

According to my evaluation, Rawls' idea of 'Primary Goods' presents a strong point of "constitutional essentials"<sup>389</sup> for the basic public arrangements. This idea is a valid justification for regulating harmoniously and decently the vertical relationship between the government and the governed, and also the required horizontal cooperation among all the citizens. A system of justice that put Primary Goods as the priority to every human person and community has the capacity of enabling plural liberal and non-liberal societies to become well-ordered, peaceful, stable, decent and dignified.

### 5.3 CONCLUSION

In this chapter I presented both the weak points and strong points of Rawlsian justice. Rawlsian philosophy has gained popularity because of its critique by many thinkers. Nonetheless, and despite volumes of critiques, most of the critics failed to understand the basic tenets of this philosophy. They went off point in critiquing some of Rawls' ideas. Rawls' method of Reflective Equilibrium and his idea of Realistic Utopia remained unshakeable. This proves Rawls' statement that philosophers look to indefinite future,

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<sup>388</sup> Joel Feinberg, "Duty and Obligation in the Non-Ideal World" in *Journal of Philosophy*, 70(1973):274 – 275.

<sup>389</sup> According to Rawls, "Constitutional essentials" refers to government fundamental principles of guiding its general structure and political process according to the prerogative powers of legislature, executive and judiciary, and the scope of majority rule without tyrannizing minorities. It also refers to fundamental principles of citizenship that promote equal basic rights and liberties: right to vote and participate in political process, right to associate with others, liberty of conscience, liberty of belief and thought, and liberty of expression. According to Rawls, all of these rights and liberties should correlate to the duties under the umbrella of promoting the rule of lawman dignity. See John Rawls (*Political Liberalism*), Op.cit., pp.226 – 228.

unlike the statesmen who looks to the next generation only or politicians who looks to the next election limitedly.<sup>390</sup>

It is the strong part of Rawlsian philosophy that I intend to apply to the case of poverty reduction in Southern Sudan. The reason I intend to use his philosophy is because it has a special regard to the improvement of the conditions of the least privileged people. With the application of Rawlsian Justice as the philosophical foundation of its policies and work plans, it is probable that the Government of Southern Sudan could succeed to reduce poverty in this region on a sustainable mode.

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<sup>390</sup> John Rawls, "Fifty Years After Hiroshima" in *John Rawls: Collected Papers*. Op.cit., pp.567– 568.

## CHAPTER SIX

# PHENOMENON OF POVERTY IN SOUTHERN SUDAN

### 6.0 INTRODUCTION

This chapter presents multi-dimensionality of poverty and its persistence in Southern Sudan. The chapter affirms that poverty has multi-definitions depending on the measurement of its causes, effects, degrees, location, and extent. But despite this multiplicity, most of the definitions converge on the point that poverty is the absence of human development due to insufficiency of the basic needs and choices for individuals' or communities' achievements. The chapter abstracts this converging point from the reports of the UN, the World Bank, the NGOs, the Government and individual findings about the phenomenon of Poverty.

### 6.1 THE PROBLEM OF POVERTY

The experts in poverty studies have identified this phenomenon as a multidimensional problem. For them poverty is caused by many factors with adverse effects on the integrated holistic aspects of human persons and their communities: Life aspect, physical-psychological aspect, intellectual-spiritual aspect, social and cultural aspects, political aspect, and economic aspect. This complexity generated diverse definition of poverty from individuals and institutions concerned with mitigation of poverty locally and globally. Studies on poverty affirm that this problem is a challenge to "human development."<sup>391</sup> For example, Rizwanul Islam said:

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<sup>391</sup>Human Development is a process of enlarging people's choices by expanding their valuable capabilities and functioning so as to: 1) lead healthy lives; 2) be knowledgeable about themselves and their surroundings:

If one were to cite a single problem that poses a challenge for world leaders, development practitioners (at the global as well as the national level), and policymakers alike, it would be the stubborn persistence of poverty in many parts of the world...One reflection of the concern with poverty is the adoption of the Millennium Development Goals (MDGs), one which is to reduce poverty by half by 2015 (against the benchmark of 1990). Whether one judges by this yardstick or independently of it, making a significant dent in poverty needs to be a central element in development efforts.<sup>392</sup>

Poverty is, of course, an abstract term that defines the situation of the poor individuals or people in contrast to the situation of the developed and the rich ones. That is, without comparing the conditions of poor individuals or communities with that of developed ones, it becomes difficult to imagine how poverty is in a concrete sense. From their comparative understanding of human situation, philosophers like John Rawls and David Miller assert that poverty is persisting in the world because of continuous injustices.<sup>393</sup>

## 6.2 DEFINITIONS AND MEASUREMENTS OF POVERTY

Poverty is generally defined as a human condition characterized by lack of adequate resources, assets, income, goods, services, and all opportunities needed for fulfilling decent or luxurious human life: dietary food, clean water, healthy housing, tidy clothes, health insurance, quality education, comfortable infrastructure, efficient transport, fast communications, self-esteem, autonomy, participation, involvement, innovation,

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and 3) have a decent and dignified standard of living. Lack of these basic capabilities affects negatively the choices and opportunities in life of every human person. The realm of human development range from essential areas of value choice politically, economically, socially and culturally. It is characterized by creativity, productivity, self-respect, empowerment and a sense of belonging to a dignified community. Therefore, 'Human Development' is a holistic concept that put people at the centre of development activities and benefits because it regards people as real 'wealth of nations.' It is much more than the rise or fall of national economic growth and incomes. It is about creating an environment in which people can develop their full potentials and lead productive and creative lives to meet their multi-dimensional needs and interests in a decent manner. See <http://hdr.undp.org/en/humandev/glossary/>

<sup>392</sup> Rizwanul Islam, "Introduction" in *Fighting Poverty: The Development-Employment Link*. Rizwanul Islam, ed. (Boulder, Colorado: Lynne Rienner Publishers, 2006), p.1.

<sup>393</sup> See John Rawls (*A Theory of Justice*), Op. cit. Also see David Miller, *Social Justice* (Oxford: Clarendon, 1979), pp.144 – 147.



contribution, self-reliance, interdependency, remunerative employment, humane working conditions, money liquidity, family care, and low rate of mortality/morbidity.<sup>394</sup>

Also Poverty refers to deprivation, isolation, hopelessness, visionlessness, despair, anxiety, depression, alienation, helplessness, exploitation, humiliation, intimidation, inferiority, dependency, apathy, indifference, isolation, vulnerability, joblessness, destitution, shame, class bias, risks, and disabilities. All these characteristics are the vicious and contradictory factors that hinder human development and progress.<sup>395</sup>

Poverty can also be identified by degrees of its effects. It is called extreme or 'ultra poverty' when it absolutely leads to vulnerability of individuals or communities for a long period. It is called moderate poverty when its effects are relatively mild and can be overcome in a short-term basis.<sup>396</sup>

In relation to place where poverty is widespread, some studies identify it as either Urban or Rural. Some researchers recommend intervention in rural areas where majority of the people live in poverty. However, others consider poverty in urban areas as more serious because it becomes a culture, especially in slums that pile up at industrial sites.<sup>397</sup>

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<sup>394</sup> The World Bank, *Atlas of Global Development* (Glasgow: HarperCollins Publishers, 2007), pp.1 – 21, 62 - 63. Also see Brian Ames, et al., "Macroeconomic Issues" in *A Sourcebook for Poverty Reduction Strategies*, Vol.2, Jeni Klugman, ed.(Washington DC.: The World Bank, 2002), pp.4 – 5.

<sup>395</sup> Deepa Narayan, et al., *Voices of the Poor: Can Anyone Hear Us?* (New York: Oxford University Press, 2000), pp 31 – 79, See also Thomas J. Cobett in *Microsoft Encarta Encyclopedia, CD-Rome, Standard 2007*.

<sup>396</sup> Jaffrey Sachs, *The End of Poverty: How We can Make it Happen in Our Lifetime* (London: Penguin Books, 2005), p.20. According to Sachs, "extreme poverty means that households cannot meet basic needs for survival. They are chronically hungry, unable to access health care, lack the amenities of safe drinking water and sanitation, cannot afford education for some or all of the children, and perhaps lack rudimentary shelter – a roof to keep the rain out of the hut, a chimney to remove the smoke from the cook stove – and basic articles of clothing such as shoes... Moderate poverty generally refers to conditions of life in which basic needs are met, but just barely....Relative poverty is generally construed as a household income level below a given proportion of average national income." For him extreme poverty occurs only in developing countries while relative poverty in "high income-countries" where the poor lack access to cultural goods, entertainment, recreation, and quality health care, education, and other prerequisites for upward social mobility.

<sup>397</sup> Francis W. Mulwa, *Enabling The Rural Poor Through Participation, Spearhead NO. 132 – 133* (Eldoret: AMECEA Gaba Publications, 1994), pp.14 – 45. Also see Ariel Fiszbein and Pamela Lowden, *Working*

The World Bank identifies poverty as lack of the following basic assets or goods for human individuals or communities:

- 1) **Human assets:** capacity for labour, health, knowledge, and skills;
- 2) **Natural assets:** land and its components like minerals and waters;
- 3) **Physical assets:** physical capital and access to infrastructure;
- 4) **Financial assets:** savings and access to credit and business; and
- 5) **Social assets:** social security and power in public institutions.<sup>398</sup>

According to the World Bank, the availability of all these elements in an integrated manner is what makes some individuals and peoples in the world to be well off in their living standard. The best examples of this human promotion are the increase in remunerative employment and productivity in a pro-economic growth environment. According to the World Bank experts, if the scarce productive resources and economic means are highly concentrated in the hands of very few members of the human society, other majority members will remain in poverty at an alarming rate of prevalence. Notwithstanding, the World Bank is cautious that isolated economic growth without considering other factors, might not resolve the problem of poverty.<sup>399</sup>

Some international organizations measure poverty in financial terms. For example, the World Bank measures poverty in absolute term of Purchasing Power Parity (PPP) where some households only survive on average income less than US \$1 (or equivalent) per a

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*Together for a Change: Government, Business, and Civic Partnerships for Poverty Reduction in Latin America and the Caribbean* (Washington DC.: The World Bank, 1999), pp.4 – 9, 47 – 69.

<sup>398</sup> The World Bank, *Empowerment and Poverty Reduction: A Sourcebook*, Deepa Narayan, ed. (Washington DC.: the World Bank, 2002), pp.1 – 10, 13 – 68.

<sup>399</sup> Akhter U. Ahmed, et. al., *The World's Most Deprived: Characteristics and Causes of Extreme Poverty And Hunger* (Washington, DC: International Food Policy Research Institute, 2007), p. 63, 67. Also see Sachs, Op.cit., pp.244 – 245.

day in comparison to other households that live on enough income.<sup>400</sup> But other organizations and individuals go beyond this measurement and define poverty as the condition of having fewer resources (or assets) that are needed for fulfilling a decent or a flourishing living standard. For example, Rawls defines poverty as a result of injustice.

Also according to Ismail Quira, though economic growth is necessary for measuring and eradicating poverty, yet it is not a sufficient element for defining it. National economic growth needs to be balanced with social and political prudence for addressing the needs of the poor citizens in terms of food and water security, good health, quality education, and low mortality rate. Also economic decision-making and decision-taking should be carried out in consultation with larger public; otherwise it will face rejection if it is individualized by a clique of elites who are detached from the reality of poverty. Further, he acknowledges that it is difficult to control poverty under conditions of economic stagnancy or retardation as witnessed in some African countries. For him, African governments should strengthen both public and the private sectors, and also utilize genuine international, regional, national and local standards of addressing poverty.<sup>401</sup>

Oscar Lewis presents two opposing cases about the discourse on poverty: 1) the one that characterizes the poor people as blessed, virtuous, upright, serene, independent, honest, kind, and happy; and 2) the other that characterizes them as evil, mean, violent, sordid, envious and criminals. Lewis advocates for the first discourse because it capitalizes on the good potentials of the poor people and regards them as capable of developing themselves if assisted to overcome the blockage to their potentialities.<sup>402</sup>

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<sup>400</sup> See The World Bank (*Atlas of Global Development*), Op.cit., p.63.

<sup>401</sup> Ismail Quira, et al., *Globalization of Poverty: The Other Society... the Society of the Poor and the Deprived* (Cairo: Dar Al-Fajir, 2003), pp.17, 19, 51 – 52.

<sup>402</sup> Oscar Lewis, "The Culture of Poverty" in *Development and Underdevelopment: The Political Economy of Global Inequality*, 3<sup>rd</sup> ed., Mitchell A. Seligson and John T. Passé-Smith, eds. (Boulder, CO: Lynne Rienner Publishers, 2004), p.250.

The second discourse describes the actual negative attitudes of some poor people but generalizes it to all the poor. It emphasizes guidance, patronage and control of the poor by the middle and the rich class. It regards the poor people as incapable of developing themselves independently because of their negative attitudes. James Wolfensohn rejects this discourse and said:

People who live in poverty should not be treated as a liability but rather as a creative asset who will contribute more than anyone else to eradicate poverty. They do not want *charity*; they want a *chance*, and community-based development programs provide such an opportunity.<sup>403</sup>

The other way to define and measure poverty is by regarding it as the negation of "human development"<sup>404</sup> at the Meta, Macro, Meso and Micro, levels. Development is indicated mainly by economic growth, investment in human and physical capital, technological progress, efficient transformation of natural resources, standardized infrastructure, efficient communications, balanced demographic changes, advancement in provision of services (health, education, sanitation, etc), and robustness of social and political institutions and leadership (both at public and private levels). Increase in output or input of all these indicators contribute to holistic development of human beings.

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<sup>403</sup>James D. Wolfensohn. "The Challenges of Globalization" in *The World Bank Perspectives on Development*. (Winter 2001/2002), pp.13 – 14.

<sup>404</sup> The World Bank and the UN are involved extensively and professionally in poverty and development studies around the world. They use: 1) **Human Development Index (HDI)** that measures the average achievements in a country based mainly on: a) Life Expectancy (indicated by healthy and long life), b) Knowledge and Education (indicated by rate of literacy and civilization) and, c) Standard of Living (indicated by Gross Domestic Product (GDP) per capita and Purchasing Power Parity (PPP) in \$ US standard); 2) **Human Poverty Index (HPI)** that measures degradation (rather than achievements) in a country based on these indicators: miserable and short life, ignorance and illiteracy, lack of access to public or private resources, lack of sufficient income for meeting basic households demands, lack of access to services (like clean water, healthcare, and communication/transportation facilities), unemployment and underpayment, and social exclusion; 3) **Gender Development Index (GDI)** that reflects on achievements within inequalities between men and women and in reference to Life expectancy, Knowledge and Literacy, and Standard of Living); and 4) **Gender Empowerment Measure (GEM)** that focuses on women's opportunities (rather than their capabilities) by capturing gender inequality in these key areas: a) participation in government (measured by women percentages in parliamentary and ministerial seats); b) economic participation through salaries and other privileges attached to women employment in both the public and private sector ( e.g., legislators, ministers, senior officials, managers, professionals or technicians); and c) Purchasing Power Parity of women over men in US dollar standard. See [http://hdrstats.undp.org/countries/country\\_fact\\_sheets/ctv\\_fs\\_SDN.html](http://hdrstats.undp.org/countries/country_fact_sheets/ctv_fs_SDN.html)

Thus, key priority parameters of genuine human development can be listed as follows:

- 1) **Social Progress** (in terms of greater access to knowledge, better nutrition and health services);
- 2) **Economic Growth** (in terms of quality of production of goods and bargaining power in the markets);
- 3) **Administrative Efficiency** (in terms of wise use of resources and timely offering of services );
- 4) **Distributive Equity** (in terms of socio-economic dividends and other human development parameters);
- 5) **Participation and Freedom** (in terms of empowerment and engagement in good governance, rule of law, gender equality, civic rights and duties, and cultural liberty and co-existence);
- 6) **Environmental Sustainability** (gradual continuity of socio-economic benefits especially for the future generations); and
- 7) **Human Security** (in terms of security in daily life against serious threats like poverty and other abrupt disruptions including joblessness, drought, flood, famine, conflicts, etc.).<sup>405</sup>

Poverty has a link to quest for development because it means denial or limitation of opportunities and choices that are fundamental for achieving a decent and dignified human life. With poverty, a person or a community is not free to live a long, healthy, and creative life. Poverty affects the self-esteem of an individual human person as well as the dignity of the community. The Roman Catholic Church (in its social teaching) outlines holistic human development to mean the following: promotion of dignity of every

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<sup>405</sup> <http://hdr.undp.org/en/statistics/indices/hpi/> . Also see the 'Foreword' written by Francis Bourguignon, Senior Vice President and Chief of Economists of the World Bank in *Atlas of Global Development*, Op.cit., p.5.

human person, freedom for all human persons, justice to all human persons, truth from all human persons, reconciliation by all human persons, integral development of human persons, common good of both the citizens and rulers, participation and involvement of stakeholders, subsidiarity by the stronger, solidarity with the weaker, integrity with the environment, and peace within and among persons and nations.<sup>406</sup>

According to the UN, poverty occurs where there is no integrated and sustainable human development in terms of the fundamental human rights. The UN had declared that every human being is born to develop and progress in a peaceful and secure environment. The fulfilment of right to development means enhancement of people's capabilities for economic growth, equitable distribution of wealth, fair sharing of power, enlargement of choices, gender equity, child care, cooperative self-reliance, and self-determination of life prospects. In short, the right to development means enabling every human person to participate, contribute, and enjoy social, cultural, economic, and political benefits in the life process without marginalization or alienation.<sup>407</sup>

According to James Wolfensohn poverty reduction is a *sine qua none* for sustainable human development because:

Development is not about a quick fix or a silver bullet, nor will it endure if it does not have a broad-based support...It is a comprehensive, long-term, and involves the participation of all the players, including the private sector and civil society. As such it stands as much better chance not only of surviving major political shifts, but also of reaching deep into communities and societies where real change take place...We have to include measurements of results and accountability for performance by governments, the international and bilateral institutions, civil society, and the private sector so that we can tackle the progress as we go forward.<sup>408</sup>

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<sup>406</sup> See Pontifical Council for Justice and Peace. *Compendium of the Social Doctrine of the Church* (Nairobi: Paulines Publications Africa, 2004).

<sup>407</sup> <http://hdr.undp.org/en/humandev/glossary/>

<sup>408</sup> Wolfensohn, Op.cit., p. 13.

Ahmed Aoued argues that sustainable development should put dignity of human beings at the centre of every present activity, past reflection and future intention<sup>409</sup>. Also Julius Nyerere considers the right to development as obligatory to governments for ensuring adequate access to the essential resources to all citizens without discrimination. This right should be promoted by the International Community through fair economic policies and just international and bilateral cooperation systems which respects every community to take care of its internal affairs without colonial patronage from outsiders. He said:

Development brings freedom, provided it is development *of people*. But people cannot be developed; they can only develop themselves...Development of a man can, in fact, only be effected by that man; development of the people can only be effected *by the people*... if development is to increase people's freedom, it must be development *for the people*.<sup>410</sup>

And according to Kwame Nkrumah, the problem of insufficiency of development in Africa is not because of lack of resources. The problem lies in the attitudes acquired by Africans from Euro-American colonialists.<sup>411</sup> For example, it is said that if all Africans are taken to America and all Americans brought to Africa, the result will probably be that Africans will 'underdevelop' America while Americans will 'overdevelop Africa. Nkrumah and Nyerere were convinced that Africans (especially in rural areas) can do well to develop themselves if they adjusted their mentality for hard, intelligent, independent and de-colonized human work that can utilize their resources effectively.

I tend to agree with these renowned African ideologists and statesmen because despite the available raw natural resources and human assets in Africa, many local communities have failed to utilize these opportunities effectively for improving their living standard. Up

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<sup>409</sup> Ahmed Aoued, "The Right to Development as Basic Human Right" in *Law and Poverty: The Legal System and Poverty Reduction*. Lucy Williams, et al., eds. (London: Zed Books, 2003), pp.11 – 17.

<sup>410</sup> Julius K. Nyerere. *Man and Development* (Dar es Salaam: Oxford University Press, 1974), pp. 27 - 28.

<sup>411</sup> See Kwame Nkrumah, *Neo-Colonialism: The Last Stage of Imperialism* (Oxford: Oxford University Press, 1965). See also Julius K. Nyerere, *Ujamaa: Essays on Socialism* (Dar es Salaam: Oxford University Press, 1968).

to now many Africans have remained poor, ignorant and ill compared to the rest of human communities around the globe, especially in Europe and North America. Without liberation from the negative legacies and colonial hangovers, many African countries will continue to be cheated by the selfish expatriates who come to Africa to hunt its valuable resources and exploit its people in a way that negates their fundamental right to development. Also without this liberation, some Africans who live abroad shall continue to do well there while some non-Africans who live inside Africa continue to infringe on the developmental rights of the African peoples.

On evaluating different discussions about poverty, I realized that many definitions are influenced by the background and ideological biases of the definers. For example, the definition that has been offered by the World Bank is dominated by economic and financial biases because the objective of this Bank hinges on financial management for economic reconstruction of post-war countries, especially through empowering free-market private sector. Also the definition that has been offered by the UN aims at promoting security and peace through respect of the fundamental human rights and security on which its mandate is centred. Karl Marx and some other socio-economic theorists define poverty as the insufficiency of economic income and social disrespect that results from alienating exploitation of the working class (proletariats) by the capitalistic class (bourgeoisies).<sup>412</sup> Further, John Rawls offered a definition of poverty based on Liberal Egalitarian conception of 'Justice as Fairness where the poor are given priority of attention by the rich in the provision of the primary goods.

By sifting the different identifications of poverty, the author of this thesis came up with this general definition: ***poverty is the human condition where individuals and peoples fail to meet their material and non-material needs and satiable wants in a***

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<sup>412</sup> Peter Singer. *Marx* (Oxford: Oxford University Press, 1980), pp.35 – 66.



*sufficient manner because they have been denied or have denied themselves the opportunities and choices for the decent or luxurious living standard with dignified achievements.* The elements of this definition are implied in the fundamental pillars of Rawlsian Philosophy: Equal and Responsible Liberty for all Human Persons; Fair Opportunity for the Start and Continuity of Dignified and Decent Human Life; Unequal End-results achieved with Right Means and Enjoyed in Solidarity with the Poor; and Peaceful Co-existence of multi-purposed human communities.

### 6.3 CAUSES AND EFFECTS OF POVERTY

In most cases the causes of poverty are intermingled with their effects. Some effects of poverty perpetuate more forms of poverty and thus become secondary causes for other effects. For example, ignorance incapacitates people to discover ways that can enable them to transcend their poor conditions of living, using contaminated water makes the poor susceptible to deadly diseases or poisoning, living in polluted and unhygienic places expose the poor to bad weather conditions and deadly infections, lack of dietary food makes the children of the poor malnourished and dull, shortage of affordable health care creates unnecessary deaths of the poor, Lack of transportation and communication facilities cuts the poor from the rest of humankind, lack of education and experience qualifications makes it hard for the poor to find well-paid jobs, depression subjects the poor to negative addictions like alcoholism, marginalization makes the poor intolerant and violent, bad governance denies the provision of basic goods and services to the poor, and corruption increases the cost of investment and business due to unofficial payments and 'red-taping' for getting things done by any means.<sup>413</sup>

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<sup>413</sup> Francis W. Mulwa, *Demystifying Participatory Community Development: Beginning from the People; Ending at the People*. 3<sup>rd</sup> ed. (Nairobi: P Olivex Publishers, 2006). Also see The World Bank (*Atlas of Global Development*), Op.cit., pp.9, 74 – 75.

Many professional and academic studies about poverty and development have confirmed that the most affected are the women, children, elderly and disabled members. This is because most of them are dependent on strong men for daily survival. This dependency gives men authoritative oppressive power that controls and hinders the unlocking of useful potentials of women and children in the society.<sup>414</sup>

Human Development Reports present multidimensionality of the causes and effects of poverty in the world. For example, Jeffrey Sachs outlines the following factors as the main cause of poverty: lack of saving and family planning, uncontrolled population growth, scarcity of natural resources, decline of non-renewable resource, technological estrangement and misuse, global warming and geographical disasters, lack of specialized (professional) and skilful experiences, lack of creativity and innovation, productivity shock, financial depression and inflation, market cheatings, people's indifference, government failures, gender unfairness, and exploitative geopolitics.<sup>415</sup>

The causes and effects of poverty in many countries can be summarized in these points:

- 1) Lack of sufficient adequate resources (assets) and income that are necessary for insuring the well-being of human persons;
- 2) Uneven distribution of resources and services where few get access to them in abundance while the majority are denied fair dividends.
- 3) Division of many societies into hierarchy of wealth, power and prestige based on exploitation and alienation of the least privileged members;
- 4) Negative legacies of imperial and colonial civilizations on some communities;
- 5) Inadequate education and denial of remunerative employment opportunities for the least privileged people in the competitive free labour markets;

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<sup>414</sup> Narayan, et al. *Op.cit.*, pp.175 – 283.

<sup>415</sup> Sachs. *Op.cit.*, pp.52 – 66.

- 6) Uncontrolled high prevalence of pandemic diseases and illiteracy within the poor human communities;
- 7) Long civil wars and insecurities that destroy lives and properties, and displace people to other unbearable places of refuge;
- 8) Bad governance and incompetent leadership that perpetuate corruption, discrimination, marginalization and alienation of the powerless and less-connected individuals and communities;
- 9) Certain monopolistic economic and demographic trends that tend to maintain sluggish economic growth of the poor countries;
- 10) The unlimited welfare incentives that encourages unproductive behaviours and creates culture of poverty; and
- 11) Environmental degradation due to depletion of renewable and non-renewable natural resources as results of unwise land tenure and air pollution.

John Rawls would summarize all these points into a single cause; inequality in the distribution of the primary goods. For him, inequalities that spring from differences in abilities, hard work, risk taking, development of skills, and good luck in life chances, should only be limited to 'secondary goods' and never extended to the "primary goods." Any attempt to introduce inequality in the primary goods will be unfair to the least privileged individuals; it will continuously widen the gap between the rich and the poor.<sup>416</sup>

#### **6.4 THE DANGER OF CULTURE OF POVERTY**

According to Oscar Lewis, the culture of poverty is a more serious reason for the persistence of poverty in many human societies. He said:

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<sup>416</sup> Rawls (*A Theory of Justice*), Op.cit., pp.90 – 100.

In effect, we find that in primitive societies, and in cast societies, the culture of poverty does not develop. In socialist, fascist, and highly developed capitalist societies with a welfare state, the culture of poverty tends to decline. I suspect that the culture of poverty flourishes in, and is generic to, the early free enterprise stage of capitalism and that it is also endemic in colonialism...the culture of poverty is both an adaptation and a reaction of the poor to their marginal position in a class-stratified, highly individuated, capitalistic society. It represents an effort to cope with feelings of hopelessness and despair which develop from the realization of the improbability of achieving success in terms of the values and goals of the larger society." Its genesis is not ancient: <sup>417</sup>

For Lewis, this culture is generated from a variety of contexts. Most frequently, it develops when a stratified social and economic system is breaking down or is being replaced by another as in the case of the transition from feudalism to capitalism or during the periods of rapid technological changes. It also results from colonial imperial conquests, which smash the socio-economic and political culture of the indigenous communities and trap them into servility and dependency status. Also the culture of poverty is created through 'detrribalization' process where the indigenous tribes are deceived to abandon their villages and go to urban areas where they get easily brain-washed for cheap exploitation.<sup>418</sup>

The people who have acquired the culture of poverty are relaxed to live in poor and crowded slums at suburb of cities and industrial sites. They lack organization structures beyond the family level. Most of them lack impulse control for sex and procreation. They get initiated easily into early pre-marital sex and unions that are relatively coupled with

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<sup>417</sup> Oscar Lewis, "The Culture of Poverty" in *Development and Underdevelopment: The Political Economy of Global Inequality*, 3<sup>rd</sup> ed., *Op.cit.*, pp.251, 257.

<sup>418</sup> *Ibid.*, pp.251 – 257. Also some anthropological studies give some indications that the culture of poverty is a result of globalization and opening up of communities to external influences. Many primitive or preliterate peoples suffered from dire poverty as a result of poor technology and/or poor natural resources or both, yet they do not have the traits of the culture of poverty. Even the simple food-gathering and hunting tribes have a considerable amount of organization – bands and band of chiefs, tribal councils, and local self-government – elements which are not found in the culture of poverty. From my evaluation of the rural and urban areas in Southern Sudan, I realized that there was no culture of poverty within the different stable local communities prior to the urbanization that was introduced by the British colonialists and also prior to the displacement and refuge that resulted from the decades of civil war.

incidence of abandonment of wives and children. Sibling rivalry and male superiority complex are also very common in the societies with culture of poverty.<sup>419</sup>

The people who are affected by the culture of poverty are locally oriented and lack articulate plan or savings for future prospects (in terms of ownership of the needed properties). They know only their own troubles on daily basis. They do not have adequate knowledge, vision, or ideology for comparing similarities between their problems and those of their counterparts elsewhere in the world. They are not class conscious although they are sensitive to the distributions of socio-political and economic privileges in their society. They do not care to participate and integrate into organized economic or political systems of their society. They do not complain about low wages and income, albeit the unemployment. They are weak in bargaining for their rights to decent living standards. They are often violent in their competition over the limited basic goods. They have weak ego structure and self-esteem.<sup>420</sup>

People who have acquired culture of poverty tend to be apathetic to initiate activities for generating wealth. Generally, they do not care to participate in the national welfare agencies or in any effective entrepreneurship. They tend to be contented with the tokens they receive from whatever work they do. They make very little use of banks, hospitals, stores, museums, entertainment or art galleries. They have a low level of literacy and education and do not care to identify themselves with labour unions, political parties, or any other affiliations with long term commitments. They have a cynical attitude toward governmental institutions and leaders, and are easily exploited by opposition forces. They do not even appreciate religious institutions that live in solidarity with them.<sup>421</sup>

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<sup>419</sup> *Ibid.*

<sup>420</sup> *Ibid.*, pp.250 – 251.

<sup>421</sup> *Ibid.*, pp.252 – 254.

Thus, the culture of poverty tends to spread in the following context of human societies:

- 1) Society that is structured on cash economy, waged labour, and fierce competition in production and sale of profitable goods and services;
- 2) Society that is characterized by high rate of unemployment and underpayment for unskilled labourers and local professionals;
- 3) Society with weak social, political, and economic organizations and high rate of dependency on kinship relations for daily survival; and
- 4) Society that condone selfish accumulation of wealth through unfair exploitation and alienation of weaker members.

## 6.5 POVERTY IN SOUTHERN SUDAN

The World Bank documentation places Southern Sudan in the category of the poorest regions in the world because many people there live on average of less than 1US\$ per a day. This is partly because the long civil war in this region destroyed the infrastructure that was available, blocked the realization of human capacities, and weakened the public and private institutions to the extent of dormancy and inefficiency.<sup>422</sup>

In the beginning of 2003, JAM-Sudan<sup>423</sup> surveyed the poverty situation in Southern Sudan and came out with an estimated need of \$3.6 billion US\$ for the reconstruction and development in this region for the period 2005 – 2007, and with a possible financial gap of \$1.4 billion US\$. The JAM team affirmed that Southern Sudan has been seriously affected by poverty in many ways. This is manifested in the absence of the basic goods

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<sup>422</sup> The World Bank, "Proposed Multi Donor Trust Fund (MDTF) Grant in the Amount of US\$12.2Milliom to the Government of Southern Sudan and Government of Southern Sudan Financing of US\$ 8.08 Million for Southern Sudan Private Sector Development," (Juba: Private and Financial Sector Development of World Bank Africa Regional Office, 2007).

<sup>423</sup> JAM-Sudan, Op.cit., <http://www.unsudanig.org/JAM-report-volume-I.pdf>

and services for the majority of the population, and also in the ruined infrastructure and institutions both at the public and private sectors.<sup>424</sup>

Also the data from the 2006 Sudan Household Health Survey (SHHS) shows the prevalence of poverty in Southern Sudan. The SHHS demonstrates the disparities among regions of the Sudan and the enormous challenge for scoring the MDGs there by 2015. For example, it is reported in this survey that only 10% out of the 53% net primary school attendance in the Sudan, is found in Southern Sudan.<sup>425</sup>

The UN considers Sudan as a country where the conflict has had a serious impact on the local people in terms of MDGs. It describes Southern Sudan as a region with “some of the worst human development indicators in the world:” low incomes, lack of opportunities and high rates of malnutrition. It further asserts that these effects are the product of marginalization, insecurity and lack of access to basic social services. For example, in regard to education in Southern Sudan, the UN reports that the gross primary enrolment rate is about 22% (of whom only 27% are girls) with only 6% formally trained teachers and 45% untrained ones who have only received limited in-serving experience. Not only this, but also the UN reports that school infrastructure is rudimentary or non-existent in many parts of this region.<sup>426</sup>

The UN reports further that mortality/morbidity rate in Southern Sudan is high due to inadequate health infrastructure and coverage: one out of every four children die before the age of five, one out of nine women die during pregnancy or labour time, there is one physician for 100,000 people, there is one primary healthcare centre for every 79,500

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<sup>424</sup> *Ibid.*

<sup>425</sup> See <http://www.worldbank.org/data> and look at the category of Africa Development Report of 2007. Also see <http://www.oecd.org/statistics>

<sup>426</sup> United Nations and Partners, *2005 Work Plan for the Sudan* (Khartoum: United Nations Publications, 2005), p.44.

people, there is virtual absence of obstetric emergency care, and there is shortage of drugs and primary health facilities. The UN reports that less than 40% of the population has access to clean, hygienic and sanitary water and habitats.<sup>427</sup>

The Ministry of Education, Science and Technology of the GoSS and the UNICEF in November 2006 conducted a joint assessment in the ten states of Southern Sudan. They came out with these results: out of 2,922 learning spaces available, only 461 have permanent classrooms and 833 have semi-permanent ones out of which 313 are constructed by local communities using local and plastic materials. From these learning spaces, 913 conduct classes outdoors (in open air and under trees). Only 26% of these learning spaces have chairs and desks (mostly for teachers). One learning space out of five does not have a chalkboard. The average ration of student and teacher is 50:1. Most teachers in 56% of these learning spaces have not done formal training in teaching skills and profession. Most pupils live very far from these learning spaces and have to walk long distances to attend classes. The unfavourable weather hinders the attendance and increases the rate of drop-out pupils, especially in distanced villages.<sup>428</sup>

Further, the same assessment revealed the following situation: 31% of all learning spaces have no access to a toilet or a pit latrine (both the pupils and teachers release themselves in the open air nearby), 40% of these spaces have no potable water available nearby (within 500 meters distance), Only 456 of the learning spaces (16%) received some form of food assistance and feeding programmes (hunger was one of the most commonly cited reasons for not attending or dropping out of school). The assessment affirmed that 94,8448 children (13%) in the primary level of these learning

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<sup>427</sup> *Ibid.*, pp.9, 45 – 46.

<sup>428</sup> Ministry of Education, Science and Technology of Government of Southern Sudan, *Policy Framework 2006 – 2007* (Juba: HQs Ministry of Education, Science and Technology, 2006), pp.6, 13, 17.



spaces are vulnerable children (child soldiers, orphans, disabled and separated/abandoned children) of poor or illiterate parents.<sup>429</sup>

From the assessment, it was found out that Southern Sudan only has 98 secondary schools (out of which 21 are privately owned mostly by faith-based institutions). There are only three universities in the whole of this region but some of their faculties and centres are still placed in Khartoum. The assessment concluded that illiteracy rate is high in Southern Sudan (92% against females and 82% against males).<sup>430</sup>

The SPLM estimated the population of Southern Sudan to be 12 million people (after the return and resettlement of the refugees and IDPs). According to the SPLM, 98% of inhabitants of Southern Sudan have been affected by poverty due to gross injustice and bad governance. These vices led to the decades of civil war in Southern Sudan. As a result of the war, the available valuable natural resources (especially the arable land) could not get utilized effectively or sustained for the common good of the people.<sup>431</sup>

According to the SPLM, out of 95% arable land in Southern Sudan, only 10.7% has been utilised, and mainly for subsistent crops. Upper Nile, Western Equatoria and Lakes are the only places above the average of the scanty cultivated areas in Southern Sudan. Bahr el Ghazal, Eastern Equatoria, and Jonglei are below the average:

**Table 1: Arable Land Area in Southern Sudan**

State	Total Area	Cultivated Area	Average
1. Bahr el Ghazal	124,529 km <sup>2</sup>	1,380 km <sup>2</sup>	1.1%
2. Lakes	64,052 km <sup>2</sup>	1,342 km <sup>2</sup>	2.1%

<sup>429</sup> *Ibid.*

<sup>430</sup> *Ibid.*

<sup>431</sup> SPLM Economic Commission. *Op.cit.*, pp.58 – 65.

3. Eastern Equatoria	125,990 km <sup>2</sup>	1,521 km <sup>2</sup>	1.2%
4. Western Equatoria	76,036 km <sup>2</sup>	2,084 km <sup>2</sup>	2.7%
5. Upper Nile	123,904 km <sup>2</sup>	3,509 km <sup>2</sup>	2.8%
6. Jonglei	124,990 km <sup>2</sup>	1,024 km <sup>2</sup>	0.8%
<b>Total</b>	<b>639,501 km<sup>2</sup></b>	<b>10,860 km<sup>2</sup></b>	<b>10.7%</b>

**Source: SPLM Agriculture Secretariat, 2004**

This statistics shows that food security from local agriculture is still a problem in Southern Sudan. Since food insecurity is a serious indicator of poverty, it could be understood here that many people in Southern Sudan live in poverty.<sup>432</sup>

Ajawin and de Waal said that though Sudan is a vast country with enormous human and natural resources, the continued political instability, prolonged military regimes, and the war in the South of the country have prevented it from realizing its full potential out of those resources. This situation was further aggravated by the misguided economic and political policies of the National Islamic Front (NIF) regime who ruled the country with gross inequalities and ideological imposition. Also corruption and administrative mismanagement have left the majority of the Sudanese on periphery of economic and political life. Worst still, gross economic inequalities and regional imbalance in development and provision of services have led to mass urban poverty. The impoverishment of the remoter rural areas has forced large number of rural people to migrate to cities, where they form a large urban underclass. This level of impoverishment is not only a scandal in its own right, but also the source of political instability and continuous civil wars in the Sudan.<sup>433</sup>

<sup>432</sup> SPLM Economic Commission . Op.cit., pp.58 – 65.

<sup>433</sup> Ajawin and de Waal, Op.cit., pp.50 – 64, 35 – 49, 76 – 89, 267 – 276.

That there is poverty in Southern Sudan is a fact without controversies. The available evidences from the reports that have been compiled by the local and international researchers and activists, and also the testimonies by individuals who have experienced poverty in this region are enough proofs to this human predicament. However, the case that there should not be poverty in this region is controversial because of the conflicting answers that have been attempted so far. Some people look at this situation as an opportunity to generate selfish benefits. Others look at it as a challenge that requires a priority attention for a greater common good. Even those who look at poverty as a challenge recommend conflicting answers: humanitarian relieve, charitable work, development partnerships, respect of human rights, justice and peace.

## **6.6 CONCLUSION**

The phenomenon of poverty in Southern Sudan is a challenge to human development in this region. The available data indicate that poverty is widespread in Southern Sudan despite the richness of this region in natural resources (like arable land, sweat water, petroleum and other valuable minerals). The available research reports on poverty in Southern Sudan conclude that there are no sustainable indicators of sustainable human development in this region due to the effects of the civil war. These reports propose different solutions but without consolidating them on the quest for Justice as Fairness. They converge on the point that the main agents who can have greater influence in reducing poverty in this region are the very government and people of Southern Sudan more than outsiders. I add to this point that these agents should frame their efforts with Rawlsian Justice if they sincerely mean to reduce poverty in this region.

# CHAPTER SEVEN

## POVERTY REDUCTION IN SOUTHERN SUDAN

### 7.0 INTRODUCTION

This chapter establishes that the reasons for the persistence of poverty in Southern Sudan are many and intertwined. In some cases the blames go to the victims of poverty but in other cases the blames go to the victimizers. However, since the aim of this thesis is to contribute to the on-going search for sustainable 'solutions'<sup>434</sup> to this problem, the author will focus on the analysis of the policies of the GoSS in reference to Rawlsian philosophy of justice and peace. The evaluation of some individual views and institutional policies of the GoSS will clarify the missing link, and also pave the way for alternative recommendations for improving and strengthening the complementary efforts for successful poverty reduction in Southern Sudan.

### 7.1 THE PERSISTENC OF POVERTY IN SOUTHERN SUDAN

Poverty persists in Southern Sudan like any other parts of some countries because of absence or mismanagement of community development opportunities. Joseph Kahiga identified the reason of persistence of poverty in many parts of Africa (Southern Sudan included) as lack of positive local pro-development reforms that are supposed to be conducted to reduce it. He said:

Thus if any society in the African context is to experience positive change and development, reforms from within have to rise up and inject reason or rationality

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<sup>434</sup> I am saying 'solutions' here because the problem of poverty is multidimensional and complex to be resolved monopolistically. That is, poverty problem needs many solutions.

and a sense of transcendence in the traditional idiosyncratic tenets that keep them in perpetual poverty.<sup>435</sup>

According to Kahiga, the attempted reforms by governments in Africa have so often ignored the different factors of the phenomenon of poverty. Also African communities and societies are not open and articulate in understanding the global realities about development process. This is partly because they lack modernized infrastructure (like roads, bridges, and ports) quality services (like schools, hospitals, clean drinking water, electricity, decent housing, security, and communication networks). Also Africa is weak in the bargaining power and pursuit for remunerative employment, innovative industry and fair trade, which help in the opening up of nations or communities to each others and to outsiders for achieving integrated social, economic and cultural gains. Further, Kahiga argued that most external interventions that have been attempted to help Africa escape from poverty have ignored the true metaphysical basis of African communities. These interventions failed to yield good results because the executors have been using warped up logic for their own interests.<sup>436</sup>

Kahiga identifies part of the reasons for the persistence of poverty in Africa as emanating from the indigenous victims of poverty themselves. He concurs partly with David Waller who regards the poor communities as part of the recurrence of poverty because of their carelessness, ignorance (e.g. low rate of education and widespread illiteracy), laziness, overpopulation, underutilization of natural resources, primitive way of life, inadequate physical structures and infrastructure, inadequate exports of products

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<sup>435</sup> Joseph Kahiga, "Philosophical Basis of Poverty Eradication" in *Disparities in Developing Countries: Types, Challenges and Way Forward. Vol.1 of the Fourth International Conference Proceedings of the Association of the Third World Studies, Kenya Chapter*, Clara Momanyi and Nelson H.W. Wawire, eds.(Nairobi. Oakland Media Services, 2004), p.115

<sup>436</sup> *Ibid.*, pp.114, 119.

(particularly cash crops), and laggard attitudes that hinder them to adopt modern technology and skills required for robust contemporary development.<sup>437</sup>

Peter Singer adds to Kahiga point the importance of metaphysical basis of the communities in regard to poverty reduction. He argues that it is the community that should enable the individual persons to achieve their purposes in life by overcoming the threats of poverty. Singer's argument can be summarized as follows:

- 1) If we can prevent something bad without sacrificing anything of comparable significance about the community set up, we ought to do it;
- 2) Absolute poverty is bad and can be prevented without sacrificing community moral significance;
- 3) There are many incidences of absolute poverty in the human world that destroys the community ties;
- 4) Therefore, we ought to prevent absolute poverty to save the human communities from degrading into undignified living standard.<sup>438</sup>

Jaffrey Sachs argues that poverty persists in the less developed countries because the contemporary privileged generations do not care much to help the least advantaged poor ones. Those who have the opportunities of being the well-off members of the global society have often defied the need for fairness in international rules of economic management game. Instead, they have "advertently set snares along the lower rungs of the ladder in the form of inadequate development assistance, protectionist trade barriers, destabilizing global financial practices" and other practices that have been blocking the poor countries to escape poverty traps. According to Sachs, this intentional

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<sup>437</sup> See David Waller, "Globalization and ACORD: Background to discussions about ACORD's Future Programming." (Internal paper for ACORD in preparation for Pan-African Workshop held in Nairobi-Kenya from 10<sup>th</sup> – 18<sup>th</sup> May, 2002).

<sup>438</sup> Peter Singer, "Rich and Poor" in *Ethical Theory and Business*, 6<sup>th</sup> ed. Tom L. Beauchamp and Norman E. Bowie, eds., (Upper Saddle River, NJ: Purson Custom Publishing, 2001), pp.661 – 667.

apathy and unfairness has created hopelessness within the poor nations because it prevents them from climbing successfully the ladder of integral human development.<sup>439</sup>

Also for Sachs, many governments of the poor nations have not become oriented towards strategic planning for their own sustainable development. They have not bothered to invest in the actualization of the latent synergetic energies of their people. They have not even done much investment in the high priority infrastructure (like electric power, transport networks, and efficient communications facilities). In most cases they have failed to deliver the needed services (like primary healthcare, quality education, potable and clean water, and sanitary habitats) to many of their poor citizens.<sup>440</sup>

Not only these, but also most of governments of the poor nations have not dared creating conducive environment for commercial investment in the private business sector with a special attention to agriculture and local food security. These governments have been allowing gross corruption cases with impunity, especially for the powerful individuals in the society. Above all, they have constantly ignored peace-building and security surveillance for their people. This laxity has led to recurring destruction of valuable properties and lost of so many human lives unnecessarily.<sup>441</sup>

Francis Mulwa argues that poverty persists in Africa because of inappropriate politics of power concentration in the centre by some few privileged elites. These elites have so often blocked decentralization of government and devolution of its powers to the periphery of the country so that the local communities (the grassroots) could participate and get involved in the public decision-making process. Also poverty is exacerbated by lack of fair and equitable policies in the distribution and allocation of wealth and

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<sup>439</sup> Sachs, *Op.cit.*, pp.24 – 25, 59 – 69.

<sup>440</sup> *Ibid.*, pp.24 – 25, 59 – 60, 69, 227.

<sup>441</sup> *Ibid.*, pp. 233 – 234, 243. Also See Karelis, *Op. cit.*

resources in the society. Many governments of the poor countries do not honour human rights treaties “as icons for determining who gets what and who doesn't and why.”<sup>442</sup>

According to Mulwa, poverty persists in Africa because of dishonouring the following “Wheel of Fundamental Human Needs”:

- 1) **Physical Needs:** dietary food, fuel, clean water, decent clothing, safe habitats/shelters, healthcare, and security/protection;
- 2) **Social Needs:** sense of belonging, communication, information, mobility; participation, freedom, justice, reconciliation and peace;
- 3) **Psychological Needs:** procreation, love, self-actualization of talents through education, and respect for oneself and others' dignity; and
- 4) **Spiritual Needs:** holistic human development as a final aim to which all the other above-mentioned needs meet.<sup>443</sup>

Mulwa points out that the dependency syndrome created by charitable donors and their expatriates' consultants, is an additional reason for poverty prevalence in Africa. These donors and consultants have often excluded the poor communities from participating in the decisions-making that concern their welfare. With communities kept at the margin, the corrupt government officials find it easy to misappropriate public fund and utilities for private aims. Further, many government and local leaders in Africa have been resisting the required change. They use the following excuses:<sup>444</sup>

**Table 2: Excuse Mechanisms that Keeps Poverty in Africa**

<ul style="list-style-type: none"> <li>▪ Do not trouble the trouble until it troubles you.</li> <li>▪ Let's wait and see; it will work itself out alone.</li> </ul>	<ul style="list-style-type: none"> <li>▪ That's outside our organizational boundaries.</li> <li>▪ It is too early for that; that is being over ambitious.</li> </ul>
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<sup>442</sup> Mulwa (*Demystifying Participatory Community Development*), Op.cit. pp.ix – xii, 153.

<sup>443</sup> *Ibid.*, pp.60 – 61, 71.

<sup>444</sup> *Ibid.*, pp.222 – 223, 225.



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| <ul style="list-style-type: none"> <li>▪ Time heals; so do not get bothered.</li> <li>▪ What is the hurry for anyway? There is no hurry in Africa.</li> <li>▪ We seem to have been okay the way we are, why change?</li> <li>▪ My people are different; they are sure to resist.</li> <li>▪ We have always done it our way and it worked.</li> <li>▪ Do you think you can do more than what we have done?</li> <li>▪ Our region and priorities are different from yours.</li> <li>▪ Our culture and regulations cannot accommodate these changes.</li> <li>▪ We are too small and young; that is not for us anyway.</li> <li>▪ We only have a skeleton staff; they are not enough for that work.</li> <li>▪ We are not licensed to do so; it doesn't have the mandate.</li> <li>▪ Do we have the go ahead from authorities above?</li> <li>▪ Does our constitution allow this?</li> <li>▪ That's too bold a decision. Do we have the authority?</li> <li>▪ We do not have the quorum.</li> <li>▪ It's not within our plans and priorities.</li> <li>▪ It is not in the budget; wait until we budget for it.</li> <li>▪ Is this in line with the National Development Plan?</li> <li>▪ Wait until we are of age; that is beyond our capacity now.</li> <li>▪ We do not have skills; nobody here can handle it.</li> <li>▪ We do not have the experience to implement this.</li> </ul> | <ul style="list-style-type: none"> <li>▪ You are living beyond your time.</li> <li>▪ We are approaching this emotionally, let's be a little more rational.</li> <li>▪ We have to tread on this very, very carefully, and consider all the implications.</li> <li>▪ Have you verified the facts? Don't take it at face value.</li> <li>▪ We do not have the full information.</li> <li>▪ Let's form a committee to look into that matter.</li> <li>▪ That is too expensive. Does the benefit justify the cost?</li> <li>▪ We tried that before; it never worked.</li> <li>▪ Where has this worked before?</li> <li>▪ The season is not right for it now; may be when it will be a bit better.</li> <li>▪ We are too busy around here; may be next year.</li> <li>▪ Do we really have the time?</li> <li>▪ It is not an emergency; let's give ourselves more time to think over it.</li> <li>▪ Let's pray about it and wait for God's right time for intervention.</li> <li>▪ That is outdated; we use to do that long ago.</li> <li>▪ There is no use talking about it; remember the donor fatigue.</li> <li>▪ We are already overloaded; we can't take more.</li> <li>▪ Stakeholders are not genuine in this; they have hidden agenda.</li> <li>▪ It sounds too theoretical; perhaps only good for academic argument.</li> <li>▪ It is the economy to blame.</li> <li>▪ It is the Arabs and Khartoum to blame.</li> <li>▪ That sounds too simplistic; it is not worth paying attention to.</li> </ul> |
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Although some of these excuse mechanisms are genuine to be acceptable at particular places and times, yet they have been employed by many people and leaders of Southern Sudan as a kind of defence or escape mechanisms. This has been negative in

regard to the needed mobilization and motivation for a better change required for poverty reduction and development in this region.

From direct field observation of the author of this thesis, and also as an insider from Southern Sudan, he came across many excuse mechanism as they appear in the above table. But above all, he found out that poverty is persisting in Southern Sudan because of absence of sense of fair justice in many institutions (public and private) and in mental framework of many leaders and citizens. The injustice in wealth and power sharing and also in security arrangements has led to the decades of civil war between Southern and Northern Sudan until this problem became identified and resolved within the CPA provisions signed on 9<sup>th</sup> January, 2005.<sup>445</sup>

Nonetheless, in spite of the call for rule of fair justice in the government institutions, nothing much have been translated into reality from this agreement. The individuals who have been given responsibilities for running the post-war government institutions are failing to implement the policies that have been developed to help in alleviation of extreme poverty in Southern Sudan. These individuals have forgotten the spirit of the CPA, which prohibits few people to enjoy luxury in expense of the poor and in the midst of mass poverty. In other words, poverty continues to be prevalent in Southern Sudan (despite the achieved peace and utilization of the valuable natural resources) because of failure of the GoSS to adhere to principles of Justice as Fairness.

## **7.2 EFFORTS FOR POVERTY REDUCTION IN SOUTHERN SUDAN**

The CPA provided a constitutional way forward for addressing the disparities and imbalances in the sharing of power, wealth and the needed services between the

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<sup>445</sup> See *The Comprehensive Peace Agreement*, Op. cit. Ch.I, Ch.II, Ch.III and Ch.VI.

centres and the peripheries in the Sudan. These provisions were incorporated into the Five-Year National Strategic Plan, which mentions poverty eradication and achievement of the other MDGs as one of the eight crucial national goals for making and keeping the Sudan United, Secure, Civilized, Advanced, and Developed.<sup>446</sup>

In 2004 a joint concept of “A National Poverty Eradication Strategy” was developed by the SPLM/A and the GoS as a framework for improving the poor human conditions of the neglected communities in all parts of the Sudan, especially in the war ruined Southern Sudan. Nonetheless, poverty has continued to disturb many citizens.<sup>447</sup>

### 7.2.1 SPLM Framework for Peace and Development

The SPLM acknowledged the destruction done by the long civil war in Southern Sudan: devastation of institutional and physical infrastructure, diminishment of fiscal resources and damage of financial management system, weakened networks of civic engagement and reduction of service delivery, and weakening of capacities for the functioning of governance structure with democratically accountable mechanism. Within this setting, the SPLM came up with strategy of eradicating poverty in Southern Sudan based on tripartite partnership between the public, private and NGOs or Civil Society sectors. The main objective of this strategy is to address the critical question of equity in the distribution of resources, services and other important values as expected by the people of Southern Sudan: peace, justice, education, health, sanitation, food and water security, infrastructure, electricity, social security, and repatriation and resettlement of the refugees and IDPs for resumption of the dignity of their local livelihood.<sup>448</sup>

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<sup>446</sup> The Sudan National Council for Strategic Planning, *Five-Year Plan (2007 – 2011)*. Op.cit., pp.2 – 11.

<sup>447</sup> See United Nations and Partners, Op.cit., p.9.

<sup>448</sup> SPLM Economic Commission, Op.cit., p.3, 45.

Dr. John Garang, the late Chairman of the SPLM/A, in the foreword of the “*SPLM Strategic Framework for War-to-Peace Transition*” asserted that the CPA provided the SPLM with both challenges and opportunities to translate the SPLM vision of New Sudan (Justice, Equality, Liberty, Freedom, and Democratic Governance) into practice. That is, realizing a New Sudan in which all citizens can fully participate in the management of the country affairs at all levels without discrimination on grounds of gender, age, race, region, political affiliation, ethnicity, or language. He urged the SPLM cadres to work hard for institutional building and reforms in Southern Sudan during the interim period (2005 – 2011) to ensure political stability and inclusive sustainable socio-economic progress in all parts of the Sudan.<sup>449</sup>

According to SPLM, the following actions are necessary priorities in Southern Sudan:

- 1) Maintaining peace among the people of Southern Sudan and with their neighbouring communities;
- 2) Developing institutional and physical infrastructure for better governance and facilitatory leadership for peace and development;
- 3) Regenerating the innovative and productive assets of the communities of Southern Sudan both internally and externally;
- 4) Prioritizing agricultural production as the renewable engine of economic growth with the help of petroleum income; and
- 5) Eradicating poverty, especially in rural areas where majority of population live.<sup>450</sup>

The SPLM vision regarding transport infrastructure is based on the rationale that the movement of the people, goods and services in Southern Sudan is a necessary priority for poverty eradication and development in this region. This connectivity can help the

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<sup>449</sup> *Ibid.*, p.3.

<sup>450</sup> *Ibid.*, pp.40 – 45.

people of Southern Sudan in the healing process from war effects. Based on this understanding, the SPLM planned these important routes for people's connectivity:

- 1) Transport networks linking Southern Sudan with Northern Sudan and with the neighbouring countries like Ethiopia, Kenya, Uganda and Democratic Republic of Congo for the exchange of benefits;
- 2) Transport networks linking the States, Counties, Payams and Bomas in Southern Sudan to each other for coordination of the CPA dividends.<sup>451</sup>

Thus, the SPLM focused on the revitalization and improvement of the old transport systems and infrastructure along side with the new initiatives:

- 1) Revitalizing old river transport routes and opening new ones to be accessible by motor boats and steamers or barges. Here the role of GoSS would be confined to regulation and technical management of the navigation routes so that the private sector can use them efficiently;
- 2) Repairing the old Railway infrastructure (Port Sudan-Khartoum-Kosti-Babanusa-Aweil-Wau) and constructing new ones to connect Southern Sudan with Kenya and Uganda; and
- 3) Encouraging the private sector to invest in air transport in the areas that are economically and administratively active in Southern Sudan.<sup>452</sup>

Though railway connectivity is a very expensive endeavour, the SPLM regards it as an important complements for the road networks and river routes. Trains can carry volumes of tones of goods to long distances in a reliable manner. And since Southern Sudan is a land-locked region, SPLM is optimistic that the railways will play a big role in facilitating

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<sup>451</sup> *Ibid.*, p.51

<sup>452</sup> *Ibid.*

economic activities in the region and its neighbourhood. The SPLM proposed the following railways connections in the post war Southern Sudan:

- 1) Juba-Torit-Kapoeta-Lokichoggio-Mombasa-Dar es Salam (outlet to Indian Ocean through Kenya and Tanzania);
- 2) Pakwac-Kaya-Yei-Juba-RamChiel-Yirol-Rumbek-Wau;
- 3) Kaya-Yei-Maridi-Yambio-Tumbura-Wau-Aweil-Kost-Port Sudan;
- 4) Juba-Yei-Lasu-Kisangani (Outlet to Atlantic Ocean in DRC);
- 5) Juba-Bor-Malakal-Kosti;
- 6) Bor-Pibor-Pachalla-Gambella (in Ethiopia); and
- 7) Malakal-Nasir-Jekou-Gambella.<sup>453</sup>

In addition to land and river transport programmes, the SPLM has also planned to raise the standards of airports in the major towns of Southern Sudan (Juba, Wau and Malakal) to meet international requirements. The first step will be to improve the existing old runways, fix meteorological navigation/communications devices, and set up air traffic control systems. Also the SPLM have planned to rehabilitate the airstrips that are available in Southern Sudan, especially in the remote areas that are pregnant with economic, tourism and other investment opportunities.<sup>454</sup>

Further, the SPLM look at the following factors as crucial for poverty reduction and acceleration of sustainable development in Southern Sudan:

- 4) Establishing Telecommunications networks and postal services to cover all parts of Southern Sudan efficiently;

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<sup>453</sup> *Ibid.*

<sup>454</sup> *Ibid.*, p.53.

- 5) Revising the old town planning and establishing modern towns with sufficient and stable public utilities (e.g. water and electric power supply) according to the contemporary designs;
- 6) Setting up dykes in flood prone areas and water harvesting facilities in water scarce areas;
- 7) Renovating the old dams and constructing new ones for generating hydro-electricity and water for irrigation of agricultural schemes; and
- 8) Fixing windmills and solar systems, especially in rural areas for generating cheaper electricity and pumping cheaper water.<sup>455</sup>

### 7.2.2 Policies of the GOSS on Poverty Eradication

As the majority ruling party in the GoSS and in governments of the Ten States of Southern Sudan, the SPLM has been the major player in the decision-making forums about the challenge of poverty and opportunity of sustainable in Southern Sudan. The SPLM has incorporated the above-mentioned proposals and programmes into the policies of the GoSS but it has not succeeded to implement these policies satisfactorily due to lack of commitment, leadership incompetency and other negative tendencies.

It is known that development indicators (like rates of poverty, economic growth, mortality, literacy, and employment) are all affected by government actions and people's cooperation.<sup>456</sup> The government can either block or promote any or all of these indicators. The GoSS is not exceptional here and its policies can tell which of the direction it has chosen for or against these indicators. The GoSS is comprised of Office of the President, Interim Southern Sudan Legislative Assembly (ISSLA), Twenty Four

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<sup>455</sup> *Ibid.*

<sup>456</sup> Here 'Government' refers to the legislative, executive and judiciary public institutions where some citizens are given authority and mandate to run them for the common good.

Ministries, Nine Commissions, and Six other independent bodies established for particular purposes as specified in the Interim Constitution of Southern Sudan (ICSS).<sup>457</sup>

Each of these institutions are supposed to do specific duties for the people of Southern Sudan: assessing citizens' needs, making decisions, drawing public policies, transforming strategic plans into actions, managing budgets, determining financial sources and procurement procedures, providing leadership, managing human resource, monitoring public work and services delivery, safeguarding public utilities and infrastructure, enforcing law and maintaining public order, safeguarding the territorial sovereignty and immunity, and enforcing duties and responsibilities within an evaluative collegial public environment in the cabinet meetings.<sup>458</sup>

From my evaluation of the policies of the Ministries of the GoSS and employees' views in regard to poverty reduction efforts in Southern Sudan, I managed to come up with the following summarized results (shown in the tables below). I evaluated GoSS policies from selected fifteen (15) Ministries according to the sector of their mandates and business (Sovereignty, Economic and Services). I also interviewed three hundred (300) GoSS employees selected randomly from different positions/ranks and living standards.

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<sup>457</sup> The GoSS Institutions are: 1) Ministry of Presidential Affairs; 2) Ministry of Parliamentary Affairs; 3) Ministry of Cabinet Affairs; 4) Ministry of Sudan People's Liberation Army Affairs; 5) Ministry of Internal Affairs; 6) Ministry of Legal Affairs and Constitutional Development; 7) Ministry of Regional Cooperation; 8) Ministry of Information and Broadcasting; 9) Ministry of Telecommunications and Postal Services; 10) Ministry of Health; 11) Ministry of Education, Science and Technology; 12) Ministry of Labour, Public Service and Human Resource Development; 13) Ministry of Housing, Land and Public Utilities; 14) Ministry of Rural Development and Co-operatives; 15) Ministry of Gender, Social Welfare and Religious Affairs; 16) Ministry of Culture, Youth and Sports; 17) Ministry of Finance and Economic Planning; 18) Ministry of Commerce, Trade and Supply; 19) Ministry of Industry and Mining; 20) Ministry of Agriculture and Forestry; 21) Ministry of Animal Resources and Fisheries; 22) Ministry of Water Resources and Irrigation; 23) Ministry of Environment, Wildlife and Tourism; and 24) Ministry of Transport and Roads; 25) Anti-Corruption Commission; 26) Audit chamber; 27) Centre for Census, Statistics and Evaluation; 28) Civil Service Commission; 29) Demining Authority; 30) Demobilization, Disarmament and Re-integration Commission; 31) Employees Justice Chamber; 32) Fiscal, Financial Allocation and Monitoring Commission; 33) HIV/AIDS Commission; 34) Human Rights Commission; 35) Land Commission; 36) Peace Commission; 37) Public Grievances Chamber; 38) Reconstruction and Development Fund; and 39) South Sudan Relief and Rehabilitation Commission.

<sup>458</sup> See ICSS. Op.cit.



The individual who I interviewed is the one who determine whether he/she belongs to the rich, the average or the poor category of the citizens. Nonetheless, I adjust the standard of living if I happen to know the situation of the person who might have categorized himself/herself incorrectly during the interview. Also from observing the food, the housing, the dressing, the health, the education background, and the general civilization, I could identify the living standards of some of the interviewees.

### 7.2.2.1 Views of Employees of the GoSS on Poverty and Justice

The following table shows the statistics of views of the different categories of employees of the GoSS who I interviewed during my field research in Juba. From their views, I could deduce the situation of poverty and efforts for its reduction in the whole of this region. Also having travelled and lived in different parts of Southern Sudan and also being a civil servant in the government of the Sudan, I could understand the problem of poverty reduction in Southern Sudan in a comprehensive manner. Not only this, but also I had the advantage of evaluating the situation of the people and government of Southern Sudan from outside the country. This comparative openness reduces the possibility of biases in my findings and analysis about poverty, justice and peace.

This is the summary of my findings from the views of the employees of the GoSS:

**Table 3: The GoSS' Employees' Views on Poverty and Justice**

Occupation Rank and Living Standard	Affirming the prevalence of poverty	Accepting Rawlsian Justice for the solution	Considering other theories of justice	Short Comment
<i>High Level and Rich</i>	54%	20%	35%	Most are reserved about justice and fairness.
<i>High Level and Average</i>	95%	62%	43%	Most are concerned about justice and fairness.

<b>Middle Level and Average</b>	<b>99%</b>	<b>98%</b>	<b>52%</b>	Most are enthusiastic about justice and fairness.
<b>Low Level and Average</b>	<b>90%</b>	<b>99%</b>	<b>61%</b>	Most are enthusiastic about justice and fairness.
<b>Low Level and Poor</b>	<b>46%</b>	<b>48%</b>	<b>10%</b>	Most are less concerned about justice and fairness.

I produced these figures from this Formula:  $X \div 60 \times 100 = Y \%$  where:

**X = Number of Employees I Interviewed in a Selected Ministry Using Questionnaires Guide**

**60 = Total Number of Interviewees who Responded to Questionnaires Guide in a Ministry**

**100 = Fixed Number for Determining the Percentage**

**Y = Percentage of the Employees Views on the Selected Variable.**

From the statistical summary, I could draw the following explanations and conclusions:

- 1) Majority of the GoSS employees affirm that poverty is prevalence in Southern Sudan though most of the 'High Level and Rich' employees think there are many people in Southern Sudan who are enjoying life. However, they differ about the application of Rawlsian justice as a better framework for resolving this problem. Some of them are reserved about Rawlsian Justice because they look at it as unfair to the rich who have the rights to enjoy their luxury without worrying about the least privileged poor people. Others are optimistic and enthusiastic about the application of Rawlsian Justice because they look at it as fair to both the rich and the poor people since no human being is born with poverty or wealth; it is only out of fortune rather than choice that some people are born into riches or poverty.
- 2) Majority of the 'Low Level and Poor' employees are concerned about humanitarian hand-outs and charitable works as a solution to their poverty

problem; they are not optimistic about application of Rawlsian Justice in the GoSS because they think this does not provide an immediate relief.

- 3) Majority of the 'Low Level and Poor' employees are apathetic about their rights to public goods and services; they are interested in acts of kindness from government, NGOs, private companies, and from the well off individuals who offers free-of-charge goods and services to the needy persons.
- 4) The 'High Level and Rich' employees are somehow undecided whether poverty is widespread in Southern Sudan; almost half of them are insensitive about the challenge of poverty and lack of justice as fairness in this region.
- 5) Most of the 'High Level and Rich' employees who affirmed the prevalence of poverty tend to blame the poor for living in poverty; they are reserved about application of Rawlsian Justice as a better framework for poverty reduction in Southern Sudan. They prefer charity to the needy poor rather than the duty to grant their public rights to primary goods as an honour to Justice as Fairness.
- 6) Majority of the 'High Level and Average' GoSS employees are not reserved about the application of Rawlsian justice as a framework of the public policies for poverty reduction in Southern Sudan. They blame the basic structure of some communities for the persistence of poverty. They also blame injustices from the past governments to be the main reason for the current poverty situation in Southern Sudan. They think that GoSS is doing its best to eradicate poverty by reforming and transforming the old public institutions to become robust and efficient in delivering the necessary basic services and goods to all the citizens without marginalization.
- 7) The Majority of the 'Middle Level and Average' employees, and also the 'Low Level and Average' employees of the GoSS are enthusiastic about application of Rawlsian justice as the basis for the public policies of poverty reduction in Southern Sudan. These two groups are much concerned about their public

rights to development and the duty of the GoSS to grant these rights. They do not blame the poor for the persistence of poverty because they think the poor people are hard workers but whose labour fruits are misappropriated by the few greedy individuals. They think that every citizen (whether rich or poor) should enjoy the basic goods and services in Southern Sudan. They object to the accumulation of wealth and enjoyment of luxury by few elites in the midst of mass poverty in Southern Sudan.

### 7.2.2.2 Evaluation of the Policies of Ministries of the GoSS

The table below summarizes my research findings and analysis of the GoSS' policies on the issue of poverty reduction in reference to Rawlsian Justice:

**Table 4: Ministries of the GoSS on Poverty and Justice**

Ministerial Sector of Function	Affirming the prevalence of poverty	Rawlsian Justice in the Policies	Considering other theories of justice	Short Comment
<i>Sovereignty Sector</i>	100%	41%	43%	A bit concerned about Rawlsian justice.
<i>Economic Sector</i>	100%	12%	75%	Less concerned about Rawlsian justices.
<i>Services Sector</i>	100%	53%	60%	Somehow concerned about Rawlsian justice.

I produced these figures from this Formula:  $X \div 5 \times 100 = Y \%$  where:

X = Number of Ministries whose Policies and Work Plan I Evaluated using Questionnaires Guide

5 = Total Number of Selected Ministries in a Particular Sector of Function

100 = Fixed Number for Determining the Percentage (%)

Y = Percentage of the Employees Views on the Selected Variable.

It is admitted in the policies of the Ministries of the GoSS that poverty is wide spread in Southern Sudan with adverse effects on many communities and individuals. The cause

of poverty is identified in these policies as the gross injustices and oppressions from successive governments that has ruled the Sudan since the time of its independence from British colonialists in 1956. These vices have caused violent resistance from its victims to the extent of decades of full fledged civil war in Southern Sudan. The CPA ended this war and mandated the GoSS to wage an intensive war against abject poverty, using local valuable resources appropriately for the common good of all the citizens. These Ministries express (though in different degrees of strengths) the need for justice and fairness in addressing poverty and attaining sustainable development in Southern Sudan with a special focus on the disadvantaged poor citizens.

From the statistical summary, I could draw the following explanations and conclusions:

- 1) Most of the Ministries in the Sovereignty Sector<sup>459</sup> are a bit concerned about Rawlsian Justice in their policies on poverty reduction, particularly the equality of liberty for all the citizens in a peaceful environment and fairness in offering opportunities for jobs and services in public institutions. For example, the Ministry of Information and Broadcasting aims at promoting the media in Southern Sudan as a necessary tool for enhancing the participation of the citizens in reconstruction, peace-building, and socio-political and economic development. This Ministry states its mission as informing and enlightening the citizens so as to empower them for realization of a just and prosperous multi-cultural nation of Southern Sudan on its path to achieve the MDGs. The Ministry gives the priority

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<sup>459</sup> The three sectors of Sovereignty, Economic and Services mentioned in the above table are not absolutely exclusive to each other. They overlap in their functions in some considerable cases because they have one broader aim: governance and management of public good and rights without infringement on the justified privacy and individuation.

to the unaddressed needs of the minorities and the vulnerable groups (elderly, women, youth, and children) whose voices are rarely heard in public media.<sup>460</sup>

- 2) Most of the Ministries in the Economic Sector are less concerned about Rawlsian justice. They are mostly concerned about macro-economic growth regardless of injustices or wrong means used to achieve this. They concentrate much on increasing productivity and production of economic goods and supplies more than improving quality of life of the producers, especially the workers at the lower level positions. They do not care much about equity in the distribution of the basic goods to the lower producers who find it difficult to afford buying the supplies from the very work of their hands. These Ministries care much about peace but only for the sake of securing economic factors (capital, land, labour and market) by any means. For example, the Ministry of Environment, Wildlife Conservation and Tourism aims to make Southern Sudan an environmentally friendly place for both humans and animals. This ministry aims to promote sustainable and equitable economic growth in Southern Sudan. Its mission is to ensure that the untapped valuable natural resources of Southern Sudan are utilized in a manner that conserves the ecosystem and change the livelihoods of the communities for better. The Ministry is convinced that a vibrant management of the wild life and environment will create tourism and other opportunities which generate income to the people and revenue to the government. This will enable the local communities and the government to contribute in securing the basic necessities of life, eradicating poverty, realizing community development and improving the standard of living of the people of Southern Sudan.<sup>461</sup>

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<sup>460</sup> Ministry of Information and Broadcasting of Government of Southern Sudan (GoSS), *Policy and Work Plan* (Juba, Southern Sudan: July 2007), pp.4, 11, 11, 24 – 27.

<sup>461</sup> Ministry of Environment, Wildlife Conservation and Tourism of Government of Southern Sudan (GoSS), *Policy Framework and Work Plan: 2006 – 2011* (Juba, Southern Sudan: September, 2007), pp.3 – 5, 13 – 24.

3) Most of the Ministries in the services sector are somehow concerned about Rawlsian justice in their policies. They include in their policies the need for equality of basic services like primary healthcare and primary education to all the citizens, particularly those who are less privileged in the rural areas of Southern Sudan. They care much about peace because they are convinced that this will enable their employees to deliver public services without hindrances. For example, the aim of the Ministry of Education, Science and Technology is to provide equal opportunity for quality education for the people of Southern Sudan, especially the marginalized and unfortunate ones. This Ministry regards education as a crucial tool for realizing responsible and enlightened citizenship through inculcation of values of nation-building, patriotism, integrity, work ethics, human rights, pluralistic toleration, synergetic cooperation, self-reliance, and peace building. It launched in 2006 the 'Go to School' initiative, improved physical facilities, developed new curriculum and syllabuses, and trained many teachers. This move increased the number of enrolled pupils in primary schools to 850,000 (compared to 343,000 during the war time). Also the ministry launched 'Alternative Education System' for increasing the learning opportunities for specific target groups (12 – 30 and 30 – 60 years old), especially the females. This includes Adult Literacy, Accelerated Learning Programmes, Intensive English Courses, Technical Training, Interactive Radio and Television Services, and Debates Clubs.<sup>462</sup>

From the analysis of the institutional and individual views about the problem of poverty and the issue of its reduction or eradication in Southern Sudan, it is evident that the ***Rawlsian justice is the missing or the weak link in the intentions and efforts of the***

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<sup>462</sup> Ministry of Education, Science and Technology, Op.cit., pp.7 – 14, 17 – 25.

## ***GoSS and in the outlook of its employees for the effective strategies of poverty reduction in the post war Southern Sudan.***

Dr. Wani Tombe concurs with this hypothesis. According to him, “factor of instability in Southern Sudan is the ubiquitous absence of equality and equity.”<sup>463</sup> However, a minority of the well off individuals objects to this hypothesis out of fear of the burdens of the duty that is required for the application of Rawlsian Justice in Southern Sudan. Also a considerable number of the poor people showed pessimism about the possible success of application of Rawlsian Justice in Southern Sudan. They see this form of justice as a long-term approach and an unreliable basis for poverty reduction.

### **7.2.3 The UN and Poverty Reduction in Southern Sudan**

The UN policies for poverty reduction in Southern Sudan hinges on the following areas of intervention and relief:

- 1) Provision of humanitarian aid wherever it is needed most; and
- 2) Recovery and Development Programmes in support of the implementation of the Comprehensive Peace Agreement.

The UN regards the return and resettlement of the refugees and IDPs to their original communities in Southern Sudan as a priority in the post war period, and also as a sign of continuous efforts to reduce the prevalence of poverty. The UN executes this plan along side with the capacity building of the public administration and the civil society organizations for the delivery of the basic services and provision of good governance in Southern Sudan in accordance with the rule of law.<sup>464</sup>

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<sup>463</sup> Dr. Wani Tombe, “factors of Instability in Southern Sudan,” April 24, 2008 in <http://www.southsudan.net/>

<sup>464</sup> SPLM Economic Commission, Op.cit., pp.10, 44, 49.



This table shows some of the UN projects for poverty reduction in Southern Sudan.

**Table 5: Summary of 2005 UN-Partners Projects in Southern Sudan**

<b>SECTOR</b>	<b>TOTAL (US\$)</b>	<b>PROJECTS</b>
Education and Training	23,418,042	6
Food Aid	340,285,714	2
Food Security and Livelihoods	41,557,077	12
Nutrition	5,859,000	4
Health	43,608,534	31
Multi-sector Support for Return and Reintegration	22,809,872	5
Protection	12,829,060	7
Rule of Law and Governance	11,072,240	12
Shelter and Non-food Items	8,411,510	2
Water and Environmental Sanitation	25,742,243	12
Coordination and Common Services	21,497,222	9
<b>TOTAL</b>	<b>557,090,514</b>	<b>102</b>

**SOURCE: UN HEADQUARTERS IN KHARTOUM, SUDAN**

From the statistics presented in this table, it is clear that the UN spent more fund on food aids more than any thing else in Southern Sudan. The UN treats food insecurity as an emergency resolvable by distributing free food to the poor citizens. But the UN is reserved to provide facilities and professional services for agricultural production in Southern Sudan. This is, perhaps, because the UN staffs look at these as a risk to their job security in the emergency food aid management.

#### **7.2.4 The World Bank and Poverty Reduction in Southern Sudan**

In February 2007, the World Bank launched a project of US\$ 20.28 Million for development of private sector in Southern Sudan in coordination with the relevant institutions of the GoSS (Ministry of Commerce, Trade and Supply, and Ministry of Industry and Mining, Bank of Southern Sudan, etc). The fund for this project is drawn from the Multi-Donor Trust Fund (MDTF), which is managed by the World Bank on behalf of Southern Sudan, and also from grants given by the GoSS. The project is aimed

at promoting micro-finance credit for Small-scale Entrepreneurs, Wholesale Markets in big towns of Southern Sudan, and capacity building of some people of Southern Sudan for industrial activities. This project indicates that the construction and management of a Wholesale Market Centre in Juba would cost US\$ 7,086,000, Industrial Capacity Building of would cost US\$ 4,100,000, Micro-finance Loans would cost US\$ 4,550,000, and Policy Component and Project Managements would cost the reminder from the total amount of the project. However, nothing of significance has been achieved practically.<sup>465</sup>

The aim of the World Bank in Southern Sudan is to accelerate the privatization and liberalization of the economy of this region for the promotion of globalized investment and westernized banking system. This Bank likes to operate in the war ruined but potentially rich places with lax financial systems, poverty prevalence and weak governments. The Bank is professional in trapping governments of the poor post-war countries with stringent loans and grants that act as neutralizers for the strong local cultures and governance structures that prevent the giant investors of Western World from exploiting and alienating the local valuable resources. Thus, this Bank may be striving to empower the local private sector in order to weaken the GoSS.<sup>466</sup>

### **7.2.5 Individual Concerns on Poverty Reduction in Southern Sudan**

Ajawin and de Waal contended that overcoming poverty in Southern Sudan is an essential component of achieving human rights, democracy, peace, and gender equality in this region. They recommended that the transitional government of the peace era should put in place serious measures that ensure economic justice for all the citizens so that the gap between the peripheries and centres get reduced.<sup>467</sup>

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<sup>465</sup> The World Bank ("Proposed Multi Donor Trust Fund (MDTF) Grant..."), Op.cit. pp.1 – 10, 37 – 48.

<sup>466</sup> Klugman, Op.cit., pp.5 – 11.

<sup>467</sup> Ajawin and de Waal., Op.cit., p.77 – 89.

According to these two civil society activists, the new government programmes in peacetime should eliminate unproductive expenditures, improve education, health and other social services, construct and rehabilitate basic infrastructure, reform judiciary, fight corruption, strengthen public institutions, reform civil service, and enhance the role of women in the development process. They argued that poverty must be tackled at every level: from the macro-economic challenge of negotiating and easing of the debt burdens to the microeconomic level that benefits the poor, especially the women.<sup>468</sup>

But though Ajawin and de Waal's recommended solutions to the problem of poverty in Southern Sudan based on pursuit for justice, yet these are to be executed by the civil society alone in opposition to the government. And this approach is a recipe for conflicts between the government and the civil society. Such conflicts can hinder and discourage the government from efforts of reducing poverty effectively.

In his PhD thesis on "Role of the Sudan Government in Fighting Poverty through Social Insurance Programme," Khalid Mohammed Yiss found out that the available social insurance institutions failed to address the problem of poverty in the Sudan because they lack inclusive pro-poor policies that can enhance human, social, and material capitals in a comprehensive manner. For example, out of 25 million Sudanese counted in the 1993 population census, only 7.4% benefited from this fund. This limitation had denied so many needy Sudanese an opportunity to benefit from Social Insurance Fund, leave alone the financial mismanagement by the directors of this fund.<sup>469</sup>

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<sup>468</sup> *Ibid.* Also according to Fritz Stenger, sound government policies and robust institutions are necessary for enabling Africa to respond to better economic performance. For him, investment must first be of the people and then through them to the infrastructure and other economic facilities. People must be involved in resolving public issues and serious challenges like poverty, and governments should be sensitive to the issues of justice in whatever they do so that poverty can be prevented from recurring. See Fritz Stenger (*Africa is Not a Dark Continent*), *Op.cit.*, pp.9 – 10, 139.

<sup>469</sup> Khalid Mohammed Yiss, *Social Insurance in Sudan: Embodying the Role of the Government in Fighting Poverty (1995 – 1985)*, (Khartoum: Graduate College of the University of Khartoum, 1999), p.292

Based on these findings, Yiss recommended these solutions to poverty in the Sudan:

- 1) establishment of a National Social Security Fund under a new independent Ministry of Social Insurance with proper checks and balances in the management system; and
- 2) Including the non-government employees in the new insurance package so that they can get the opportunity to cater for the basic needs of their families.<sup>470</sup>

According to Yiss, the proposed pro-poor insurance institution shall generate its funding from diverse sources without any reservation. It shall be administered at the head by Director General under whom general and specialized departments shall operate. This insurance institution will help in resolving the problem of poverty in the Sudan by catering for monetary benefits (e.g., grants, compensations, and assistance), and also for itemized benefits (e.g., social welfare and health care). Yiss emphasizes that what the poor Sudanese need most is not mere charity but facilitation of their efforts for self-reliance and cooperation in the sustainable economic activities.<sup>471</sup>

Some of the recommendations of Yiss in his PhD thesis have been implemented in the Sudan but did not resolve the problem of poverty. This is because his approach was based on charity mostly to the poor and the marginalized people through Public Social Insurance Fund and Islamic alms-giving (*Zakat*). He did not base it on the right of every Sudanese to Justice as Fairness. The National Social Security Fund and other insurance bodies, which were established in accordance with Yiss' recommendations, have turn out to be self-enriching institutions for their managers.<sup>472</sup>

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<sup>470</sup> *Ibid.*

<sup>471</sup> *Ibid.*, pp.306 – 325.

<sup>472</sup> Kamal Ali Medani. *Evaluation of the Performance of Social Insurance Institutions and their Role in Addressing Poverty* (Beirut: Dar el Fhikr, 2005), pp.47 – 59, 75 – 88.

Bennet L. Obyo concluded from his academic research on development in Southern Sudan that poverty is widespread in this region (despite the availability of valuable resources) because of mismanagement of public good and administrative malpractices; lack of commitment to justice in the distribution of budgets for developmental projects and public services in Southern Sudan (e.g., health, education, potable water, electric power and infrastructure); and lack of scientific research and effective skills for realization of such public projects. Based on these findings, this researcher recommended that the problem of poverty could get resolved in Southern Sudan by insuring the income of its citizens (e.g., improving their wages and enabling them to have access to financial credits or loans); increasing public expenditures on social services (e.g., infrastructure, education and health), involvement of the local people in the development process and building their different capacities for this purpose; and encouragement of investment and export of local products through international partnerships with local initiatives.<sup>473</sup>

According to Atem Yak, poverty can get reduced in Southern Sudan if the oil is made the engine of agricultural production and a facilitator for purchasing the needed goods and services for the people of this region. Government leaders and their business colleagues should make the first step of moving to villages before they tell the youth who are not in school to leave towns and go to do productive labour at rural areas. New methods in agriculture (e.g. farming, cattle management, and fishing), technical or professional assistance to the locals, and upgraded transport system should be put in place with the help from petroleum income. Strict security and safety measures for human lives, properties and environment should also be put in place. Also the government should

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<sup>473</sup> Bennet Lohuro Obya, *The Impact of Some Economic, Social and Development Strategies in the Southern Sudan*. M.A. Thesis (Khartoum: Centre for Peace and Development of the University of Juba, 2006), pp.51 – 80.

safeguard mobility of people and goods intra-states and inter-state. If this is done, then the people of Southern Sudan would be able to feed themselves self-reliantly and cooperatively without any need for relief agencies in normal cases except in extraordinary natural catastrophes.<sup>474</sup>

### 7.3 CORE FACTORS THAT KEEP POVERTY IN SOUTHERN SUDAN

Despite the institutional and individual attempts and declarations for poverty eradication in Southern Sudan, nothing substantial has been achieved to reduce the prevalence of this phenomenon. Many people of Southern Sudan are still living under vulnerable situations without better signs of development progress. This is confirmed in 2007 experts' reports on the MDGs in Sub-Sahara Africa (where Southern Sudan is a part):

At the midway point between their adoption in 2000 and the 2015 target date for achieving the Millennium Development Goals, Sub-Saharan Africa is not on track to achieve any of the Goals. Although there have been major gains in several areas and the Goals remain achievable in most African nations, even the best governed countries on the continent have not been able to make sufficient progress in reducing extreme poverty in its many forms.<sup>475</sup>

The reasons for this failure are many and intertwined, ranging from the government, the people, the NGOs, the business companies, and regional and international conflicting interests in Southern Sudan. This failure is an indication that there is something missing in the attempted efforts to reduce poverty. I found the missing link to be lack of Justice as Fairness in the public policies and some employees' attitudes in Southern Sudan.

For example, many of the leaders and employees of the GoSS have not shown aggressiveness in fulfilling the planned targets against poverty and for sustainable

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<sup>474</sup> Atem Yaak Atem, "Southern Sudanese living in poverty amidst plenty" in [http://www.gurtong.org/ResourceCentre/editorscorner/edart\\_details.asp?editorsitem\\_id=927](http://www.gurtong.org/ResourceCentre/editorscorner/edart_details.asp?editorsitem_id=927)

<sup>475</sup> The UN Department of Public Information, *Africa and the Millennium Development Goals* (Report, DPI/2458 — June 2007), p.1.

development in Southern Sudan. As a result many ministries have been inefficient and even dormant in the expected services delivery. Makuek Aduoljohk has observed this weakness in his statement that "it's a common phenomenon that GoSS institutional structures are not strengthened to deal with the badly needed basic social services in all its aspects at all levels."<sup>476</sup>

Also poverty continues to persist in Southern Sudan, partly because of corruption in government institutions. For instance, Charles Poineson wrote:

The \$34 millions allocated for transportation of IDPs support to bring home 1million Southern Sudanese from their Prisons camps in Khartoum to their own free land in South Sudan. Why the SSRRC choose to transport only 32 thousand yet the money was accounted for one million. There is something wrong with our President of South Sudan he vowed to fight corruption with zero tolerance but he himself is too corrupt and selfish because he did not share the millions of dollars that have disappeared under his Presidency and rule. The \$60 millions scandal revealed by President Beshir in 2006 is not accounted for, Arthur Akuen car dealership remained on the tribal table in Juba, corruption in military wing still not investigated and the innocent victims are undergoing daily psychological torture and their freedom is curtailed.<sup>477</sup>

Poineson is putting across a point that though the top leaders of the GoSS claim to fight poverty, yet they are tolerance to corruption on public good and even involved in this vicious practice. The mismatch between their words and deeds has hindered the required progress in the delivery of the needed goods and services in poor areas of Southern Sudan. Also it is commonly known that most of the top decision makers in the GoSS rarely take their time to be with the people and work together with them against poverty. Most of these leaders are outsiders in their hearts and minds though they are physically present in Southern Sudan. They are much concerned with their private

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<sup>476</sup> Makuek W. Aduoljohk. "Mammoth Corruption among NGOs, Development Agencies in South Sudan." September 15, 2007 in <http://www.southsudannation.com/mamoth%20corrupt%20among%ngos3.htm>

<sup>477</sup> Charles Poineson "BETRAYAL THROUGH CORRUPTION BY PRESIDENT OF GOVERNMENT OF SOUTH SUDAN HIS EXCELLENCY SALVA KIIR MAYARDIT YES TO CENSUS." April 22, 2008 in <http://www.southsudan.net/>. South Sudan Relief and Rehabilitation Commission (SSRRC) is one of the institution of the GoSS that deals with humanitarian affairs and repatriation of the IDPs and Refugees. The English language of this author is inappropriate but his argument and message is clear.

interests outside Southern Sudan. That is why they keep travelling abroad frequently to pursue their individual affairs on public expenses.<sup>478</sup>

Employment criteria in many GoSS institutions are flawed because of favouritism, nepotism and tribalism. Some GoSS officials have been given responsibilities which are beyond their professional capabilities and competencies. For example, According to Koang Tut, "getting a job/scholarship opportunity in Sudan is all about who you know and not what you know... mismanagement and lack of fairness in the area remain the looming disaster for people..."<sup>479</sup> Also according Sudan Whistle Blowers:

Sudan being a unique Country as its leadership; it's directed by "a shadow advisor", and infamous, uneducated, incompetence who goes by the name of Martin Majut Yak. Mr. Majut should not be blamed for this incompetence, the man to blame is whoever appointed him for that job, while knowing he is quite inexperience working for the government, leave alone the presidency ... The people of Sudan can't afford to have a single person working in the presidential circle if he's/she's a tribalist, otherwise, we would have fought an empty cause.<sup>480</sup>

The above-mentioned employment anomaly has crippled the expected performance by the officials of the GoSS. This saga suggests that the value of employment (which is regarded as the second nature of human person in the modern world) is not respected by some of the decision-makers in Southern Sudan. That could be the reason GoSS is not worried to pay meagre salaries to its workers at lower positions. This unfair remuneration keeps many local workers poor and without strong purchasing power.

The other core factor of poverty persistence in Southern Sudan is that most of the officials of the GoSS do not understand keenly the operations of the World Bank, the

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<sup>478</sup> Jwothab W. Othow, "THE YOKE OF CORRUPTION IN SOUTH SUDAN." March 18, 2008. <http://www.southsudannation.com/the%20yoke%20of%20corrupt%20in%20ssudan%20jwotha3.htm>

<sup>479</sup> Koang Tut Jing, "Besides tribalism political favouritism a grave concern in New Sudan," 30<sup>th</sup> March 2008 in <http://www.southsudan.net>

<sup>480</sup> Sudan Whistle Blowers, "Kiir's Brains: Who Really Does The Thinking for South Sudan's President?" April 23, 2008 in <http://www.southsudannation.com/kiir%20brains%20of%20who%20in%20thinks.htm>



Non-profit organizations that are present in Southern Sudan in assistance and development partnership. Some of employees divert the funds of the planned projects to their private use and if getting expelled or shame-listed by the government. In some case non-governmental institutions give bribes to some decision-makers that they can cover their insincerity. That is why most of donors' are well-off employees in Southern Sudan.<sup>481</sup>

International consultants hired to work in Southern Sudan subtract much that are allocated for helping the poor people in this region. They are hired here because these consultants are paid highly but deliver little from the complex paper work on their desks and mini libraries as said:

They are paid salaries that range from US\$15,000 to US\$ 25,000 as net without countless benefits, holiday and R & R [Rest & Recreation] leaves them to Nairobi, Kampala and other places and accommodation in Juba that exceeds world common imagination of tent renting. What development then?<sup>482</sup>

They cooperate with profit-making companies and business persons who dominate the private sector of Southern Sudan. The prices in the market have reduced the affordability of the ordinary citizens. Some business companies are controlled by some officials of the GoSS to cheat in the financial receipts given to them. As a consequence, these companies get paid more than they do for the GoSS. They take a lot of money and share it with their

World Bank and NGOs in Southern Sudan: Keeping Poverty For the Expatriates' [www.wb.org/ngos/in%20southern%20jamesokuk3.htm](http://www.wb.org/ngos/in%20southern%20jamesokuk3.htm) in April, 2008

collaborators in the government instead of doing what they were contracted for. This cheating attitude has never helped the situation of poverty in Southern Sudan.<sup>483</sup>

Morfid criticizes the privatized market economy for its failure to address the problem of poverty in less developed places (like Southern Sudan). Blind adoption of this kind of economy without proper checks and balances against its impact on the poor people is devastating to the local communities. He said:

Economics, commerce, and trade, without a true understanding of the aspirations of the people it is affecting, cannot bring justice to all...Millennium Development Goals, Commission for Africa recommendations, and more will only be achieved when unselfish love and the pursuit of justice guides the motivations; nothing more, nothing less... Justice is the heart of all creation. It is the profound feeling of oneness with all other beings in the universe. Today, it finds its most vital expression in social and economic fairness, concern for others, and the vigorous defence of human rights.<sup>484</sup>

According to Morfid, a just economy should adhere to the following core values:

- 1) It should be the servant of the people as an act of stewardship;
- 2) It should be for the sake of being before having;
- 3) It ought to be needs-based prior to any want;
- 4) It must be productive without surplus waste;
- 5) It must encourage self-reliance within societal participation;
- 6) It must be fair in distribution and sharing; and
- 7) It must be ecologically friendly and preservative.<sup>485</sup>

These values are in line with the Social Teaching of the Roman Catholic Church:

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<sup>483</sup> *Ibid.*

<sup>484</sup> Quoted from Foreword by Kamran Morfid in a Pamphlet published by CUEA Centre for Social Justice and Ethics, *A Reflection on Africa and Globalization for the Common Good: Selected Essays of the Fourth Annual International Conference on Globalization for the Common Good* (Kericho, Kenya, 21 – 24 April 2005), p.6.

<sup>485</sup> *Ibid.*, pp.6 – 10

- 1) Life and dignity of any human person must never be compromised in any circumstance for any reason;
- 2) The individual, the family and community must always be protected;
- 3) Rights, duties and responsibilities should not be separable;
- 4) The option for the poor and vulnerable should be given a priority by the well off members of human society;
- 5) The value of work and good conditions of the workers should be linked;
- 6) There should be solidarity and subsidiarity from the stronger to the weaker members of the society; and
- 7) Proper care must be taken for God's creation.<sup>486</sup>

For Morfid, Africa has remained poor and underdeveloped because of the injustice brought to it by the privatized market economy of the colonialists. According to him, the causes of poverty that have been diagnosed so far in Africa are superficial and could be categorized and analyzed as follows:

- 1) In 1960s the problem was said to be lack of capital and infrastructural investment; it was provided but nothing changed.
- 2) In 1970s it was said to be export and hard currency; this was granted but yet the situation remained the same.
- 3) In 1980s the "Structural Adjustment Programmes" was the prescription for the problem of over taxation, trade barriers, and overweight government); but this did not solved the problem either.
- 4) In 1990s privatization and good governance were the buzzwords against government economic holdings and corruption; but this did not even resolve the pending problem.

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<sup>486</sup> Pontifical Council For Justice and Peace, *Compendium of the Social Doctrine of the Church* (Nairobi: Paulines, 2004), pp.xviii – xix, 3 – 11.

- 5) In 2000s the focus was geared to poverty reduction and conflict resolutions for achieving the MDGs; but still the problem remains.<sup>487</sup>

According to Karl Polanyi, the unchecked privatized economy with its self-adjusting market and *modus operandi* can never be pro-weak because here the commodity decides where to be offered for sale, at what price, in what manner, and to what purpose it should be used. This kind of market system "could not exist for any length of time without annihilating the human and natural substance of society."<sup>488</sup>

With the failure of all the above mentioned attempts of socio-economic liberalism, it is clear that 'Justice as Fairness' has been the missing link in addressing the problem of poverty in Africa (Southern Sudan included). This link has been ignored or avoided by the experts and academicians in the area of development studies and political economy.

The World Bank, the World Trade Organization (WTO) and International Monetary Fund (IMF) tend to avoid justice and fairness because they see it as an obstacle to their aim of accumulating financial profits and gaining economic power and control in the entire World. Instead, they prefer to talk about charity and humanitarian aid. These institutions are loyal only to their purpose and stakeholders rather than to the poor people.<sup>489</sup> Even when they go to poor countries and places like Southern Sudan, it is only for their selfish-interests. They may be called "lords of poverty" in poor countries but masters of prosperity in rich countries. In this regard, the World Bank can be said to be managing

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<sup>487</sup> See Morfid, Op.cit., p.5.

<sup>488</sup> Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon Press, 1957), pp.3, 176.

<sup>489</sup> See B. Hoekman, and M. Kostecki, *The Political Economy of the World Trading System* (Oxford: Oxford University Press, 2001). N.L.McColloch, A. Winters and Xavier Cirera, *Handbook on Trade Liberalization and Poverty* (London: CEPR, 2001).

the MTFD for Southern Sudan for its institutional interests and not really for inclusive development of the people of Southern Sudan.<sup>490</sup>

But the provision for the basic needs without consideration for their quality cannot solve the problem of poverty either; it can create other complexities. Also humanitarian and charitable assistance alone cannot resolve poverty if the injustices that are inherent in the basic social, political and economical systems are left unaddressed, especially when these injustices negate the rights of the poor people for accessing primary goods on equal basis with the privileged ones. Further, an appropriate intervention for sustainable human development should be “micro-analytic,” “comparative,” and capable of testing the relative merits of “competing paradigms.” That is, it has to use historical records and valuable information creatively and honestly for this purpose.<sup>491</sup>

## 7.4 CONCLUSION

From my field research, I reached a conclusion that Poverty is prevalence and persistence in Southern Sudan despite the declarations and efforts that have been exerted to mitigate it and also despite the abundance of valuable resources, because of lack or weakness of foundation of “Justice as Fairness” in public policies and action plans. This missing or weak link is the main reason for failure of the GoSS and other non-governmental institutions to address and reduce poverty in Southern Sudan. Also many employees are not well conscientised about the value of Justice and Fairness in the different institutions of the GoSS and in the private sector. Thus, poverty may not get reduced in Southern Sudan if this missing or weak link is not fixed properly in the policies and action plans of the GoSS and its employees’ attitudes.

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<sup>490</sup> See Okuk, Op.cit.

<sup>491</sup> Mitchell A. Seligson. “Inequality in a Global Perspective: Directions for Further Research” in *Development and Underdevelopment...*, Op.cit., pp.467, 471 – 472 .

# CHAPTER EIGHT

## CONCLUSIONS AND RECOMMENDATIONS

### 8.1 SUMMARY AND CONCLUSIONS

The author designed all the chapters of this thesis to fit into the three themes that comprise the title "*Rawlsian Justice and Poverty Reduction in Southern Sudan.*" The first five chapters laid the theoretical foundation as they discussed Rawlsian Justice in details. The last three chapters (including this chapter) applied this theory to the practical situation of poverty in Southern Sudan.

*The main conclusion is that a comprehensive framework of Rawlsian Justice is the missing or the weak link in the socio-economic and political policies and actions of the Government of Southern Sudan in terms of poverty reduction.* The author drew this conclusion from his evaluation of public policies and action plans of the GoSS and outlooks of its employees, actions of the World Bank and the UN in Southern Sudan, and reviewed relevant literature in reference to the issue of pursuit of peace, humanitarianism, justice and development in Southern Sudan.

This conclusion leads (logically) to the prove of the overall normative hypothesis of this dissertation: *Firm philosophical foundation of Rawlsian Justice is the missing link in the intentions of the Government of Southern Sudan for Poverty Reduction. The overall hypothesis is correlated to these sub-hypotheses:* Injustice in the distribution of the basic goods and services has led to prevalence of poverty in Southern Sudan; the prevalence of poverty has contributed to the spiking of conflicts and wars in Southern

Sudan with the resultant insecurities, instabilities and displacement of many communities and individuals from their acquainted livelihoods; and the recurrent of conflicts and insecurities in Southern Sudan has hindered the progress in the exerted efforts for poverty reduction and sustainable human development in this region.

The normative prescription is based on what the author calls respect for the 'Rule of Ethics' in accordance with the Two Basic Principles of Morals: *the Principle of Violating the Moral Negative and the Principle of Promoting the Moral Positive*. These principles are in consonance with Rawlsian approach to justice. They aim at fulfilment of the multi-dimensional human needs for an inclusive holistic development and prosperity of societies with peace and solidarity. For example, Rawls' arguments for "Conscientious Refusal" as a non-violence technique of "Civil Disobedience" fit the "Principle of Violating the Moral Negative." Also his idea of equal distribution and enjoyment of the "Primary Goods" for addressing abject poverty and other disadvantages in human societies fulfils the "Principle of Promoting the Moral Positive."

The priority of the Rule of Ethics comes from the fact that the "Rule of Law" can never get immune from immorality if the law is unjust in the first place or partially applied with ideological and institutional biases. But on the other hand, the Rule of Ethics is always a guarantee for moral righteousness and equity because it stems from the moral duty not to harm any human person or use him as an object or a means for achieving extrinsic ends. According to Rawls, individuals or peoples who respect the Rule of Ethics will always do justice and promote human dignity and decency at any time and in any space as a moral duty rather than humanitarian charity.<sup>492</sup>

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<sup>492</sup> Rawls (A *Theory of Justice*), Op.cit., pp. 363 – 382.

Rawls critiqued the good-based philosophies, especially Utilitarianism because **they prioritized happiness/pleasure to be the foundation of justice regardless of fairness of the means used to achieve the good ends. These philosophies justified social evils like conquests, slavery, colonialism and imperialism in the world.** According to Rawls, these evils could have been avoided if “Justice as Fairness” was laid down as the foundation of public policies and actions in the plural human societies.

On the other hand, Rawls supported the right-based philosophies with the synthesis of the strong elements of the Classical Contractarianism: Enlightenment, Reformation, Liberalism, Democracy, Pluralism and Free Market Economy. He grounded his theory of justice on Kantian Deontological Constructivism, which exalted the dignity of human persons through universality of treatment, impartiality of judgement, rationality of the purposeful intellect, autonomy of the good will, right motives for the maxims of praxis, and peace with the natural surroundings. **Rawls was convinced that the right-based philosophies could guarantee fairness, peace, development and prosperity in all human societies because they honour reasonable public consensus and encourage human cooperation for upholding the primacy of “Justice as Fairness” in the diversified life prospects.**

With his critique of good-based philosophies and his support of right-based ones for the development of his Liberal Egalitarian philosophy, Rawls' main intention was to bridge the normative with empirical, the general with the specific, the abstract with the concrete, the theoretical with practical, the ideal with the real, and the potential with the actual. Also Rawls aimed at reconciling Libertarianism with Egalitarianism, Liberalism with Conservatism, Pluralism with Hierarchicalism, and Substantivism with Proceduralism. He employed the method of Reflective Equilibrium for achieving this purpose. **By this synthesis, Rawls wanted to achieve a reasonable public consensus on Justice,**



***Peace and Development in the world based on maximum equal distribution of primary goods on a realistic utopian level.***

However, Rawlsian Justice was criticized by both leftists and rightists for its context, content, methodology and logic. ***But despite these criticisms, his philosophy maintained its strength because it based itself on these moral assumptions: inviolability and equality of primary goods, rationality directing emotionality, logical flexibility and adoptability based on reflective equilibrium for truth-seeking, comprehensibility of fruitful and fair-minded ideas, universal application of principles of equity with justifiable individual exceptions, harmonious conflict resolution for peaceful co-existence of peoples, complementarity and supplementarity of the plural interests, and institutionalization of moral decency in all human societies.***

Another strong element of Rawlsian philosophy was his idea of "Avoidance Method" to bracket the unnecessary doctrinal contentions. Also he employed the "Apparatus of the Original Position" with its "Veil of Ignorance" as a kind of "Realistic Utopia." He regarded the ***fairness of the circumstance of justice, under which the rational, free, equal, amicable and cooperative persons achieved a social contract, as a sine qua non for enacting the right principles for regulating the basic structure of diverse societies and peoples with dignity, decency, humanitarianism, tranquillity and common prosperity.*** According to him, "fairness of justice" should be rooted in the reciprocity and fraternity of human families; and never on hegemonic selfish competition of a clique of individuals who care less about promoting the goodness of humanity.

The author of this thesis found Rawlsian Justice as a relevant theoretical framework for poverty reduction in Southern Sudan. This is because Rawls sees the role of political philosophy as fulfilling at least the following crucial functions of a dignified society:

- 1) *It can discover bases for reasoned agreement in a society where sharp divisions lead to conflict;*
- 2) *It can help the citizens to orient themselves decently within their own socio-political structure and status;*
- 3) *It can set the limits of practical political possibility and initiate workable political arrangements for peoples within reasonableness of realistic utopia; and*
- 4) *It can lead to resolution of frustrations that comes from the conception of human beings and their societies as cruel and corrupt due to the histories and experiences of unjust wars, socio-political oppressions, religious persecution, starvation and poverty, and genocide or mass murder.<sup>493</sup>*

According to Rawls, the 'Welfare State', the 'Laissez-faire State', and the 'Socialist State' cannot resolve the problem of poverty and underdevelopment in the least advantaged human societies because of the inherent weaknesses of these systems. For him, it is the 'Fairness State' that can resolve the problem of poverty because this system operates on principles of "Property Owning Democracy" and "Democratic Socialism," which are integrated in his new philosophy; the Liberal Egalitarianism.<sup>494</sup>

To apply Rawlsian Justice to the situation of poverty in Southern Sudan, the thesis drew lessons from the background of conflicts in this region, especially from the context that the Comprehensive Peace Agreement signed in Nairobi on 9<sup>th</sup> January 2005 has halted

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<sup>493</sup> <http://plato.stanford.edu/entries/rawls/#FouRolPol>

<sup>494</sup> Rawls (*Justice as Fairness: A Restatement*), Op.cit., pp.3, 134 – 140. Also see Rawls (*The Law of Peoples*), Op.cit., pp. 6 – 7.

the decades of devastating civil war in Southern Sudan. This war wrecked the little infrastructure, services and other developmental opportunities that were available. For example, the war blocked many transport routes, destroyed communication facilities, and disabled the amicable connectivity amongst the people of Southern Sudan. Not only this, but also the war broke the social fabrics of families, communities and ethnicities due to subsequent destruction of their properties and livelihoods. Worst still, this war incapacitated the public institutions and private sector, **and perhaps made them insensitive to the need of ethics in public management and business.**

In addition, the regional and international NGOs, the bilateral Aid Agencies, and Development Partners who claimed to be working for the recovery and acceleration of development process did not do much (as expected) in dealing with the deteriorating situation of the local people of Southern Sudan. As a result, poverty became prevalent and continued to persist even after peace has been restored, and oil and other valuable resources and revenues utilized professionally in this region. **So far most of the inhabitants have not got the peace-dividends as they expected it with high hopes during the time of war.** Though the war has been resolved, the people of Southern Sudan still live under threats of different insecurities, especially poverty.

It is a fact that development and peace processes are always intertwined and mutually dependent on each other. That is, **development without peace is unsustainable and peace without development is fragile if not grounded on commitment to equity.** The equilibrium of these fundamental tripartite factors of human decency is a *sine qua non* for any success in poverty reduction and preservation of human dignity in any corner of the world, especially the war-ruin areas like Southern Sudan.

The CPA provided a written framework for ensuring the realization of peace, justice and development in Southern Sudan. These factors have been reflected in its protocols of Wealth Sharing, Power Sharing, and Security Arrangements as a respond to the needs of the people, especially the least privileges ones. However, much of these factors remain unimplemented due to lack of sense of justice from the government leaders.<sup>495</sup>

Having laid the theoretical foundation for the thesis, the author went ahead to describe and analyze the phenomenon of poverty and the challenges of its prevalence in Southern Sudan. He agrees with the conclusions of some professionals and academicians that Poverty is a multi-dimensional phenomenon with multiple definitions and measurements according to its causes and effects, degrees and locations, and ideological categorisation. Thus, poverty requires a multi-dimensional solution.

With these conclusions in mind, the author came up with a general definition that ***Poverty is the lack of human development and choices for the basic goods and services due to injustice in the distribution and acquisition of the needed resources for advancing and dignifying the living standards of societies and their individual members with better achievements. This definition is comparable to riches, wealth and luxury; the opposites of poverty.*** Also he links this definition with the dangerous germination of the 'culture of poverty' in the process of the unfair urbanization and selfish globalization. The author contends that though poverty is exacerbated by both natural and human factors, it is the human injustice that plays the greater role in keeping some people perpetually poor while others live extravagantly under the same socio-political and economic circumstances.

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<sup>495</sup> Sec. The Staff of the IMF, World Bank and UN, *Third Sudan Consortium: Joint Staff Assessment Report* (Oslo-Norway, May 6 – 7, 2008), pp.3 – 7.

The reports from the UN, the World Bank, NGOs, government institutions and individual views (including the direct experience of the author) in addition to the fact of decades of civil war, prove that poverty is widespread in Southern Sudan. ***Despite the advantage of this region in having valuable natural resources (e.g. moderate climate, arable land, sweet water, oil and other valuable minerals), poverty has continued to strike many people in rural areas and urban slums of Southern Sudan.***

All the available reports on the case of poverty in Southern Sudan conclude that there has not been a commendable development process in this region so far due to insecurities of violent conflicts and other unfavourable factors. Notwithstanding, these reports propose ideologically and institutionally biased solutions that rarely consider the importance of the foundation of 'Justice as Fairness' for poverty reduction. ***The author identified this omission or short sight as the crux of the failure of many efforts that have been exerted to mitigate the problem of poverty in Southern Sudan.***

This conclusion is supported by South African Peace Nobel Laureate, Nelson Mandela who said that "Overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of a fundamental human right, the right to dignity and decent life. While poverty persists, there is no true freedom."<sup>496</sup> It is also supported by Maviiri and Shimiyu who recommend Rawlsian Justice as the right philosophy for "the will to do" in eradicating poverty, disease, ignorance, and other devastating challenges from the least advantaged places in Africa.<sup>497</sup>

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<sup>496</sup> Quoted in Foreword by Kamran Morfid in a Pamphlet published by CUEA Centre for Social Justice and Ethics. *A Reflection on Africa and Globalization for the Common Good: Selected Essays of the Fourth Annual International Conference on Globalization for the Common Good* (Kericho, Kenya, 21 – 24 April 2005), p.4.

<sup>497</sup> John C. Maviiri and Paul M. Shimiyu, "Africa and Globalization: Contribution to the Common Good" in a Pamphlet published by CUEA Centre for Social Justice and Ethics. Op.cit., pp.22 – 24.

But whatsoever the case, the author of this thesis is convinced that the main agents who can have greater influence for poverty reduction are the government and the people of Southern Sudan themselves. ***Foreign institutions and expatriates cannot liberate Southern Sudan from the bondages of poverty because they may not be fully committed to the promotion of the common and equal primary goods for the people of this region, especially the least advantaged ones.*** Despite the presence of foreign humanitarian workers and development partners in Southern Sudan, nothing much has been achieved to reduce poverty. In most cases these foreigners have helped to inculcate the spirit of dependency and loitering within the local citizens and contributed to the propagation of the undesirable culture of poverty in Southern Sudan.

Thus, the factors that keep poverty to persist in Southern Sudan are many and intertwined. In some cases the blame goes to the victims, and in other cases it goes to the victimizers for poverty. ***However, the gist of the problem lies in the absence or scarcity of elements of Justice as Fairness at the foundation of the policies of GoSS and also in the mental setup of many of its employees.*** This has led to widening of the gap between the rich and the poor despite the availability of wealth and resources that could have mitigated or eliminated poverty in Southern Sudan, especially after the end of the decades of the civil war.

From the analysis and evaluation of the situation of poverty in Southern Sudan, the hypothesis of this dissertation becomes relevant and applicable normatively and logically: ***Applying Rawlsian Justice as the foundation of government policies and actions for poverty reduction in Southern Sudan can lead to achievement of equitable human development and sustainable peace in this region.***

However, in the process of this normative application, those who are determined to reduce poverty in Southern Sudan on the basis of Rawlsian Justice should understand that **equity issues are knotty; they are inextricably intertwined with relativity of social and cultural values, stereotypes, prejudices and biases.** For example, some societies view equity as a worthy goal in/of itself because of its moral implications and intimate link with fairness and justice. Others view it as a means to other higher goals like prosperity and happiness. But it has been proven in many instances that policies that promote equity can help (directly and indirectly) to reduce poverty in a sustainable manner. **Thus, the main difficulty in the intentions to reduce poverty in poor regions like Southern Sudan is the avoidance of the burdens of dedicated actions of equity by the policy-makers and executors.** This avoidance takes many forms like apathy, treachery, incompetence, mismanagement and corruption.

According to some development experts, when economic incomes and socio-political privileges are acquired and distributed equitably then only fewer individuals could fall below the poverty line. **For them, equity enhancing policies like pro-poor investment in human capital can (in the long run) boost economic growth, social cohesion and political harmony.** Also they argued that the quest for equity heightened awareness of the discrimination suffered by certain groups because of their gender, age, race, colour, ethnicity, or religion. According to them, these groups should not be denied adequate access to government services as well as receiving fair treatment in the labour markets. Further, they argued that the intra-generational equity must not be ignored in the development process because what happened in the past and what is occurring at the present affect the future prospects of human societies in one way or another.<sup>498</sup>

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<sup>498</sup> IMF Fiscal Affairs Department, "should Equity Be a Goal of Economic Policy" in *Development and Underdevelopment: The Political Economy of Global Inequality*, 3rd ed., Mitchell A. Seligson and John T. Passé-Smith, (eds.). Op.cit., pp.77 – 81.

It is important to note that the notion "**Poverty Reduction**" carries a loophole. **The weakness of this notion is that it encourages poverty to continue but in a lesser extreme manner. It tends to deal mostly with the symptoms of poverty – i.e., limiting the effects of poverty rather than uprooting its causes.** This may imply that poverty has to be kept but with a less severe effects. Because of this loophole, some academicians, researchers and policy-makers prefer to use the notion "**Poverty Eradication.**" However, this later notion could be unrealistic utopia because while efforts are made by some people to eradicate poverty, others may work in the opposite direction to maintain it for different justifications – e.g., religious joy, moral happiness, social domination, cultural prestige, economic interests and power interests.

Due to some of these contradictions, **no country in the whole world has managed to eradicate poverty absolutely.** In other words, the notion 'Poverty Eradication' has not proven the test of time because it is an ideal, which remains at the level of a continuous aim without an end. **However, some countries have managed to reduce the level of intensity of poverty through commitment to equitable distribution of the basic goods and services to all the citizens.** This makes the notion 'Poverty Reduction' more realistic for practicality purposes in any human society. It also makes Rawlsian Justice a relevant philosophy for justifying this move.

## **8.2 THE RECOMMENDED SOLUTIONS**

Based on the analysis of the facts about poverty and quest for the value of Rawlsian Justice in Southern Sudan as previously discussed within the scope of this thesis, it was proven that poverty is the biggest human challenge in Southern Sudan: it hinders development process and endangers sustainability of peace, decency and dignity of the



people. Therefore, to address this challenge, the author hereby recommends that the government and the people of Southern Sudan should tackle the problem of poverty with unwavering commitment and from different angles. The sole aim should be liberation of all the people of this region from the “vicious circle of poverty.” Also the main goal should be empowerment and engagement of energies of the local people for sticking on the “virtuous circle of development process.”<sup>499</sup>

Sustaining the virtuous circle of development process in Southern Sudan should be pursued in a manner that every opportunity – whether public or private – becomes the source of savings and investment in human resources (e.g., talents and skills) and physical capital (e.g., infrastructure and tools) **with the guarantee of the most needed tripartite for human well-being: ‘good health’, ‘quality education’ and ‘dietetic food.’** It should also offer an enabling free and fair political atmosphere for effective participation of the grass-roots in both public and private affairs in Southern Sudan. Further, it should include environmental safety for the local communities so that they could live harmoniously and intimately with the Mother Nature.

**Since Rawlsian Justice is capable of synthesizing and accommodating reasonable diversities of social, political and economic theories of equity, I recommend to the GoSS to apply this kind of justice comprehensively and robustly in its policies, programmes and daily businesses in Southern Sudan.** The continuous assessment and evaluation of the performance of GoSS (at institutional level) and its employees (at individual level) should be done in reference to the commitment to Rawlsian Justice. This application could make the efforts for poverty reduction fruitful (on gradual and sustainable bases) in Southern Sudan, especially in

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<sup>499</sup> Don Reeves, “Poverty in a Global Economy” in *Introducing Global Issues, 3rd ed.*, Michael T. Snarr and D. Neil Snarr, eds. (New Delhi: Lynne Rienner Publishers, 2007), pp.131 – 143 – 145.

the environment of peace agreement that has been achieved in this region since 2005 based on some provisions of the "Principles of Justice as Fairness" and their corollary the "Principles of the Law of Peoples."

Also the people of Southern Sudan should detect Rawlsian Justice in any project of a non-governmental institution who claims to be working for poverty reduction in Southern Sudan. They should also evaluate the visions, manifestos and programmes of the political parties or independent politicians in reference to Rawlsian philosophy before opting to elect them to lead the governmental institutions. In the process of doing this, the people and leaders of Southern Sudan should always remember that visions and programmes that are not justice-oriented (in term of fairness) are as useless as cadres without right visions to pursue for a dignified destiny of a decent people.

In summary, the most important areas for intervention for poverty reduction in Southern Sudan in accordance with Rawlsian Justice should be:

- 1) Investing in the people in order to improve their skilful industriousness and professionalism through academic, vocational and technical training opportunities in a peaceful environment;
- 2) Improving agriculture for food security and enhancing it with non-agriculture products, sustainable water management mechanism and modern industrial processing strategies;
- 3) Improving the quality of health services to an extensive and affordable level, especially for the benefit of the poor people;
- 4) Improving the physical infrastructure and communication systems by using modern technology (including tourism facilities);
- 5) Improving institutional governance through rule of ethical laws for the protection of human dignity and promotion of decentness;

- 6) Improving financial management and transparency and granting micro-credit accessibility for the least advantaged citizens;
- 7) Encouraging job-creating investments and adopting fruitful strategies for intelligible labour and accountability with fair remuneration packages for liberating 'the-working-poor' within the labour-intensity workforce;
- 8) Enhancing the bargaining power of the citizens in the free market competitions based on the optimum utilization of the available local resources with protection from external shocks;
- 9) Encouraging the participation of the poor citizens in the socio-political activities and decision-making forums; and
- 10) Promoting rigorous research on poverty reduction strategies and relating it to the quest of inclusive sustainable development.

This intervention can increase the income and quality of life opportunities for the poor families or households in Southern Sudan. It will enable them to invest more in their human capital (e.g., more education, well-paid jobs, better health care and low mortality rate), which in turn will create a stable environment for inclusive and equitable socio-economic growth, especially for the least privileged members. In this regard, the GoSS should continuously review its policies and strategies of poverty reduction to ensure their relevance with the changing circumstances (locally and globally).

Application of Rawlsian Justice for poverty reduction in the case of Southern Sudan requires that any strategy for development process should focus on how to share and utilize the local resources equitably without marginalization of any community or individuals. It should aim at strengthening inter and intra communities fabrics and harmonizing them for accomplishing a sustainable comprehensive human development.

It should also concretize the transformative agenda of the CPA for the democratic progress, economic stability, and decentralized security in Southern Sudan.

Also Rawlsian Justice requires the GoSS to move beyond the past by adopting a virtuous circle of holistic development where social, economic and political prosperity trickle down from mere ideologies to reasonable realistic utopias with concrete results. This move could yield fruits of long-lasting solutions, especially if the GoSS does it on sincere partnership with international and regional communities who may be interested in helping the people of Southern Sudan overcome the vicious circle of poverty.

Notwithstanding, the GoSS should know that outsiders will not bring ready-made development or peace dividends as it can be done by the locals themselves. This is to say that the people and the GoSS should be committed to building peace, upholding justice and pursuing development programmes self-sufficiently (especially from the internal resources) so that the international NGOs and agencies could play their sincere roles sincerely in contributing to the realization of the MDGs in Southern Sudan.

Both the citizens and leaders of Southern Sudan should demonstrate that they have a viable strategic approach for poverty reduction and equitable development maximization that contribute to the realization of the vision that was set in the CPA. The GoSS needs to create responsive and effective development intervention strategies that are pro-poor and fair to the wealthy within the umpire of justice and in honour to the implementation of the CPA. It should build this quest on the current trend that calls for equal sharing of resources, increase of the pro-poor public spending, and fair sharing of socio-economic dividends that can help the least advantaged people to get relived from abject poverty in Southern Sudan. The GoSS should device ways for generating additional resources as well as improving effectiveness of its public expenditures by avoiding corruption and incompetence in managing the affairs of the people of Southern Sudan.

I recommend to the GoSS to take a sincere advantage of the oil wealth – which is by nature transitory – in order to build a broader base of the pro-poor development (but without prejudice to the rightful riches). The GoSS should engage the army of Southern Sudan to become productive and self-reliance through income generating activities (especially in agricultural economy) rather than keeping it dependent idly on money from oil revenue. This would require creation of a fair environment for the operation of the private sector where the government ensures the enforcement of the rule of just and fair laws for the protection of dignity and decentness of all the citizens, especially the weaker ones. Also it would require capacity building of the citizens and empowerment of the institutions of the GoSS for the right poverty reduction plans and deliverable development duties. It should underpin commitment, transparency and accountability in the whole value-chain of extracting natural resources and revenues for building and sustaining peace through development for all the people of Southern Sudan.

The GoSS should engage women and youth of Southern Sudan appropriately in the development and peace-building activities that can make poverty a past history in this region. It should also motivate the Civil Society Organizations and the Commercial Private Sector to help in the process of development, poverty eradication and peace-building (both in the rural and urban areas without discrimination). Particular attention should be geared to address effectively women and girls' illiteracy, maternal mortality, productive asset insecurity, livelihood insecurity, socio-economic and political powerlessness, and gender-violence. These non-governmental sectors can help in the integration of the demobilized army personnel and veterans into a civilian life where they can achieve their unmet expectations.

Some parts of Southern Sudan continue to be susceptible to armed conflict due to a variety of reasons: the presence of large numbers of small arms and light weapons in the hands of civilians, the continued existence of other armed groups owing allegiances to Sudan Armed Forces (SAF) and Sudan People's Liberation Army (SPLA), disputes and competition over land and livestock keeping as well as scarce natural resources, inter-and intra-community tensions due to war hangovers, limited capacities of government to ensure a secure environment and deliver justice and basic social services effectively, and break down and weakening of local traditional conflict resolution/management mechanisms.<sup>500</sup> Therefore, the GoSS should employ a proactive – rather than reactionary – security alert and actions around the sensitive and contentious areas of Southern Sudan.

Though some progress have been achieved for the implementation of the wealth-sharing protocol of the CPA – particularly the transfer of oil revenue to Southern Sudan – the GoSS should not bracket the concern about the impact of oil exploration on the population of Southern Sudan in terms of displacement and environmental degradation. The GoSS should speed up the implementation of the CPA in regard to oil business, which requires consultations with the communities in the oil-exploration areas and compensating them in case of displacement or any other related disadvantage. Some oil companies have been dumping hazardous waste into civilian water source areas. Also roads that were constructed in some of the oil installations sites had destroyed farmlands and livelihoods of some local communities.<sup>501</sup> Thus, the GOSS should not delay in appointing a competent technical team to examine oil contracts and assess social and environmental effects on the local communities. In view of the importance of

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<sup>500</sup> The Staff of the IMF, World Bank and UN, *Third Sudan Consortium: Joint Staff Assessment Report*. Op.cit., p.6.

<sup>501</sup> *Ibid.*, p.11.

the oil sector to the economy of Southern Sudan, the GoSS should build capacities of its citizens and institutions in the oil-related business and technicalities.

Notwithstanding, the GoSS should not totally depend on oil revenues or donors pledges for realizing development and sustaining peace in Southern Sudan. Oil is a finite source of revenue whose prices are subject to considerable fluctuations that are driven by conditions on the world market and politics. In depending almost solely on oil, the GoSS will not have a guarantee of long-term fiscal sustainability. For example, the current forecasts in oil business indicates that production from existing wells is expected to rise in the short-term up to 2009 and then decline from 2010 onwards.<sup>502</sup> In reference to this foreseen situation, I recommend to the GoSS to improve non-oil revenue collections through strengthened tax administration, reform of the personal income tax, strict expenditure controls consistent with available cash resources, and reasonable reduction of subsidies and tax exemptions in addition to other non-oil income.

The GoSS can do well in non-oil revenue collection by improving the private business climate that attracts competitive investments in diversified economic activities. Nonetheless, this attraction should be regulated by Rawlsian Justice so that it does not cause harm to the entrepreneur initiatives of the local poor citizens.

Since the MDGs are in consonance with the realization of Rawlsian justice, I recommend to the GoSS to accelerate the progress towards sincere achievement of these goals. It may be necessary for the GoSS to undertake multi-sectoral interventions for the good of the least advantaged citizens. This should include MDGs components like household food security for the least advantaged citizens, promotion of adequate

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<sup>502</sup> The Joint Report of Government of National Unity and Government of Southern Sudan on "Sustaining Peace Through Development (2008 – 2011)" (Oslo-Norway, May 6 – 7, 2008), pp.16 – 17.

practices for child and maternal care, increase in access to integrated and effective health facilities, increase in access to free primary education with quality of teaching and learning environment. The GoSS may make progress towards achievement of the MDGs if it develops sound monitoring systems with specific time-bound matrix and schedules that are coordinated for tracking the progress towards these targets within all the communities of Southern Sudan.

Improving the effectiveness of the GOSS necessitates the adjustment and strengthening of the systems and processes of good governance, rule of law, transparency and accountability. This should include improvement of appropriate constitutional and legal structures, strengthening parliamentary and legislative processes, setting up robust institutional/administrative structures, improving policy making and administrative processes, adopting fast information systems and communication technologies for efficient public services and functions, accelerating reconstruction and building of the priority infrastructure (like highway roads and rails), regulating public expenditure and financial management as planned in the yearly budget, and establishing a fiduciary aid-management systems for bridging the services delivery gaps.

The capacity of the GoSS needs to be augmented to address the institutional challenges of inefficient performance. Improving the human resource policies and restructuring the civil service is crucial here. This necessitates enacting key laws and regulations with clear definition of functions and division of responsibilities. This should include monitoring systems of performance and upgrading of employees. Also there is a need for developing remuneration and grading structures for the career-based system that is proportional to the socio-economic growth of the country. Fair selection and recruitment or training of the civil servants has to go hand in hand with these structural improvements of GoSS institutions.



Also I recommend that the GoSS should strengthen the ongoing efforts to adopt regulations and policies in support of decentralization of services delivery to the counties of the States of Southern Sudan. Effective administrative and fiscal decentralization needs to consider the following:

- 1) Strengthening of the legal framework for decentralized governance with clarity about division of political, administrative and fiscal roles and responsibilities between regional, state and local levels;
- 2) Improving the capacity of state governments and their counties administrations to do strategic planning based on priorities, and then design budgets, raise and manage revenues, and expend fund for delivery of services in a coordinated and efficient manner; and
- 3) Improving monitoring mechanisms to ensure effective and timely implementation of planned programmes, especially in rural villages, in totally war-affected areas, and in deprived semi-urban areas.

Fiscal decentralization process in Southern Sudan requires additional reform and capacity building in public finance management. Improving the efficiency of revenue collection, as well as improving the sharing and devolution of resources to the local level of government are critical to decentralization of services delivery to vulnerable communities. This requires existence of appropriate institutional arrangements at all governance levels to facilitate and coordinate timely, effective and efficient utilization of allocated funds for poverty reduction. This should be executed multi-dimensionally, especially by ensuring employment-link and production security.

The GoSS should constantly remind the World Bank and the UN (who are managing the MDTF) for Southern Sudan) that sourcing fund from donors without implementation is as

useless as designing programmes with no fund to execute them. The GoSS should scrutinize these international institutions so that they avoid stiff bureaucratic measures that delay the expected developmental results in the post-war Southern Sudan.

### **8.3 POVERTY STUDIES TO BE MADE PART OF DEVELOPMENT STUDIES**

Since poverty reduction is a step forward for sustainable development, I recommend that development studies in higher learning and research institutions be conducted in relation to poverty studies. The first aim of development in Southern Sudan should be the reduction of poverty. The other aims should be secondary and pursued when the dignity of the poor people has been restored and their decentness secured.

This restoration may be possible in Southern Sudan if peace-building and development process is founded strongly on the following Pillars of Rawlsian Justice:

- 1) Equal and Responsible Liberty;**
- 2) Fair Opportunity for the Start and Continuity of Dignified Life;**
- 3) Unequal End Results Achieved with Right Means and Enjoyed in Solidarity with the Poor; and**
- 4) Peaceful Co-existent of the multi-purposed human communities.**

Poverty reduction and development studies must not be biased with institutional or ideological limitations. These studies must be conducted comprehensively and inclusively, drawing together the inter-relatedness of social, political, economic and environmental aspects of human living according to their multi-dimensionality. Some of the biases that should be avoided are the financial bias of the World Bank and IMF, the economic bias of the WTO, the humanitarian relief bias of the UN and NGOs, and the cultural (call it ethnic or tribal) bias in the GoSS. Notwithstanding, it should be noticed

that each of these biases has valuable credit when considered in relation to the complementarities of other biases and contributions for poverty resolution.

The coordinated poverty-development studies in the case of Southern Sudan should synthesize these key pillars: Realization of Good Governance, Development of Private Sector, Conservation and Protection of the Environment, and Improvement of the Security and Quality of Life of the Poor. These studies should analyze critically and enhance the GoSS's six top expenditure priorities for 2008 – 2011:<sup>503</sup>

1) **Security and Stability:** This includes efforts to consolidate and modernise the regular armed forces in Southern Sudan so that they become efficient and effective in maintaining law and order. The process involves integration of all the armed groups in Southern Sudan into the SPLA, the Joint Integrated Units or the regular Police, Prisons, Wildlife and Fire Brigade Forces. It also involves disarmament and demobilization of those who are not fit to meet the required integration and standardization. Also these include de-mining of the risky areas and roads, together with support for the physical, psycho-social and economic rehabilitation of the mine victims and survivors. This process is very sensitive and, therefore, it should be backed up with rigorous research before taking actions. This is a priority because creating a secure environment is a prerequisite to achieving many other urgent and necessary priorities.

2) **Roads and Rail Networks and Buildings Infrastructure:** This is the main challenge for Southern Sudan after its engagement in decades of civil war. Now after peace has been restored in this region, it is high time to rehabilitate and upgrade roads and railways to connect all Southern states capitals to one

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<sup>503</sup> *The Joint Report of Government of National Unity and Government of Southern Sudan. Op.cit. pp. 25, 40 – 48.*

another and to areas of production in Northern Sudan and neighbouring countries. This connectivity may facilitate and promote socio-economic and political development in the region. It needs to be enhanced with researches and best modern experiences from the successful advancing countries.

- 3) **Primary Health Care:** this is necessary for improving the health status of the people of Southern Sudan, so that they can meet energetically the challenges of the quest for sustainable development. It should capitalize in areas like reduction of infant and maternal mortality rates. It should also capitalize on increased routine vaccination coverage of the population and securing pharmaceutical services. Further, it should upgrade the level of awareness against HIV/AIDS and other dangerous disease, coupled with constant testing and counselling services. The main challenges GoSS faces in meeting and providing primary health care relate to the lack of availability of adequately-trained health care personnel, limited health equipments and infrastructure, and the high cost of health service delivery. The GoSS needs to exert more efforts to attract and retain the trained staff, while devising new ways for preparing and recruiting personnel. Therefore, it will be necessary to conduct researches that can suggest better solutions for meeting these challenges.
- 4) **Basic Education and Skills Acquisition:** the researchers need to help the GoSS in order for it to ensure equitable access to quality basic education. This process will involve increment in the gross primary enrolment rate (especially for girls and children of the least advantaged citizens), increment in the number of permanent primary school structures and constructions, reduction of the primary pupil-book ratio from 3:1 to 2:1, attainment of pupil-teacher ratio of 50:1, increment of the trained and professional teachers without gender bias, and

encouraging alternative education systems (AES) to cater for people with special needs and those who are over-aged.

- 5) **Water Management:** here it is necessary for the researchers to help the GoSS to increase access to safe water and sanitation. This is a critical area because water is one of the most necessary basic needs for decent human living. It determines as well the progress of construction, maintenance and stability. The local communities of Southern Sudan must be assisted in the issue of water management so that they can avoid the natural disasters (e.g., flood or draught). Plans for establishing systems of water management should draw intensive benefit from the wasted water during the rainy seasons. This will act as reserves to be utilization during the dry seasons.
  
- 6) **Socio-Economic Production:** the researchers need to help the GoSS in this area so that it could progress in improving rural as well as urban livelihoods. Some of the most important aspects here are the reduction of food insecurity – especially in rural households – by technologizing productivity in agriculture, forestry, livestock and fishing areas. The researches should recommend effective prevention and treatment of incidences of animals and plants diseases, as well as protection of communities of Southern Sudan from social evils like farm looting and cattle rustling. The researchers should also help the GoSS in how to ensure sufficient access to micro-finance credit and fast information services by the poor citizens, enhanced with continuous training for relevant leadership and management skills. These local efforts should be standardized and connected to fair markets (locally, nationally, regionally and internationally).

The attainment of the GoSS's objective of improving rural livelihoods and advancing the income-generating activities in Southern Sudan will require complementary interventions in management of the natural ecosystems and resources available in this potentially rich region. This should be coupled with creative ways of bringing communities together in a spirit of partnership, to share the finite resources and encourage a collective responsibility towards management of local services and structures. An examples for this could be establishment of joint management bodies with gender balance, placement of shared resources and services (such as water points, schools and health centres) in common territory where they are freely accessible to the neighbouring communities, and encouragement for the commitments for "cost sharing" in maintaining some of these services (e.g., equal contributions to salaries of teachers or health workers or maintenance of water points). This commonness can lead to application of the principle of "do no harm." It can also reduce social, economic and political tensions as the communities become willing to resolve their conflicts peacefully.

Communities' involvement and cooperation for achieving their common interests will be a necessary synergy for building and promoting a fair, just, peaceful and prosperous nation of South Sudan. Not to forget, the GoSS should guarantee safe access of these communities to regional and international development partners or agencies operating or are willing to come and work in Southern Sudan.

To enhance the affectivity of policy frameworks that have been designed and used by the GoSS, I recommend that ***there should be clear and right laws against practices that promote poverty. The GoSS should draft bills that are founded on Rawlsian Philosophy and enact them into these important laws:***

- 1) A law to protect employees from the exploitative employers;

- 2) A law to protect children from abuse of being employed in any workplace, and also to deter gender violence and sex abuse.
- 3) A law to protect employees from being subjected into abusive and undignified indecent working conditions;
- 4) A law to guarantee minimum wage that is capable of meeting daily basic needs of employees and their families;
- 5) A law to guarantee insurances, leaves, and family benefits;
- 6) A law to protect jobs security, guarantee in-job training and capacity building, and regulate promotions in ranks;
- 7) A law to minimize employment of foreigners and consultants;
- 8) A law to balance the Income Tax of the employees against inflation in the market or depression in the government;
- 9) Anti-Corruption, Anti-Tribalism and Anti-Nepotism law;
- 10) A law to protect environment and the community land, and to guarantee compensation in case of displacement of the families in the process of utilization of their land for a wider common national interest.

To stress on the last recommendation, a team of professional researchers (I was with them) carried out "Land Tenure Study in Southern Sudan" in 2004 and said this:

What is interesting in that finding is the agreement of all the tribes we interviewed: They affirmed the SPLM position that "land belongs to the community." They also converged on the point that "community land cannot be sold." This made me to believe strongly that Southern Sudan is, in fact, a one nation even when divided by tribal affiliations. No community told us that they would reject government to make use of their land; what they require from the government is only consultations and transparency in what is going to be the outcome from the land use. That is, the government has to involve the community and make it understand the benefits from the use of their land. Not only the government, but we found out that those communities do not have a problem with a stranger coming to live and use their land if it is done with their consultation and consent. What they totally reject is the deception or use of force in acquiring and taking away the land ownership from them. Southern Sudan communities in rural areas are right and wise in this common stand because if ownership of their land is transferred to the government, then it is at risk of

being privatized or individualized by the government as it has happened in Northern Sudan and elsewhere in Africa where the land is legalized to belong to the government. This is the utmost corruption on community land that should never be tolerated by a conscious community. Government can be feared to turn corrupt for selfish purposes but the community is infallible to draw itself into such evil decision.<sup>504</sup>

Based on this conclusion and on the challenges of involuntary poverty, I recommend further and specific researches in Southern Sudan. ***The new researchers may use other theories apart from Rawlsian Justice, but on a condition that these alternative theories should be pro-poor, not anti-rich, and in consonance with the general definition of poverty without leaning to any ideological biases or prejudices.*** This recommendation is an acknowledgement that poverty is a multi-dimensional phenomenon that should be addressed with complementary multi-dimensional approaches.

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<sup>504</sup> James Okuk, "Community Land: A critical socio-economic factor to temper with in South Sudan." 8 March, 2008 in <http://www.sudantribune.com/spip.php?article26289>



# APPENDIX 1

## UNIVERSITY OF NAIROBI

### FACULTY OF ARTS

#### DEPARTMENT OF PHILOSOPHY AND RELIGIOUS STUDIES

#### FIELD RESEARCH QUESTIONNAIRES

##### INTRODUCTION

Best regards to you! I am **James Solomon Padiet**. I am a PhD student in the above-mentioned university with **registration No: C/80/8672/2005**. Please I am gathering direct field data to enhance the library ideas I have read and digested for the development and defence of my thesis. I am doing this for academic purpose and not for any commercial profit or other objectives. I appreciate your cooperation and understanding. Thank you very much!

##### SECTION ONE

###### *BASIC INDIVIDUAL INFORMATION AND OUTLOOK*

**Please tick (✓) or fill in (.....) the blank spaces as required bellow:**

1.1 Name of the GoSS Institution: .....

.....

1.2 Occupation Rank: High Level ( ) Middle Level ( ) Low Level ( )

1.3 Living Standard: Rich ( ) Middle ( ) Poor ( )

1.4 Do you accept that poverty is widespread in Southern Sudan? ( )

1.3 What do you think GoSS should basically do to tackle the problem of poverty in

Southern Sudan and reduce its prevalence: .....

.....

.....

.....

.....

.....

1.5 Do you agree that the following elements of Rawlsian justice are necessary to be the framework of GoSS policies and action plans on poverty reduction?

1.5.1 Political Equality in liberty of enjoying the basic rights harmoniously ( ) 1.5.2

Socio-economic opportunity for all ( ) accompanied by fair inequality of the differences for some individuals without harming the poor members ( )

1.5.3 Peace with the culturally and politically diverse neighbourhood ( )

## SECTION TWO

### *DOCUMENTED INSTITUTIONAL OUTLOOK*

**Analyzing the Policies and Action plans of the GoSS institutions by writing (Yes) or (No) or by filling in the blank:**

2.1 Name of the GoSS Institution: .....

2.2 Name of the Document: .....

2.3 Is the Problem of Poverty Mentioned in the Document: ( )

2.4 Is any of the elements of Rawlsian Justice mentioned in the Document ( )

2.4.1 Political Equality in liberty of enjoying the basic rights harmoniously ( ) 2.4.2

Socio-economic opportunity for all ( ) accompanied by fair inequality of the differences for some individuals without harming the poor members ( )

2.4.3 Peace with the culturally and politically diverse neighbourhood ( )

2.5. What are the other basic elements other than Rawlsian used in the document?

.....  
.....  
.....  
.....  
.....  
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.....  
.....

**THE END**

## APPENDIX 2

### Profile of the Sudan (Southern Sudan implied)

Click on the indicator to view a definition	2000	2005	2006
<b>PEOPLE</b>			
Population, total	32.9 million	36.2 million	37.0 million
Population growth (annual %)	2.1	2.0	2.1
Life expectancy at birth, total (years)	55.9	56.7	..
Fertility rate, total (births per woman)	4.6	4.1	..
Mortality rate, infant (per 1,000 live births)	65.0	62.0	..
Mortality rate, under-5 (per 1,000)	97.0	90.0	..
Births attended by skilled health staff (% of total)	87.0	..	..
Malnutrition prevalence, weight for age (% of children under 5)	40.7	..	..
Immunization, measles (% of children ages 12-23 months)	47.0	60.0	..
Prevalence of HIV, total (% of population ages 15-49)	..	1.6	..
Primary completion rate, total (% of relevant age group)	38.9	49.7	..
School enrollment, primary (% gross)	51.3	60.4	..
School enrollment, secondary (% gross)	26.3	34.2	..
School enrollment, tertiary (% gross)	6.1	..	..
Ratio of girls to boys in primary and secondary education (%)	..	89.0	..
Literacy rate, adult total (% of people ages 15 and above)	60.9	..	..
<b>ENVIRONMENT</b>			
Surface area (sq. km)	2.5 million	2.5 million	2.5 million
Forest area (sq. km)	704.9 thousand	675.5 thousand	..
Agricultural land (% of land area)	56.3	..	..
CO2 emissions (metric tons per capita)	0.2	..	..
Improved water source (% of population with access)	69.0	..	..
Improved sanitation facilities, urban (% of urban population with access)	51.0	..	..
Energy use (kg of oil equivalent per capita)	419.3	..	..
Energy imports, net (% of energy use)	-50.6	..	..
Electric power consumption (kWh per capita)	63.0	..	..
<b>ECONOMY</b>			
GNI, Atlas method (current US\$)	10.3 billion	23.4 billion	29.9 billion
GNI per capita, Atlas method (current US\$)	310.0	650.0	810.0
GDP (current US\$)	12.4 billion	27.9 billion	37.6 billion
GDP growth (annual %)	6.5	8.0	13.0
Inflation, GDP deflator (annual %)	10.7	12.5	6.2
Agriculture, value added (% of GDP)	41.8	33.7	30.8

Industry, value added (% of GDP)	21.3	29.7	35.0
Services, etc., value added (% of GDP)	36.9	36.6	34.1
Exports of goods and services (% of GDP)	15.3	17.8	16.1
Imports of goods and services (% of GDP)	17.7	27.6	26.6
Gross capital formation (% of GDP)	18.3	23.6	24.6
Revenue, excluding grants (% of GDP)	..	..	..
Cash surplus/deficit (% of GDP)	..	..	..
<b>STATES AND MARKETS</b>			
Time required to start a business (days)	..	39.0	39.0
Military expenditure (% of GDP)	4.7	..	..
Fixed line and mobile phone subscribers (per 1,000 people)	12.5	68.9	..
Internet users (per 1,000 people)	0.9	77.3	..
Roads, paved (% of total roads)	..	..	..
High-technology exports (% of manufactured exports)	3.8	..	..
<b>GLOBAL LINKS</b>			
Merchandise trade (% of GDP)	27.2	41.5	33.9
Net barter terms of trade (2000 = 100)	100.0	168.6	..
Foreign direct investment, net inflows (BoP, current US\$)	392.2 million	2.3 billion	..
Long-term debt (DOD, current US\$)	10.9 billion	11.7 billion	..
Present value of debt (% of GNI)	..	87.5	..
Total debt service (% of exports of goods, services and income)	9.7	6.5	..
Official development assistance and official aid (current US\$)	220.4 million	1.8 billion	..
Workers' remittances and compensation of employees, received (US\$)	641.0 million	1.0 billion	1.0 billion
<b>SOURCE: World Development Indicators database, April 2007</b>			

### Macro-economic indicators, 2000 – 2006

Item/Year	2000	2001	2002	2003	2004	2005	2006
Population in Million	31.1	31.9	32.7	33.6	34.4	35.3	36.2
Real GDP Growth Rate	8.3%	6.1%	6.5%	6.0%	7.2%	8.0%	8.0%
Per capita in US\$	422	410	450	507	582	706	861
Exchange Rate	257.2	258	264	261	258	245	230
General Price Inflation	8.5%	4.9%	8.3%	7.7%	8.5%	9.5%	8.8%
Money Supply Growth Rate	33.0%	25.9%	30.4%	30.3%	30.8%	36.0%	30.0%

**SOURCE: World Development Indicators database, April 2007**

### APPENDIX 3

## SPLM Rehabilitation Programme of Primary Roads

Immediate	KM <sup>2</sup>	12-18 Months	KM <sup>2</sup>	18-60 Months	KM <sup>2</sup>
1. Kaya-Yei-Tonj- Wau via Mundri	685	1. Bor-Pibor-Pachalla-Gambella	300	1. Melut-Maban-Yabus	210
2. Juba-Torit	361	2. Waw-Raga-Boro-KafiaKingi	530	2. Kadugli-Talodi-Tonga	269
3. Kapoeta-Narus- Lokichoggio		3. Wau-Aweil-Merem-Babanusa	520	3. Tonga-Fashoda-Kaka- Wadakona	190
4. Juba-Moli Nimulei- Gulu.	312	4. Wau-Gogrial-Wunrock-Abyei- Kadugli	560	4. Torit-Magwe-Opari- Pageri	115
5. Juba-Mundr-Tali- Ramchiel-Yirol.	615	5. Rumbek-Maper-Koch-Bentiu- Pariang-Kadugli	610	5. Juba-Kajokaji-Mayo (Uganda)	240
6. Rumbek-Yirol- Shambe	120	6. Malakal-Nasir-Jekou-Gambella (Ethiopia)	390	6. Yei-Gimuni-	82
7. Juba-Yei-Lasu	219	7. Jekou-Daga-Yabus-Kumuk- Damazine	300	7. Wonrick-Biemnhom- Mayom-Bentiu	140
8. Juba-Bor-Ayod- Malakal	1170	8. Nadapal-New Site-Chuckdum- Faraksika	130	8. Narus-Murangapi- Naira-Kibish	161
9. Mindi-Yambio- Tombura- Boo-Wau	620	9. Malakal-Waat-Akobo-Pibor-and Akobo-Pochalla	270	9. Tonj-Thiet-Pagp, and Gogrial-Akot	190
10. Kapoeta-Mogote- Kasingor-Borna- Raad	300	10. Ayod-Waat-Akobo	209	10. Juba-Terekeka-Tali and Terekeka-Tombe	201
11. Faraksika-Buya- Tingili- Anyidi-Bor	280				
<b>Total Length</b>	<b>30,755</b>	<b>Total Length</b>	<b>3,819</b>	<b>Total Length</b>	<b>2,536</b>

SOURCE: SPLM Economic Commission, 2004

## **APPENDIX 4**

### ***The Millennium Development Goals***

**1. Eradicate extreme poverty and hunger:**

- Reduce by half the proportion of people living on less than a dollar a day.
- Reduce by half the proportion of people who suffer from hunger.

**2. Achieve universal primary education:**

- Ensure that all boys and girls complete a full course of primary schooling.

**3. Promote gender equality and empower women:**

- Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015.

**4. Reduce child mortality:**

- Reduce by two thirds the mortality rate among children under five.

**5. Improve maternal health:**

- Reduce by three quarters the maternal mortality ratio.

**6. Combat HIV/AIDS, malaria and other diseases:**

- Halt and begin to reverse the spread of HIV/AIDS.
- Halt and begin to reverse the incidence of malaria and other major diseases.

**7. Ensure environmental sustainability:**

- Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources.
- Reduce by half the proportion of people without sustainable access to safe drinking water and basic sanitation.
- Achieve significant improvement in lives of at least 100 Million slum dwellers, by 2020.

**8. Develop a global partnership for development:**

- Develop further an open, rule-based, predictable, non-discriminatory trading and financial system.
- Address the special needs of the least developed countries, landlocked countries and Small Island developing States.
- Deal comprehensively with developing countries' debt.
- In cooperation with developing countries, develop and implement strategies for decent and productive work for youth.
- In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries.
- In cooperation with the private sector, make available the benefits of new technologies, especially information and communications technologies.

## APPENDIX 5

### *Meeting Commitments: The Global Partnership for Development*

Most African countries are ready to replicate and scale-up these successes, but they require more and better-quality official development assistance to finance public investments in the MDGs. Yet, while aid to sub-Saharan Africa increased during the first few years of the Millennium, it has remained virtually unchanged since 2004, if one excludes one-off debt relief and humanitarian assistance. Donors need to accelerate their plans to scale up assistance, to maintain the credibility of their 2005 pledge to double aid to Africa by 2010. Moreover, donors need to issue country by country timelines for how they are going to increase aid, so that African governments can plan for essential investments and prepare supporting macroeconomic frameworks. Not only the developed but also many developing countries are granting duty free access to least developed countries in Africa, in accord with the Millennium Declaration principle of creating an environment "conducive to development and the elimination of poverty". But even the African LDCs suffer from supply-side constraints and often unreasonable rules of origin on their products. On a broader scale, progress on the Doha round of talks to create a development-friendly world trade regimen has stalled and must move forward. Despite the lack of progress towards the MDGs, the Goals remain achievable in most African countries. Yet time is running out to make the needed practical investments. Existing commitments made and reaffirmed by world leaders at the G8 Summit in Gleneagles and the 2005 World Summit are sufficient to meet the Goals. At the midway point of 2007, these commitments must be urgently translated into practical plans with systematic follow-through.

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# BIBLIOGRAPHY

## 1. BOOKS

Abdulgader, Samir and Mustafa Hissein. *Strategy of Scientific Researches and University Theses/Dissertations*. Cairo: The World Centre Publications, 2007.

Ahmed, Abdel Ghaffar M. and Gunnar M. Sorbo (eds.). *Management of the Crisis in the Sudan: Proceedings of Bergen Forum 23 – 24 February 1998*. Bergen: Bergen University Press, 1998.

Ahmed, Akhter U. et al. *The World's Most Deprived: Characteristics and Causes of Extreme Poverty And Hunger*. Washington, DC.: International Food Policy Research Institute, 2007.

Ajawin, Yoanes and Alex de Waal (eds.). *When Peace Comes: Civil Society and Development in Sudan*. Asmara: the Red Sea, 2002.

Akol, Lam. *SPLM/SPLA: Inside An African Revolution*. Khartoum: Khartoum University Press, 2001.

Beauchamp, Tom L. and Norman E. Bowie, (eds.). *Ethical Theory and Business*, 6<sup>th</sup> ed. Upper Saddle River, NJ: Purson Custom Publishing, 2001.

Bell, Daniel A. *Communitarianism and Its Critics*. Oxford: Oxford University Press, 1993.

Bentham, Jeremy. "The Rationale of Reward" in *The Works of Jeremy Bentham*. Edinburgh: Tait, 1838.

\_\_\_\_\_. *An Introduction to the Principles of Morals and Legislation*. J. H Burns and H.L.A. Hart, eds. London: Athlone, 1970.

Bosch, David J. *Transforming Mission: Paradigm Shifts in Theology of Mission*. New York: Maryknol, 2000.

Boss, Judith A. *Analyzing Moral Issues*. London: Mayfield Publishing Company, 1999.

Cairns, Alan and Williams Cynthia (eds.). *Constitutionalism, Citizenship and Society in Canada*. Toronto: University of Toronto Press, 1985.

Christman, John. *Social and Political Philosophy: A Contemporary Introduction*. London and New York: Routledge, 2002.



Coetzee, P.H. and A.P. J. Roux (eds.). *Philosophy from Africa, 2<sup>nd</sup> ed. A Text with Readings*, Cape Town: Oxford University Press, 2002.

Coop, David et al, (eds.). *The Idea of Democracy*. New York: Cambridge University Press, 1993.

Daniels, Norman (ed.). *Reading Rawls: Critical Studies on Rawls' A Theory of Justice*. Oxford: Basil Blackwell, 1975.

Dixon, John and David Macarove (eds.). *Poverty: A Persistent Global Reality*. London: Routledge, 1998.

Delaney, C.F. (ed.), *The Liberalism-Communitarianism Debate: Liberty and Community Values*. Maryland: Rowman and Littlefield Publishers, 1994.

Dworkin, Ronald. *Sovereign Virtue: the Theory and Practice of Equality*. New York: New York University Press, 2000.

\_\_\_\_\_. *Taking Rights Seriously*. London: Duckworth, 1977.

Eagles, Munroe and Larry Johnston. *An Introduction to Democratic Government*. Ontario: Broadview Press, 1999.

Fiszbein, Ariel and Pamela Lowden. *Working Together for a Change: Government, Business, and Civic Partnerships for Poverty Reduction in Latin America and the Caribbean*. Washington DC.: The World Bank, 1999.

Freeman, Samuel (ed.). *John Rawls: Collected Papers*. Cambridge, MA: Harvard University Press, 1999.

Frederickson, H. George and Richard K. Ghere (eds.). *Ethics in Public Management*. New Delhi: Prentice-Hall of India, 2007.

Galston, William. *Liberal Purposes: Goods, Virtues, and Duties in the Liberal State*. Cambridge: Cambridge University Press, 1991.

Garner, Richard T. *Moral Philosophy: A Systematic Introduction to Normative Ethics and Meta-ethics*. New York: Macmillan Company, 1967.

Gauthier, David. *Morals by Agreement*. Oxford: Oxford University Press, 1986.

Gonsalves, Milton A. *Fagothey's Right and Reason: Ethics in Theory and Practice*, 9th ed. Ohio: Merrill, 1989.

Handcock, Graham. *The Lords of Poverty: The Power, Prestige, and Corruption of the International Aid Business*. New York: Atlantic Monthly Press, 1994.

Heywood, Andrew. *Politics*. London: MacMillan Press, 1997

Hobbes, Thomas. *Leviathan*. MacPherson, C.B. (ed.). Harmondsworth: Penguin, 1968.

Hoekman, B. and M. Kosteci. *The Political Economy of the World Trading System*. Oxford: Oxford University Press, 2001.

Hollinger, R. (ed.). *Hermeneutics and Praxis*. Notre Dame: University of Notre Dame Press, 1985.

Hume, David. *A Treatise of Human Nature, Bk. III, Pt. I*. L.A. Selby-Bigge, ed. Oxford: The Clarendon, 1888.

\_\_\_\_\_. *An Enquiries Concerning the Human Understanding and Concerning the Principles of Morals, 2nd ed.* L.A. Selby-Bigge, ed. Oxford: The Clarendon, 1902.

Islam, Rizwanul (ed.). *Fighting Poverty: The Development-Employment Link*. Boulder, Colorado: Lynne Rienner Publishers, 2006.

Kant, Immanuel. *Prolegomena to Any Further Metaphysics*. New York: Barnes and Noble, 1978.

\_\_\_\_\_. *Critique of Pure Reason, Critique of Practical Reason, and Other Works on Theory of Ethics, 6<sup>th</sup> ed.*, T.K. Abbot transl. New York: Longmans, Green and Co., 1909.

\_\_\_\_\_. "Idea of a Universal History" in *Kant's Political Writings*, Hans Reiss, ed. Cambridge: Cambridge University Press, 1970.

Karelis, Charles. *The Persistence of Poverty: Why the Economics of the Well-Off Can't Help the Poor*. Connecticut: Yale University Press, 2007.

Klugman, Jeni (ed.). *A Sourcebook for Poverty Reduction Strategies, Vol.2*. Washington DC.: The World Bank, 2002.

Kymlicka, Will. *Contemporary Political Philosophy: An Introduction, 2<sup>nd</sup> ed.* Oxford: Oxford University Press, 2002.

LaFayette, Bernard et, al. *A Structured Guide and Introduction to Kingian Nonviolence: The Philosophy and Methodology*. Galena, Ohio: Institute for Human Rights and Responsibilities, 1996.

Laslett, Peter and J. Fishkin (eds.). *Philosophy, Politics and Society*. New Haven: Yale University Press, 1978.

Locke, John. *An Essay Concerning Human understanding*. P. Nidditch, ed. Oxford: Oxford University Press, 1975.

\_\_\_\_\_. *Two Treatise of Government*. Peter Lasslet, transl. Cambridge: Cambridge University press, 1965.

Lucash, F. (ed.). *Justice and Equality: Here and Now*. Ithaca, NY: Cornell University Press, 1986.

Madut-Arop, Arop. *Sudan's Painful Road to Peace: A Full Story of the Founding and Development of SPLM/SPLA*. Oxford: Book Surge, 2006.

Marx, Karl. *Das Capital, Vol.I*. Chicago: Charles H. Keer Publishing Co., 1906.

Matthews, Roy T. and Dewitt Platt. *The Western Humanities, 4<sup>th</sup> ed*. Mountain View, CA: Mayfield, 1998.

Mautner, Thomas (ed.). "Utilitarianism" in *The Penguin Dictionary of Philosophy*. London: Penguin Books, 2000.

Mill, John S. Utilitarianism, *On Liberty, Essays On Bentham*. Mary Warnock, ed. Glasgow: William Collins Sons and Co., 1962.

\_\_\_\_\_. *Utilitarianism*. Oskar Pies, ed. Indianapolis: Bobbs-Merrill, 1957.

\_\_\_\_\_. *Principles of Political Economy*. New York: Holt, Rinehart and Winston, 1957.

Miller, David. *Principles of Social Justice*. Cambridge, MA: Harvard University Press, 1999.

\_\_\_\_\_. *Social Justice*. Oxford: Clarendon, 1979.

Mugenda, Abel Gitau. *Social Science Research: Theory and Principles*. Nairobi: Applied Research & Training Services, 2008.

Mulhall, Stephen. *Liberals and Communitarians*. Oxford: Oxford University Press, 1992.

Mulwa, Francis W. *Demystifying Participatory Community Development: Beginning from the People; Ending at the People*. 3<sup>rd</sup> ed. Nairobi: P. Olivex Publishers, 2006.

\_\_\_\_\_. *Enabling The Rural Poor Through Participation, Spearhead NO. 132 – 133*. Eldoret: AMECEA Gaba Publications, 1994.

Narayan, Deepa. *Empowerment and Poverty Reduction: A Sourcebook*. Washington DC: The World Bank, 2002.

Narayan, Deepa et al. *Voices of the Poor Can Anyone Hear Us?* Oxford: Oxford University Press, 2000.

Nkrumah, Kwame. *Neo-Colonialism: The Last Stage of Imperialism*. Oxford: Oxford University Press, 1965.

Nozick, Robert. *Anarchy, State, and Utopia*. New York: Basic Books, 1974.

Nyasani, Joseph M. *Legal Philosophy: Jurisprudence*. Nairobi: Consolata Institute of Philosophy, 1965.

Nyerere, Julius K. *Man and Development*. Dar es Salaam: Oxford University Press, 1974.

\_\_\_\_\_. *Ujamaa: Essays on Socialism*. Dar es Salaam: Oxford University Press, 1968.

Oates, Whitney J. (ed.). *The Stoic and Epicurean Philosophers*. New York: Random House, 1940.

Okin, Susan. *Justice, Gender and Family*. New York: Basic Books, 1989.

Pascal, Blaise. *Pencees*. A. J. Krailsheimer, Transl. London: Penguin Books, 1970.

Pauley, Steven E. and Daniel G. Riordan. *Technical Report Writing Today*, 5<sup>th</sup> ed. Krishan Nagar, Delhi: A.I.T.B.S Publishers, 2006.

Peter, A. et al., (eds.), *Social and Political Philosophy: Midwest Studies in Philosophy*, 7<sup>th</sup> ed. Minnesota: University of Minnesota Press, 1982.

Peterson, Grethe (ed.). *The Tanner Lectures on Human Values*, Vol. XIX. Salt Lake City: University of Utah Press, 1998.

Phillips, Estelle M. and D.S. Pugh. *How To Get A PhD: A Handbook for Students and their Supervisors*. New Delhi: Viva Books, 1999.

Polanyi, Karl. *The Great Transformation: The Political and Economic Origins of Our Time*. Boston: Beacon Press, 1957.

Pontifical Council for Justice and Peace. *Compendium of the Social Doctrine of the Church*. Nairobi: Paulines, 2004.

Qura, Ismail et al. *Globalization of Poverty: The Other Society...the Society of the Poor and the Deprived*, Cairo: Dar Al-Fajir, 2003.

Rawls, John. *A Theory of Justice*. Cambridge, MA: Oxford University Press, 1971.

\_\_\_\_\_. *Political Liberalism*. New York: Columbia University Press, 1993.

\_\_\_\_\_. *The Law of Peoples*. Cambridge, MA: Harvard University Press, 1999.

\_\_\_\_\_. *Lectures on the History of Political Philosophy*. Samuel Freeman, ed. Cambridge, MA: Harvard University Press, 2007.

\_\_\_\_\_. *Justice as Fairness: A Restatement*. Erin Kelly, ed. Cambridge, MA: Belknap Press, 2001.

Raz, Joseph. *The Morality of Freedom*. Oxford: Oxford University Press, 1986.

Reeves, Don. "Poverty in a Global Economy" in *Introducing Global Issues, 3rd ed.*, Michael T. Snarr and D. Neil Snarr, eds. (New Delhi: Lynne Rienner Publishers, 2007).

Richardson, Henry S. (ed.). *Development and Main Outlines of Rawls's Theory of Justice*. New York and London: Garland Publishing, 1999.

\_\_\_\_\_. *The Two Principles and Their Justification*. New York: Garland Publishing, 1999.

Rosenstand, Nina. *The Moral of the Story: An Introduction to Ethics, 3rd ed.* Mountain View, Ca: Mayfield Publishing Company, 2000.

Rothstein, Bo. *Just Institutions Matter: The Moral and the Political Logic of the Universal Welfare State*. Cambridge: Cambridge University Press. 1998.

Rousseau, Jean-Jacques. *The Social Contract*, G. D. H. Cole, et al, eds. London: Everyman, 1973.

Sachs, Jaffrey. *The End of Poverty: How We can Make it Happen in Our Lifetime*. London: Penguin Books, 2005.

Salih, M.A. Mohamed. *African Democracies and African Politics*. London: Pluto Press, 2001.

Sandel, Michael J. *Liberalism and the Limits of Justice, 2<sup>nd</sup> ed.* Cambridge: Cambridge University, 1998.

\_\_\_\_\_. *Liberalism and Limits of Justice*. Cambridge: Cambridge University Press, 1982.

Seligson, Mitchell A. and John T. Passé-Smith (eds.). *Development and Underdevelopment: The Political Economy of Global Inequality*, 3<sup>rd</sup> ed. Boulder, CO: Lynne Rienner Publishers, 2004.

Sen, Amartya and Bernard Williams (eds.). *Utilitarianism and Beyond*. Cambridge: Cambridge University Press, 1982.

Sidgwick, Henry. *The Methods of Ethics*, 7<sup>th</sup> ed. London: Macmillan, 1962.

Singer, Peter. *Marx*. Oxford: Oxford University Press, 1980.

Smith, Adam. *An Inquiry Into the Nature and Causes of the Wealth of Nations*. London: Encyclopaedia Britannica, Inc., 1982.

\_\_\_\_\_. "Theory of Moral Sentiments" in *The Essays of Adam Smith*. London: Alexander Murray, 1886.

Stenger, Fritz (ed.). *Africa is not a Dark Continent: Tangaza Occasional Papers/ No. 17*. Nairobi: Paulines, 2004.

Thilly, Frank. *A History of Philosophy*, 3<sup>rd</sup> ed., revised by Ledger Wood. New York: Holt, Rinehart and Winston, 1965.

Thiroux, Jacques P. *Ethics: Theory and Practice*, 8<sup>th</sup> ed. Upper Saddle River: Pearson Prentice Hall, 2005.

Thompson, Milburn J. *Justice and Peace: A Christian Primer*, 2<sup>nd</sup> ed. Maryknol and New York: Orbis Books, 2003.

Titus, Harol and Morris Keeton. *Ethics For Today*, 5<sup>th</sup> ed. New York: Litton Educational Publishing, 1973.

Waldron, Jeremy. *Liberal Rights: Collected Papers 1981–1991*. Cambridge: Cambridge University Press, 1993.

Williams, Lucy et al. (eds.). *Law and Poverty: The Legal System and Poverty Reduction*. London: Zed Books, 2003.

Winters, N.L. McColloch, and Xavier Cirera. *Handbook on Trade Liberalization and Poverty*. London: CEPR, 2001.

Wood, Nancy. *Perspectives on Argument*, 3<sup>rd</sup> ed. New Jersey: Upper Saddle River, 2001.

World Bank. *Atlas of Global Development*. Glasgow: HarperCollins Publishers, 2007.

## 2. JOURNAL ARTICLES

- Alejandro, Roberto. "Rawls' Communitarianism" in *Canadian Journal of Philosophy and Policy*, 23(1996).
- Anderson, Elizabeth. "What is the Point of Equality?" in *Ethics*, 99/2(1999).
- Baier, Kurt. "Justice and the Aims of Political Philosophy" in *Ethics*, 99(1989).
- Barry, Brian. "Rawls on Average and Total Utility: A Comment" in *Philosophical Studies*, 31(1977):325.
- Bedau, Hugo Adam. "Social Justice and Social Institutions" in *Midwest Studies in Philosophy*, 3(1978).
- Buchanan, Allen. "Distributive Justice and Legitimate Expectations" in *Philosophical Studies*, 28(1975).
- Care, Norman S. "Contractualism and Moral Criticism" in *Review of Metaphysics*, 23(1969).
- Deigh, John. "Shame and Self-esteem: A Critique" in *Ethics*, 93(1983).
- DiQuattro, Arthur. "Rawls and Left Criticism" in *Political Theory*, 11(1983).
- Doppelt, Gerald. "Rawls System of Justice: A Critique form Left" in *Nous*, 15/3(1981).
- Dworkin, Ronald. "What is Equality? Part I: Equality of Welfare; Part II: Equality of Resources" in *Philosophy and Public Affairs*, 103/4(1981).
- Feinberg, Joel. "Duty and Obligation in tile Non-Ideal World" in *Journal of Philosophy*, 70(1973).
- \_\_\_\_\_. "Revisability and Rational Choice" in *Canadian Journal of Philosophy* 5 (1975).
- \_\_\_\_\_. "Can the Maximin Principle Serve as a Basis for Morality?: A Critique of John Rawls' Theory" in *American Political Science Review* 69(1975).
- Gutmann, Amy. "The Central Role of Rawls's Theory" in *Dissent*, 36(1989).
- Habermas, Jürgen. "Reconciliation Through the Public Use of Reason: Remarks on John Rawls's Political Liberalism" in *Journal of Philosophy*, 92(1995).

- Hampton, Jean. "Should political Philosophy Be Done Without Metaphysics?" in *Ethics*, 99(1989).
- Harsanyi, John. "Cardinal Utility in Welfare Economics and in the Theory of Risk-Taking" in *Journal of Political Economy*, 61(1953).
- Hill, Thomas E. Jr. "Kantian Constructivism in Ethics" in *Ethics*, 99(1989).
- \_\_\_\_\_. "The Stability Problem in Political Liberalism" in *Pacific Philosophical Quarterly*, 75(1994).
- Kent, Greenawalt. "On Public Reason" in *Chicago-Kent Law Review*, 69(1994).
- Kymlicka, Will. "Rawls on Teleology and Deontology" in *Philosophy and Public Affairs*, 17/3(1988).
- Lyons, David. "Rawls Versus Utilitarianism" in *Journal of Philosophy*, 69(1972).
- Mardiros, Anthony M. "A Circular Procedure in Ethics" in *Philosophical Review*, 61(1952).
- Musgrave, R. A. "Maximin, Uncertainty, and the Leisure Trade-off" in *Quarterly Journal of Economics*, 88(1974).
- Nancy Kokaz, "Poverty and Global Justice" in *Ethics and International Affairs* 21/3(Fall 2007).
- Nielsen, Kai. "The Choice Between Perfectionism and Rawlsian Contractarianism" in *Interpretation*, 6(1977).
- Nisbet, Robert. "The Pursuit of Equality" in *Public Interest*, 35(1974).
- Okin, Susan. "Justice and Gender" in *Philosophy and Public Affairs*, 16/1(1987).
- \_\_\_\_\_. "Reason and Feeling in Thinking about Justice" in *Ethics*, 99/2(1998).
- \_\_\_\_\_. *Women in Western Political Thought*. Princeton: Princeton University Press, 1979.
- Pogge, Thomas W. "An Egalitarian Law of Peoples" in *Philosophy and Public Affairs*, 23(1994).
- Proudfoot, Wayne. "Rawls on the Individual and the Social" in *Journal of Religious Ethics*, 2(1974).
- Rawls, John. "Kantian Constructivism in Moral Theory" in *Journal of Philosophy*, 77/9(1980).



\_\_\_\_\_. "The Idea of an Overlapping Consensus" in *Oxford Journal of Legal Studies* 7(1987)

Raz, Joseph. "Facing Diversity: The Case of Epistemic Abstinence" in *Philosophy and Public Affairs*, 19(1990).

Ricoeur, Paul. "On John Rawls' *A Theory of Justice*: Is Pure Procedural Theory of Justice Possible?" in *International Social Science Journal*, 42(1990).

Scheffler, Samuel. "Moral Independence and the Original Position" in *Philosophical Studies*, 35(1979).

Schwartz, Adina. "Moral Neutrality and Primary Goods" in *Ethics*, 83(1973).

Sen, Amartya "Justice: Means versus Freedom" in *Philosophy and Public Affairs*, 19(1990).

Sher, George. "Effort, Ability, and Personal Desert" in *Philosophy and Public Affairs*, 8(1979).

Singer, Brent. "An Extension of Rawls' Theory of Justice to Environmental Ethics" in *Environmental Ethics*, 10(1988).

Thomas, Larry. "Rawlsian Self-Respect and the Black Consciousness Movement" in *Philosophical Forum*, 9(1977 - 1978).

Thomson, Dennis. "Democratic Theory and Global Society" in *Journal of Political Philosophy*, 7/2(1999).

Weithman, Paul. "John Rawls: A Remembrance" in *The Review of Politics*, 65/1(Fall 2003).

Wolff, Jonathan. "Fairness, Respect, and Egalitarian Ethos" in *Philosophy and Public Affairs*, 27/2(1998).

Young, Iris. "Towards a Critical Theory of Justice" in *Social Theory and Practice*, 7(1981).

### 3. PROFESSIONAL REPORTS

Bior, William and Akinyi Nzioki Michael, Ochieng Odhiambo and James Okuk (Core Study Team), *Land Tenure Study- Southern Sudan, Phase One*, Under the Supervision of Sudan Peoples Liberation Movement (SPLM): Civil Authority of the New Sudan (CANS) Secretariat for Agriculture and Animal Resources (SAAR) and Supported By Norwegian Peoples Aid (NPA). Nairobi: March 2005.

Executive Summary of the Joint Report of Government of National Unity and Government of Southern Sudan on “*Sustaining Peace Through Development (2008 – 2011)*”, Vol. I. Oslo-Norway, May 6 – 7, 2008.

Joint Report of Government of National Unity and Government of Southern Sudan on “*Sustaining Peace Through Development (2008 – 2011)*”. Oslo-Norway, May 6 – 7, 2008.

Joint Assessment Report of the Staff of the IMF, World Bank and UN to the “*Third Sudan Consortium*.” Oslo-Norway, May 6 – 7, 2008.

United Nations and Partners. *2005 Work Plan for the Sudan*. Khartoum: United Nations Publications, 2005.

UN Department of Public Information. *Africa and the Millennium Development Goals*. Report, DPI/2458 — June 2007.

Wolfensohn, James D. “The Challenges of Globalization” in *The World Bank Perspectives on Development*. (Winter 2001/2002).

World Bank. *World Development Report 2000/2001: Attacking Poverty*. Oxford: Oxford University Press, 2000/2001.

\_\_\_\_\_. “Proposed Multi Donor Trust Fund (MDTF) Grant in the Amount of US\$12.2Milliom to the Government of Southern Sudan and Government of Southern Sudan Financing of US\$ 8.08 Million for Southern Sudan Private Sector Development.” Juba: Private and Financial Sector Development of World Bank Africa Regional Office, 2007.

\_\_\_\_\_. *World Development Report 1997: The State in a Changing World*. Oxford: Oxford University Press, 1997.

#### **4. DOCUMENTS, PAMPHLETS AND UNPUBLISHED WORKS**

Al Qadhafi, Muammar. *The Green Book, Part Two*. Tripoli: 1980.

Badal, Raphael Koba. *Development Potential of Southern Sudan: Strategies and Constraints*. Omdurman: Fellow M.O Beshir Centre for Sudanese Studies, 2003.

Chomosky, Noam. *Government in the Future*. New York: Seven Stories Press, 2005.

CUEA Centre for Social Justice and Ethics. *A Reflection on Africa and Globalization for the Common Good: Selected Essays of the Fourth Annual International*

*Conference on Globalization for the Common Good*. Kericho, Kenya, 21 – 24 April 2005.

CUEA Centre for Social Justice and Ethics. *Christian Perspectives on Property And Socio-Economic Development in Africa: Proceedings of a Seminar on Launching of the Centre for the Social Teaching of the Church*. CUEA Publications, 2003.

Comprehensive Peace Agreement Between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army. Nairobi-Kenya, 9th January 2005.

IMF, World Bank and UN, *Third Sudan Consortium: Joint Staff Assessment Report*. Oslo, May 6 – 7, 2008.

*Interim Constitution of Southern Sudan*. Juba: October, 2005.

Malia, Paul (S.J.). *On Human Rights*. Nairobi: Paulines Publications, 1988.

Medani, Kamal Ali. *Evaluation of the Performance of Social Insurance Institutions and their Role in Addressing Poverty*. Beirut: Dar el Fhikr, 2005.

Ministry of Education, Science and Technology of Government of Southern Sudan (GoSS). *Policy Framework 2006 – 2007*. Juba: May, 2006.

Ministry of Environment, Wildlife Conservation and Tourism of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan: 2006 – 2011*. Juba: September, 2007.

Ministry of Information and Broadcasting of Government of Southern Sudan (GoSS), *Policy and Work Plan*. Juba: July, 2007.

Ministry of Health of Government of Southern Sudan (GoSS). *Health Policy For Government of Southern Sudan (2007 – 2011)*. Juba: November, 2007.

Ministry of Labour, Public Service and Human Resource Development of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan*. Juba: November, 2006.

Ministry of Housing, Land and Public Utilities of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan*. Juba: January, 2006.

Ministry of Gender, Social Welfare and Religious Affairs of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan*. Juba: January, 2007.

Ministry of Rural Development and Co-operatives of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan*. Juba: February, 2007.

Ministry of Finance and Economic Planning of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan* Juba: December, 2006.

Ministry of Transport and Roads of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan (2007 – 2011)*. Juba: April, 2007.

Ministry of Agriculture and Forestry of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan*. Juba: October, 2007.

Ministry of Animal Resources and Fisheries of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan* Juba: March, 2007.

Ministry of Water Resources and Irrigation of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan*. Juba: September, 2006.

Ministry of Industry and Mining of Government of Southern Sudan (GoSS). *Policy Framework and Work Pla*. Juba: January, 2007.

Ministry of Regional Cooperation of Government of Southern Sudan (GoSS). *Policy Framework and Work Plan (2006 – 2011)*. Juba: October, 2006.

Momanyi, Clara and Nelson H.W. Wawire (eds.). *Disparities in Developing Countries: Types, Challenges and Way Forward. Vol.1 of the Fourth International Conference Proceedings of the Association of the Third World Studies, Kenya Chapter*. Nairobi, Oakland Media Services, 2004.

Nyaba, Peter Adwok. *Governance in South Sudan: The House of Nationalities*. Nairobi: TEKTA Printers, 2001.

Obya, Bennet Lohuro. *The Impact of Some Economic, Social and Development Strategies in the Southern Sudan*. M.A. Thesis. Khartoum: Centre for Peace and Development of the University of Juba, 2006.

SPLM Economic Commission, *SPLM Strategic Framework for War-to-Peace Transition*. New Site: Kapoeta, Southern Sudan, August 2004.

Sudan National Council for Strategic Planning, *Five-Year Plan (2007 – 2011): Goals, Challenges and Opportunities*. Khartoum: Published by the Ministry of Council of Ministers HQs, 2007.

Waller, David. "Globalization and ACORD: Background to discussions about ACORD's Future Programming." Internal paper for ACORD in preparation for Pan-African Workshop held in Nairobi-Kenya from 10<sup>th</sup> – 18<sup>th</sup> May, 2002.

Yiss, Khalid Mohammed. *Social Insurance in Sudan: Embodying the Role of the Government in Fighting Poverty (1995 – 1985)*. Khartoum: Graduate College of the University of Khartoum, 1999.

## 5. WEBSITES

Aduoljohk Makuek W. "Mammoth Corruption among NGOs, Development Agencies in South Sudan." September 15, 2007 at <http://www.southsudannation.com/mammoth%20corrupt%20among%20ngos3.htm>

Atem, Atem Yaak. "Southern Sudanese living in poverty amidst plenty" at [http://www.qurtong.org/ResourceCentre/editorscorner/edart\\_details.asp?editorsitem\\_id=927](http://www.qurtong.org/ResourceCentre/editorscorner/edart_details.asp?editorsitem_id=927)

*Internet Encyclopedia of Philosophy*, <http://www.utm.edu/r/rawls.htm>

International Labour Organization, *Perspective on Poverty* (2005) at <http://www.ilo.org/public/english/comp/poverty/perspect.htm>

Joint Assessment Mission-Sudan (JAM-Sudan), *Framework for Sustained Peace, Development and Poverty Eradication*, Vol.1, March 18, 2005 at <http://www.unsudaniq.org/JAM-report-volume-1.pdf>

Koang Tut Jing, "Besides tribalism political favouritism a grave concern in New Sudan," 30<sup>th</sup> March 2008 at <http://www.southsudan.net>

*Microsoft Encarta Encyclopedia. CD-Rome, Standard 2007.*

Okuk, James. "The World Bank and NGOs in Southern Sudan: Keeping Poverty For the Expatriates' Benefit", 10<sup>th</sup> April, 2008 at <http://www.southsudannation.com/wb%20ngos%20in%20sosud%20jamesokuk3>

\_\_\_\_\_. "Community Land: A critical socio-economic factor to temper with in South Sudan." 8 March, 2008 at <http://www.sudantribune.com/spip.php?article26289>

Othow, Jwothab W. "THE YOKE OF CORRUPTION IN SOUTH SUDAN." March 18, 2008 at <http://www.southsudannation.com/the%20yoke%20of%20corrupt%20in%20ssudan|wot%20ha3.htm>

Poineson, Charles. "BETRAYAL THROUGH CORRUPTION BY PRESIDENT OF GOVERNMENT OF SOUTH SUDAN HIS EXCELLENCY SALVA KIIR MAYARDIT YES TO CENSUS." April 22, 2008 at <http://www.southsudan.net/>

Sudan Whistle Blowers, "Kiir's Brains: Who Really Does The Thinking for South Sudan's President?" April 23, 2008 at <http://www.southsudannation.com/kiir%20brains%20of%20who%20in%20thinks.htm>

Tombe, Wani "factors of Instability in Southern Sudan," April 24, 2008 at <http://www.southsudan.net/>

United Nations Millennium Project, *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (2005) at <http://www.unmillenniumproject.org/reports/fullreport.htm>

United Nations Statistics Division, Social Indicators of Poverty, at <http://www.un.org/Depts/unsd/social>

[http://en.wikipedia.org/wiki/Reflective\\_equilibrium](http://en.wikipedia.org/wiki/Reflective_equilibrium)

<http://www.nysun.com/arts/philosopher-of-our-times/54265/>

<http://qadfly.igc.org/liberal/rawls.htm>

<http://hdr.undp.org/en/humandev/glossary/>

[http://hdrstats.undp.org/countries/country\\_fact\\_sheets/cty\\_fs\\_SDN.html](http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_SDN.html)

<http://hdr.undp.org/en/statistics/indices/hpi/>

<http://www.worldbank.org/data>

<http://www.oecd.org/statistics>

<http://plato.stanford.edu/entries/rawls/#FouRoIPol>