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**UNIVERSIDADE CATÓLICA PORTUGUESA**  
**CENTRO REGIONAL DE BRAGA**  
**MESTRADO EM ÉTICA E FILOSOFIA POLÍTICA**

**Thesis for Master's degree in Philosophy**

**Title:** Justice and Equality: An attempt towards application to the  
Tonga people of Zambia

**Candidate:** Webster Kkukula Chifuwe CSSp.

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## **Acknowledgement**

Aristotle said; “those engaged in learning are not at play; learning is accompanied by pain” (*Politics* VIII, 1239a 29 quoted in Alasdair MacIntyre, *Whose Justice? Whose Rationality?* p.110). However, the learner (student) often manages this kind of intellectual pain by being assisted by others. And these are the ones who deserve acknowledgement. According to Michael Walzer, “acknowledgements and citations are a matter of distributive justice, the currency in which we pay our intellectual debts,” (Michael Walzer, *Spheres of Justice*, xvii).

Firstly, I am grateful to God who granted me good health during my time of this intellectual endeavour. Secondly, I owe a lot of thanks to the former SCAF Superior Rev. Father John L. Dimba CSSp who (with his council), gave me an opportunity to specialise in Ethics and Political Philosophy. My heartfelt sincere appreciation and gratitude too, go to the Portuguese Province (under the leadership of Rev. Father José Sabença CSSp, the provincial) of the Congregation of the Holy Spirit who willingly (out of their generosity) accepted me to study in their province. Indeed, I am grateful for taking good care of my needs. I also want to thank Rev. Father Roddy Curran CSSp, who unwaveringly supported me financially (money for English text books I needed for the course). In fact, I should not forget to gratefully thank Prof. Dr Miguel Dias Costa who willingly accepted to be my supervisor and accompanied me towards the realisation of this essay. I am grateful indeed for his scholarly guidance and supervision.

Besides, I am sincerely grateful to all my professors in the faculty of philosophy (Dr. Manuel Sumares, Dr. José Henrique Silveira de Brito and Dr. José Gama) for their humility in imparting their distinguished intellectual expertise. Indeed, I shall not forget to thank my colleagues too, for the good companionship we had. With them, the intellectual cross was bearable.

I extend my words of thanks to my Spiritan confreres in the community of Fraião in Braga for their support towards my life. To you all, I say thank you very much. And to all of those (not mentioned by name) who supported me in any way, I am grateful to you. May God bless you abundantly.

## **Dedication**

To my parents: Edward Mpokota Chifuwe and Maria Changu, for gratitude and love.

## **General introduction**

Justice is of central importance in political theory and practice. In defending or opposing laws, public policies and administrative decisions of government, often times appeals are made to the concepts of justice. Justice is also invoked in social and political movements, civil disobedience campaigns (public demonstrations/protests), environmental and even feminist movements.

Among the political virtues, i.e., liberty, equality of citizens, fraternity, tolerance, harmony, peace, etc. that ought to sustain the well-being of a society, justice is widely regarded as fundamentally important. According to one of the contemporary moral and political philosophers, John Rawls, “justice is the first virtue of social institutions as truth is of systems of thought.”<sup>1</sup> And his book (*A Theory of Justice*) is dedicated to the exploration of this concept of social justice which, in his view, is essential for a well-ordered society. He argues that justice and equality are essential political virtues for a democratic constitutional society.

While there might be a widespread understanding among politicians, philosophers and even ordinary citizens on the centrality of justice as a moral-political virtue, there is as yet no common agreement among them as regards its meaning and even its scope. Hence, there are differences in the views of the liberal-egalitarian (to which Rawls belongs), utilitarian, libertarian, communitarian, marxist and even feminist theorists. Among all these theorists, liberal-egalitarian theory of social justice as developed and defended by Rawls has seemingly occupied a central position in moral and political philosophy in the contemporary period. And in comparison to his theory, other competing theories have to prove their merit or worth.

Many patriarchal societies are built on and sustain hierarchical structures of leadership in all social spheres of life, right from the family upwards, to the national level. Can justice and equality be applicable to such societies? If the answer is ‘yes’, then how? And if it is ‘no’, then why not?

Although this essay basically follows the ideas of John Rawls, it actually, integrates views/perspectives from other authors like Susan Okin, Henry Sidgwick, David Held among others. Beginning with the liberalism perspective (liberty, rights, freedom etc) that places more emphasis on the individual person, the essay ends up with a communitarian perspective (traditions, customs and social virtues). In doing this, it attempts to apply the virtues of justice

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<sup>1</sup> John Rawls, *A Theory of Justice*, The Belknap Press of Harvard University, Cambridge, Massachusetts, USA, 1971, 3.

and equality to the Tonga society (community) of Zambia. The essay is divided into three chapters.

Chapter one presents the basic concept of social justice according to John Rawls and various critics of his theory. Chapter two is the description of the Tonga traditional social structures and their internal practices. In this chapter, special attention is given to the way gender roles unevenly distribute power to members (men and women) of this society. Indeed the chapter identifies how the virtues of justice and equality are seemingly ignored in the ordinary relations of its members, i.e., in the family and also in socio-political sphere. This is done in view of the aim of the essay; justice and equality application attempt that chapter three presents.

So chapter three presents some proposals towards application of justice and equality, not just in Tonga but possibly, in the Zambian society as whole. These proposals are in a form of signposts, showing how justice and equality could be fostered in children, the family and also in society as a whole. In doing this, we envisage a society, which is transformed from a traditional to a more tolerant and accommodative one, in which all its members (both men and women) could be accorded an equal opportunity, with their recognized full rights and duties, to develop their potentials, for the personal and common good. A change that we envisage requires (to some extent) a just democratic constitution that guarantees liberty and equality of all citizens. Such a constitution could possibly help to encourage full, free and equal participation of members in public life of the nation. And active participation of citizens in public life requires a development of a political culture. This implies development of citizens' political conception. And such a political conception could be possible mainly by an aid of civic education. Education (especially formal) is key to personal and national development. And to enhance civic education, mass media is essential. Media plays a crucial role in creating a political conception and culture in citizens. It is instrumental in shaping and building a political community.

Members of a society cannot avoid interacting with one another and their actions (be they political or otherwise) can enhance or destroy the lives of others. And to regulate public conduct, civil ethics is required. For human actions imply responsibility. Hence, towards the end of the essay, a connection is made between politics and ethics. For, such a relationship is inevitable in a political community.

## Chapter one

### A Theory of Justice according to John Rawls

#### Introduction

This chapter presents some<sup>2</sup> basic ideas of justice according to John Rawls. The first part shall be a presentation of some ideas on his theory of justice; basically the original position and his two principles of justice. This part shall also be linked to his concept of free and equal persons (moral and political) which leads to his understanding of justice as fairness in a political conception of a constitutional democratic society.

Although Rawls' theory of justice occupies a central place in the contemporary period, it is not without critics. There are various critics of his theory of justice. Hence the second part of chapter one shall present the critics of his theory of justice. These shall only be some representatives of Libertarian, Communitarian, Marxist, Feminist theories and other particular individual views.

It is worth noting that even before Rawls undertook his great endeavor (theory of social justice work), there were already some traditional conceptions of justice in existence.<sup>3</sup> These were the classical utilitarian and intuitionist conceptions of justice. It is from this background that his "aim is to work out a theory of justice that is a viable alternative to these doctrines which have long dominated our philosophical tradition."<sup>4</sup> And this is why before presenting his principles of justice, he first gives a critic to the aforementioned two conceptions of justice. However, in this chapter, only his critic to classic utilitarianism shall be presented.

#### 1. Rawls' Critic of Utilitarianism.

In his criticism to classic utilitarianism,<sup>5</sup> Rawls undertakes a corrective venture based on the utilitarian principle of *the greatest happiness of the greatest number*.<sup>6</sup> He seems to have

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<sup>2</sup> In this essay, we do not, in any way, intend to present *all* the ideas of Rawls' theory of justice, rather only some of them shall be presented for the particular intended vision; application attempt. We are aware that not every system that works in one society can easily be transferrable to another. Only some aspects of it could be borrowed and application always depends on the context. In other words, not every idea of Rawls can be applicable to every context.

<sup>3</sup> This was mainly in the Anglo-Saxon context.

<sup>4</sup> Rawls, *A Theory of Justice*, 3.

<sup>5</sup> It is worth noting here that although Rawls criticises utilitarianism, there are still some aspects of it that he values and accepts e.g., some ideas of John Stuart Mill and Henry Sidgwick, as we shall see later.

<sup>6</sup> This principle is from Jeremy Bentham (see Rawl, *A Theory of Justice*, 22-23).

observed that utilitarianism<sup>7</sup> had made a progressive and welfare-oriented departure from classical liberalism's concern with an individual's rights. And due to this, he considers utilitarianism as a morally flawed theory of justice. That is, a theory that infringes with the liberty of a person. This is so in a sense that it justifies or tolerates the sacrificing of the rights and even the good of some individuals for the sake of the happiness of the greatest number. In fact, for the utilitarian, a creation of justice in a society is the aggregate sum of utility or happiness it produces, and not necessarily the well-being or welfare of each member of the society.<sup>8</sup> Hence, in Rawls' view, utilitarianism ignores the welfare of each individual member of society. And this, for him, is wrong.

And so Rawls observes:

The striking feature of the utilitarian view of justice is that it does not matter, except indirectly, how this sum of satisfactions is distributed among individuals any more than it matters, except indirectly, how one man distributes his satisfactions over time. The correct distribution in either case is that which yields the maximum fulfilment. Society must allocate its means of satisfaction whatever these are, rights and duties, opportunities and privileges, and various forms of wealth, so as to achieve this maximum if it can.<sup>9</sup>

Rawls seems to have drawn his criticism inspiration on utilitarianism from Kant's moral concept of the freedom and equality of every human being. According to Kant's famous moral principle, *every human being is to be treated as an end in himself and not as means to the ends of others*. And so from this perspective, it could be unjust to sacrifice the basic rights and liberties of some persons for the sake of happiness of any majority of the utilitarian conception of the good.

Rawls goes on to give some contrasts between utilitarianism and his theory of justice as fairness. He says "whereas the utilitarian extends to society the principle of choice for one man, justice as fairness, being a contract view, assumes that the principles of social choice, and so the principles of justice, are themselves the object of an original agreement."<sup>10</sup> The

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<sup>7</sup> According to Henry Sidgwick, "utilitarianism is ... the ethical theory, that the conduct which, under any given circumstances, is objectively right, is that which will produce the greatest amount of happiness on the whole; that is, taking into account all whose happiness is affected by the conduct," (see his book, *The Methods of Ethics*, 7<sup>th</sup> Edition, Hackett Publishing Company, Cambridge, USA, 1981, 411). Actually, Sidgwick further explains that, "from Bentham's psychological doctrine, that every human being always does aim at his own greatest apparent happiness, it seems to follow that it is useless to point to a man the conduct that would conduce to the general happiness, unless you convince him at the same time that it would conduce to his own," (see his same book, *The Methods of Ethics*, 84-85).

<sup>8</sup> Cf. Rawls, *A Theory of Justice*, 22-23.

<sup>9</sup> Rawls, *A Theory of Justice*, 26.

<sup>10</sup> Rawls, *A Theory of Justice*, 28.

author's argument here seems to be that, principles that should govern a society or an association of people should not simply be an extension of the choice for one man. In his view, principles to govern or regulate society ought to be agreed upon by parties in a social contract that gives restrictions of what can be expected in a society as whole. Hence he further states another major contrast between utilitarianism and justice as fairness. For him, "utilitarianism is a teleological theory whereas justice as fairness is not. By definition, then, the latter is deontological theory, one that does not interpret the right as maximizing the good" that assumes that "persons in the original position would choose a principle of equal liberty and restrict economic and social inequalities to those in everyone's interests."<sup>11</sup> Thus, the idea of arriving at a great balance of satisfaction is not a value in justice as fairness. In other words, the maximum satisfaction principle is not used in justice as fairness. Instead, justice as fairness considers other values (like liberty and equality of persons) that are contrary to those of utilitarianism.

Furthermore, remarking on deontological liberalism (to which Rawls belongs), Michael Sandel explains thus:

On the full deontological view, the primacy of justice describes not only a moral priority but also a privileged form of justification; that right is prior to the good not only in that its claims take precedence, but also in that its principles are independently derived. This means that, unlike other practical injunctions, principles of justice are justified in a way that does not depend on any particular vision of the good. To the contrary; given its independent status, the right constrains the good and sets its bounds.<sup>12</sup>

It is from this deontological point of view that Rawls emphasises that:

In justice as fairness the concept of right is prior to that of the good. A just system defines the scope within which individuals must develop their aims, and it provides a framework of rights and opportunities and the means of satisfaction within and by the use of which these ends may be equitably pursued ... This priority of the right over the good in justice as fairness turns out to be a central feature of the conception. It imposes certain criteria on the design of the basic structure as a whole...<sup>13</sup>

The above implies that the major contrast between utilitarianism and justice as fairness lies in their approach as to what each regards as the core conception of social justice. Justice as fairness considers a well-ordered society as a system of cooperation governed by principles that persons (and not one man) choose in a free and fair initial situation (original position) for

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<sup>11</sup> Rawls, *A Theory of Justice*, 30.

<sup>12</sup> Michael J, Sandel, *Liberalism and the Limits of Justice*, 2<sup>nd</sup> Edition, Cambridge University Press, New York, 1982, 2.

<sup>13</sup> Rawls, *A Theory of Justice*, 31-32.

mutual advantages whereas utilitarianism considers the efficiency of social resources for the maximum satisfaction of desires regulated by an extension of the principle of choice for one man.

Rawls believes that citizens enter into society by birth and they leave it by death. And this is what could be called citizenship right. And by this citizenship right all must be treated as equal. No person is of less value and ought to be sacrificed for the good of others. And in Rawls' similar line of thought that no individual person should be sacrificed for the good of others, Charles Taylor has this to say:

But if all enter into society freely, then all should benefit from the association. This is the basis of a principle of equality, the principle of equal fulfilment, that is, the principle that society's aims should be equally fulfilled for each of its members; for otherwise some in joining would be giving more than they get, would be sacrificing themselves for others; and there is no ground why they should do this.<sup>14</sup>

Therefore, it can be seen that in Rawls' view, utilitarianism violates liberal-egalitarian moral principle which he seems to try to reinstate in his theory of social justice. Hence he gives centrality to the liberal-egalitarian moral principles that emphasise freedom and equality of every human being which utilitarianism ignores or violates.<sup>15</sup> And this is evident in his social justice content. In fact, this perspective (emphasis on freedom and equality of every person-natural justice requirement) is similar to John S. Mill's (utilitarian ) affirmation that "...It is held to be the dictate of justice" that "all persons are deemed to have a right to equality of treatment, except when some recognised social expediency requires the reverse."<sup>16</sup>

Rawls, therefore, undertakes to reemphasise the value of freedom and equality of each person in society, basing his argument on justice. And this seems to be the reason why right from the beginning of his work (*A Theory of Justice* book) he puts it clearly that:

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. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many.<sup>17</sup>

What Rawls seems to advocate for, are the principles of justice that citizens can affirm in a social contract and support for the good welfare of a society. Hence his general remark that:

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<sup>14</sup> Charles Taylor, *Philosophy and the Human Sciences: Philosophical Papers 2*, Cambridge University Press, UK, 1985, 293.

<sup>15</sup> Cf. Rawls, *A Theory of Justice*, 14.

<sup>16</sup> John Stuart Mill, *Utilitarianism and the 1868 Speech on Capital Punishment, 2<sup>nd</sup> Edition*, edited by George Sher, Hackett Publishing Company, Inc., USA, 2001, 63.

<sup>17</sup> Rawls, *A Theory of Justice*, 3.

In justice as fairness the priority of right implies that the principles of (political) justice set limits to permissible ways of life; hence the claims citizens make to pursue ends that transgress those limits have no weight (as judged by that political conception). But just institutions and the political virtues expected of citizens would serve no purpose — would have no point — unless those institutions and virtues not only permitted but also sustained ways of life that citizens can affirm as worthy of their full allegiance. A conception of political justice must contain within itself sufficient space, as it were, for ways of life that can gain devoted support.<sup>18</sup>

And it is from this background and perspective that Rawls ventures into his theory of social justice proper.

### 1.1 Rawls' Theory of Justice

As early as 1958, Rawls had already stated that he considers “justice only as a virtue of social institutions, or what I shall call practices.”<sup>19</sup> Thus in his view “justice is to be understood in its customary sense as representing but *one* of the many virtues of social institutions.”<sup>20</sup>

In his book *A Theory of Justice*, (published in 1971), Rawls begins by defining and describing what he means by justice. According to him:

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.<sup>21</sup>

And this is the guiding insight of the whole of his social justice venture in his great book; *A Theory of Justice*.

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<sup>18</sup>Rawls, *Collected Papers*, edited by Samuel Freeman, Harvard University Press, Cambridge, Massachusetts, London, England, 1999, 449. Later on however, his general meaning of the priority of right is elaborated as follows: “First, the priority of right means that the ideas of the good used must be political ideas, so that we need not rely on comprehensive conceptions of the good but only on ideas tailored to fit within the political conception. Second, the priority of right means that the principles of justice set limits to permissible ways of life; the claims that citizens make to pursue ends transgressing those limits have no weight. The priority of right gives the principles of justice a strict precedence in citizens’ deliberations and limits their freedom to advance certain ways of life. It characterises the structure and content of justice as fairness and what it regards as good reasons in deliberation” (see Rawls, *Political Liberalism*, expanded edition, Columbia University Press, New York, 1993, 209).

<sup>19</sup> John Rawls, *Collected Papers*, 47. And by “practice” (as he explains in the footnote on the same page) he refers to “any form of activity specified by a system of rules which defines offices, roles, moves, penalties, defences etc., and which gives activity its structure”. Examples he gives include “games, rituals, trials and parliaments, markets and systems of property”.

<sup>20</sup> Rawls, *Collected Papers*, 48.

<sup>21</sup> Rawls, *A Theory of Justice*, 3.

Rawls goes much further saying that “the primary subject of justice is the basic structure or more exactly, the way in which major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.”<sup>22</sup> It is worth noting here that even though in *Theory of Justice*, he does not clearly mention the family as being part of the basic structure, later on, he includes it among the major social institutions when he states that “the family is part of the basic structure, the reason being that one of its essential roles is to establish the orderly production and reproduction of society and of its culture from one generation to the next.”<sup>23</sup>

Thus for him, social justice is of crucial importance to social life. Actually, in his view “the basic structure is the background social framework within which the activities of associations and individuals take place. A just basic structure secures what may be called background justice.”<sup>24</sup> This leads him to his main focus, the basic structure, which he considers as the subject of political and social justice. Hence his assumption that “justice as fairness starts with domestic justice — the justice of the basic structure. From there it works outward to the law of peoples and inward to local justice.”<sup>25</sup>

Moreover, it is worth noting that what Rawls means by a basic structure is a “society’s main political, social, and economical institutions, and how they fit together into one unified system of social cooperation from one generation to the next.”<sup>26</sup> And according to Robert Paul Wolff, “at the deepest level ... the idealist definition of society, as we may call it, and the further stipulation of well-ordering, express Rawls’ profound commitment to the vision of a stable society in which justice and goodness are congruent.”<sup>27</sup>

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<sup>22</sup> Rawls, *A Theory of Justice*, 7. And here by major social institutions (as indicated on the same page) Rawls intends to mean “the political constitution and the principal economic and social arrangements.” But it is worth noting that here Rawls does not clearly specify what he means by his general expression ‘social arrangements.’ And in fact, only later on, does he specify that the family is also part of the basic structure.

<sup>23</sup> Rawls, *Justice as Fairness, A Restatement*, edited by Erin Kelly, The Belknap Press of Harvard University Press, Cambridge, Massachusetts, London, England, 2001, 162. It could be said by implication and in a sense that justice ought to be considered or even practiced in the family house-hold environment as well since the family is the basic and fundamental cell of society.

<sup>24</sup> Rawls, *Justice as Fairness*, 10.

<sup>25</sup> Rawls, *Justice as Fairness*, 11.

<sup>26</sup> Rawls, *Political Liberalism*, expanded edition, Columbia University Press, New York, 1993, 11.

<sup>27</sup> Robert Paul Wolff, *Understanding Rawls: A Reconstruction and Critique of A Theory of Justice*, Princeton University Press, Princeton, New Jersey, USA, 1977, 80.

## 1.2 Original Position

Rawls introduces his methodological concept of justice with an idea of an Original Position. According to him, this is a “hypothetical situation”<sup>28</sup> that requires that the negotiators of the basic agreement (social contract) do their negotiations or deliberations “behind the veil of ignorance,” meaning, without knowledge of their natural abilities and assets, strength, intelligence etc.<sup>29</sup> By this, he seems to intend to mean that those in the Original Position are blinded by the “veil of ignorance” to all their specific individual natural contingencies so that they consider themselves as beings with specific social identities, that is, with unknown abilities, traits and goals to which opportunity, freedom, equality and income are means to achieve a common objective; social justice and equality in society. Social justice, in his view, is a benchmark of a well-ordered society. And the original position device is meant to help in the process of working out which conception of justice would bring about some principles that can lead to the realisation of liberty and equality of persons in society.<sup>30</sup>

The “veil of ignorance” is a device aimed at preventing some biasness in the process of negotiations towards an agreement — social contract. Knowledge of information of some social and natural contingencies are excluded from the original position “to eliminate prejudices and self-interest” so as “to secure impartiality” and therefore “to make rational agreement possible.”<sup>31</sup> Hence he goes further to say that, “the veil of ignorance makes possible a unanimous choice of a particular conception of justice. Without these limitations on knowledge the bargaining problem of the original position would be hopelessly complicated.”<sup>32</sup> Besides natural abilities, this implies also that in the original position there should not be any consideration of parties’ particular social positions. The idea is that in the initial agreement, there should be no special human or social conditions to be included, for such would influence some elements of favouritism towards bias principles. Hence, conditions like race, sex, endowments, strength and even intelligence are not allowed in his original position.

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<sup>28</sup> Rawls, *A Theory of Justice*, 12.

<sup>29</sup> Cf. Rawls, *A Theory of Justice*, 12.

<sup>30</sup> Cf. Rawls, *Political Liberalism*, 22. And according to Paul Ricoeur, “to provide a procedural solution to the question of the just is the declared aim of a Theory of Justice. A fair procedure in view of a just arrangement of institutions is exactly what is meant by the title of chapter 1, ‘Justice as Fairness’” ( see Paul Ricoeur, *Oneself as Another*, Translated by Kathleen Blamey, The University of Chicago Press, Chicago, USA, 1992, p.231).

<sup>31</sup> Rawls, *Collected Papers*, 268.

<sup>32</sup> Rawls, *A Theory of Justice*, 140.

And so, in regard to the *veil of ignorance* in his original position, Rawls elaborates that:

No one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind the veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favour his particular condition, the principles of justice are the result of a fair agreement or bargain.<sup>33</sup>

However, although this is (according to Rawls) the major purpose of the veil of ignorance in the original position, Robert P. Wolff's remark is worth consideration here. According to him, rational players could not be expected to choose Rawls' two principles of justice. And he gives reasons why rational players could not choose such principles behind the veil of ignorance. In his view, it is because of two major reasons:

First, that their knowledge of their own special talents and abilities would lead them to disagree over a principle for assigning individuals to unequally rewarded positions and, second, that this very same knowledge would lead the more able to favour principles that permitted slight reductions in the payoffs to the least favoured in return for substantial increases to all the other positions.<sup>34</sup>

Despite such a remark, Wolff goes on to acknowledge the value of the veil of ignorance. In his view, the veil of ignorance has a positive attraction in a sense that in denying essential information (of natural talents and abilities) to parties in the original position, it inclines the parties towards adopting the principles that would consider natural talents and abilities as "social rather than personal resources". Hence parties in the original position are in a way, forced to adopt a generalized point of view.<sup>35</sup> Thus, it can be said that, from this perspective, Rawls in fact, succeeds in his process of designing principles of justice for his envisaged well-ordered society.

Furthermore, Rawls has a major reason why he introduces the veil of ignorance device. This is what he says:

The reason why the original position must abstract from and not be affected by the contingencies of the social world is that the conditions for a fair agreement on the principles of political justice between free and equal persons must eliminate the bargaining advantages which inevitably arise within background institutions of any society as the result of cumulative

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<sup>33</sup> Rawls, *A Theory of Justice*, 12.

<sup>34</sup> Wolff, *Understanding Rawls*, 61.

<sup>35</sup> Cf. Wolff, *Understanding Rawls*, 62.

social, historical, and natural tendencies. These contingent advantages and accidental influences from the past should not influence an agreement of the principles which are to regulate the institutions of the basic structure itself from the present to the future.<sup>36</sup>

Thus, the “original position is to be seen as a device of representation and hence any agreement reached by the parties must be regarded as both hypothetical and nonhistorical.”<sup>37</sup>

In the Original Position, Rawls assumes that biasness does not play any role in the selection of principles of justice. This lack of biasness in the negotiation process is what he calls fairness. For him an agreement (social contract) is fair when the process in the original position is fair. And fairness requires that in the distributive process, all parties would be treated as equal. He therefore, argues that the principles to guide or govern the basic structure of a just society ought to be those which would be selected and adopted by rational individuals in the hypothetically constructed situation called the “Original Position”. And this “original position of equality corresponds to the state of nature in the traditional theory of the social contract.”<sup>38</sup> Thus, it can be said that according to Rawls, a social contract procedure of political deliberation ought to respect liberal-egalitarian moral idea of the freedom and equality of all persons. It also implies that an agreement arrived at, through such a procedure, is just or fair to all the parties in the social contract. In his own words, he remarks thus:

It seems reasonable to suppose that the parties in the original position are equal. That is, all have the same rights in the procedure for choosing principles; each can make proposals, submit reasons for their acceptance, and so on. Obviously the purpose of these conditions is to represent equality between human beings as moral persons, as creatures having a conception of their good and capable of a sense of justice.<sup>39</sup>

Of course it must be noted here that this kind of social contract is hypothetical and non-historical as the author himself puts it clearly (as already indicated earlier on).

Rawls further explains what the original position enables the parties and what it is actually intended for. Thus he says:

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<sup>36</sup> Rawls, *Collected Papers*, 400.

<sup>37</sup> Rawls, *Collected Papers*, 400.

<sup>38</sup> Rawls, *A Theory of Justice*, 12-13. The idea of ‘state of nature’ that Rawls mentions here could be likened to John Locke’s state of nature. In his Book, *Models of Democracy*, David Held describes some elements of Locke’s state of nature saying, “this state of nature, the basic form of human association, is a state of liberty but not ‘a state of license’... The law of nature specifies basic principles of morality; individuals should not take their own lives, they should try to preserve each other and should not infringe upon one another’s liberty... Within the state of nature, humans are free and equal because reason makes them capable of rationality, of following the law of nature...” (See David Held, *Models of Democracy*, 3<sup>rd</sup> edition, Stanford University Press, Stanford, California, 2006, 63).

<sup>39</sup> Rawls, *A Theory of Justice*, 19.

The original position enables us to unite in one scheme our more formal and abstract convictions with our more concrete and particular judgments. It uses the intuitive persuasiveness of the one to check on the plausibility of the other, and vice versa; and it focuses the combined credibility of both on the choice of principles of right.<sup>40</sup>

And it is from this perspective that he elaborates its intended purpose:

It is intended to be fair between individuals conceived as moral persons with a right to equal respect and consideration in the design of their common institutions. That is, it is supposed to be fair in the way in which it situates individuals so conceived when they are to adopt principles of justice.<sup>41</sup>

Furthermore, in Rawls' view, in a fundamental agreement (social contract), natural talents and abilities are assumed as common assets<sup>42</sup> that have to be shared by means of equal

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<sup>40</sup> Rawls, *Collected Papers*, 270.

<sup>41</sup> Rawls, *Collected Papers*, 270.

<sup>42</sup> Rawls' original position in which parties' natural talents and abilities are regarded as common assets can be compared with the spirit of the Early Christian Community of the New Testament. The idea of sharing from the common pool is characteristic of the Early Christian Community of the disciples of Jesus as found in the Acts of the Apostles where it says that "the whole group of believers was united, heart and soul; no one claimed private ownership of any possessions, as everything they owned was held in common ... There was not a needy person among them, for as many as owned lands or houses sold them and brought the proceeds of what they sold. They laid it at the apostles' feet, and it was distributed to each as any had need" (Acts 4:32, 34). This criterion was meant for the purpose that they (as a community) would manageably continue to give witness to the Risen Lord, Jesus Christ, without worrying too much about material needs. However, the Early Christian community members decided freely to put together their wealth; material goods while in Rawls' original position, freedom of choice and even equality are assumed. Early community members knew what they were doing and the consequences of their decision. But in original position, little knowledge is allowed.

Moreover, Consecrated Religious Life in the Roman Catholic Church is designed on the Early Christian Community's motto "one heart and one soul". This binds and helps members to put together their resources and share them as a community. All what consecrated religious people have and produce using their natural individual abilities and talents, belong, not to the particular individuals themselves who produce them, but to the community to which they belong. This is a kind of 'religious contract' made at profession of religious vows, when one becomes a member. All the fruit of their labour is put into the common pool for the common purpose, sharing (presumably by just distribution according to the need of each member) as they give witness to Jesus Christ. Public profession of the Vow of Poverty, Obedience and Chastity (also called Evangelical Counsels) bind them to a common way of life, living together as they work within and outside the community. And so, no consecrated religious person is supposed to own property as personal asset, even if it is the fruit of his/her labour. The producer can only admire it but has no freedom to use it at will (restricted by the vow of Poverty). He/she has no right to claim it as personal as long as he/she remains a consecrated religious person. Individuals' products are meant for the common good, their well-being. In a sense, it could be said that they are kind of benefactors to, by, through themselves, and the community or society they belong to. They are economically self-sustaining. They provide for their well-being by and through their naturally developed talents, abilities and capacities. And since they are gifted differently, some less, other more, when they put together the fruit of all their labour, none is supposed to be disadvantaged. All are supposed to benefit equally from the same common pool. And this confirms what Rawls implies when he says that the better endowed could be trained to use their talents and abilities in ways that could contribute to the good of the less endowed (see Rawls, *Justice as Fairness*, 76-77). So, in some sense, it could be said that productive religious persons are common assets for their religious congregations or individual communities they belong to in a similar way parties in the original position are common assets for the well-being of all members of an envisioned well-ordered society. Both produce what sustains them (as a society or as a community) through their natural abilities and talents.

Moreover, this gives an insight to what St. Paul later says about spiritual gifts in 1 Corinthians 12:4-11. According to Paul, natural talents human beings have are a gift from God through His Holy Spirit. God entrusts

distribution. From this point of view, natural individual endowments (talents and abilities) are not regarded as an individual's own (personal) property but rather, the (common) property of society they belong to. They can be likened to the biblical manna (bread) from heaven that saved the Israelites from hunger in the desert (Exodus 16:1-36). Manna fell from heaven. God provided it. No one claimed manna as his personal property he had the right to hold or entitled to as a private property and could distribute it at will. Manna belonged to no particular individual. It was a common or community gift. God gave it to the Israelites free of charge. It was meant for the people of Israel as a nation. Hence, manna was regarded as a common property or community commodity that was meant for sharing among the Israelites.

So we could in a way understand the line of reasoning Rawls uses in his argument that individuals do not somewhat deserve their natural or genetic assets they are born with. In his view, such assets are considered as accidents in the initial social contract and they should not be considered as of any particular advantage or value. From this perspective, it is evident that Rawls rejects natural liberty (the libertarian entitlement right) and favours democratic equality.<sup>43</sup>

Stephen Mulhall helps us to understand more the original position of Rawls when he remarks that “the original position is merely a device of representation in an argument about

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them to people but he remains the absolute owner. Human beings are believed to be caretakers or stewards. By implication, individuals have no right to their natural talents and abilities. Similarly, through public religious profession of vows, consecrated religious people kind of renounce their natural rights to personal liberty; surrender some element of their personal freedom (especially freedom to choose and do as they like, want or desire) to the superior (obedience), renounce their right to hold property (Poverty) and for the well-being of their way of life, they are expected to be faithful to the commitment they make (Chastity). In other words, through the vows, consecrated religious mean to say “I surrender all that I am, all that I have (natural abilities and talents included) and all that I might have or acquire in future.”

At profession, consecrated religious sacrifice (kind of deny themselves) their personal full liberty and right to hold and enjoy what they produce. However, unlike parties in Rawls' original position, consecrated religious people do this, freely, willingly and in their knowledge of the consequences of what they profess. For they are normally prepared (trained in a continuous evaluative formation and freely apply to be members) for years (not just months) before they can possibly profess. Similarly, parties in the original position are assumed to have surrendered (blinded by veil ignorance, denied essential information) all their natural liberty and natural assets, abilities and talents, before they can negotiate and agree on which principles are to govern their common life in society without biasness or favouring particular endowments or social positions.

The underlying idea here is that Rawls's social contract is similar to a religious 'contract'. Like an agreement made in the social contract that is binding to parties who make it, similarly, religious vows are binding to those who publicly profess them. The common denominator here is that, parties (persons) in Rawls' social contract and consecrated religious persons are supposed to live according to the ideal prescriptions of the contract for their well-being (as community or society members) and not according to each individual person's wishes or desires. Of course it is a well known fact that any contract, limits an individual's freedom to do as one wishes, lest one violates the contract requirements. However, the major difference between a religious community and Rawls is that a religious community's emphasis is on faith while Rawls' is more on reason and individualism.

<sup>43</sup> Cf. Rawls, *A Theory of Justice*, 74-75.

politics: it simply dramatises the claim that, when thinking about social justice, we ought to refrain from basing our deliberations on our knowledge of what our natural and social endowments and our value commitments are.”<sup>44</sup>

Therefore, it can be said that Rawls considers individual abilities as the wealth and income of society and their distribution should not be based on social and historical factors. And in his view, this idea of considering individual abilities and talents as common wealth or asset of society (dependent on individual abilities and efforts) provides everyone with equal prospects of success in life.

Having introduced such a hypothetical device (the original position with its veil of ignorance), the author goes on to propose that in a well-ordered society, the basic liberties should be distributed equally unless an unequal distribution of these primary goods is to the advantage of the least favoured. And it is from this perspective that he also views justice as fairness that is, when resources are distributed equally and unequally only if it is to benefit of the disadvantaged members of society (see the second principle below, point 1.3). Hence he says that “one practicable aim of justice as fairness is to provide an acceptable philosophical and moral basis for democratic institutions and thus to address the question of how the claims of liberty and equality are to be understood.”<sup>45</sup> Thus he looks to what he calls “the public political culture of a democratic society, and to the traditions of interpretation of its

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<sup>44</sup> Stephen Mulhall, “Liberalism, Morality and Rationality”, in *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, John Horton and Susan Mendus, editors, University of Notre Dame Press, Notre Dame, Indiana, 1994, 208. The text further reads: “If we allowed our knowledge that we possessed a certain social status or talent to affect our choice, we would be permitting an inequality that is arbitrary from a moral point of view to distort our thinking about justice; we would not be treating people as equal. And if we allowed our knowledge that we were committed to a given conception of the good to influence our deliberations, we would be condemning those who had freely chosen or developed different commitments to unfair treatment by the state; we would not be treating people as free. Moreover, these epistemic limits are intended to apply solely to matters of social justice. In the arena of private life, people are free to invoke and depend on their value commitments as much as they please; in those domains of their lives which do not involve their interaction with one another through the state and the basic institutions of society, those domains in which it is not people understood as citizens who are at issue, then the veil of ignorance has no role to play. In other words, the structure of the original position reflects Rawls’ substantive view that social justice demands that we regard our fellow citizens as free and equal; it does not embody a general empirical claim that persons can (phenomenologically) detach themselves from all their roles, character traits and ends at any one time, or a general metaphysical claim that one’s identity as a person is not bound up with such matters. The veil of ignorance is a morally driven epistemic limit in politics, not the manifestation of a phenomenological or ontological hypothesis.”

<sup>45</sup> Rawls, *Justice as Fairness*, 5.

constitution and basic laws, for certain familiar ideas that can be worked up into a conception of political justice.”<sup>46</sup>

Rawls goes on to describe a well-ordered society that would be the product of his theory of justice. Thus in his view, a society is well-ordered when it is “designed to advance the good of its members ... in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles.”<sup>47</sup> In his view, when individuals share a common concept of justice, they can establish a civic bond of relationship which makes them desire for a common purpose or pursuit. And such a common pursuit limits other individual pursuits or goals for the good of society. Hence, “the fundamental idea of a well-ordered society — a society effectively regulated by a public conception of justice — is a companion idea used to specify the central organising idea of society as a fair system of cooperation.”<sup>48</sup>

Rawls further says that “there is, however, another side of justifying a particular description of the original position. This is to see if the principles which would be chosen match our considered convictions of justice or extend them in an acceptable way.”<sup>49</sup> In his view, a well-ordered society is a society which is structured on his two principles of justice. And the conception of justice that would suit his envisioned well-ordered society “is the one that would be agreed to in a hypothetical situation that is fair between individuals conceived as free and equal moral persons, that is, as members of such a society.”<sup>50</sup>

Thus it can be said that Rawls’ reasoning behind the original position is that it should manifest how a fair system of social cooperation can contribute to the specification of the basic rights and liberties. It should also show some elements that regard citizens as free and equal persons in an envisioned well-ordered society. In other words, a social contract requires some appropriate conditions of fairness.

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<sup>46</sup> Rawls, *Justice as Fairness*, 5.

<sup>47</sup> Rawls, *A Theory of Justice*, 5.

<sup>48</sup> Rawls, *Justice as Fairness*, 8.

<sup>49</sup> Rawls, *A Theory of Justice*, 19.

<sup>50</sup> Rawls, *Collected Papers*, 264.

### 1.3 Rawls' Principles of Justice

According to Rawls, a reasonable and good society is “a cooperative venture for mutual advantage.”<sup>51</sup> But of course besides such cooperation, there could be conflicts among members in society concerning burdens and benefits of social life. Hence the principles of justice “... provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distributions of the benefits and burdens of social cooperation.”<sup>52</sup> The author goes on to say that the basic institutions of society should be made or constructed so as to ensure the continuous distribution of “social goods” to all members of society. And this is to be done in a fair manner. The “social primary goods” which the basic structure of society should distribute are goods such as rights, liberties, opportunities and power, income and wealth etc.<sup>53</sup> These social goods must be distributed equally to all members of society. But they can be unequally distributed if and only if they are to favour the least advantaged members of society. Therefore, it can be said that in this, Rawls seems to imply that inequality of distribution requires justification and that justification is to improve the situation of the less advantaged members of society.

The distribution of the “social primary goods” among the members is just or fair when and if the distribution is done according to the suggested principles of justice which are:

First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.<sup>54</sup>

It is evident from the above two statements that the first principle concerns equal basic liberties while the second principle concerns fair equality of opportunity.

In fact, Rawls goes on to say that the guiding idea of his principles of justice chosen in the original position is that they are an object for the basic structure of society. Thus he writes:

They are the principles that rational and free persons concerned to further their own interests would accept in an initial position of equality as defining the fundamentals of the terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness.<sup>55</sup>

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<sup>51</sup> Rawls, *A Theory of Justice*, 4.

<sup>52</sup> Rawls, *A Theory of Justice*, 4.

<sup>53</sup> Cf. Rawls, *A Theory of Justice*, 62, 303.

<sup>54</sup> Rawls, *A Theory of Justice*, 60.

<sup>55</sup> Rawls, *A Theory of Justice*, 11.

What Rawls seems to say by his principles of justice is that a well-ordered society must be a product of a reasonable agreement or consent. And this agreement must be the fruit of sound reasoning that free and equal people choose. These are people who desire to establish a political society in which they can pursue their interests.

And according to Paul Ricoeur, the second part of the second principle “is addressed to claims for equality raised by rival communities of thinking and assures an institutional protection for the rights, liberties and opportunities attached to these claims.”<sup>56</sup>

From the above, it could thus be said that the purpose of Rawls’ principles of social justice is to ensure that the distribution of the benefits and burdens of society is just or fair to all members.

Furthermore, according to the Rawls himself, the aforementioned two principles of justice have a specific role. They are:

To assign rights and duties on the basic structure of society and to specify the manner in which institutions are to influence the overall distribution of the returns from social cooperation. The basic structure is the primary subject of justice and that to which the principles of justice in the first instant apply.<sup>57</sup>

Rawls goes on to describe his principles of justice “as those which rational persons concerned to advance their interests would consent to as equals when none are known to be advantaged or disadvantaged by social and natural contingencies.”<sup>58</sup> And the two aforementioned principles of justice should be arranged in a serial order which he calls “lexical priority.” This, in his view, means that the first principle must be fully satisfied before the second principle can be applied. In his own words he says that “these principles are to be arranged in a serial order with the first principle prior to the second.”<sup>59</sup> The purpose for such an arrangement is to assign greater importance to equal liberties than to the other primary social goods. It would seem that Rawls’ priority of the first principle over the second implies that liberty must be maintained for its own sake and that justice in a society must have priority over efficiency. And on his list of the basic liberties of citizens, he includes freedom of conscience, freedom of

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<sup>56</sup> Paul Ricoeur, *The Just*, Translated by David Pellauer, The University of Chicago Press, USA, 2000, 72.

<sup>57</sup> Rawls, *Collected Papers*, 256.

<sup>58</sup> Rawls, *A Theory of Justice*, 19.

<sup>59</sup> Rawls, *A Theory of Justice*, 61.

thought, freedom from arbitrary arrest and detention, freedom of speech and assembly and political freedoms etc.<sup>60</sup>

Rawls goes further to give his vision in the final version of his general conception of justice as follows; “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 or all of these goods is to the advantage of the least favoured”<sup>61</sup> members of society.

The implication of this conception of justice is that inequalities are unjust when they put some members of society in a disadvantaged position. Hence, the inequalities (if allowed) ought to be to the advantage of the least favoured members of society. And the least advantaged members of the well-ordered society in his understanding include:

Persons whose family and class origins are more disadvantaged than others, whose natural endowments have permitted them to fare less well, and whose fortune and luck have been relatively less favourable all within the normal range and with the relevant measures based on social primary goods.<sup>62</sup>

Thus he recommends schemes of cooperation in a well-ordered society that should work towards improving the conditions of the least advantaged members of society.<sup>63</sup> For one of the reasons “for holding the two principles suitable for a well-ordered society is that they assure the protection of the fundamental interests that members of such society are presumed to have.”<sup>64</sup>

Moreover, in his social justice understanding, Rawls has a particular concept of who the free and equal persons (citizens) are. He takes such a concept from the point of view of moral and political perspectives. And so he states clearly that “since in justice as fairness moral conceptions are public, the choice of the two principles is, in effect such an announcement.”<sup>65</sup> It is from this point of view that he outlines his concept of free and equal persons in a well-ordered society.

And as we move towards Rawls’s concept of free and equal persons, Alasdair Macintyre’s remark on the view of Aristotle on justice is worth consideration. It could help us

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<sup>60</sup> Cf. Rawls, *A Theory of Justice*, 61.

<sup>61</sup> Rawls, *A Theory of Justice*, 303.

<sup>62</sup> Rawls, *Collected Papers*, 259.

<sup>63</sup> It could however be noted that Rawls assumes that a society (in this case, his own society) to which his principles of social justice are to apply is one which is reasonably well-off and in which the basic material needs of all members are provided for.

<sup>64</sup> Rawls, *Collected Papers*, 260.

<sup>65</sup> Rawls, *A Theory of Justice*, 161.

to understand more what Rawls seems to imply in his social justice theory. MacIntyre remarks that “justice in the fullest and proper sense governs only the relationships of free and equal citizens within a polis.”<sup>66</sup> And in a sense, it would seem that an idea of free and equal persons that Rawls discusses somewhat derives from such a similar line of reasoning even though, Rawls mostly likely, follows more of Kant’s line of thought, that is, Kant’s conception of equality of persons.

#### **1.4 Concept of free and equal persons (moral and political)**

For Rawls, a moral conception of a person:

Begins from our everyday conception of persons as the basic units of thought, deliberation and responsibility, and adapted to a political conception of justice. It is in effect a political conception of a person, and given the aims of justice as fairness, a conception suitable for the basis of democratic citizenship.<sup>67</sup>

Therefore, in Rawls’ view, it would seem that due to the fact that human beings are capable of thinking, planning for their life with aims, deliberating and taking responsibility for their decisions that they qualify as moral persons. And if this is so, then, such human capabilities enable them to desire to live justly, thus a desire for justice in their social lives. And it would also seem that such line of reflection leads Rawls to link a conception of justice to a conception of a person and then affirms that:

When fully articulated, any conception of justice expresses a conception of the person, of the relations between persons, and of the general structure and ends of social cooperation. To accept the principles that represent a conception of justice is at the same time to accept an ideal of the person; and in acting from these principles we realise such an ideal.<sup>68</sup>

Such an articulation is possible in Rawls’s view, when some powers are realised in persons. The powers that Rawls has in mind are the moral powers. It is from the point of view of being free and equal that persons have moral powers. These moral powers are their distinguished features. And according to him there are “two moral powers” that characterise the concept of free and equal persons, namely:

- (i) One such power is the capacity for a sense of justice: it is the capacity to understand, to apply, and to act from (and not merely in accordance with) the principles of political justice that specify the fair terms of social cooperation.

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<sup>66</sup> Alasdair MacIntyre, *Whose Justice? Which Rationality?* Gerald Duckworth & Co. Ltd, London, 1988, 121.

<sup>67</sup> Rawls, *Political Liberalism*, 18. Specifically found in his footnote.

<sup>68</sup> Rawls, *Collected Papers*, 254-255.

- (ii) The other moral power is a capacity for a conception of the good: it is the capacity to have, to revise, and rationally to pursue a conception of the good.<sup>69</sup>

Therefore, such a conception of a person specifies what the value of human life entails. These are the two moral powers that enable persons to engage in social cooperation and take part in the life of a society. Thus, a citizen is one who is able to freely and equally participate in his society over a complete life. For having moral powers is the basis of their equality.<sup>70</sup> Hence Rawls's view that, in the original position, citizens are modelled by equality of their being situated similarly, having equal rights in its procedure towards reaching an agreement (social contract).

Rawls goes further to explain what he implies by saying that citizens are free. Citizens' being free can be expressed thus; "by stipulating that they each have, and view themselves as having, fundamental aims and higher-order interests in the name of which it is legitimate to make claims on one another in the design of their institutions."<sup>71</sup>

Moreover, free citizens according Rawls are not tied up to the pursuit of any one particular conception of the good at any particular given moment or period of their lives. Rather they are "seen as capable of revising and changing this conception on reasonable and rational grounds ... claim the right to view their persons as independent from and not identified with any particular conception of the good, or scheme of final ends."<sup>72</sup> These are the ones who are responsible not just for their ends but also for their interests and take responsibility for them. They are able to control and revise their wants and desires as circumstances demand. And they do this in the light of their own reasonable deliberations.<sup>73</sup>

Furthermore, free citizens see themselves as human "beings entitled to make claims on their institutions so as to advance their conceptions of the good," and claims that have "weight of their own apart from being derived from duties and obligations specified by a political conception of justice."<sup>74</sup>

Rawls goes much further to conceive of the equal and moral persons as those that have attained "the age of reason", those who can realise "a sense of justice" and their conduct is

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<sup>69</sup> Rawls, *Justice as Fairness*, 18-19.

<sup>70</sup> Cf. Rawls, *A Theory of Justice*, 504-505. See also in his *Justice as Fairness*, 20.

<sup>71</sup> Rawls, *Collected Papers*, 255.

<sup>72</sup> Rawls, *Justice as Fairness*, 21.

<sup>73</sup> Cf. Rawls, *Political Liberalism*, 280.

<sup>74</sup> Rawls, *Justice as Fairness*, 22.

informed by such sentiments. Hence they are equal in the sense that they all have (supposedly) and are capable of viewing themselves as having “a right to equal respect and consideration in determining the principles by which the basic arrangement of their society are to be regulated.”<sup>75</sup> And this, according to Charles Taylor, is one of the reasons why “the underlying notion of distributive justice is equality.”<sup>76</sup>

And since from the deontological ethic point of view, *the self is prior to the ends* which it affirms, Rawls reasons that “a moral person is a subject with ends he has chosen, and his fundamental preference is for conditions that enable him to frame a mode of life that expresses his nature as a free and equal rational being as fully as circumstances permit.”<sup>77</sup>

So, in Rawls understanding, a moral person is capable of thinking, careful deliberation and makes rational plans for life in the light of the relevant facts available to him.<sup>78</sup> Indeed, he/she must be capable of making choices for his/her life. And one of the choices he/she should make is to participate in the political welfare of the society, joining with others in promoting what can enhance a well-ordered society. And in this way, he/she ought to learn to embrace justice as a virtue for a society to which he/she belongs.

Rawls somewhat defends his concept of the person by appealing to the history of the conception of a person since ancient Greece. Hence he affirms that “since ancient Greece, both in philosophy and in law, the concept of the person has been that of someone who can take part in, or play a role in, social life and hence who can exercise and respect its rights and duties.”<sup>79</sup> And it is from this perspective that he believes that his concept of a person is authentic, especially from the political point of view.

From the above, it can be said that Rawls seems to believe that in a democratic culture, thinking and taking citizens as free and equal persons is paramount. This is so because the basic idea is that “in virtue of their two moral powers (a capacity for a sense of justice and for a conception of the good) and the powers of reason (of judgement, thought and inference connected with these powers), persons are free” and also that “their having these powers to the requisite minimum degree to be fully cooperating member of society makes persons equal.”<sup>80</sup>

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<sup>75</sup> Rawls, *Collected Papers*, 255.

<sup>76</sup> Taylor, *Philosophy and the Human Sciences*, 294.

<sup>77</sup> Rawls, *A Theory of Justice*, 560-561.

<sup>78</sup> Cf. Rawls, *A Theory of Justice*, 417.

<sup>79</sup> Rawls, *Justice as Fairness*, 24.

<sup>80</sup> Rawls, *Political Liberalism*, 19.

And it would seem that it is from this perspective that Rawls sees persons as desiring and willingly cooperate with others and take part in political life, that is, to pursue a rational advantage or the good of society to which they belong. And according to Robert Wolff, “the political forms demanded by the principle of equal liberty are the institutional embodiment of the collective decision to give expression to men’s recognition of one another as free and equal rational agents.”<sup>81</sup>

And it is from this point of view (persons willingly cooperating in social-political life) that Rawls considers that “justice as fairness is a political conception of justice”<sup>82</sup> meant for a constitutional democratic society.

It is worth noting here that although in his *Theory of Justice*, Rawls does not clearly state or rather fails to stress sufficiently that “justice as fairness is intended as a political conception of justice,”<sup>83</sup> his conception of justice is in fact meant for a liberal democratic society. And for him, democracy is required by justice because it complies with the beliefs of justice in a sense that it assigns everyone equal and extensive rights and liberties.<sup>84</sup> It is from this perspective that he argues that the function of justice is to ensure that disagreements are resolved on the basis of prior agreements instead of through force. Hence there must be respected democratic procedures used to resolve conflicts. In a way, it could be said that politics in Rawls’ view, is a means to the peaceful co-existence of individual agents in society. Benjamin Barber, helps us to understand the assumption of liberals as regards democracy. According to him “liberal democrats assume that democracy means democratic choice.”<sup>85</sup> This of course does not mean that democracy is a perfect political system without conflicts. Conflicts<sup>86</sup> are part and parcel of any political system of governance. And according to Paul Ricoeur:

Democracy is not a political system without conflicts but a system in which conflicts are open and negotiable in accordance with recognised rules of arbitration. In a society that is ever more complex, conflicts will not diminish in number and in seriousness but will multiply and deepen. For the same reason, the free access of the pluralism of opinions to public expression

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<sup>81</sup> Wolff, *Understanding Rawls*, 116.

<sup>82</sup> Rawls, *Justice as Fairness*, 19.

<sup>83</sup> Rawls, *Collected Papers*, 289.

<sup>84</sup> Cf. Rawls, *A Theory of Justice*, 221-224. In fact, in Rawls’s view, a just democratic constitution should guarantee citizens equal rights for public life participation.

<sup>85</sup> Benjamin R. Barber, *Strong Democracy: Participatory Politics for a New Age*, 20<sup>th</sup> Anniversary edition, University of California Press, California, 1984, 198.

<sup>86</sup> Actually Paul Ricoeur, gives special attention to the conflicts and violence in society.

is neither an accident nor an illness nor a misfortune; it is the expression of the fact that the public good cannot be decided in a scientific or dogmatic manner.<sup>87</sup>

Furthermore, MacIntyre helps us to understand more about the vision of liberal political theory. In his view the liberal political theory is part of the historical:

Project of founding a form of social order in which individuals could emancipate themselves from the contingency and particularity of tradition by appealing to genuinely universal, tradition-independent norms... Initially the liberal claim was to provide a political, legal, and economic framework in which assent to one and the same set of rationally justifiable principles would enable those who espouse widely differing and incompatible conceptions of the good life to live peaceably together within the same society, enjoying the same political status and engaging in the same economic relationships.<sup>88</sup>

Having reached thus far, it can be said Rawls's principles of social justice justify liberal democracy, a regulatory market economy and the liberal-egalitarian welfare state. From the economic point of view, his theory requires the state to have the power to control outcomes and to supersede the preferences of individual citizens. Hence he proposes that to put into practice his principles of justice, the government should have four divisions or branches of operation namely: (i) an allocation branch that should serve to "to keep the price system workably competitive and to prevent the formation of unreasonable market power"; (2) a stabilisation branch that will "bring about reasonably full employment" and together with the allocation branch, "to maintain the efficiency of the market economy"; (3) a transfer branch to attend to "a certain level of well-being and honors the claims of need" and (4) a distribution branch "to preserve an approximate justice in distributive shares by means of taxation and the necessary adjustments in the rights of property."<sup>89</sup>

And Benjamin R. Barber argues that, "liberal makes government accountable, but is does not make women and men powerful. It thrusts latent responsibilities on them while at the same time insisting that they keep a wholly passive watch over their treasured rights."<sup>90</sup>

It is quite evident that his kind of a political structure requires a legal system. And according to MacIntyre, in practice, liberal politics come down to the rule of a legal system

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<sup>87</sup> Ricoeur, *Oneself as Another*, Translated by Kathleen Blamey, The University of Chicago Press, Chicago, USA, 1992, 258.

<sup>88</sup> MacIntyre, *Whose Justice? Whose Rationality?* 335-336.

<sup>89</sup> Rawls, *A Theory of Justice*, 276-277.

<sup>90</sup> Barber, *Strong Democracy*, 237.

which is somewhat based on a set of principles and “the lawyers, not the philosophers, are the clergy of liberalism.”<sup>91</sup>

In general, it can also be said that Rawls’ liberal-egalitarian conception of justice is characterised by its concern for liberty, equality and welfare of everyone in a liberal society, but more so, for the well-being of the least advantaged members of society. Rawls believes in liberal politics which uphold the aforementioned virtues of liberty, justice, tolerance and equality. And in the view of Steven Kantz, generally “liberal politics is a politics of rationalism. The liberal virtues are reasonable virtues.”<sup>92</sup> Rawls’ theory is without doubt, meant for a liberal democratic kind of government with some executive powers to control the citizens as they pursue their life prospects, as they try to realise their aspirations. And according to Paul Ricoeur, “liberal democracy is meant precisely for citizens who are in virtual disagreement over what is essential. It undertakes to limit the extent of public disagreement.”<sup>93</sup> And in fact, these could be disagreements which arise from unequal distributions of the social primary goods of society that are meant to benefit every member who belongs to it.

And, in contrast to Rawls’ theory of justice, there are other competing theories that pose a challenge to his. These are no other than his critics. Therefore, we now present the various critics of his theory of justice.

## **2. Critics of Rawls’ Theory of Justice**

Although Rawls’ theory of justice has a wide influence in the contemporary political philosophy, it has been challenged in various circles. His theory of justice has received a number of notable critics. These include Paul Ricoeur, Robert Nozick (Libertarian), Michael Sandel, Michael Walzer, Charles Taylor and Alasdair MacIntyre (Communitarians), Maxists, Edward W. Younkins and Susan Okin (feminist).

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<sup>91</sup> MacIntyre, *Whose Justice? Whose Rationality?* 344.

<sup>92</sup> Steven Kantz, *Liberalism and Community*, Cornell University Press, USA, 1995, 171.

<sup>93</sup> Ricoeur, *The Just*, 72.

## 2.1 Paul Ricoeur's criticism

Ricoeur's criticism to Rawls is basically on the procedure of the original position that Rawls uses as his technical device towards establishing the principles of justice for a well-ordered society. In his book *The Just*, (published in the year 2000), Ricoeur says that:

The procedural definition of justice does not constitute an independent theory, but rests on the pre-understanding that allows us to define and interpret the principles of justice that we ought to prove — if we ever get that far — would be chosen in the original situation, that is behind the veil of ignorance.<sup>94</sup>

And so he further argues that:

The constraints that define it are, to be sure, constructed as a thought experiment and create a wholly hypothetical situation with no roots in history and experience. But they are imagined in such a way that they satisfy the idea of fairness that works like the transcendental condition for all of the procedural development.<sup>95</sup>

This, in the view of Ricoeur, is just an implication of respect for the others as equal partners in the original situation. In fact, for him, Rawls wants to show his two principles of justice as a preference to the utilitarian concept of justice he rejects. Indeed, he goes on to say that the Original Position device is just an “ethical argument which is disguised as a technical argument borrowed from decision theory in its most elementary form, game theory.”<sup>96</sup> And from this, Ricoeur concludes that Rawls's theory of justice is a moral one which is just directed at the utilitarianism.<sup>97</sup>

But what is Ricoeur's suggestion then? Ricoeur proposes that there should be a positive bond between the rule of justice and the depth of beliefs effectively professed by the Western societies. In his view, a theory of justice requires an “equilibrium.” And this equilibrium can be found in “conceptions and strong convictions” of the citizens of the Western democracies. These are the ones that can “motivate, justify” and even form a “minimal body of belief” that can contribute to the reflective equilibrium that is required.<sup>98</sup> And this, he believes is so because:

It is affirmed that the theory of justice as fairness constitutes an independent political conception ... one not deducible from a general theory of institutions or of community. Therefore it requires a distinct justification, its own guarantee of stability. Only some “comprehensive” doctrines, be they moral, philosophical, or religious, can despite their mutual

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<sup>94</sup> Ricoeur, *The Just*, 51.

<sup>95</sup> Ricoeur, *The Just*, 52.

<sup>96</sup> Ricoeur, *The Just*, 52.

<sup>97</sup> Cf. Ricoeur, *The Just*, 53.

<sup>98</sup> Cf. Ricoeur, *The Just*, 72.

opposition, come together through their overlapping as this common foundation of the values belonging to a fair democracy, one that is capable of enduring.<sup>99</sup>

It is evident that, in this, Ricoeur is trying to suggest an overlapping or all-embracing consensus, a kind of a common and integrated agreement derived from the aforementioned doctrines; moral, philosophical and religious points of view. But how, and if, such a common agreement can be reached in a pluralist society, characterised by moral pluralism, remains a question that we shall not try to deal with here.

## 2.2 Robert Nozick's criticism (Libertarian)

From the libertarian point of view, Rawls faces a criticism from his former student, Robert Nozick. In his book *Anarchy, State and Utopia*, (published in 1974), Nozick criticises Rawls' liberal-egalitarian conception of justice as one that undermines the liberty of the individual. According to him:

Individuals have rights, and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do. How much room do individual rights leave for the state?<sup>100</sup>

Hence, in this book, Nozick undertakes to elaborate on, what, according to him, is "the nature of state, its legitimate functions and its justifications."<sup>101</sup> However, it is not our intention here to go into details on this. Suffice to mention the aim of his book.

It is quite clear from his opening statement of his work that individual's rights, personal liberty and private property are the rights that Nozick is concerned about. For him, liberties of the individual are not supposed to be tempered with. In his view, to undermine these liberties is unfair or unjust. He "regards rights he envisages as fundamental or basic"<sup>102</sup> to an individual person, hence, he defends them seriously. In fact, for him, rights are powers that give expression to the separateness of persons' existence.<sup>103</sup> In a sense, and by

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<sup>99</sup> Ricoeur, *The Just*, 73.

<sup>100</sup> Robert Nozick, *Anarchy, State and Utopia*, Basic Books, Inc, Malden, USA, 1974, ix. This is actually the opening statement (in the Preface) of his book. This shows right from the beginning of his work how crucial an individual's rights are to Nozick, which he intends to defend seriously in this particular book.

<sup>101</sup> Nozick, *Anarchy, State and Utopia*, ix.

<sup>102</sup> Chandran Kukathas & Philip Pettit, *Rawls, A Theory of Justice and its Critics*, Polity Press, Malden, USA, 1990, 77.

<sup>103</sup> Cf. Nozick, *Anarchy, State and Utopia*, 33.

implication, where one's liberty ends, another's begins. Such could be what he implies by 'separateness' (the essential boundaries) of human existence.

Indeed, for Nozick, "whether or not people's natural assets are arbitrary from a moral point of view, they are entitled to them, and to what flows from them."<sup>104</sup> Therefore, a person is entitled to what he has as his personal asset. Natural talents and abilities and all that people produce, in Nozick's view, are not common assets as Rawls puts it. They are not like manna from heaven. These belong to those who have or possess them. Indeed, what they can produce out of their natural capacities is also theirs. And so people are at liberty to use, as they wish, what they produce.

David Held helps us to somewhat understand the line of thought of Nozick when he says that "property is prior to both society and government; and the difficulty of its regulation is the critical reason which compels 'equally free men' to the establishment of both."<sup>105</sup> And this seems to be the point that Nozick wants to express.

Moreover in Nozick's understanding, assets must lie where they fall, and since they fall on individual persons, they automatically belong to them. And actually for him, things are in a way, pre-owned. They already belong to somebody.

Hence he remarks that:

Since things come into being already held, there is no need to search for some pattern for unheld holdings to fit ... The situation is not an appropriate one for wondering, "after all, what is to become of these things; what are we to do with them." In the non-manna-from heaven world in which things have to be made or produced or transformed by people, there is no separate process of distribution for a theory of distribution to be a theory of.<sup>106</sup>

And as a libertarian philosopher, Nozick considers three major principles of justice in holdings, namely: "the principle of acquisition of holdings, the principle of transfer of holdings, and "the principle of rectification of violations of the first two principles."<sup>107</sup> What he means by the first two principles is that, people have the right to acquire property and to exchange it in the market as they wish, at liberty. And the third principle requires that the past injustices be corrected. Hence an implication that in the process of acquiring and exchange of property, there could be injustices and these must be rectified as a matter of justice.

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<sup>104</sup> Nozick, *Anarchy, State and Utopia*, 226.

<sup>105</sup> David Held, *Models of Democracy*, 3<sup>rd</sup> Edition, Stanford University Press, Stanford, California, 2006, 63.

<sup>106</sup> Nozick, *Anarchy, State and Utopia*, 219.

<sup>107</sup> Nozick, *Anarchy, State and Utopia*, 153.

Nozick goes further to elaborate on what he exactly means by these principles of justice in holdings when he says that, “the entitlement theory of justice in distribution is *historical*; whether a distribution is just depends upon how it came about.”<sup>108</sup> And according to him, the history of the property acquired is crucial and it matters more than its allocation or the inequalities it involves. Kukathas helps us understand more what Nozick implies here, by elaborating that “the allocation is just if and only if the holdings in question were initially acquired justly and then at every stage of transmission justly transferred. In order for the allocation to be just it is not merely necessary that it come of a just history, it is also sufficient.”<sup>109</sup>

What this implies is that Nozick actually believes that an individual has absolute liberty especially the right to own property and to freely exchange it in the market. He believes in entitlement theory of justice which (as shown above) focuses mainly on the holdings of acquisition and transfer of property. And so he directs his main objection to Rawls by emphasising that individual persons have the right to own property and are at liberty to use it (exchange it) as they wish. For Nozick, unlike Rawls, capacities that people have (like natural talents and abilities) and what they produce belong to them. They are not like manna falling from heaven, without their earthly owners. Things, in his view, are not a common asset and their usage should not be controlled by any external power, be it, a state power that Rawls suggests to govern a well-ordered society. Thus he argues against the second principle of Rawls, that is, the Difference Principle saying:

If things fell from heaven like manna, and no one had any special entitlement to any portion of it, and no manna would fall unless all agreed to a particular distribution, and somehow the quantity varied depending on the distribution, and then it is plausible to claim that persons placed so that they couldn't make threats, or hold out for specially large shares, would agree to the difference principle rule of distribution. But is *this* the appropriate model for thinking about how the things people produce are to be distributed? Why think the same results should obtain for situations where there are differential entitlements as for situations where there are not?<sup>110</sup>

And so he goes on to argue that the people in Rawls's original position, blinded by the veil of ignorance, may know nothing about rights to entitlements, hence they distribute things like manna.<sup>111</sup> In fact this makes him wonder why persons in the original position are denied the

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<sup>108</sup> Nozick, *Anarchy, State and Utopia*, 153.

<sup>109</sup> Kukathas & Pettit, *Rawls: A Theory of Justice and its Critics*, 83.

<sup>110</sup> Nozick, *Anarchy, State and Utopia*, 198.

<sup>111</sup> Cf. Nozick, *Anarchy, State and Utopia*, 199. Actually the full text where Nozick wonders how entitlement right could be decided upon in Rawls' original position is in his footnote on the same page 199 and it reads: “Do

knowledge of essential things like their natural rights. In his view, such knowledge should be provided for. But to his surprise, Rawls does not provide such an allowance for the parties in the original position. Therefore, in his view, collective ownership in Rawls' original position is taken for granted. For him, it is not a conclusion reached upon by the concerned parties, but rather an assumption.

It is evident from the above that Nozick's libertarian theory of justice defends the right of the individual to own what he/she produces and decide freely how to use. In other words, this means that, people have the right to what they have (natural talents and abilities) and what they produce (the fruit of their labour) and they own it as their personal property. And so, they must be free (without external restriction) to exchange their product in the market. Therefore it can be said that in Nozick's view, "a person has a moral right to use her powers to benefit herself, as long as she does no harm to others"<sup>112</sup> in the process.

So what Nozick seems to object to (against Rawls), mainly, is that there should be no state (legitimate or otherwise) interference in restricting people's liberty as regards their property or product. People ought to be free to use their things at will. And this is the point which Rawls overlooks especially from the point of view of what goods are in question and how people may have acquired their possession. In other words, Nozick believes in a free market economy. And basically his argument is that "justice should concern itself not with patterns of outcome, but with the procedures by which agents interact economically."<sup>113</sup>

In general, it could be said therefore, that according to the libertarian conception of justice, individuals have entitlement to what they produce and also their legitimately acquired property and these must be protected from what Rawls proposes as principles to govern a well-ordered society; a state having powers to control (restrict) citizens' property. Hence, a libertarian belief in a minimal state, implying that the state should have minimum powers over personal liberty and private property of individuals. But whether this is the correct concept of justice for the well-ordered society is not the question we shall attempt to answer here. Here,

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the people in the original position ever wonder whether *they* have the *right* to decide how everything is to be divided up? Perhaps they reason that since they are deciding this question, they assume they are entitled to do so; and so particular people can't have particular entitlements to holdings (for then they wouldn't have the right to decide together on how all holdings are to be divided); and hence everything legitimately may be treated like manna from heaven."

<sup>112</sup> John E. Roemer, *Theories of Distributive Justice*, Harvard University Press, London, England, 1996, 208.

<sup>113</sup> Roemer, *Theories of Distributive Justice*, 6.

the aim has been to show Nozick's main objection to Rawls' theory and the reasoning behind his criticism.

Nevertheless, in his discussion on the relation between the conceptions of justice of Rawls and Nozick, Alasdair MacIntyre helps us to understand more their basic and differing approaches when he says that:

Rawls makes primary what is in effect a principle of equality with respect to needs ... Nozick makes primary what is a principle of equality with respect to entitlement ... For Rawls ... justice is made into a matter of present patterns of distribution to which the past is irrelevant. For Nozick only evidence about what has been legitimately acquired in the past is relevant.<sup>114</sup>

Moreover, social justice ought to be manifested in the life of a society. This should be so because "unless the idea of social justice is further specified into distinct principles of need, desert and equality, etc, it actually mean very little,"<sup>115</sup> in reality.

However, MacIntyre still helps us further to see some commonalities between Rawls and Nozick's theories. In his view, what is clear about both of them lies in their views about the primacy of the individual person together with his interests and society. Thus he remarks that for both of them:

A society is composed of individuals, each with his/her own interest, who then have to come together and formulate common rules of life ... individuals are thus in both accounts primary and society secondary and the identification of individual interests is prior to, and independent of, the construction of any moral or social bonds between them.<sup>116</sup>

### **2.3 Michael Walzer, Michael Sandel, Charles Taylor, Alasdair MacIntyre (Communitarians' criticism-their general ideas)**

Generally, the communitarians believe in the idea that a good society must be concerned with the common good of the entire community. What is crucial for them is that the good of the community is fundamental or pre-eminent in matters concerning values, let alone justice in particular. And it is from this point of view that they reject the idea that "there are universal principles of morality or justice discoverable by reason." For them, "the foundations of morals lie not in philosophy but in politics."<sup>117</sup> And politics for them implies a way of life lived in community. So from this perspective they believe that morality must be rooted in

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<sup>114</sup> MacIntyre, *After Virtue: A Study in Moral Theory*, University of Notre Dame Press, Notre Dame, Indiana, 1981, 231.

<sup>115</sup> Raymond Plant, "Why Social Justice?" in *Social Justice from Hume to Walzer*, edited by David Boucher & Paul Kelly, Routledge, London, 1998, 272.

<sup>116</sup> MacIntyre, *After Virtue*, 250.

<sup>117</sup> Kukathas and Pettit, *Rawls: A Theory and its Critics*, 95.

particular community traditions and practices. For example, Alasdair MacIntyre regards justice as something constituted internally to practices of a particular community.<sup>118</sup> In their view, rules or norms to govern morality must be discerned within the very community where they will apply. Hence there is no need to look outside the community so as to discover values necessary to guide the community. And so, they criticise liberalism for deriving moral rules from the abstract principle of reason that is outside the traditions and practices of a real community.

Michael Walzer helps us to understand the communitarian approach to political philosophy when he explains the different ways of doing philosophy. This is what he says:

I do not claim to have achieved any great distance from the social world in which I live. One way to begin the philosophical enterprise — perhaps the original way — is to walk out of the cave, leave the city, climb the mountain, fashion for oneself (what can never be fashioned for ordinary men and women) an objective and universal standpoint. Then one describes the terrain of everyday life from far away, so that it loses its particular contours and takes on a general shape. But I mean to stand in the cave, in the city, on the ground. Another way of doing philosophy is to interpret to one's fellow citizens the world of meanings that we share. Justice and equality can conceivably be worked out as philosophical artefacts, but a just or an egalitarian society cannot be. If such a society isn't already here — hidden, as it were, in our concepts and categories — we will never know it concretely or realise it in fact.<sup>119</sup>

From what Walzer says, it could be said that part of the reason why communitarians do not agree with Rawls's idea that justice is the first virtue of social institutions, is because Rawls derives his principles from his pure theoretical approach, outside the community that has historical values people share. Rawls formulates his principles of justice from far, outside the real world or community they intend to apply to. This is like philosophising from outside the cave, the city, the community, which is an insight from Plato's *Republic*, an *allegory of the cave*. Rawls behaves as one who leaves the cave (the community of unenlightened people), enjoys his reflection, gets illumined and then comes back to the community to share his insights (as one who has seen light) for its good. So he becomes like light to and for those who live in darkness (in the cave- community of ordinary citizens). Communitarians do not agree with this approach. For them, Rawls stands far from a real life experience of a community, reflects on a theory and then applies it to the historical community, without considering the already shared values of the community. In their view, Rawls ignores the essentials in the

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<sup>118</sup> Cf. MacIntyre, *After Virtue*, 175.

<sup>119</sup> Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality*, Basic Books, Inc., USA, 1983, xiv.

community; historical traditions, practices and the meanings they give to people. These are the shared values most treasured by the communitarians.

Benjamin Barber helps us to understand why liberals have a challenge vis-à-vis the communitarian shared values approach to principles that should govern society. According to him, it is “because liberals have been set on securing rights, realising purposes, protecting interests, and in general getting things done, they have had a difficult time making sense of conversation as a political art.”<sup>120</sup> This is opposed to the communitarian approach of valuing conversation as part of political life, without recourse to abstract, extrinsic and independent principles, not based on the ground, on reality or facts, lived experienced of the community.

And so, what is valuable for the community, according to the communitarians must be discovered within the community and not from outside. As Kukathas puts it clearly, “for the communitarians, morality is something which is rooted in practice — in the particular practices of actual communities.”<sup>121</sup> Hence for them, principles of justice and equality (as part of social values) must be discerned right from within the community and not outside of it. And this is where they part ways with Rawls’ approach. That is, Rawls stands (reflects) from outside the community and communitarians stand (reflect) from within the community’s history and traditions and then, discern what rules, norms or principles could govern a society. Once discovered, those rules must be for the common good of the community. And it would seem that this is one of the reasons why MacIntyre remarks that:

The person outside all traditions lacks sufficient rational resources for enquiry and a *fortiori* for enquiry into what tradition is to be rationally preferred: he or she has no adequate relevant means of rational evaluation and hence can come to no well-grounded conclusion, including the conclusion that no tradition can vindicate itself against any other. To be outside all traditions is to be a stranger to enquiry; it is to be in a state of intellectual and moral destitution, a condition from which it is impossible to issue the relativist challenge.<sup>122</sup>

Therefore, it could be said that for the communitarians, history, tradition, practices, shared values and involvement in the community’s life, are essential elements in discerning principles to govern society. And this is also part of the reasons why Sandel criticises Rawls’s liberal-egalitarian conception of justice on its emphasis on individual rights at the expense of the

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<sup>120</sup> Barber, *Strong Democracy*, 183.

<sup>121</sup> Kukathas and Pettit, *Rawls: A Theory of Justice and its Critics*, 95.

<sup>122</sup> MacIntyre, *Whose Justice? Whose Rationality?* 367.

good of the community. Actually for Sandel, the common good of the community is prior to the rights of the individuals,<sup>123</sup> whereas, for Rawls, the right is prior to the good.<sup>124</sup>

Moreover in contrast to Rawls on the point that the right is prior to the good and justice is the first virtue of a well-ordered society, Sandel views justice only as a remedial virtue that is needed in a society. In his own words he says that:

Justice is not merely one important value among others, to be weighed and considered as the occasion requires, but rather the *means* by which values are weighed and assessed. It is in this sense ‘a value of values’... Justice is that standard by which conflicting values are reconciled and competing conceptions of the good accommodated if not always resolved. As such it must have a certain priority with respect to those values and those goods. No conception of the good could possibly defeat the requirement of justice...<sup>125</sup>

And Sandel goes further to challenge Rawls’ idea of the person; the moral subject or the self. According to him, Rawls’s concept of a moral and free person is too abstract and detached from historical experience. He calls Rawls’ conception of a person a “radically disembodied subject”<sup>126</sup> which is in opposition to his own notion of the situated subject who is a member of a community. Hence he argues that “the notion of the person embedded in the original position is too formal and abstract, too detached from contingency to account for the requisite motivation.”<sup>127</sup> And due to this, he regards the moral person in Rawls’ original position as incapable of making meaningful choices. For him, when it comes to possessing things, it is not possible for the subject (as it is in the original position) to be united with its ends and attributes. The subject as presented in the original position is distanced from its ends. The two (the subject and its ends) are too far detached from each other. They are not connected. And so he wonders how such a subject can make meaningful choices when it is so detached from its ends. Hence he questions how the subject is connected to its ends by choice (which Rawls emphasises in his *Theory of Justice*)<sup>128</sup> when it is so detached from its

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<sup>123</sup> Cf. Michael Sandel, *Liberalism and the Limits of Justice*, 2<sup>nd</sup> Edition, Cambridge University Press, UK, 1982, X.

<sup>124</sup> Cf. Rawls, *Collected Papers*, 449. The text (in part) reads as follows: “in justice as fairness the priority of right implies that the principles of (political) justice set limits to permissible ways of life ...”

<sup>125</sup> Sandel, *Liberalism and the Limits of Justice*, 15-16.

<sup>126</sup> Sandel, *Liberalism and the Limits of Justice*, 21.

<sup>127</sup> Sandel, *Liberalism and the Limits of Justice*, 28.

<sup>128</sup> Cf. Rawls, *A Theory of Justice*, 560-561. The full text of this argument reads: “...A moral person is a subject with ends he has chosen, and his fundamental preference is for conditions that enable him to frame a mode of life that expresses his nature as a free and equal rational being as fully as circumstances permit. Now the unity of the person is manifest in the coherence of his plan, this unity being founded on the higher-order desire to follow, in ways consistent with his sense of right and justice, the principles of rational choice. Of course, a person shapes

possessions. Thus he further wonders how the subject chooses its ends when it is so “radically disembodied” from what it can possess.<sup>129</sup>

And so from this perspective, he remarks that from such a “radically disembodied” subject:

My aims, values, and conceptions of the good are not products of choice but the objects of a certain superficial introspection, just ‘inward’ enough to survey uncritically the motives and desires with which the accidents of my circumstances have left me; I simply know them as I feel them and seek my way as best I can to their consummation.<sup>130</sup>

Evidently, in his view, there is no connection between the subject and his ends and attributes. And he concludes, that in such a situation (disconnection between subject and its ends), a subject cannot be free to make reasonable or meaningful choices for life.

Sandel’s point here seems to be that the unity between the subject and its ends that Rawls claims to exist in the process of making life choices is not possible in the “radically disembodied” subject as presented in the original position. For him, the principles of justice made from the original position (with such a ‘radically disembodied’ subject) cannot be the product of meaningful human choices. In his view, there are no substantial conclusions for the good of the community that can be reached (as portrayed in the original position) if persons are not free to choose their ends meaningfully and reasonably as moral persons. Hence he argues that in the original position, principles of justice are not chosen rather, they are discovered and just adopted.<sup>131</sup>

On his part, Charles Taylor bemoans the liberal-egalitarianism “atomistic”<sup>132</sup> conception of the subject that Rawls defends. In his view, atomism is a doctrine that upholds the primacy of rights of an individual. And so he explains; “in primacy-of-right theories the notion is that simply by nature we are under no obligation to belong whatever; we have first to

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his aims not all at once but only gradually; but in ways that justice allows, he is able to formulate and to follow a plan of life and thereby to fashion his own unity.”

<sup>129</sup> Cf. Sandel, *Liberalism and the Limits of Justice*, 54-55.

<sup>130</sup> Sandel, *Liberalism and the Limits of Justice*, 163.

<sup>131</sup> Cf. Sandel, *Liberalism and the Limits of Justice*, 130-132.

<sup>132</sup> Charles Taylor, *Philosophy and the Human Sciences*, 187. The full text reads: “The term ‘atomism’ is used loosely to characterize the doctrines of social contracts theory which arose in the seventeenth century and also successor doctrines which may not have made use of the notion of social contract but which inherited a vision of society as in some sense constituted by individuals for the fulfillment of ends which were primarily individual ... The term is also applied to contemporary doctrines which hark back to social contract theory, or which try to defend in some sense the priority of the individual and his rights over society, or which presents a purely instrumental view of society.” And so it seems, Rawls might have followed this line of thought in his initial social contract formulation: original position device.

contract such an obligation.”<sup>133</sup> For Taylor, Rawls has designed his social contract on the basis of atomism.

Taylor’s argument seems to be that by giving priority to the individual’s rights, and choices of his ends, liberalists place individual rights above the claims of society. In his view, the liberalist assumption that man is self-sufficient, rational, autonomous and even independent of society is a mistake. Hence he criticises liberalist for not considering the importance of the social context in which such human capacities are nurtured. And like other communitarians, Taylor seems to suggest that more attention should be paid to the challenge of preserving traditions and communities but less attention to the claims of an individual.<sup>134</sup> Thus, it would seem that for Taylor, the well-being of an individual which is dependent on the good of his/her community is no less important than the just distribution of the freedom and equality rights.

Moreover, it can also (generally) be said that in contrast to the communitarian portrait of human nature as communal and social, Benjamin Barber helps us to understand the human nature as portrayed by the liberals when he says that “the liberal portrait of human nature, which construed the human essence is radically individual and solitary, as hedonistic and prudential, and as social only to the extent required by the quest for preservation and liberty in an adversary world of scarcity.”<sup>135</sup> And this is mainly what the communitarians oppose as they argue that norms, values and principles that should govern society/community must be reflected from the shared traditions and practices of a historical actual community. For the communitarians, as a social being, man realises himself with others, in relating with others, especially in trying to realise individual and communal goals.

So in general, it could be said that the difference in approaches between Rawls and the communitarians is that the former believes that “a theory of justice ought to be general, applying across all societies, or at least all of a certain level of development” whereas the latter believe “that justice is at least partly relative to the particular culture and history of each society.”<sup>136</sup>

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<sup>133</sup> Taylor, *Philosophy and the Human Sciences*, 188. See footnote number 1, the last two lines.

<sup>134</sup> Cf. Taylor, *Philosophy and the Human Sciences*, 203-205.

<sup>135</sup> Barber, *Strong Democracy*, 213.

<sup>136</sup> Charles Taylor, “Justice after Virtue” in *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, John Horton and Susan Mendus, editors, University of Notre Dame Press, Notre Dame, Indiana, 1994, 23-24.

## 2.4 Marxists criticism

In general Marxists criticize liberal-egalitarians (to which Rawls belongs) for their preoccupation with fair or just distribution within the capitalist economic system but fail to address its underlying exploitative or alienating inequalities between the capitalist and the worker. Hence for Marxists, injustices and inequalities, typical of a capitalist society must be eliminated, so that equality can prevail in society. The ideal communist society which Marxism seeks to bring about through the destruction of the system of private ownership of the means of production is a society in which there will be no scarcity and no limits to human benevolence. And since the scarcity of social goods and the limited nature of human benevolence are the circumstances of justice for Rawls, their presumed absence in the communist society makes Rawls' principles of fair or just distribution irrelevant to their envisaged idealist society.

And instead of such juridical and superstructure kind of distributive principles of justice (as proposed by Rawls), the envisaged Marxist communist society would function according to the principle: *From each according to his ability, and to each according to his needs*. Hence in an ideal Marxist society, the principle of distribution based on work-contribution would prevail. Marxists favor productive justice and not distributive justice that Rawls advocates for. From the Marxists perspective, Robert Paul Wolff helps us to understand one of the aspects the Marxists would challenge Rawls on, by saying that:

By focusing exclusively on distribution rather than on production, Rawls obscures the real roots of that distribution. As Marx says in his *Critique of the Gotha Program*, "any distribution whatever of the means of consumption is only a consequence of the distribution of the conditions of production themselves. The latter distribution, however, is a feature of the mode of production itself."<sup>137</sup>

And it is clear from the Marxist point of view that by focussing on patterns of distribution, Rawls overlooks the often unjust capitalist structures of production which is a crucial element for the Marxists. Marxists' reason for emphasis on production instead of distribution stems from historical materialism. As Marx states, "the sum total of these relations of production

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<sup>137</sup> Wolff, *Understanding Rawls*, 210.

constitutes the economic structure of society, the real foundation, on which rises a legal and political superstructure and to which corresponds definite forms of social consciousness.”<sup>138</sup>

To the Marxists claim that Rawls focuses on distribution while he neglects an important element in the development of inequality; the capitalist-worker hierarchical social relation, Rawls would give a reply based on his original position. He would claim if there is a fundamental inequality (in decision-making or income) between capitalist and worker, that the contracting parties in the original position behind the veil of ignorance would *not* choose the principles for a society in which the capitalist-worker hierarchical relationship existed. The inequality of capitalist and worker is one of authority, as well as wealth. And for Rawls, both wealth and authority are subject to the difference principle. And so he would confirm that, “the second (principle of justice) holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society.”<sup>139</sup> In this case, the least advantage member is the worker who, in a capitalist economy, is at the mercy of his master.

Rawls, however, does not remain silent to other Marxists’ critique on the issue of the relations between the capitalist and the worker in the workplace. And so he later writes:

Marx would raise another objection, namely, that our account of the institutions of property-owning democracy has not considered the importance of democracy in the workplace and in shaping the general course of the economy. This is a major difficulty. I shall not try to meet it except to recall Mill’s idea of worker-managed firms is fully compatible with property-owning democracy ... Should such firms be granted subsidies, at least for a time, so that they can get going? ... For example, would worker-managed firms be more likely to encourage the democratic political virtues needed for a constitutional regime to endure? If so, could greater democracy within capitalist firms achieve much the same result? I shall not pursue these questions. I have no idea of the answers, but certainly these questions call for careful examination. The long-run prospects of a just constitutional regime may depend on them.<sup>140</sup>

## 2.5 Edward W. Younkins’ criticism

Rawls’ idea of *Justice as Fairness* has also been criticised by Edward Younkins.

According to Younkins, fairness is not the proper standard of justice. In his view:

The world is inherently unfair and ‘thus unjust’. Nature does not produce a state of equality. No two people possess the same mental or physical attributes ... people have the free will to either use or not use the talents that nature has endowed them with. It follows that economic

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<sup>138</sup> Robert Tucker, *The Marx-Engels Reader: Second Edition*, Norton Press: New York, 1978, 4.

<sup>139</sup> Rawls, *A Theory of Justice*, 14-15.

<sup>140</sup> Rawls, *Justice as Fairness*, 178-179.

equality is a goal that is incompatible with nature. True justice is attained when people's lives and property are secure and they are free to own property, order its direction, determine the purpose to which their bodies are put, engage in consensual transactions and relationships with others, and freely pursue their concept of happiness.<sup>141</sup>

Moreover, Younkins goes on to say that in considering justice as fairness, actually, Rawls is “rebellious against reality, nature and the existence of human talents.” In fact, for him, Rawls fails to recognise that talents are not a “common pool.” This is because talents are not acquired by a person at the expense of the other. Rather, talents are endowed by nature itself. Therefore, a talent is an individual's natural property, a person's asset, over which he has power to decide how it can be used.

Furthermore, Younkins continues to argue that Rawls is “confusing justice with prudence — the virtue of advancing one's well-being.” For him, to be prudent is to “apply intelligence to changing circumstances.” Indeed, in his view, Rawls' maxi-min strategy appears to be a “rational construction of prudence rather than of justice.” He goes on to argue that “a prudent man in the original position might choose a social structure under which he would be ‘least worse-off’ if things went badly for him. Such a choice, in his view, could be called prudent, but certainly not just.”<sup>142</sup>

And what does Rawls have to say to the above criticisms? It is worth noting here that Rawls defended himself to the above criticisms putting it clearly that “as a device of representation, the original position is likely to seem somewhat abstract and hence open to misunderstanding ... but this is an illusion caused by not seeing the original position as a device of representation.”<sup>143</sup> He further remarks that his *Justice as Fairness* is “political and not metaphysical”<sup>144</sup> and it ought to be taken that way.

## **2.6 Susan M. Okin's criticism (feminist)**

Feminists are generally concerned about the extent to which there is full, free, fair and equal participation of women and men in society. Most traditional norms divide society into two worlds; public and private. Traditionally the public world is the domain for men while the private world is for women. This happens to be the similar case even in a democratic era

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<sup>141</sup> Edward W. Younkins, *Rawls' Theory of Blind "Justice"*, [http://rebirthofreason.com/article/John\\_Rawls\\_Theory\\_of\\_Blind\\_justice.sht-ml](http://rebirthofreason.com/article/John_Rawls_Theory_of_Blind_justice.sht-ml), accessed on 25/10/2011, at 6:10 pm.

<sup>142</sup> Cf. Younkins, accessed on 25/10/2011, at 6:25pm.

<sup>143</sup> Rawls, *Collected Papers*, 402.

<sup>144</sup> Rawls, *Collected Papers*, 388.

where people are expected to be treated as free and equal human beings. Democracy ought to embrace values of justice and equality for both men and women. However, liberal tradition ignores this fact. According to David Held:

The liberal tradition has generally taken for granted that ‘the private world’ free from state interference is a non-political world and that women naturally find their place in this domain. Accordingly, women are located in a wholly marginal position in relation to the political and the public.<sup>145</sup>

It is from this point of view that as a feminist, Susan Okin criticism to Rawls (as a liberalist) is mainly focussed, that is, on the extent to which Rawls’s theory fails to account for injustices and hierarchies based on gender, that exist not just in society but more so, in familial relationships as well. For her “typical current practices of family life, structured to a large extent by gender, are not just. Both the expectation and the experience of the division of labor by sex makes women vulnerable.”<sup>146</sup> And yet Rawls fails to account for this in his theory of justice. And so Okin is prompted to ask: “how can theories of justice that are ostensibly about people in general neglect women, gender, and all the inequalities between the sexes?”<sup>147</sup> Rawls says that justice ought to apply only to the “basic structure”. And among his major social institutions (see Rawls, *Justice as Fairness*, page 162), he includes the family but fails to account for the injustices that exist in it. This leads Okin to base her argument around the theme of ‘the personal is political’ and takes Rawls to task for failing to account for the injustices found in hierarchically patriarchal societies typically characterised by gendered relations and division of labour, and often this begins in the family household.

In fact, in her view, the greatest crisis that exists in the family and society at large based on “division of labour between the sexes and the increasing instability of marriage ... is causing the growing poverty of women and children...”<sup>148</sup> And for her, this state of public affairs must be addressed.

Okin goes on to observe that “there is clearly a major ‘justice crisis’ in contemporary society arising from issues of gender”<sup>149</sup> which most political philosophers have overlooked. For her, “a theory of justice must concern itself not with abstractions or ideals of institutions but with their realities. If we were to concern ourselves only with ideals, we might well

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<sup>145</sup> Held, *Models of Democracy*, 88.

<sup>146</sup> Susan Moller Okin, *Justice, Gender and the Family*, Basic Books Inc., USA, 1989, 4.

<sup>147</sup> Okin, *Justice, Gender and the Family*, 8.

<sup>148</sup> Okin, *Justice, Gender and the Family*, 88.

<sup>149</sup> Okin, *Justice, Gender and the Family*, 7.

conclude that wider human societies, as well as families, could do without justice.”<sup>150</sup> Therefore, in her view, reality (down to earth) based reflections are crucial.

And so she poses challenging questions based on some realities on the ground that require reflection. And these are questions such as:

How much do we care about the injustices of gender? How much do we care that women who have spent the better part of their lives nurturing others can be discarded like used goods? ... How much do we care that those who raise children, *because* of this choice, have restricted opportunities to develop the rest of their potential and very little influence on society’s values and direction? How much do we care that the family, our most intimate social grouping, is often a school of day-to-day injustice? How much do we *want* the just families that will produce the kind of citizens we need if we are ever to achieve a just society?<sup>151</sup>

From this perspective, Okin concludes that “we must see the family as an institution to which justice is a crucial virtue.”<sup>152</sup> This is because, the family is supposed to be the first moral school where children must learn and develop a sense of justice or fairness on which society must be built on. And therefore in her view, a society that prides itself of democratic values must consider equality of opportunity for all, through the recognition of liberty and justice for all; men and women and children.

What Okin is trying to suggest is that political philosophers must not overlook unjust gendered relations that exist in family household, especially injustices inflicted upon women and children. These are the disadvantaged ones of society. Actually, in her view, theorising about justice and equality must begin right in the family before it can even extend to society at large. Hence a saying *charity begins at home* could apply here.

In fact, Okin acknowledge Rawls’ emphasis on justice as an essential or fundamental virtue in social institutions (and that “... laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust” in Rawls, *A Theory of Justice*, page 3) but wonders why he does not clearly address the unjust gender based relations in a family, that is, the inequalities between the sexes that still exist even in her own American democratic society. And so she stresses that “justice is needed as the primary, meaning most fundamental, moral virtue *even* in social groupings in which aims are largely common and affection frequently prevails.”<sup>153</sup> Basically, for her, the family belongs to these social groupings.

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<sup>150</sup> Okin, *Justice, Gender and the Family*, 29.

<sup>151</sup> Okin, *Justice, Gender and the Family*, 186.

<sup>152</sup> Okin, *Justice, Gender and the Family*, 32.

<sup>153</sup> Okin, *Justice, Gender and the Family*, 29.

Recognising such democratic values like justice and equality especially right from a family household, is a sign of democratic values advancement.

And what is Rawls' reply to such concerns of Okin? Rawls says what he hopes in his well-ordered society but he also admits the gender issues omission in his *Theory of Justice*. And so he puts it this way:

We hope that in a well-ordered society under favourable conditions, with equal basic liberties and fair equality of opportunity secured, gender and race would not specify relevant points of view ... The serious problems arising from existing discrimination and distinctions based on gender and race are not on its agenda, which is to prevent certain principles of justice and then to check them against only a few of the classical problems of political justice as these would be settled within ideal theory. This is indeed an omission ... Justice as fairness, and other liberal conceptions like it, would certainly be seriously defective should they lack the resources to articulate the political values essential to justify the legal and social institution needed to secure the equality of women and minorities<sup>154</sup>

Now, whether or not Okin can be content with this response is not a question to be handled here. Suffice it to show that her concern has a reply and this is what was intended here; showing that her concern was attended to (by Rawls) at some stage. Rawls had a particular vision he intended to achieve, and that is what limited the scope of his reflections as he seems to imply.

The observation Okin makes in her book reflects the reality of life in many African patriarchal societies as well. Gender differences play a major role in many aspects of social life in African patriarchal societies. And according to Musa W. Dube in most African societies "gender pervades all aspects of our lives."<sup>155</sup> Traditionally, these societies are designed and maintained by hierarchical structures right from the basic social institution; the family household, up to the top, national level. This is evident in leadership positions in which men are the majority, and women are the minority.

Therefore, it could also, as well be said, that Rawls' theory of justice overlooks such realities in these societies. Justice and equality are virtues that remain a challenge in many patriarchal societies. Nevertheless, since there is no culture that is static, it can be possible that some day, with time, these virtues might be also regarded as fundamental or essential for political governance in the gradual and forthcoming democratic African societies.

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<sup>154</sup> Rawls, *Justice as Fairness*, 66.

<sup>155</sup> Musa W. Dube, *Culture, Gender and HIV/AIDS: Understanding and Acting on the Issues*, in Musa W. Dube, editor, *HIV/AIDS and the Curriculum: Methods of Integrating HIV/AIDS in Theological Programmes*, World Council of Churches (WCC) Publications, Geneva, 2004, 86.

Application of such virtues (justice and equality) is a process that might begin with a small but significant change in social-cultural structures, traditions, practices and attitudes. And development oriented society would heed to the advice of Rawls when he suggests that any “... laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust,”<sup>156</sup> so as to establish alternative ones that are based on justice and equality. And this is a possible hope for patriarchal societies too.

Nevertheless, despite all that have been said above about Rawls (criticisms), according to Amartya Sen, one (among others) of the positive contributions Rawls makes in his *Theory of Justice* that is indeed valuable is the recognition of personal liberty of an individual. In his view, liberty:

Touches the most private aspects of personal life, and it is also a basic necessity (for example, in the form of freedom of speech) for the practice of public reasoning, which is so crucial to social evaluation ... By separating out the importance of liberty shared by all, Rawls draws attention to a distinction — between liberty and other helpful facilities — that is really important to note and pursue.<sup>157</sup>

And Richard Rorty helps us to understand the limitation of Rawls *Theory of Justice*. According to him, Rawls’s main interest lies “only in conditions for citizenship in a liberal society.”<sup>158</sup> And according to MacIntyre, “the overriding good of liberalism is no more and no less than the continued sustenance of the liberal social and political order.”<sup>159</sup>

Despite all the above criticisms on Rawls’ theory, we could still affirm what seems to have been the main idea of his theory of distributive justice. The basic idea of his social justice is that inequalities in life prospects that simply fall on people and are somewhat arbitrary from the moral point of view are problematic and demand justification. And so, focusing on inequalities of this sort as they could be generated by the basic structure of social institutions, Rawls proposes that for these inequalities to be just, they must work to everyone’s advantage but more specifically, to the advantage of those who are worse off in society.

It could also be said that his theory denies the idea that society should assume responsibility for the quality of individual lives as they might be measured by a utilitarian standard. Rather he proposes that society be responsible for providing its members fair shares

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<sup>156</sup> Rawls, *A Theory of Justice*, 3.

<sup>157</sup> Amartya Sen, *The Idea of Justice*, Penguins Books Ltd, London, England, 2009, 63-64.

<sup>158</sup> Richard Rorty, *Objectivity, Relativism and Truth: Philosophical Papers Vol. I*, Cambridge University Press, New York, 1991, 189.

<sup>159</sup> MacIntyre, *Whose Justice? Whose Rationality?* 345.

of general purpose resources (primary social goods) and for establishing a morally acceptable framework for individual interaction. And provided this fair or just background is in place, individuals are free to lead their lives as they choose within broad limits, and of course, they are expected to be responsible for the shape of their own lives. Actually according to Kantz, “the great achievement of liberalism has been to make possible a political community that is not only peaceful, prosperous, and relatively just, but also the product of the (more or less) reasonable choices of free (and free-minded) individuals.”<sup>160</sup>

Finally, it could also be said that Rawls’s idea of justice is a virtue that is meant to govern social institutions and not necessarily a virtue that governs bilateral relations. And no doubt, his theory of justice has commanded an enormous attention in the main-stream normative political philosophy. Justice is, of course, regarded as a central moral political virtue in many societies of the world although its application may differ from one society to another and from one situation to another.

## 2.7 Conclusion

In this chapter, we undertook to present some basic ideas of John Rawls’ *Theory of Justice*. Indeed, his critical views on classical utilitarianism, his Original Position device and the principles of Justice have been presented. And closely linked to these, is his concept of free and equal persons for his envisioned well-ordered society of a constitutional democratic regime. This led to the presentation of other competing theories of justice (his critics) that pose a challenge to his theory. All this had been done in view of the virtues of justice and equality that Rawls propounds as essential for the well-ordered society in a democratic regime.

But can such virtues as fundamental as they seem to be in Rawls’ view, be possibly applicable to other societies (like patriarchal society) as well? Is change of long time traditions, attitudes and practices possible? According to MacIntyre, the answer is ‘yes’, it can be possible. In his view, for tradition to mature, to improve, internal social change is inevitable. Therefore, for him, tradition improves with internal social change through evaluations of traditions and practices. And in this, language plays a key role in fostering a required social transformation.<sup>161</sup> Moreover, according to Musa Dube, “the joy of any culture

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<sup>160</sup> Kantz, *Liberalism and Community*, 216-217.

<sup>161</sup> Cf. MacIntyre, *Whose Justice? Whose Rationality?* 369.

is that it is never absolute or stable — windows of difference always exist.”<sup>162</sup> This implies that change is inevitable in every culture, since there is no culture that is static. Culture evolves with time.

To answer the questions posed above, (the possibility of applying values of justice and equality to patriarchal society) chapter three tries to present an attempt to apply the virtues of justice and equality particularly to a Tonga society of Southern part of Zambia, in Southern Africa. However, before, we come to this point, we shall, in chapter two, present some particular Tonga social structures, traditions and practices which shall lead to the application attempt (chapter three) intended as the objective of this thesis. Therefore, chapter two presents some Tonga social structures, traditions and practices. For we too, believe that:

To understand the demands of distributive justice for any society, one has to understand what kind of society it is. Societies are associations for the achievement of common goods ... The basic intuition underlying justice is this: in any common attempt to achieve the good, all genuine collaborators benefit from the contribution of the others. They are in a sense all in each other's debt.<sup>163</sup>

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<sup>162</sup> Dube, *HIV/AIDS and the Curriculum*, 96.

<sup>163</sup> Taylor, “Justice after Virtue” in *After MacIntyre*, 37.

## Chapter two

### Tonga Traditional social structures and practices

#### Introduction

This Chapter presents first, the Tonga people; their main occupation, values and the concept of morality. Second, traditional social structures; the family and society, citizenship, gender roles and division of labour, property ownership, economy and politics shall also be presented. These are some spheres of social life that require identification and assessment or examination<sup>164</sup> of some cultural practices—in relation to the virtues of justice and equality. In these areas we intend to identify some elements of gender based social imbalances; injustices and inequalities between men and women. And the approach (methodology) shall be descriptive. Our aim in doing this is an attempt towards application of the virtues of justice and equality to the Tonga and possibly the Zambian society at large, for the envisioned socio-cultural transformation, meant for the well-being of all its members.

#### 1. The Tonga people

The Tonga people are an ethnic tribe found in the southern province (part) of Zambia<sup>165</sup>, in Sub-Sahara Africa. The tribe is made of the Tonga of the valley and of the plateau. And three groups, Ba-Ila, Ba-Lenje and the Tonga of the valley, make up the tribe. The Ila and the Lenje are the dialects of the main Tonga group and language. Tonga people are a matrilineal society. In fact, according to Edward P. Murphy, they have retained a “decentralised social organisation, which is defined by household and matrilineal kin link, rather than the more centralised structures adopted by others.”<sup>166</sup> However, the tribe is patriarchal in its many social traditional practices.

Life, (i.e., concept of life) according to Tonga people comes from God whom they call *mulengi* (creator) and it goes back to God at death. And the life cycle follows thus:

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<sup>164</sup> It is from this perspective, it would seem, that in Henry Sidgwick’s view, “the definition of justice would be sought by comparing different actions commonly judged to be just,” (see his book, *The Methods of Ethics*, 99).

<sup>165</sup> Zambia (at the time of writing this essay) is divided into nine provinces and has seventy-two local tribes and languages. English makes it seventy-three languages. Each province has its own major local language and dialects. But English is the official language. Some major languages are officially taught in schools (from primary up to the University level). But only seven major languages (including Tonga) are officially used in media: Newspapers, Televisions and Radio stations.

<sup>166</sup> Edward P. Murphy, ed., *A History of the Jesuits in Zambia: A Mission Becomes a Province*, Pauline Publications Africa, Nairobi, Kenya, 2003, 38.

God...Ancestors...Birth...Death...Ancestors...God through rituals.<sup>167</sup> Life is considered sacred and precious among the Tonga. It is never to be destroyed but rather must be nurtured, taken care of.

Traditionally, the Tonga people believe in the existence of three worlds, that is, first, the immaterial world where the creator resides, far from the human persons, second, the world of the spirits – home of the living dead and third, the material world of creatures including human beings. The spirit world is believed to be close to earth. Life goes on but we cannot see it. Those in it see the visible and physical world, hence the belief that they (ancestors) “check and guard” the living. The living-dead (ancestors) are believed to be close to both God and the living persons. Ancestral veneration and sacrifice are their traditional religious activities. Veneration of and sacrifice to God through ancestors is done in places like *malende* (shrines) or in homes. In fact, ancestors are taken for the source of security and hope for the living.

Indeed, the Tonga have a strong sense of a Supreme Being (God). God is perceived as a transcendental being who after creating the world and human beings, remained at a distance, though He comes to visit his creatures from time to time. Thus his movement of coming to his creatures is attributed to his name *Leza* from the verb *uleza* (he who comes). The Tonga people are basically traditionalists, and shrines are their places of worship.

In the early period of the 20<sup>th</sup> century, Christianity dawned in Tongaland. It was brought by the Jesuits who were already missionaries in Zimbabwe, south of Zambia.<sup>168</sup> And this was how the Tonga people embraced Christianity and their world-views began to shift, from traditional to Christianity.<sup>169</sup> However, up to date, traditional religious activities exist side by side with Christianity even if Christianity is taking an upper hand gradually.

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<sup>167</sup> According to John Mbiti, “one may add that an ontological balance must be maintained between God and man, the spirits and man, the departed and the living,” (see John S. Mbiti, *African Religions & Philosophy*, 2<sup>nd</sup> Edition, Heinemann Educational Publishers, USA, 1969, p. 59).

<sup>168</sup> It was the Jesuit Fathers: Peter Prestage and Joseph Moreau who, “undertook to expand the Zambezi Mission north of the Zambezi river. Having gained the confidence of Monze (Tonga religious figure – rainmaker), in the course of their 1902 expedition. Fr. Moreau was enabled to return three years later with another fellow Frenchman, Fr. Jules Torrend, and four local boys who had accompanied Moreau and Prestage earlier to Empandeni, then Southern Rhodesia. Moreau’s main purpose of returning to Tongaland was to open a mission station there. As part of the Zambezi Mission enterprise Moreau founded what later came to be called the Chikuni Mission in 1905. The mission’s central aim was to enlighten the darkness of heathenism and make Christians of the Batonga,” (see Brendan Carmody, ed., *African Conversion*, Ndola Mission press, Zambia, 2001, 86).

<sup>169</sup> However, according to Fernando Domingues, “it seems to be a fairly well established fact that, in accepting a new faith, people will leave an important aspect of the former, only if they find in the new one a better answer to the same need. Besides, if an important component of the former faith is not superseded or contradicted by the new one, it will probably continue to play its role in the person’s life even when there is an official change of

The Tonga people's main occupation is agriculture,<sup>170</sup> that is, farming and keeping livestock; cattle, pigs, goats, chicken etc. Cattle is the most valuable domestic animal among the Tonga. Economically, cattle can be converted into money (by selling) and be used to buy other commodities that enhance human life.<sup>171</sup> And it can also be exchanged for a human being — a bride (as we shall see later). Traditionally, Tonga people say, *better have cattle rather than a relative or a clan*. This is because of the kind of work that cattle is used for; farming, transporting goods, economical and of course as already stated, buying (exchanging) a bride for marriage.

### **1.1 Values and the concept of morality**

Tonga people value human life, family, marriage (both monogamy and polygamy) and fidelity before and in marriage, children bearing, hospitality, generosity, kindness, community, respect for elders, truth, friendship, work, cooperation etc. Any Tonga person who practices these virtues is said to be of a good character. The cultivation of such virtues of good character is often encouraged in the Zambian society as whole. Actually, in his book *Humanism in Zambia* (published in 1973, nine years after Zambia's independence), Kenneth D. Kaunda outlines some values that characterise most of the Zambian society in general. According to him, the traditional Zambian community/society:

Was a mutual aid society ... was accepting and inclusive community ... was organised to satisfy the basic human needs of all its members and therefore, individualism was discouraged ... every activity was a matter of team work ... and human need was the supreme criteria of behaviour.<sup>172</sup>

For Tonga people, the concept of moral good and bad<sup>173</sup> is often associated with the conduct of an individual in relation not just to himself but more so, to others, the community

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religious allegiance,” (see Fernando Domingues, *Christ Our Healer: A Theological Dialogue with Aylward Shorter*, Nairobi 2000, p. 15).

<sup>170</sup> We shall say more later on as regards the agriculture economy.

<sup>171</sup> Actually, Tonga people say that their wealth is land and cattle.

<sup>172</sup> Kenneth D. Kaunda, *Humanism in Zambia and A Guide to its Implementation*, Zambia Information Services, Lusaka, Zambia, 1973, 5-6. Kaunda became the first Republican President of Zambia at Independence (24<sup>th</sup> October 1964) from the British colonial rule. He ruled from 1964-1991 when Democracy and Multiparty system dawned in Zambia.

<sup>173</sup> Actually, Henry Sidgwick remarks that: “No doubt, as we generally hold that human life, even as now lived, has on the average, a balance of happiness, we regard what is preservative of life as generally good, and what is destructive of life as bad: and I quite admit that a most fundamentally important part of the function of morality consists in maintaining such habits and sentiments as are necessary to the continued existence, in full numbers, of

or society as a whole. Actually, in Tonga society (even in most African societies), from the moral point of view, it is conceived that an individual is, because of society. Hence a conception that, “I am because we are”<sup>174</sup> as a society or community. In this sense, society or community makes an individual (morally speaking) and not the other way round (we are because I am—here the emphasis is more on community and less on an individual person). Generally, it is society (and not the individual person) that makes norms and regulations that govern human conduct. It is believed that the well-being of an individual person depends (to a large extent) on the well-being of society, that is, society’s good norms and regulations, that enhance life. No individual person is above society norms. Therefore, an individual person is supposed to abide by what society dictates for the good of all its members. And it is from this perspective that customs and norms that regulate good human (conduct/behaviour) relationships are often emphasised. MacIntyre view on man’s moral nature and moral practice as remarked by Elizabeth Frazer & Nicola Lacey can help us to understand more about this individual person’s relationship with society rules, norms and practices. They remark thus:

For MacIntyre, man’s moral nature and moral practice are tied up with his sociality, his membership of a tradition and his participation in practices: not with his individuality and autonomy. To do the right and to pursue the good is not to act on or pursue individual preference; it is to live that good life which is given in a tradition ... Practices are socially established and will usually be sustained by social institutions, like bodies of authority, codes, rules and regulations.<sup>175</sup>

Indeed, Tonga people believe that a person is good in himself but his actions can be wrong, i.e., morally wrong and detrimental to oneself and to others. Wrong acts ought to be corrected. Rectification of wrong acts is a must and retributive justice is often called upon. Thus, to govern or regulate social conduct or behaviour, general traditional norms, customs and taboos are in place. All these are meant for the good or well-being of an individual and society as a whole. These are meant to avoid bad acts or moral evils in society. Tonga people consider the following as bad acts or bad morals: murder of any kind, suicide, stealing, adultery, incest, cheating, disrespect of elders or anyone of higher status etc.

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a society of human beings under their actual conditions of life, ” (See Henry Sidgwick, *The Methods of Ethics*, 397).

<sup>174</sup> This idea is from John Mbiti, according to him, a philosophical conception of an individual from the African perspective is: “I am because we are; and since we are, therefore I am,” (see John S. Mbiti, *African Religions & Philosophy*, p. 141).

<sup>175</sup> Elizabeth Frazer and Nicola Lacey, “MacIntyre, Feminism and the Concept of Practice” in *After MacIntyre*, 270.

In olden days, in matters of retributive justice, when someone commits a moral crime like murder and adultery, cattle could be used to pay the fine. And the matter is often settled after such a payment. Fines for minor crimes (like stealing) were also settled by paying goats, pigs or even sheep (in some places where it is available). Headmen and chiefs (council of elders) handled such social and moral issues. As John Mbiti puts it, it used to be (in olden days) and still it is “generally the elders of the area who deal with disputes and breaches arising from various types of moral harm or offenses against customs and rituals.”<sup>176</sup>

Community life (living with others) is a great value in the Zambian society as whole. It gives a sense of belongingness, a sense of being a member or a citizen. Therefore it is crucial that we look briefly at what makes one a citizen or member of a Zambian family or society before we present some traditional social structures and their internal customary practices. For it is often as a member or citizen, that one qualifies for full rights and duties that citizenship requires in a particular political community/society.

## **1.2 Citizenship (membership at local and national levels)**

According to Michael Walzer, “the primary good that we distribute to one another is membership in some human community.”<sup>177</sup> Membership is often intended for an access to sharing some common goods. And this is the value of citizenship in a particular political community. Walzer elaborates further saying that:

Membership as a social good is constituted by our understanding; its value is fixed by our work and conversation; and then, we are in charge (who else could be in charge?) of its distribution ... We give it to strangers ... the choice is governed by our relationships with strangers — not only by our understanding of those relationships but also by the actual contacts, connections, alliances we have established and the effects we have had beyond our borders.<sup>178</sup>

And in the traditional Zambian society, the distinction between insiders (members/citizens by origin) and outsiders (foreigners) is clear. Citizenship is basically and officially by birth and registration, as the Zambian constitution states (as we see later). And Walzer puts it politically right when he says that, “people enter a country by being born to parents already there as well as, and more often than, by crossing the frontier.”<sup>179</sup> The first

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<sup>176</sup> John S. Mbiti, *African Religions and Philosophy*, 2<sup>nd</sup> Edition, Heinemann Educational Publishers, USA, 1969, 206.

<sup>177</sup> Michael Walzer, *Spheres of Justice*, 31.

<sup>178</sup> Walzer, *Spheres of Justice*, 32.

<sup>179</sup> Walzer, *Spheres of Justice*, 34.

condition therefore, for becoming a member or a citizen of any society is by been born into it. So, every child born in Zambia from the Zambian parents becomes a member of both a Zambian family and society at large. Indeed, he/she belongs to a Zambian political community.

Customarily, at the local level, often times, village headmen and chiefs monitor (they are in charge) such membership issues in their areas of governance. Traditionally, the village headman is called *Sibbuku* which means, one with a book (or a book keeper), that is, one who keeps an up to date register (record) of his village members to whom he is responsible. And often such records are also kept by the chief (the traditional ruler of the chiefdom) of the land.

And for local ‘outsiders’ (those coming from other villages and chiefdoms) who wish to enter and settle in another village and chiefdom, there were and still are, procedures followed for their inclusion/membership. First, the head of the family of the visitor accompanies and introduces his visitor to the headman. Then the headman (together with the host of the visitor) would accompany the person to the chief. The chief interrogates the visitor and after detailed enquiries, especially about the person’s identity; his full names, his village and chiefdom of origin, his reason of wanting to settle in another particular village or chiefdom as well as some information from his village headman and chief, often, would suffice and then, membership (locally) could be granted. And once granted membership, a visitor is integrated into the life of the village, chiefdom and then he is entitled to rights and duties like everyone else in that particular local community. He/she becomes a full member/citizen.

So locally, membership in a particular area was and is still granted by the traditional council of elders, i.e., headmen and chiefs who are traditionally the legitimate authority.<sup>180</sup> This is what could be called traditional internal membership or integration.

The headmen and chiefs play a crucial role in the organisation and governance of people at the local level in the Zambian society. Actually, the council of elders is invested with

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<sup>180</sup> This is somewhat similar to the ancient Athens’ system of granting citizenship as noted by David Held. Athens had an authoritative assembly that approved citizenship decisions. And this assembly or body “consisted entirely of free adult males of strictly Athenian descent ... Citizenship was on rare occasions granted to others but only with the approval of the Assembly, the key ‘sovereign’ body.” (See David Held, *Models of Democracy*, 13. Although the Zambian traditional leaders (headmen and chiefs) are local decisions and law-makers, the major difference with the Athens ‘sovereign body’ is that in Athens “decisions and laws rested, it was claimed, on conviction — the force of the better argument — and not mere custom, habit or brute force” (see David Held, *Models of Democracy*, 15), whereas the Zambian traditional leaders often decide and make norms following the traditional customs of the land.

customary political power. They are the customary law-makers<sup>181</sup> (norms and rules) and also pronounce common and acceptable practices in local customary affairs. In fact, from the general African point of view, John Mbiti puts it culturally right when he says that “traditional chiefs and rulers, where they exist, have the duty of keeping the law and order, and executing justice in their areas.”<sup>182</sup> And in olden days, only adult men (in most cases) were supposed to be headmen and chiefs—similar to the Athens’ male assembly/sovereign body. They are often chosen (selected) from a particular historical clan of rulers. Some form of experience, knowledge of customs and practices of the land were some qualities on which a leader could be chosen. The decision of choosing a leader was the responsibility of elderly relatives of a particular clan and never the duty of the whole local community. Of course there was an element of democracy, discussions (among relatives) in the process of selecting a prospect leader. Only then, would the leader be kind of imposed (by his relatives) on the rest of the community.

At national and of course very much official level, outsiders (foreigners) who wished and still wish to become citizens of Zambia follow a defined procedure and the Zambian Constitution has the details of the process. Part II, articles 4-6 of the Zambian Constitution of 1991 deals with citizenship. This is citizenship by birth and also by registration.<sup>183</sup> Every

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<sup>181</sup> According to Henry Sidgwick, Socrates’ view is that “laws ought to be made by people who understand law-making,” (see his book, *The Methods of Ethics*, 299). Now whether Zambian headmen and chiefs understand law-making or not, is not the matter we shall venture into here.

<sup>182</sup> Mbiti, *African Religions and Philosophy*, 206.

<sup>183</sup> The full text of this section of Part II of the Zambian Constitution reads:

*“Article 4 Citizens of Zambia*

(1) Every person who immediately before the commencement of this Constitution was a citizen of Zambia shall continue to be a citizen of Zambia after the commencement of this Constitution. (2) A person who was granted citizenship of Zambia before the commencement of this Constitution subject to the performance of any conditions following the happening of a future event shall become a citizen upon the performance of such conditions.

*Article 5 Children of Zambia*

A person born in or outside Zambia after the commencement of this Constitution shall become a citizen of Zambia at the date of his birth if on that date at least one of his parents is a citizen of Zambia.

*Article 6 Registration as Citizens*

(1) Any person who: (a) has attained the age of twenty-one years or is or has been married to a citizen of Zambia; and (b) has been ordinarily resident in Zambia for a continuous period of not less than ten years immediately preceding that person's application for registration; or (c) is a woman who has been married to a citizen of Zambia for a period of more than three years preceding 24 July 1988; shall be entitled to apply to the Citizenship Board, in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Zambia. (2) An application for registration as a citizen under this Article shall not be made by or on behalf of any person who, under any law in force in Zambia, is adjudged or otherwise declared to be of unsound mind. (3) Parliament may provide that any period during which a person has the right to reside in Zambia by virtue of a permit issued under the authority of any law relating to immigration shall not be taken into account in computing

member of the Zambian family and society at large has full social rights and duties. Therefore every citizen is expected to live at liberty in Zambia. So, being members of (belonging) society, each member is entitled to share in all that enhances human life and the common good, especially with others. Hence the Zambian society and Tonga people in particular, value family and community life. Worth recalling here is what Kaunda says, “individualism was (*and still is*) discouraged” in a traditional Zambian society (see point 1 above of this current chapter).

It is worth noting that traditionally the Zambian society is socially organized as follows; beginning with the smallest unit going upwards; the family, village/city, ward, chiefdom, district, constituency, province and then the state/nation. However, the strictly political structure is as follows, beginning from the local level: a village is led by the headman, a ward is led by an elected councilor, a city is led by an elected mayor, the constituency is led by an elected Member of Parliament, the Province is led by the Provincial Minister (often appointed by the president) and the Nation is led by an elected president. And for political administrative purposes, a ward consists of a number of villages while a constituency includes the whole district or chiefdom. The province covers all constituencies within its boundaries and the nation covers all provinces.

Leadership is arranged according to these social units. The leadership system in operation is a representative system. Such an arrangement is aimed at cooperation. And this cooperation is meant to serve the human need. As Kaunda puts it in his *Humanism* vision; “all our political, economic, social and cultural planning must continue to be based on the creation of a man-centered society.”<sup>184</sup> That is, for the good of the human person. In fact, in Kaunda’s view “the greatest blessing bestowed on Africa, if one can generalize, is that we have always had a gift for Man enjoying the fellowship of Man simply because he is Man. This is the heart of our traditional culture.”<sup>185</sup> Therefore, traditionally, the Zambian society values human relations based on mutual aid (cooperation) right from the family up to the national level.

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the period of ten years referred to in paragraph (b) of clause (1).” (See, [www.zambia.co.zm/constitution.PDF](http://www.zambia.co.zm/constitution.PDF), accessed on 5/11/2011, 11:30am.

<sup>184</sup> Kaunda, *Humanism in Zambia*, 27. And this is basically the core of Kaunda’s *Humanism Philosophy*; the philosophy which is centred on the value of a human person, that he calls ‘Man’ in his book.

<sup>185</sup> Kaunda, *Humanism in Zambia*, 5.

### 1.3 Family life structure: whose power?

The Tonga family life (a result of marriage between a man and woman)<sup>186</sup> is the product of social arrangement. Strictly speaking, a family consists of a husband, wife and children (if any). But traditionally, and most often, in Zambia, a family is understood in a broad sense, i.e., it is an extended family, that includes relatives (young or old) of either the husband or the wife.

Traditionally, marriage has been arranged by two families (often parents) of the prospect spouses. And in a normal traditionally way, until consent between the two families is reached, marriage is not supposed take place. Parental consent is often given after some crucial issues have been resolved. And contrary to what Michael Walzer says about an American society that “marriage and procreation rights are not for sale” and that “citizens are limited to one spouse and cannot purchase a license for polygamy,”<sup>187</sup> in Tonga land (and generally in most Zambian societies), a woman (the bride to be) is bought and a man (bridegroom to be) is allowed to marry more than one woman at the same time. He can decide to be a polygamist and also can decide either to bring all his wives into one compound or put them separately. The choice is entirely his. Polygamy is part of Tonga and even Zambian traditional way of life.<sup>188</sup> It is considered as normal.

In Tonga land, a man is somewhat ‘licensed’ to marry many wives as long as he can pay for them (the way one buys commodities available at the market) and is able to secure

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<sup>186</sup> In Zambia there is no law that allows same sex marriages yet. Same sex marriage is still culturally perceived as an abnormal conduct.

<sup>187</sup> Walzer, *Spheres of Justice*, 101. Actually, in the traditional Tonga culture (even in the whole Zambian culture), it is always a man who is expected to propose love to a woman. A woman is not expected (even if she is capable) to propose (express) love relationship to a man, no matter how much she feels it within herself, she is customary never expected to say it openly. If she does propose love relationship to a man, she is often considered as a prostitute, not just by men but even by her fellow women. This is the cultural perception. And often the word prostitute is locally perceived to apply only to a woman and not a man albeit, it requires a male partner for a woman to engage in prostitution. The normal and acceptable cultural way, is for a man to propose love to a woman. And it is often put like this, *the man is the one who begins to propose love to a woman, the woman is the one who responds* and never the other way round. So, a woman is culturally not at liberty to openly and courageously propose love to a man. However, there are some new developments nowadays, modern generation of young women actually do propose love to men (counter-cultural) but still culture does not accept this as a normal behavior of a customary cultured Zambian woman.

<sup>188</sup> Besides being a way of life, polygamy practice has other reasons: it is believed that no one knows how many, let alone which children, will survive early death and live until old age natural death. So, to counteract this fear of early extinction, polygamy plays a crucial role. And also, polygamy enhances agricultural economy. A man who has many wives is likely to produce more cash and food crops from his farms. Women are often used are cheap labourers who have been already paid for (through bride-price). In rural areas, polygamy has a special honour. In fact, the polygamist is said to be rich with human beings, who are reproductive (bearing children) as well as productive (economic).

their upkeep—and this is crucial, no one is expected to marry who is incapable of providing for the family. Actually, the relationship men have with women (in marriage) is culturally defined by two primary components; protection and provision. And this seems to be what love implies from the cultural point of view. However, even if a man is allowed to marry many wives at same time, a woman is *never* allowed to marry more than one man at a time—culture forbids it. In fact, in rural areas, a man is even regarded as successful if he has several wives and children. Often this is believed (having many wives and children) to be a blessing from God, through the ancestors.

Traditionally, a bride is worth heads of cattle or the equivalent of money. Virgins are much more expensive than those who have been married before or already have children outside marriage. Economically speaking, a girl is a valuable asset to her parents. In olden days, a virgin is traditionally worth six (6) heads of cattle (young and energetic and never old ones). So, any family that has many girls would have more cattle if and when they (girls) get married. Hence, it is believed that polygamy gives a family a great opportunity to have girls, who in turn, would be sold (exchanged) into marriage, that would in turn, bring wealth to the family. And families that only have boys are often envious of those that have girls. Why? Because, they often sustain a wish to have girls like others so as to enjoy the benefits later. And this could be likened to the type of envy that John Rawls talks about in his *Theory of Justice*. According to him, this type of envy is called *emulative envy*, “which leads us to try to achieve what others have. The sight of their greater goods moves us to strive in socially beneficial ways for similar things ourselves.”<sup>189</sup> In our case here, the Tonga families that do not have girls might (and often do) sustain *emulative envy*, a wish to have girls for economic reasons, that is, acquiring more cattle and also for clan continuation, when they get married.

However, in recent years the number of cattle (for bride-price) has been reduced from six (6) to four (4)<sup>190</sup> and often the equivalent in terms of money is paid (in some places, cattle is scarce these days due to animal diseases that attack them yearly). To be sure, in Tonga land, no parents would risk giving their virgin daughter into marriage without receiving any cent or coin, let alone to a man who has no house or is known to be lazy (incapable of taking care even of himself). And if the virgin daughter gets pregnant before marriage (outside wedlock)

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<sup>189</sup> John Rawls, *A Theory of Justice*, 533.

<sup>190</sup> According to Henry Munakombwe, who is a local court judge, the local courts fixed price for one cattle for the bride-price (*lobola*) is around 120 USA dollars. Contact with him was made by phone on 15/11/2011.

then “damages” must be paid.<sup>191</sup> A man is only entitled to a woman (as his wife) when he has paid. And this (payment of a bride) is the source of the husband’s power over his wife—economical power to buy her as his wife. His being in charge of her actually begins right at this point of her marriage life.

Traditionally (in olden days) marriages take place within neighboring villages where people know each other. And parents of the potential couple must give consent before marriage can take place.<sup>192</sup> For parents, a man who is able to pay the bride-price (also called *lobola*) is also presumed to have capability to take care of their daughter. And it is worth noting here that, in Tonga land, there is no man who can claim any right to the yet unpaid for bride, even when he has proposed already and has been accepted, by the girl or parents. The relationship transaction is sealed by paying the bride-price, and not by the young woman’s saying ‘yes, I love’.

A young unmarried woman (presumably a virgin) is traditionally believed to be full of energy, productive. Thus she is worth a good price. And as a virgin, she is considered as a new commodity whose price is fixed by the owner of that product, in this case, her parents. A woman who has been married more than once is cheap. She is believed to have lost her value/worth of a virgin (new product). She is treated like an already used commodity whose value is less. Actually, since time immemorial, the custom is often like this. If a woman has been married twice before, two heads of cattle are reduced on her price. Therefore, like nowadays, from four heads, she is now worth only two. If she has been married many times (often she is nicknamed *muka Banji basankwa*—meaning mrs many men), the number of

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<sup>191</sup> “Damages” refer to a traditional practice where compensation (in form of heads of cattle or money—and often more than the normal bride-price number of heads of cattle) is paid to the family of a woman pregnant with a first child out of wedlock. Pregnancy outside wedlock is considered as “damage” in a similar sense as a damaged bland new commodity that must be replaced or paid for when and if it is damaged at will. It is believed that this payment stands (caters) for all the great opportunities of life that the virgin girl has been deprived of. So, the payment is meant to cover for all such unfulfilled opportunities due to wilful and voluntary pregnancy caused by a man. He is obliged to pay the fine, both by custom and by court law.

<sup>192</sup> These days, people often marry from far and more so, of their own choice, often without the preference, knowledge and even consent of the parents. Things are changing, for better or for worse, no one can tell but change is inevitable in Tonga culture. However, the truth is that marriages in olden days lasted longer than nowadays. It was really until physical death separated the couple. This was because parents took seriously the marriage institution and responsibilities of their children. But nowadays, marriages often last only if and when there are less challenging problems. It is as if couples these days are married until problems/challenges and not death, separate them. And in reality, marriages these days break up due to problems that couples fail to solve, fail to bear with, either as individuals or as a couple. In short, modern couples are often ill-equipped or instructed about marriage life. And the reality is that marriage is no longer considered as a long lasting social institution as it used to be in olden days.

cattle worth buying her is reduced until she can even be married at the price of a goat or a chicken.<sup>193</sup> When it reaches this stage, a goat or a chicken is not kept but instead slaughtered and a meal is shared, to show that something is happening here—some form of marriage. This is a meal that signifies unity of some kind (between the two families), marriage unity. Marriage in Tonga land does not just unite two spouses, but more so, their two families as well.<sup>194</sup>

A married woman is considered as reproductive. In marriage, she is expected to bear children, i.e., to perpetuate the clan. And like cattle, she is also expected to be economically productive, that is, to work in the fields to produce food and cash crops that sustain the family. Hence a married woman is valuable for both reproductive and productive purposes.

Now, in Tonga culture, the children born in marriage belong to the mother. They are the fruit of her womb—her labour. And in some sense, it can be said that Robert Nozick's entitlement theory,<sup>195</sup> that people own what they have (natural abilities and talents) and what they produce by their capabilities, applies quite well to Tonga culture. Since it is the woman who has the natural ability to bear human beings, children are the products of her labour. Therefore, in Nozick's view, this implies that she owns them. But whether human beings can be owned or not, is not the question we shall try to deal with here now. Suffice it to say that Nozick's theory of entitlement seems, in some sense, quite applicable to Tonga matrilineal system.

Furthermore, traditionally, parents have the right to choose among possible men who they want their daughters to be married to. The choice has never been entirely left to the daughter or son to choose alone. It is a family responsibility. In fact, in olden days, parents often chose from which family (and not just who) their children would marry.<sup>196</sup> Parents had

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<sup>193</sup> A goat often costs around 10-15 USA dollars while a big chicken costs around 5-7 dollars. A pig is never used for marriages matters (we do not know why) and sheep is scarce.

<sup>194</sup> Tonga people have a saying which goes like this, *hakakwela katanga amilibo kotoleela*, meaning he who pulls a small pumpkin, should also pull (take) with him the braches and leaves, meaning he who marries a woman, must not forget her lineage, i.e., mother and relatives of his wife.

<sup>195</sup> On Robert Nozick's entitlement theory, see Chapter 1, point 2.2 above.

<sup>196</sup> Traditionally, parents have an authoritative say in their children's prospective marriage choices. On one hand, this is because parents of the woman often want their daughter to be married to someone who can take good care of her and not just one who can pay for her. And on the other hand, parents are obliged to help their sons in paying the bride-price. And actually, most often, when marriages of their children fail, parents are the ones who are blamed. They are often accused of negligence, that is, of not having instructed (prepared) their children well enough for this serious institution. So to avoid such foreseeable marriage failures (and accusation) of their children, parents often pay when they give reasonable consent. Bride-price is obligatory in Tonga land. However, it is worth noting that things are changing. Nowadays young men who marry often pay for themselves (the

and still have their own criteria for their children's marriage choices. They have their own qualities they value into married. Marriage is a serious business in Tonga land. Customarily and as a respectful conduct, every grown up man and woman is expected to get married and have children so as to continue the clan, from one generation to another.<sup>197</sup> Traditionally, celibate state (in olden days) has not been an acceptable way of life in Tonga land. In fact, in olden days, it used to be disapproved by traditional common sense and often condemned as an unacceptable anti-social conduct or behaviour.

And often marriage takes place when important matters (especially bride-price) have been settled. The bride is then taken to the bridegroom's parents' or his own home/compound. And so, from that moment onwards, the bride/wife becomes like one of the properties of her husband—having been bought in the way material commodities are bought and brought into his house.<sup>198</sup> He has power over her. She is under his power and control. And this is the point where the power of the man over the woman (domination) takes its root in the household. And Susan Okin helps us to understand the implication of being married women in such patriarchal societies like Tonga. When married, women are often deprived of their rights. They often become the property of their husbands, including their bodies.<sup>199</sup> Traditionally, this makes it difficult for women to divorce (although they may contemplate) or even to separate from their husbands. Musa Dube puts it culturally right when she says that, in such societies “a married woman stays married — dead or alive.”<sup>200</sup> As one who has been bought for a price, she remains the property of the owner (belongs to her husband, owned by him). If she dies, she can be

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working class especially). But still they expect their parents to contribute something, no matter small it is. This is a living custom. In fact, the modern generation often marry without the knowledge of their parents and only show their spouses to their parents later, usually when they have a child (if any) already, implying that they are ‘inseparable.’ However, this is still not fully accepted as a normal behaviour even if it happens anyway.

<sup>197</sup> The social respect accorded to a celibate is less compared to the one who is married and has children no matter how old (in terms of age) one is. Those with children are said to have grown up while those without children are said to be not grown-ups yet. Those married and have children are accorded adult respect, and they are often called by their children's names (the father of so and so) or their husband's names (mrs or wife of so and so), as a sign of respect. However, nowadays, there is a gradual shift from this negative attitude, celibate life is being accepted. Hence there are priests and religious sisters (who are neither married nor have children) from Tonga land. And society has gradually accepted this reality though with some customary uneasiness or resistance.

<sup>198</sup> In rural areas, a statement “I bought you with cows etc, you are mine, listen to me, I am the head of this family,” from the husband to his wife is very often pronounced, especially when a wife challenges or criticises her husband. And so she is reminded of her worth and how she came about into his house, under his care and control. He is *the in charge of all* that is in his house. It is believed that he ‘owns’ all that is in his house; things and people alike.

<sup>199</sup> Cf., Susan Okin, *Justice, Gender, and the Family*, 129-130.

<sup>200</sup> Dube, *HIV/AIDS and the Curriculum*, 93. Actually this cultural practice is typical and common in many Sub-Saharan societies.

replaced by one of her sisters or relatives, to continue serving the husband who paid for her—the understanding is that what is bought must continue to serve the owner. But, if her husband dies, then she is inherited as part of her husband’s property that can be inherited. Hence the traditional practice of widow inheritance.<sup>201</sup> Traditionally, a married woman is supposed to remain married until she dies as Musa puts it clearly. And if she runs away from the husband (for whatever reasons), then some animals that she was bought for, can be returned, depending on the period she stayed in her married. Hence, her parents expect her to endure in marriage.<sup>202</sup>

In Tonga society, the husband is the head of the family. He is the first class citizen of the household. His wife is often considered as the second class citizen.<sup>203</sup> Traditionally, every Tonga household is called a family if and only if it is headed by a married man. And genders roles are clearly defined in Tonga land. A woman knows her role as a wife and mother (that is,

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<sup>201</sup> Widow inheritance is a Tonga practice whereby in case a married man dies, one of his surviving brothers or relatives marries the widow and brings forth children for the dead brother so that his name will continue to be remembered and also for his family property to stay in the house, avoiding property grabbing. The widow is inherited because, once paid for, she is said to belong to the husband’s family forever. In olden days, a physical sexual ritual is required for widow inheritance to be recognized and sealed. However, a sexual ritual is no longer highly practiced these days due to the risk of contracting HIV/AIDS and other sexually transmitted diseases, human rights awareness (individual liberty), personal decisions women are able to make, especially due to their education and economical independence. But in case, the widow is not inherited, then relatives of the deceased man come and carry out what is called property grabbing (sharing of the dead person’s property among themselves; called grabbing because property is grabbed from the wife and children without their permission or consent). This often leaves the widow and her children in an economically vulnerable situation especially when the man was the only material provider of the family. And this is one of the injustices that women are also subjected to, not just in Tonga land but in the Zambian society as a whole. However, the situation has been changing in the recent years (justice is seen to been done through the intervention of judicial courts) as we shall see in the third chapter.

Moreover, not surprising, Tonga widow inheritance practice is similar to the Old Testament practice of Levirate marriage in the Jewish tradition as recorded in Deuteronomy 25:5-10. Part of the text reads: “When brothers live together and one of them dies and has no son, the wife of the deceased shall not be married outside the family to a stranger. Her husband’s brother shall go in to her, taking her in marriage, and performing the duty of a husband to her, and the first born whom she bears shall succeed to the name of the deceased brother, so that his name may not be blotted out of Israel...”

<sup>202</sup> Before marriage girls are taught what is expected of them in their marriages and how they have to handle situations. They are taught that they must endure. In olden days, wife beating (as a way of correction) was a well accepted practice. Parents used to instruct their daughters: “If your husband does not shout at you or even beat you when you make a mistake, then he does not love you.” (Of course, in olden days, corporal punishment was the major way of correcting a wrong behaviour in the country, mostly done in schools as well). Such instructions applied mostly to the old generation. Nowadays, few women endure suffering injustices in marriages, and the majority are those who are still economically dependent on their husbands. And actually, marriage is no longer an enduring institution in Tonga land. Young people these days, choose whom they want to marry and often marry without the consent of their parents (and their courtship period without serious instruction is often very short). Often they have no parental blessings even if when it comes to the bride-price, parents of the woman come in and demand what belongs to them, their share (as the owners or producers of the woman), which is obligatory.

<sup>203</sup> This is typical of many cultures in Zambia. Spouses are not equal in marriage. That is, the husband is more equal than the wife. The traditional conception is that, in his house, she is under him, under his power, under his control. He bought and brought her in.

if she has children. Culturally speaking, Tonga people do not respectfully call anyone who has no biological children a mother or a father) in the family. Actually even before she is married, a woman is taught her role in marriage.<sup>204</sup>

Generally, the customary norms that govern the family and society are made by the council of elders, often consisting of only male headmen and chiefs—and fact is that often rules are made in the interest of the rulers. They have a privilege, a particular position of power dominance.<sup>205</sup> Headmen and chiefs play an important role as customary law-markers of the land. And as Robert Nozick puts it, the community is entitled to determine and make its own regulations that are to be obeyed on its land.<sup>206</sup> They administer customary land, traditions and practices and as Kaunda puts it, often it be “for the benefit of everyone”<sup>207</sup> in society. In a word, local governance of society is in the hands of men (power given to men) and often they are not elected as leaders but chosen among their elderly relatives, dependent on the historical clan of leadership. Therefore, traditional Tonga leadership is hereditary. And in olden days,

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<sup>204</sup> Traditional initiation ritual, customary called *Nkolola* (girl initiation) has often been a moral formative school for young women. In olden days it used to take place when a girl reaches puberty age. At that stage, she is taken into the house, kept for some days, weeks or even months under serious instructions on adult acceptable morals. And her prospective role in marriage was part of the syllabus, and often the main subject matter. Often a well respected married woman (not her biological mother, but a real mother for that matter) was chosen as a guide to the initiate. Young men also had their own kind of instructions school called *Gobelo* (place for men only, often a shelter), where elderly men taught them adult morals and responsibilities accepted by society. But all these practices are now gradually dying out and other ways of doing things are being embraced. Nowadays kitchen parties for women (where advises and some material kitchen utensils are given to the bride is done in just few hours time of one day) have somewhat taken over the role of *Nkolola*. Sometimes and surprisingly indeed, even unmarried women give advise (whatever it can be) to the bride to be, all this has consequences. However, often times the husband to be is never counseled at all (no instant marriage sessions for him like kitchen parties for women, of course both spouses can be instructed at their Church if they plan to wed in the Church). It is often assumed that he knows what it means to be a husband which in most cases, he does not know. All this to some extent, implies that a man always knows (is presumed) while a woman does not always know, hence she must be instructed, or taught before marriage. All this is an element of power that culture unequally allocates to prospective spouses.

<sup>205</sup> And this is contrary to what Rawls proposes in his original position in designing principles of justice for a well-ordered society. Particular social positions are not supposed to interfere with the conception of justice that will affect other people. In his view, particular social positions should not be taken as an advantage to impose a conception of justice on others. In his own words he says that “the fact that we occupy a particular social position is not a good reason for us to propose, to expect others to accept, a conception of justice that favours those in this position.” (See John Rawls, *Political Liberalism*, 24). But this is exactly what happens with the Tonga land traditional leadership. And since mostly these leaders are men, they make decisions that often favour them as a particular male gender. And this is not just. Nevertheless, according to Robert Nozick, in applying the principle of rectification to victims of injustices, each society should consider from its history what is best for it (see Robert Nozick, *Anarchy, State and Utopia*, 231). Therefore to rectify such male dominated leadership, Tonga society must work out what can be helpful to correct injustices caused on women and children. This of course is a process that chapter three shall attempt to venture into.

<sup>206</sup> Cf. Robert Nozick, *Anarchy, State and Utopia*, 322.

<sup>207</sup> Kaunda, *Humanism in Zambia*, 5.

among some qualities that people looked for in possible rulers, Kaunda lists “courage, determination, bravery and discipline.”<sup>208</sup>

#### **1.4 Gender constructed roles: instilling power**

Gender plays a crucial role in Tonga society. Right from childhood, one can notice how gender is deeply imbedded in small but very significant rituals like child naming. What happens after a child has born in Tonga land? The child is given a name at some point. For instance, a baby boy is given a name, Hang’ombe, meaning someone with (or who has) cattle (ng’ombe), Hampongo, meaning someone with (or who has) goats (mpongo), Hanyimbo, meaning someone with songs (nyimbo), that is, in a sense of a composer and not just a singer, Hambelele, meaning someone with (or who has) sheep (mbelele). Now what do such names imply? These names imply an element of possession. Given such names, it implies that the boy is already (just after at birth) a potential possessor (keeper) of these domestic animals. He is a potential property holder in society. And this implies a sense of economical power.

On the contrary, a girl is for example named muka Moonga, meaning mrs or wife of Moonga, muka Banji, meaning mrs many, muka Munene, meaning, mrs old man. This implies that she is already a possessed person. She belongs to someone, in this case, a man. Hence, an idea that she is a potential married woman. And already at this stage of her life, an idea of her being under somebody is emphasized. Hence we can how child naming can provoke thinking, reflection on the implication of such a customary practice, especially in relation to the child’s adult life.

From this perspective we can see how just a simple but meaningful ritual of child naming is already influenced by gender constructed role. Now, being called by such a name and hearing other people called mrs so and so, the girl psychologically grows and develops an attitude that this is the way things should be. She is groomed into thinking that when she grows up, she has to enter into marriage institution at cost (even at the expense of an available education opportunity that can offer her economic independence in her adult life). However, by implicit, the boy is given more power than a girl right at child naming. That is, the (economical) power of holding or possessing something. Thus, in some sense, such kind of

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<sup>208</sup> Kaunda, *Humanism in Zambia*, 28.

child naming ritual implies unequal distribution of power already taking place at an early age of a child.

Furthermore, as children grow up they are introduced into various activities i.e., producing toys using clay soil or even drawing pictures. This is their initial childhood production skills kind of, taught both at home and at school. On one hand, boys are often taught how to mould or draw animals, cars, houses, and engage in competitive and risky games like football, wrestling, ‘bull’ fighting and even boxing. Such competitive games are not just for entertainment but more so for proving who is more powerful than the other. Girls on the other hand, are taught how to mould or draw kitchen related items like plates, pots, cooking sticks, spoons etc. And they are often discouraged from games which are risky and competitive like those that boys play. Actually even when parents buy toys from shops, often they buy different ones, both for boys and for girls. Parents rarely buy a gun toy for a girl. Similarly, they would not buy a doll carrying a baby on it back for a boy. Instead, they would buy toys like a car, a gun, a motor bike or a ball for him. These are the toys proper to him according to cultural expectations.

Moreover, even when it comes to learning music as an art or a skill, boys are the ones who are encouraged to learn how to play music instruments (i.e., guitars, drums, piano etc) while girls are encouraged to support the boys by singing and serious dancing.<sup>209</sup> Because this is what fathers and mothers in the olden days did. Besides, fathers were property-holders and providers of the family while mothers were persons of the house.

And due to this cultural influence, gradually, the boy is groomed by following the ways of the father, as a hard worker, property holder, provider, public leader whereas a girl is brought up in the ways of the mother, as a domestic worker, humble, person of the inside and just around home. And of course someone has to provide for her so as to remain and work in and around the home as her domain. In this way, she grows less ambitious, less enthused to compete out there (with others) to achieve anything for herself. However, the boy grows up ambitious, with an ambition that he must work hard, be a public leader etc, like the father. And

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<sup>209</sup> And due to this kind of children upbringing, the majority musicians (especially instrumentalists) in the whole Sub-Saharan region are men whereas women are the majority singers and dancers. There are very few (if any) women musical instrumentalists in this region. And so from music industry point of view, it can be said that women often play a kind of supportive role to men. Therefore the saying that *behind every man's success, there is a woman and behind every woman's success there is a man*, applies appropriately.

in order to achieve and hold something as his own property, he must compete out there (in the world of scarcity) with others. He must struggle. Hence he is zealous for outside the home activities. He grows up as a public competitor. And this gives a hint of why more men than women are educated in Tonga society. Generally, in Tonga culture, girls are brought up regarding marriage and family life as extremely important in their lives. Boys are brought up with an attitude that they must work hard in order to provide for the family. And so, for them, work is more important and marriage is somewhat of a secondary value in their life. Presumably, they can do without it. And parents expect their children to grow up into adulthood knowing their different roles not just in the family household but also in society at large.

So traditionally girls grow up with an attitude of going to be marriage, (society does not expect them to avoid it in their adult life) to be taken care of, while the boys learn to struggle in life in order to be economically independent. The traditional cultural mind-set among the Tonga people often considers a girl as an economic asset (who brings bride-price when she gets married). And so, parents encouraged (in olden days and even still happening nowadays especially in rural areas) their children with such kind of approaches (vision) towards adult life. Based on this approach, simply put, rural parents are traditionally reluctant to send girls to school while boys are eager, enthused and struggle (even on their own initiative) to get higher education that can ensure them well paying jobs. And plainly put, in the traditional Tonga society, in terms of education pursuit, the boy is more favored than a girl child. And this has some effects on the children's future economical adult life.

Indeed, when confronted with choices regarding their careers, it is much easier for boys than girls to make their decisions. And this makes it also easy for them (boys) to venture into available economic opportunities outside home. Girls often find it difficult to choose between what they wish to do in their adult life besides entering into marriage, family life, into which, in most cases, they are groomed to consider as a kind of an automatic choice, actually as first priority. Groomed after their fathers, boys are expected to have a solid work in life so as to be able to provide for their family (if any). For the role of a man as the provider of the family is highly emphasised in Tonga society and this to some extent, actually reinforces the domination of men over women in marriages, which in turn, promotes women subordination.

Rawls helps us to understand the effects of such family life opportunity inequalities when he says that:

Given these inequalities, individuals' life-prospects are bound to be importantly affected by their family and class origin, by their natural endowments and the chance contingencies of their (particular early) development, and by other accidents over the course of their lives. The social structure, therefore, limits people's ambitions and hopes in different ways, for they will with reason view themselves in part according to their place in it and take into account the means and opportunities they can realistically expect. The justice of the basic structure is, then, of predominant importance.<sup>210</sup>

What happens in Tonga society (and even in the majority of Zambian tribes) tells us something of how the gender roles, life-prospect, a sense of power, are already unequally distributed in families at an early stage of the life of the child. The point we are trying to make is that, what we call and make of the children, affect them as they grow up. That is, the language we use (especially to children) can change the state of one's vision of life. The names given to children and the language used to them as they grow, affect them psychologically. Language plays a major role in human life and relationships or interactions. According to Ludwig Wittgenstein, the complex relationship between a language and the form of life that goes with it implies that problems arising from language cannot be simply avoided. Language affects our lives and sometimes makes us live in confusion. Hence, in his view "we are struggling with language, we are engaged in a struggle with language" and "language sets everyone the same traps."<sup>211</sup> For him, language is a kind of series of interchangeable language games (human activities or practices which involve language use) in which the meanings of words are derived from their public use.

Therefore, we can say that according to Tonga culture, boys are culturally and socially constructed and portrayed as more equal than girls. Similarly, men are constructed and also portrayed as more equal than women. Musa Dube helps us to understand such gender constructions when she speaks about the differences that exist in men and women's roles in Sub-Saharan Africa. In her view, gender does not distribute power equally between men and women. Thus she remarks that:

Men are constructed as public leaders, thinkers, decision-makers and property owners. Women are constructed primarily as domestic beings who, belong to the home or in the kitchen. They are mothers, wives, dependent on the property of their husbands, brothers or fathers. Women

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<sup>210</sup> John Rawls, *Collected Papers*, 257-258.

<sup>211</sup> Ludwig Wittgenstein, *Culture and Value*, translated by Peter Winch, edited by G.H. Von Wright, The University of Chicago Press, USA, 1980, 11e, 18e.

are constructed to be silent, non-intelligent, emotional, well behaved, non-questioning, obedient, and faithful to one man-husband, boyfriend...<sup>212</sup>

And so from this same line of reasoning she further concludes that, in societies where such developments take place, people often tend to:

Think of a good woman as one who takes good care of her home, children, husband, who hardly questions or speaks back to her partner, and who remains faithful to him. A good man is one who is fearless, brave, a property-owner, a public leader and, in some cultures, he may have more than one partner.<sup>213</sup>

### **1.5 Women subordination**

The subordination of women by men (based on gender) is not just in the family but in various spheres of social life is a common practice in the Zambian society as whole. When subordinated, women are denied of their liberty, rights, justice and even equal life opportunities similar those accorded to men. And when this is the case, often, there is a distorted conception of one's capacities, either as a man or as a woman. According to David Held, in societies where women are subordinated, there is an underestimation of women and overestimation of men in their abilities. In his view, "men's abilities have almost constantly been overinflated, while women's capacities have been almost everywhere underrated."<sup>214</sup> And this is what happens not only in the family but more so, in the larger Zambian society as well. This distorted conception is often reflected in the interactions of both men and women, as gender roles construction permeates not just private but also public life.

Moreover, in marriages, the situation of gender relations is also evident in the allocation of house work. Often times, most of the work at home is done by the woman, be it, cleaning the house, taking care of the children, of her husband, preparing food etc. In all this, often the man is absent (rarely participates even when he is at home, doing nothing). Consequently, in terms of who uses more energy (and not just physical energy but more, mental energy) in house chores/activities, the woman bears the major burden. She is the one who does a lot of (if not actually all) the thinking, feeling and planning for the day in the house. And at the end of the day, as one does a lot of work, she is the only one who is more exhausted (worn/burnt out) than any other person in the household. As the woman does the work, he often enjoys his leisure and freedom. With such leisure (free time), he can possibly

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<sup>212</sup> Dube, *HIV/AIDS and the Curriculum*, 87.

<sup>213</sup> Dube, *HIV/AIDS and the Curriculum*, 87.

<sup>214</sup> David Held, *Models of Democracy*, 89.

pursue his personal hobbies or any other activity of his choice, unless he is a lazy character or type. This kind of situation, in some sense, limits the chances for a woman to pursue her own hobbies, leisure activities etc. Hence she is more disadvantaged than a man right in the household. In a word, this kind of household state of affairs is unjust. It is unjust because such household unpaid work can (and actually should) be equally shared between the husband and the wife presuming the playing field were to be levelled or balanced, that is, equality of partners in marriage.

Often times, even in a situation whereby the man is not working (at all) outside the home (in this case, a doing nothing so-called family provider<sup>215</sup>), it is the woman, even when she works outside home, who brings in money, a breadwinner, who does the most work in the house. This is so because culture dictates it as a customary practice.<sup>216</sup> In fact, it is often difficult for a married woman to develop and explore fully her intellectual and even economic capabilities due to her household workload she is ever occupied with. And this limits her chances of education for a higher paying administrative job, which is often a necessity for good life. This, in general, makes most women to aspire often for the kind of supportive jobs as assistants (like in managerial offices whereas men often aspire to be in charge and they get it, when qualification by merit matters), such as in secretarial work, which in most cases has no chances of higher prospects of promotion or advancement. In most civil service offices, a secretary remains so until retirement. And at times, the title (of secretary) remains even in retirement period until one dies. She is the secretary forever.

Actually, in the Zambian context, the idea that, work employment outside home is equal between men and women (as some people tend to believe) is not true. It is a myth. As workers, women are often considered as the second choice or alternatives (in terms of office

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<sup>215</sup> In the rural areas, often men don't cook, wash, or even look after the children. And if they are idle (at any time of the season), they are properly idle. The most they can do, apart from drinking beer, is sit around or under a tree, scratching themselves, trying to assert their power by being bullies to both their wives and children.

<sup>216</sup> As regards a custom, Henry Sidgwick remarks that, "to an unreflective mind what is customary in social relations usually appears natural; but no reflective person is prepared to lay down 'conformity to custom' as a fundamental moral principle" (see Henry Sidgwick, *The Methods of Ethics*, 7<sup>th</sup> edition, Hackett Publishing Company, Cambridge, USA, 1981, 82). Hence the challenge for the society is to rediscover the social rights and obligations (beyond mere dictate/prescription of custom) that enhance equality of persons, freedom and happiness, be it in marriage or in public sphere.

work selection for employment sometimes, in spite of their merited qualifications) while men are the first choice.<sup>217</sup>

Furthermore, when it comes to personnel transfers (in cases where both marriage partners are working), wives often follow their husbands' destinations even at the expense of their own work or career.<sup>218</sup> They have to follow the head, follow the leader, wherever he goes. This is what society expects to happen. Thus, in terms of their husbands' transfers, women are expected to behave like 'movable goods.' However, a working man rarely moves, following his wife's transfer. In this case, he is like an 'immovable good.' So, the point we are trying to make here is that, in terms of transfer mobility, it is mostly wives who are expected to move from one point to another (how many times in a year does not often count to men at all), following their husbands' careers. All this is done in the name of securing their marriage as society dictates/expects. Marriage (as a customary expectation) takes first priority for women in Tonga culture.<sup>219</sup> The effects such practices have on a woman's career are often ignored. What culture dictates is that she has to serve the interests of her husband first, before she can consider her own. In fact, the husband's priorities often come first on her daily agenda. As his wife, she is at his service and rarely is it considered the other way round (he is not at her service).

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<sup>217</sup> There are few areas of work where a woman is often considered as first choice, e.g. in health ministry (as a nurse), or in some companies as a secretary but not the in charge/manager of the company, very rare.

<sup>218</sup> However, there are also some cases where both working class spouses (both economically independent) fail to reach a mutual understanding on transferring to another location, be it to an urban or rural area. This could be due to a clash of personal interests and preferences (like one partner may not like the area). One partner may refuse to follow the other when transfer takes place. This can be a source of marriage conflict and at times, when there is lack of an agreement partners end up parting ways (break-ups), separating or having a divorce, end of marriage. Each one goes his/her way in pursuit of personal interests. Worth noting also here is the practice of long distance marriages. Nowadays, long distance marriages (where partners work in far distant places, and only visit each other occasionally (like during holidays) rarely survive temptations that come with along the way. Men easily opt for another partner (few men remain faithful to their lawful partners in such circumstances). Distant marriages and break-ups can have untold effects on the children and their welfare. And this is another major challenge in marriage life that most affect women and also children.

<sup>219</sup> During their marriage instructions, young women are often taught that to enter to the man's heart 'you have to go through his stomach first', meaning she has to cook and feed him well. In Tonga land, a well known lazy woman (especially in cooking and doing house chores) is rarely considered as material for marriage (this is the type that often gets married to far distant man who does not know her laziness. But once her laziness is discovered, she can even be divorced. Conjugal services are not enough to sustain marriage in Tonga. Hard-working is one of the qualities taken into account). Tonga people say that a man stays where food is not just cooked but where it is actually eaten. So, if he does not get food at home, then he will (freely hunt) look for it anywhere and he can possibly stay where he gets it. This implies that he can even freely marry someone who feeds him outside his marital home. So, in order to keep their husbands at home, women have been traditionally instructed (by experienced married elders) to cook for them. This is one of the major reasons (besides love and bearing children) for marriage in Tonga land; having someone to help the man (in the house) with cooking and other house chores, as he struggles to provide for the family. This is considered as the normal customary practice.

All this (the aforementioned instances) contributes to the economically powerlessness of women in society. Therefore, it can be said that women's employment choices are somewhat affected right from the early stage of their lives as girls, due to the effect of family gender division of labour into which they are brought up. Hence, from this scenario, it is evident that such household gender division of labour makes women more susceptible to exploitation in marriages than men. And this is often extended to work places outside the home. In fact, gender division of labour, to a large extent, within the household, makes women to be economically dependent on men. However, if they were accorded the same equal opportunities in the family and also by society at work places, women would compete on the same economic level with men and become economically independent human beings, like most men are. The fact is that they have the potentials similar to men's.

Of course, such gender division of roles in the family are predefined especially to the women before they get married. To be sure, this is engraved in their hearts and minds before they get into marriage. But from the point of view of justice and equality, both partners are capable of sharing especially housework (and actually should, why not?) which does not pay money and yet enhances the well-being of the family. And in Susan Okin's view, "the sharing of roles by men and women, rather than the division of roles between them, would have a further positive impact"<sup>220</sup> not just in the family but in society as well. That is, in treating men and women as equal human beings, they can both contribute to the building and development of a just society, beginning right within the family. For Okin, actually, it is in the family that we learn to be just in a sense that equal participation (of men and women) can contribute in acquiring a capacity to see things from the point of view of others who are different from us. And this, in her view, is crucial for a sense of justice in society.<sup>221</sup>

At times, even when both the man and the woman have professional paying jobs (even when a woman is paid more than a man) and both work far from their home, come back home more or less at the same time of the day (often in the afternoon or late evening), the woman continues to work while the man enjoys his leisure time. Traditionally, when he is in house, culture gives him the power to dictate, command and even to demand (his wife) as well. And according to culture, she has the duty to obey him as the head of the family. He is the in charge of the family.

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<sup>220</sup> Okin, *Justice, Gender and the Family*, 17-18.

<sup>221</sup> Cf. Okin, *Justice, Gender and the Family*, 18.

From the justice and equality point of view, Gerald A. Cohen helps us to understand such practices. In his view, the:

Family structure is fateful for the benefits and burdens that redound to different people and in particular to people of different sexes, where “family structure” includes the socially constructed expectations that lie on husband and wife. And such expectations are sexist and unjust if, for example, they direct the woman in a family where both spouses work outside the home to carry a greater burden of domestic tasks.<sup>222</sup>

Therefore, it can be said that injustices and inequalities are part and parcel of daily Tonga family life and even a Zambian society as well. Such a family requires justice and equality to prevail. And Cohen goes further to remark that “it is impossible to claim that the principles of justice that apply to family structure do not apply to day-to-day choices within it.”<sup>223</sup> So, justice and equality is indeed called for, in a Zambian family household.

But what is the point we are trying to make in all this? The point is that a woman is unjustly burdened than a man in the Zambian family household.<sup>224</sup> All this is because cultural norms say so (norms made by men leaders). And what could be some effects on children who witness such kind of incidences in the home? As they grow up, observing the roles their parents play, children build attitudes and maintain them, convinced that this is the right way things must be done. From the psychological point of view, when they grow up as adults, they tend to behave as they saw and learnt, that is, stereotyping their parents’ roles in the family home. And this way, the subordination of women practice often continues from one generation to next.

What is worth noting here is that gender relations take the central position in allocating power between men and women in the family, a basic cell of the Zambian larger society. And this makes a kind of unwarranted divisions between the powerful (men) and the powerless (women) in a society. The power relations based on gender is not often only restricted to the home, it is also reflected in politics, religious and civil service institutions like churches, schools, companies etc. To be sure, gender pervades all social spheres of a patriarchal society, like Tonga and Zambia as whole.

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<sup>222</sup> Gerald A. Cohen, *Rescuing Justice & Equality*, Harvard University Press, Cambridge, Massachusetts, London, England, 2008, 137.

<sup>223</sup> Cohen, *Rescuing Justice & Equality*, 134-135.

<sup>224</sup> In fact, traditionally, a wife is often regarded as a “general worker” in marriage. This is a title that is often given to the civil servants who are available for any type of job in various departments. Their total availability is due to their not having academically recognized papers (certificates) for their work. They are often employed on charity basis. Hence they can be used anyhow and at any time and by anyone. They can as well be hired and fired anyhow by their employers. This is similar to how a woman is traditionally treated in marriage.

## 1.6 Agriculture economy

Land is a precious property in Zambia. It is classified in two categories, state land and customary land. The state land is the property of the state while the customary land is people's land. It is under the management of headmen and chiefs (as elders) on behalf of the local people.<sup>225</sup>

Agriculture is one of the pillars of the Zambian economy. And Tonga land is one of the provinces that economically depend on agriculture (relying on rain water, irrigation system is not very prevalent). Actually, it is one of the provinces that feed the nation. And according to Kaunda, "if it were not for the fact that our people grow their own food we would have been in trouble already,"<sup>226</sup> trouble with food shortages. However, land cannot produce without being worked upon. Hence, to cultivate it, to utilize it, for it to produce, human labour is employed.

Planning and making decisions concerning farming (within his family), is often the responsibility of the head of the family, the man himself. It is within his power. He often plans what and where to plant crops after which, he dictates his plans to his wife, children and dependents (extended family members under his charge) to implement. When making plans, he does not often consult them, but imposes when ready even though, if they are given an opportunity, family members should have a say in such matters that involve their participation. But often, this is not the case in Tonga society. The man is presumed to know it all. Commenting on the view of Aristotle on justice, as regards such household practices, MacIntyre remarks that "even Aristotle recognizes that justice will be violated in a household if a husband simply imposes his will in areas where his wife should have a say; then he governs in a way contrary to desert (NE VIII, 1160b 36)."<sup>227</sup> Of course, as the family provider, he also purchases farming equipment for the farming season. And in the actual farming, the production process, it is often the women and children who labour/work. In other words,

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<sup>225</sup> Cf. Kaunda, *Humanism in Zambia*, 14-15. Note that state land can be sold but customary land is never for sale. It is always shared among local members and given freely to whomever the headmen and the chiefs wish to give it to, for purposes they see worth it (residential or developmental).

<sup>226</sup> Kaunda, *Humanism in Zambia*, 18.

<sup>227</sup> Alasdair MacIntyre, *Whose Justice? Whose Rationality?* 121-122. However, MacIntyre further explains that in Aristotle's view, an ideal household is not governed by the principle of "desert or merit" involving justice but it is governed by relationships, that involve friendship, a virtue that needs others; a mutual dependence that exists in social relationships.

women and children are the major players in the agricultural production process. However, it is worth noting here that, the active participation of women and children ends after harvesting.

Even in the traditional society, Kenneth Kaunda confirms such kind of practice when he remarks that “collectively and cooperatively they harvested but when it came to storing and selling their produce they became strongly individualistic.”<sup>228</sup> The phrase “strongly individualistic” here applies mostly to men, who are often in charge of the families. This is a historical cultural fact. When the farm produce is read for sale, women and children often disappear from the picture and the head of the family (the man) appears and takes charge of the sales. As the head of the family, all sales are done under his name. Simply put, women and children do not often have a say over the finished products of their labour. They do not have control or power. Power is taken by the head of the family. Eventually, when farm products are converted into money, the man culturally has the right to decide how to use it, often times, without consulting his wife and children. Although he gives them their share, in most cases, it is often less than the equivalent of their labour which they invested in production. And this is not just.

In reality, such division of labor and economical practice in a family structure according to Susan Okin, “leaves most women far less capable than men of supporting themselves.”<sup>229</sup> And this is what could be called household injustice and inequality among its members who are supposed to live with empathy for one another.

Furthermore, the above Tonga economic traditional practice is contrary to what Gerald Cohen suggests. According to him, productive people should be rewarded well in terms of incentives so as to make them produce more that can even help those who are worse off.<sup>230</sup> But how could this be when those who produce are often denied what is their due? In fact, the Marxist principle: *from each according to his ability and to each according to his needs* in most cases, does not apply to the Tonga traditional economical practice (especially when it comes to sharing the fruits of farm produce). And yet this could be the preferable ideal. Of course, as the head of the family, the man is entitled to make family decisions (just or unjust, is not seemingly a matter of concern, in his culturally constructed attitude). Simply put, he has

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<sup>228</sup> Kaunda, *Humanism in Zambia*, 13.

<sup>229</sup> Okin, *Justice, Gender and the Family*, 17.

<sup>230</sup> Cf., Cohen, *Rescuing Justice & Equality*, 83.

power to decide what happens (what goes out and what comes) in his family. He is *the in charge* of the family affairs.

Unequal sharing of the farm end products within the family leaves women and children in an economically vulnerable situation. And this is one of the major causes of poverty among women and children not only in Tonga family household, but also in the Zambian society as whole. To be sure, it is a well known fact, that anyone who controls someone else's economy (or finances), controls that person's life prospects as well. Therefore, it could be said that, to the large extent, men (as *the in charge*) control the life-prospects of women and children in society.

So, from this perspective we could reasonably say that he who makes the initial agenda has power to control the outcome as well, i.e., the man controls it all. And so the economical opportunities for women and children often are in the hands of the man who controls everything in the family. And due to this kind of practice women and children often become the economically less advantaged members of society.

And for the marketing purposes, farm products are often sold to the government managed cooperative boards<sup>231</sup> and also to the private companies that are located close to farmers: at village, district, provincial and national level. Farm equipment is also acquired in this way. This enhances competition and helps farmers to choose which buyers they wish to sell their products according to the various price offers available.

Moreover, traditionally, property ownership in the family is the man or husband's privilege (and how he acquired this property does not often matter). That is why when he dies, issues of property grabbing arise.<sup>232</sup> And this often brings economic suffering on the widow

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<sup>231</sup> It is worth noting here that such cooperative boards were already part of the vision of Kaunda in his *Humanism* philosophy, in less than a decade after Zambia got independence in 1964.

<sup>232</sup> Property grabbing is a cultural practice whereby, when a married man dies, his relatives share his property. This happens if the widow is not inherited by one of the brothers or relatives of the deceased man. If she is inherited, some property often remains in the family. In olden days, if the widow is not inherited, she and her children were not even considered in the process of property sharing, hence it is called property grabbing—done at the expense of their economical vulnerability. Traditionally, property belongs to the man (without consideration of how it may have been acquired), the head of the family, and so his relatives have the right to share it among themselves (consider it as part of their property too as an extended family, for Tonga people believe that what one owns belongs not only to him alone, but to his relatives as well, in a sense, it is common property and this has a history that we shall not get into here). Relatives had and still have power to decide on the property of the deceased man. Traditionally, there were no written wills left by the deceased man. And so people took advantage of a common custom of property grabbing. However, the situation is changing and in recent years, justice is been seen to be done by the intervention of judicial courts for the benefit of the vulnerable

and her children (orphans). And Rawls wonders the justification of such actions in a family. Hence he remarks thus; “forced to fend for themselves, their economic position is often precarious. A society that permits this does not care about women, much less about their equality, or even about their children who are its future. Indeed, is it a political society at all?”<sup>233</sup> Of course it is, but a different one from what Rawls himself conceives of. Actually, according to Gerald Cohen, it is “because values other than justice tend against equality.”<sup>234</sup> And a hierarchically structured patriarchal society like Tonga (and even most of Zambian society at large) is built and sustained by such values which are against equality.

It is worth noting that the practice of property grabbing in Zambian society is not a thing of the past. It still takes place and worse still, it also happens even among those, whom society would think, are economically well off personalities. The Post Newspaper of Zambia reports a case in which Irene Kunda, the then wife of the vice-president George Kunda<sup>235</sup> (a lawyer by profession himself) attempted property grabbing. And the newspaper reports thus:

VICE-President George Kunda’s wife, Irene, has been sued by her late brother’s widow for trying to grab the deceased’s house. Maria told the court that Irene wanted to chase her from her “matrimonial” house and turn it into a museum. Maria went on to explain: “My husband died in 2003. So early this year, I started receiving my husband’s relatives trying to chase me from the house. First, my late husband’s niece came to the house and told me that she was instructed by her aunt, Mrs Kunda to chase me from the house because it did not belong to me” ... and Irene explained ... “We have left everything to this woman, even the chairs that belonged to my parents...” Irene later told the court to give the house to Maria but the court told her that she had no right to direct the court on what to do. The matter was later adjourned to August 29th for judgment.<sup>236</sup>

So, from the point of view of justice and equality, it could be said that women and children are the most vulnerable members of the society upon whom such injustices (as mentioned above) are often inflicted. And the injustices inflicted upon them make them the less advantaged (vulnerable and often economically worse off) members of society. And these are ones to whom justice must be seen to be done.

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women and children of the deceased man. More shall be said in chapter three on this kind of development; property sharing, aimed at fairness and justice implementation.

<sup>233</sup> John Rawls, *Justice as Fairness*, 167.

<sup>234</sup> Cohen, *Rescuing Justice & Equality*, 3.

<sup>235</sup> George Kunda and his wife Irene belong to another tribe called Bemba, of the Copperbelt Province. This is the province that produces Copper on which the Zambian economy (copper economy) depends mostly. This shows how property grabbing is basically a common practice in the Zambian society.

<sup>236</sup> Abigail Chaponda, “Irene Kunda in court over property grabbing” in The Post Newspaper, online [www.postzambia.com](http://www.postzambia.com), accessed on 27/7/ 2011, at 2.00 pm.

Such situations of injustice and inequality require reformation of some cultural practices to alleviate the suffering of the most vulnerable members of society.<sup>237</sup> John Rawls puts it clearly that social “injustices bear harshly not only on women but also on their children and they tend to undermine children’s capacity to acquire the political virtues required of future citizens in a viable democratic regime.”<sup>238</sup> Zambia is twenty years old into democracy but still a lot has to be done to alleviate the sufferings of some (the majority) section of its members.

In fact, according to Benjamin Barber, “political liberty depends on economic liberty.”<sup>239</sup> And Zambian women and children who are not economically liberated often fail to participate in competitive political leadership opportunities. To fully, venture into politics, many of them find it hard because they lack financial resources, they often have to dependent either on their husbands, fathers, brothers, or at times on friends. And this limits their prospects.

In Okin’s view, justice in the family is crucial, in the sense that feelings for others must develop right within the family household. And it is from this perspective that she emphasises that “family justice must be of central importance for social justice.”<sup>240</sup> This is because oftentimes, social construction of gender roles begins in the family. And as a consequence, what happens in the family is often manifested in society at large. Hence for Okin, the family is supposed to be the first moral development school, where virtues that can build and sustain a just society can be learnt or acquired. Therefore, justice, like equality, is one of the fundamental virtues that should be learnt within the family. And these are the virtues that should be manifested in the socio-political sphere.

### **1.7 Socio-political sphere**

The family division of roles characterised by gender and economic inequalities that exist in Tonga society (and even in the Zambian society as a whole) are, to the large extent, reflected in political life as well. The way children are brought up in the family often affects

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<sup>237</sup> There are some reforms that are taking place in view of justice and equality implementation (for the benefit of widows and orphans). Some measures are been taken to protect and secure the rights of such vulnerable members, not only for the Tonga but the Zambian society as a whole, as we shall see in chapter three.

<sup>238</sup> Rawls, *Justice as Fairness*, 166. Actually, even earlier on, Rawls says that “injustice ... is simply inequalities that are not to the benefit of all,” (See Rawls, *A Theory of Justice*, 62).

<sup>239</sup> Benjamin Barber, *Strong Democracy*, 251.

<sup>240</sup> Okin, *Justice, Gender and the Family*, 100.

them, mentality and psychologically. The effects are often manifested in their adult productive life. And so, their perception of leadership (as adults) also reflects their family experiences. Simply put, gender constructed power roles accorded to both men and women at all levels of the Zambian society are unequal.

As the first school of moral development, John Rawls seems to view the family with a particular regard. For him, a just and well-ordered society would be stable when its members continue to develop a sense of justice. He argues that a family plays a fundamental role in the stages through which such a sense of justice can be acquired. From the love parents have for their child, which in turn, ought to be reciprocal, “arouses in him a sense of his own value and the desire to become the sort of person that they are.”<sup>241</sup> The fact is that children learn easily especially by seeing and hearing from their significant others, mostly their parents. And this is how they acquire some lasting attitudes in life. Therefore, it could be said that the family as a primary school of moral development of a child, is a crucial institution. It is the moral school where we learn values that we uphold in adult life in society. And in the similar line of reasoning like Rawls, Susan Okin remarks that:

The family is potentially, a place where we can learn to be just. It is especially important for the development of a sense of justice that grows from sharing the experiences of others and becoming aware of the points of view of others who are different in some respects from ourselves, but with whom we clearly have some interests in common.<sup>242</sup>

And so, virtues, if they are not learnt and acquired in the family, their effects are manifested in social relations, i.e., in public life. One of the reasons why women have a small percentage of active leadership participation in Zambian politics is due to the gender imbalances that begin right within the family set-up, and then it goes up to the national level. Most of the leaders who are in-charge of the major social and public institutions in Zambia, are men. Men are heads or leaders in the family, village/city, ward, Church, School, Chiefdom, District, Constituency and Nation.<sup>243</sup> To be sure, the percentage of men leaders in the whole Zambian society is actually much higher than that of women. The ratio is usually around 85 percent for men and 15 percent for women.

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<sup>241</sup> Rawls, *A Theory of Justice*, 465.

<sup>242</sup> Okin, *Justice, Gender and the Family*, 17-18.

<sup>243</sup> Traditionally in olden days, only men have been headmen and chiefs. But the situation is gradually changing. Nowadays, women are also becoming heads of villages (and often the title village headwoman is confused with village headman, which many people are used to), chiefs and parliamentarians but not yet as president.

For instance, in the Zambian civil service even if the majority employees are women, the managerial or position holders are men. However, the majority of those doing secretarial work are women. In schools (at all levels, primary up to the University), often, majority teachers are women but the percentage of men head-teachers (or principals) outnumber that of women.<sup>244</sup> In health service, majority nurses are women but the number of doctors and clinic officers (those in charge of major departments) are men. Similarly, in the judicial system, majority judges are men. Even in farms, the majority workers/labourers are women but the large number of farm managers, are men. And this is not all, even in religious institutions (i.e., Churches), women are the majority attendants but top leadership is a reserve for men. In media, majority reporters are women but those major posts (like editors etc) are men. All this is because of gender. Gender pervades all aspects of society.

So it is evident that in most (if not all) of the social institutions, women work under men who have a high chance of promotion to higher post, leading to higher salary. And higher salary implies a satisfactory life. Leadership inequalities are the order of the day in most Zambian social institutions. And this puts women in an economical vulnerable situation. In general, gender is at work at all levels of the Zambian society. Social equality between men and women is a dream yet to be realised. According to Professor Nkandu Luo, “Zambia is going backwards regarding the attainment of the United Nations Millennium Development Goals. Zambia is very far from attaining gender equality.”<sup>245</sup>

Therefore, from the above state of affairs, one would wonder and pose a question: in such kind of the state of cultural affairs, how could a woman, who has been excluded from the leadership and the economical affairs of her family, school, Church, etc., easily engage in a competitive political life of her country? How can she fully participate (especially be voted) in

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<sup>244</sup> Surprisingly, even in some private schools (including those owned by the Female Religious Congregations with well qualified religious personnel) the situation is often the same. Men are in charge as heads, women are mainly assistants. Gender discrimination is at play.

<sup>245</sup> Moses Kuwema, “Zambia still far from Gender Equality” in the Post newspaper, [www.postzambia.com](http://www.postzambia.com), accessed on 19/07/2011 at 10:30am. Professor Nkandu Luo (not a Tonga by tribe) is the first Zambian woman professor. And there are few women professors in Zambia as compared to men. Actually she is in Zambian politics (in and out), especially since the dawn of democracy in 1991. And the following 8 Millennium Development Goals (MDGs) (that she talks about) according to the United Nations are: “1. Eradicate extreme poverty and hunger, 2. Achieve universal primary education, 3. Promote gender equality and empower women, 4. Reduce child mortality rates, 5. Improve maternal health, 6. Combat HIV/AIDS, malaria and other diseases, 7. Ensure environment sustainability, 8. Develop a global partnership for development” [http://en.wikipedia.org/wiki/Millennium\\_Development\\_Goals](http://en.wikipedia.org/wiki/Millennium_Development_Goals), accessed on 23/11/2011, at 10:35 am.

the public leadership of the country? In such a state of affairs, Musa Dube helps us to continue to reflect on questions about the cultural gender roles that regard men as superiors (leaders) and women as inferiors (subordinates). And so she poses very practical and reflective questions such as these:

How can we expect girls who grew up under the leadership of a father, a male principal, a male village leader, a male pastor, a male member of parliament and a male president to believe suddenly in their own capacity to lead or to believe in the leadership of other women? ... Similarly, how do we expect a man who has grown up in an all-male social leadership to accept women as leaders?<sup>246</sup>

It is obvious that girls and women's political and other opportunities are affected by the structures and practices not only at the family but at *Zambian society level* as well. In his Post-Synodal Apostolic Exhortation (*Africae Munus*), Pope Benedict XVI confirms the few opportunities women and girls have in Africa as a whole. According to him:

Women's dignity and rights as well as their essential contribution to the family and to society have not been fully acknowledged or appreciated. Thus women and girls are often afforded fewer opportunities than men and boys. There are still too many practices that debase and degrade women in the name of ancestral tradition.<sup>247</sup>

To change such cultural attitudes and practices is a process. This is the challenge that chapter three intends to attempt. For, unless the values of justice and equality are upheld in such a society—right from the family up to national levels—some of its members (especially women and girls who are even the majority in the country) shall continue to be disadvantaged in their life prospects.

Actually, it is due to their leadership ambitions and aspirations, instilled into them at an early stage of their lives, that, boys (and men in general) strive to pursue quality education that affords them reasonable leadership positions in society. And these reasonable leadership positions often pay well. This implies that those who get into such positions get good salaries and often live more comfortably (economically) as compared to those in minor positions worth lower salaries. And so from the economic point of view, money has power, money can speak and can possibly decide as well—through those who have it.

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<sup>246</sup> Dube, *HIV/AIDS and the Curriculum*, 94. Historically, Zambia has few women in political leadership positions. And basically this is because the cultural perception of men and women gender based roles that are engraved in people's minds as they grow up.

<sup>247</sup> Pope Benedict XVI, Post-Synodal Apostolic Exhortation (*Africae Munus*), given at Ouidah, Benin (Africa), on 19 November, 2011, no. 56. [www.catholicnews.com](http://www.catholicnews.com), accessed on 23/11/2011, at 8:25 pm.

Furthermore during the period towards Zambia's local, parliamentary and presidential elections of September 2011, interviews on political views took place on various radio stations<sup>248</sup> countrywide. Questions were put across to the public to share their views/opinions. People phoned in to give their feedback to these two questions: What do you think about Edith Nawakwi, the only female candidate in the presidential race, can she win? And women, being the majority voters historically, will they vote for her as their fellow woman? Referring to her (Edith Nawakwi),<sup>249</sup> the only female presidential candidate in the race of eleven (11) aspirants, some women expressed their opinions (via phone-in calls) saying: "I would hate to waste my vote on a woman who will not win the race. It is better to vote for the candidate who is most likely to win, and that candidate is usually a man" said one woman. The second one said, "women who enter political races have a lot going against them, the first being opposition from their fellow women, who have a deeply rooted culture of not supporting female candidates." And the third one remarked; "feelings of inferiority among women are to the extent that they will not vote for another woman whom they consider lesser than male candidates." The fourth one made somewhat a similar remark saying; "as any woman will tell you, it takes guts to go for the highest office. Few women have enough faith in themselves to vie for a local political seat let alone the presidency. You have to get involved in work in the local community to prove your skills if voters are to give you greater responsibility as a head of state." And finally the fifth one concluded saying that, "maybe we do not believe in the female candidates because we have never had a female president before."<sup>250</sup> These were opinions of women against their fellow woman candidate.

Men also expressed their opinions, doubting the capability of a female presidential candidate and went as far as questioning whether or not as unmarried woman, she would need to go on "maternity leave, take a honeymoon break or deal with relationship problems if she

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<sup>248</sup> Here we shall refer only to Radio Phoenix, *Let the people talk* phone-in programme, during elections campaign interviews.

<sup>249</sup> It is worth noting that Edith Nawakwi is a veteran politician. Since Zambian Independence from Britain in 1964, she is the only woman leader of the opposition political party called Forum for Democracy and Development (FDD). Actually even before becoming a leader of a party, she served (at some point) as the first Zambian female finance minister in the early years of democratic system in Zambia (1991-1996). She belongs to another tribe, which is not Tonga. There has been no Tonga woman in the history of Zambian politics who has ever reached that far in her political career. Majority of them, the highest they do aspire for (seemingly) and have reached so far, is to be members of parliament. Of course, we do not know what the future holds in store.

<sup>250</sup> Radio Phoenix online, [www.coppermedia.com](http://www.coppermedia.com), accessed on 10/09/2011, 4:20pm.

ascended to the presidency.”<sup>251</sup> Others argued that she should “first get married and prove her ability to run a family, before she can attempt to run a country.” In their view, one (let alone a woman for that matter) cannot climb a tree from the top, but rather from the bottom, implying that leadership begins at a local community level (basically in the family) where basic skills, like leadership, are supposed to be learnt. So, this implies that unless one is locally recognized as a leader at the local community, one is unlikely to be recognized as a potential leader at national level. And this is a cultural attitude.

Of course women are not the only ones who suffer such negative cultural leadership criticism. New opposition party leaders too, suffer similar criticisms. Oftentimes, new opposition party leaders have been losing presidential elections because they are judged as lacking leadership experience. The history of one’s leadership is very crucial in Zambian politics. It is often said that any high-ranking political leadership, let alone presidential, necessarily requires (it is believed) some prior leadership at some recognized local level of society, be it at the village, city, ward or in civil service unions.

All these views (above) reflect the Zambian political scenario both at local and national level. Politics in Zambia is not yet fully regarded as a domain for women. Actually, from the responses above, one gets an impression that it is not possible for a woman to fully participate (especially to be voted for higher office) in Zambian politics.<sup>252</sup> And this is mainly due to the cultural perceptions towards women as domestic human beings and men as human beings who should participate in public life like politics.

In the Zambian political context, leadership experience is often reflected from the local community background. And this local community leadership is often gender constructed. Men and women have their respective domains—the inside or around the home domain is often reserved for women whereas the outside the home world, is for men. Culturally speaking, the line between the two domains is often drawn (by gender roles) and this is usually reflected at socio-political level as well.

Often times when some male politicians engage in their political (election) campaigns<sup>253</sup>, they use analogies like that of animals and put it this way: *A real farmer can*

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<sup>251</sup> Radio Phoenix online [www.coppermedia.com](http://www.coppermedia.com), accessed on 16/9/2011, at 5:50 pm.

<sup>252</sup> Of course things are changing and a good number of women are into politics these days even if they cannot really compete at the same level with men. But for the presidency, it is still a long to go for them.

<sup>253</sup> It is worth noting that most political parties in Zambia become active and alive towards elections time. And mostly it is after every five years or when and if there is by-elections. And between one election period to

*neither yoke an ox with a goat, nor with a sheep in order to pull the plough when cultivating the land or for any kind of goods transportation. This is an improper situation. A real farmer yokes only oxen for it is only oxen that are used to be yoked, pull the plough, to cultivate the land for planting in view of having a good harvest. He (and not she) knows the capacity of each of his domestic animals. And the audience often responds saying “oh yes, that is the truth in Zambia.”* And surprisingly, in such political campaign rallies, the majority attendants are women who often applaud (in very sharp voices) in agreement and support such men’s views. That is why even when it comes to voting, majority women vote for a man candidate at the expense of their fellow women candidates. Nonetheless, their participation in such campaign activities is an expression of their political duty which, according to Russell Dalton, “represents an extension of electoral participation beyond the act of voting.”<sup>254</sup>

So, in a sense, it could be said that in Zambian politics, women are (seemingly) against themselves, that is, they are against their fellow women who courageously aspire for higher political positions. The analogy above is intended to mean that, for the political leadership positions, men are supposed to compete among themselves and not with women. In men’s view, when they compete with women, then, that becomes an improper situation. Culturally speaking, they are convinced that the political sphere is a kind of a reserve or ‘vocation’<sup>255</sup> specifically for men and not for women. And that is why women’s participation is basically understood as a mere support to men. However, when it comes to voting, everyone is expected to vote, both men and women. And according to Max Weber, “we are all ‘occasional’ politicians when we cast our ballot or consummate a similar expression of intention, such as

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another, they are as though they do not exist, apart from those at the top leadership who make statements/opinions from time to time.

<sup>254</sup> Russell J. Dalton, *Citizen Politics in Western Democracies*, Chatham House Publishers, Inc, New Jersey, 1988, 41.

<sup>255</sup> It is worth noting here what Max Weber says about politics as vocation. In his view; “There are two ways of making politics one’s vocation. Either one lives ‘for’ politics or one lives ‘off’ politics ... The rule is, rather, that man does both, at least in thought, and certainly he also does both in practice. He who lives ‘for’ politics makes politics his life, in an internal sense. Either he enjoys the naked possession of the power he exerts, or he nourishes his inner balance and self-feeling by the consciousness that his life has *meaning* in the service of a ‘cause’. In this internal sense, every sincere man who lives for a cause also lives off this cause. The distinction hence refers to a much more substantial aspect of the matter, namely, to the economic. He who strives to make politics a permanent *source of income* lives ‘off’ politics as a vocation, whereas he who does not do this lives ‘for’ politics ... Under normal conditions, the politician must be economically independent of the income politics can bring him. This means, quite simply, that the politician must be wealthy or must have a personal position in life which yields a sufficient income.” (See H.H. Gerth and C. Wright Mills, editors, *From Max Weber: Essays in Sociology*, Routledge, London and New York, 2009, 84).

applauding or protesting in a ‘political’ meeting, or delivering a ‘political’ speech, etc. The whole relation of many people to politics is restricted to this.”<sup>256</sup>

Moreover, in Zambian politics, women leadership candidates are often judged on standards that have nothing to do with leadership qualities. Moral status questions about them are often asked, for example, *has she been married before? Is she a divorcee? Why was she divorced? How many times has she being married? How long did she stay in marriage?* This can be humiliating for women especially when questions are asked regarding their personal and private lives such as these. And this is (in Zambian politics) often a weapon used not only by men against women, but even by women themselves against their fellow women. Such criteria have been used as a strategy to keep most women away from active politics (aspirations for higher offices). Hence it can be said that the road to gender parity, characterized by stereotypes, social attitudes and financial constraints remains an uphill struggle. These have negatively impacted on the progress of women, especially those seeking political offices.

On the contrary, however, often men are not judged by their moral status, that is, whether they are married or not, how many times they have divorced or whether they are in polygamous relationships.<sup>257</sup> No one talks about such things (moral status of a male candidate) openly. It is seen as irrelevant. All these things are taken more or less as a ‘license’ for men (unquestionable moral status). However, one wonders, why women should be judged on standards that are not specifically about leadership abilities at all. This implies a lot about the perception of the status of man and woman not only in family but in the Zambian politics as well. In a sense, the former is often regarded as the ‘first class’ citizen and the latter as a ‘second class’ citizen. And this might explain why the wife of the president in Zambia is called the “first lady”. This implies that her husband (who is the president) is the “first gentleman” on the land. And this is an honour women seem to have embraced with joy and relief, that, at least, one of them is in the most important house—state house, (close to the most powerful man) in the country. Hence, they feel they do have some influence (through the

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<sup>256</sup> Gerth and Wright Mills, *From Max Weber: Essays in Sociology*, 83.

<sup>257</sup> Actually, there is no law in Zambia that restricts the president to one wife. If he so wished, he could practice polygamy, like is the case in the Republic of South Africa (at the time of writing this essay) where the third democratically elected black president, Jacob Zuma, is married to more than two wives, let alone in the Kingdom of Swaziland where King Mswati III (not democratically elected) is customary licensed to marry one more virgin every year. At the time of writing this essay the British Broadcasting Corporation (BBC) online reports that King Mswati III has 13 wives, [www.bbc.co.uk/news/world-africa](http://www.bbc.co.uk/news/world-africa), accessed on 23/11/2011, at 6:20pm.

wife of the president) in the decisions the president makes for the nation. But this is doubtful indeed, for men often rarely consult women in their major decision making processes as we have already indicated earlier, in family matters.

In fact, it is not so easy for most women to enter into Zambian politics. Full time engagement in politics for women is a big challenge. As one woman testified during another radio phone-in program:

A woman will say that if going into politics will affect her family negatively, she would rather keep away. Moreover, politicking as defined by men includes night campaigns, which a woman may not be comfortable with, and when you add hiring potentially violent youth-for-hire, the woman opts out.<sup>258</sup>

This simply implies that politics in the Zambian society is not an easy way of life for women. And this is basically because of gender roles construction which pervades all spheres of social life. Of course, it is also a well know fact, as Michael Oakeshott observes, that, for most people (especially women in our case here) “political activity is a secondary activity—that is to say, they have something to do besides attending to these arrangements.”<sup>259</sup>

Indeed, from the economic point of view, unlike men, most women do not have the financial resources to engage in political ventures such as election campaigns. This economic powerlessness can be reflected from the family background where women are culturally treated as dependents on their husbands, brothers and fathers’ property. All this is because of gender inequalities that society constructs. And John Rawls helps us to somewhat understand more the effects of such social systems when he says that:

It has always been recognised that the social system shapes the desires and aspirations of its members; it determines in large part the kind of persons they want to be as well as the kind of persons they are. Thus an economic system is not only an institutional device for satisfying existing wants and desires but a way of fashioning wants and desires in the future.<sup>260</sup>

Actually, gender effect in politics is a global phenomenon. Referring to the Western democracies, Russell J. Dalton observes that:

Gender is also an important social determinant of political activism. Men are more politically active than women ... Part of this gap is because of differences in political resources (e.g. education, income and employment patterns), which place women at a disadvantage in dealing

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<sup>258</sup> Radio Phoenix online [www.coppermedia.com](http://www.coppermedia.com), accessed on 12/09/2011, 3:45 pm.

<sup>259</sup> Michael J. Oakeshott, *Rationalism in Politics and Other Essays*, New and expanded edition, Methuen & Co. Ltd., London and New York, 1962, 44.

<sup>260</sup> Rawls, *Collected Papers*, 257.

with the world of politics. In addition, early life socialization often portrays politics as inappropriate to the female role; this undoubtedly restrains the motivation of women to participate and the willingness of the male world to accept female participation.<sup>261</sup>

And so it can be said that gender pervades many societies of the world and not only the Zambian or African society in general. Gendered politics seems to be a global challenge.

Furthermore, towards the September 2011 Zambian elections, the United Nations High Commission for Refugees (UNHCR) country representative Joyce Mends-Cole urged women who were not adopted to stand in the September 20 parliamentary and local government elections not to give up but keep trying despite the country's cultural-political perception towards women. Joyce acknowledged the male dominated politics in Zambia and in a sense realized how difficult it is for women to vie for higher political positions. Hence she suggested other areas where women could exercise leadership. In her view, there are various spheres of life in which women could still participate as leaders besides aspiring for higher competitive and male dominated political positions. Thus she remarked that:

Whether it is through the Church, whether it is by being a good mother, whether it is a person that helps in an orphanage, whether it is being teachers, teachers are so critical, whether it is being a good secretary but there are ways that women can continue their leadership and then they should try again in the next election ... But I understand that it is a process and I would really hope that those that are running this time, that women particularly will vote for them to show solidarity as sisters, mothers and wives but as women, we need to support women ...<sup>262</sup>

But what does the above state of affairs imply as regards full participation of women in Zambian politics? It actually implies that it is still a long way for Zambian women to take an active leadership role in the male dominated political life of their country. And their leadership acceptance at national level depends mostly on their local or family leadership acceptance as Joyce has also observed. And all this has to do with the unequal allocation of power right from the family up to the larger society, the nation that is typical of a patriarchal and hierarchically organized society. And in relation to the political virtues, Joyce further “urged the men to vote for women as it was a social justice issue. She said the participation of women in the democratic process ensured that all people had a right and voice, and that the policies reflected

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<sup>261</sup> Dalton, *Citizen Politics in Western Democracies*, 49.

<sup>262</sup> Masuzyo Chakwe, “UNHCR asks women not to give up” in the Post Zambia Newspaper online <http://www.postzambia.com>, accessed on 21/08/2011, at 8:15pm.

equality.<sup>263</sup>

The patriarchal and hierarchically organised society like the Tonga (and Zambia as a whole) has some positive or negative effects on every individual person's vision of life. According to John Rawls social and economic unequally organised society has effects on individuals. In his view:

Individual's life-prospects are bound to be importantly affected by family and class origins, by their natural endowments and the chance contingencies of their (particular early) development, and by other accidents over the course of their lives. The social structure, therefore, limits people's ambitions and hopes in different ways, for they will with reason view themselves in part according to their place in it and take into account the means and opportunities they can realistically expect.<sup>264</sup>

And so this is evidently the case of the different life aspirations (ambitions) between Tonga (and Zambia) men and women which oftentimes depend on their early social upbringing.

In fact, it could possibly be said that the traditional Tonga culture is, in some ways, similar to the ancient Jewish culture<sup>265</sup> that did not have serious commitment to women education. This is because, traditionally, a Tonga woman, educated or not, is culturally expected (and actually supposed) to get married, and be taken care of, by her husband. And another reason for lack of serious commitment to women education (in the traditional society) is that, in a patriarchy society, like Tonga, women are often relegated to the ordinary household duties that do not often need special education or qualification. It is believed that every woman is supposed to be a good cook, children caretaker and a good house keeper.<sup>266</sup> These are basic skills that strictly speaking women (and not men) often learn from their families as they grow into adulthood. All this is due to the male dominance, a characteristic of a patriarchy hierarchical society. Quoting J.J. Rousseau's attitude towards women education and their place in the home (in J.J. Rousseau, *Emile*, Translated by B. Foxley, London, Melbourne and Toronto, Everyman, 1911, p.328), Diana Coole says that according to Rousseau:

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<sup>263</sup>Chakwe, "UNHCR asks women not to give up" <http://www.postzambia.com>, accessed on 21/08/2011, at 8:30pm.

<sup>264</sup>Rawls, *Collected Papers*, 257-258.

<sup>265</sup>Walzer, *Spheres of Justice*, 76-77. The full text reads: "Since women were religiously passive, the community undertook no commitment to their education ... but women did not need an education, for they were in fact less than full members of the (religious) community. Their primary place was not the synagogue but the household."

<sup>266</sup>A woman who fails carry out such tasks in the home, often finds trouble in her marriage life.

A woman education must therefore be planned in relation to man. To be pleasing in his sight, to will his respect and love, to train his childhood, to tend him in manhood, to counsel and console, to make his life pleasant and happy; these are the duties of a woman for all time, and this is what she should be taught while she is young.<sup>267</sup>

And this is similar to what traditionally Zambian women are taught before they get into marriage life.<sup>268</sup>

Moreover, the women's voice in the Zambian democratic politics is rarely heard for them to really have a full share of political power. And yet according to Michael Walzer "democracy is ... the political way of allocating power ... What counts is argument among the citizens. Democracy puts a premium on speech, persuasion, rhetorical skill. Ideally, the citizen who makes the most persuasive argument ... gets his way."<sup>269</sup> This implies an environment that allows a democratic open talk, free expression of opinions accorded to all citizens. But how can women, whose voice does not often count (as authoritative as that of men), speak, persuade, argue and convince, so as to get their way into office? This is a great challenge.

Historically, Zambian women have been deprived of some authoritative public speech right from the family level to the national level. In politics, often their voices do not really count on equal level as men's. For if they cannot be authoritatively heard in the family, how could they be heard in public then? And so if what Walzer is trying to make us believe is true, then, how could the Zambian women get their way into higher political offices when they are not often authoritatively heard or listened to, when they speak in public? This is a political power challenge that reflects the public and private domains that exist within the Zambian family and evidently, at work in politics as well. In a similar line of reasoning like Walzer, Benjamin Barber's view is that democratic participation gives citizens (presumably both men and women) "the power to speak, to decide and to act"<sup>270</sup> for the common good. But this is still not the true democratic reality in the Zambian political sphere where the cultural and social perceptions play a major role in the public lives of citizens.

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<sup>267</sup> Diana Coole, "Women, Gender and Contract: Feminist Interpretations" in David Boucher and Paul Kelly, editors, *Social Contract from Hobbes to Rawls*, Routledge, London, 1994, 196.

<sup>268</sup> And any married Zambian woman who does not live to please and serve her husband at all times, often lives to regret having been married. To please and serve the husband is the major part of the instructions they get as young potential married women. A woman who fails to please her husband risks to lose him as her husband. And most women (and even most men also) actually know and believe this: to keep the man at home, for herself, she must live to please him at all times in everything she says and does.

<sup>269</sup> Walzer, *Spheres of Justice*, 304.

<sup>270</sup> Barber, *Strong Democracy*, 311.

The gendered political scenario in the Zambian society is historical. It has its roots in the family that is mostly characterised by unequal gender distributed roles. Gender roles imbalance (unequal power playing field) does not exist outside a particular culture. Gender roles construction is a fruit of a culture that designs it. It is something socially constructed. Geeta Gupta, describes gender as “a culture-specific construct” and further explains that “there are significant differences in what women and men can do or cannot do in one culture as compared to another. But it is fairly consistent across cultures.”<sup>271</sup> This implies that gender roles can be constructed, reconstructed, and even be transformed by the very society that constructs it. And in the Zambian context, it is constructed by the Zambian society itself, mainly by those who are in leadership at all levels of society. Therefore, it could be said that gender roles construction is not natural. It is a society-made reality.

Culture has implications on members of a particular society. And in terms of human capacity development, it can either enhance ‘life’ (development) or cause ‘death’ (stagnation) of its people. According to Musimbi Kanyoro:

A particular people (nation, tribe, ethic group) has its own culture, its distinct way of living, loving, eating, playing and worshipping. Culture may refer to the musical and visual arts, modern influences on life, an acquired tradition, or regulations that bind the life of a community ... Culture can be double-edged sword: it can form community identity and it can also be used to set apart or oppress those whom culture defines as other. Participation in culture is so natural and ubiquitous that most people take culture for granted.<sup>272</sup>

In the similar line of reasoning like Kanyoro, Musa Dube, points out other cultural implications when she says that Culture:

- embraces us all; no one exists outside one or another culture;
- is a major framework of meaning, which guides how relationships are formulated and lived out;
- is different for different people, groups and times, etc;
- does not always serve the needs and interests of all the people who belong to it;
- sanctions the suppression of certain members of the society;

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<sup>271</sup> Geeta Rao Gupta, *Gender, Sexuality and HIV/AIDS: The What, the Why and the How*, plenary address, 13<sup>th</sup> International AIDS Conference, Durban, South Africa, 2000, 1, 8. [www.icrw.org](http://www.icrw.org), accessed on 15/11/2011, at 5:42pm. “The International Center for Research on Women (ICRW) works to make women in developing countries an integral part of alleviating global poverty. Our research evidence identifies women’s contributions as well as the obstacles that prevent them from being economically strong and able to fully participate in society. ICRW translates these insights into a path of action that honors women’s human rights, ensures gender equality and creates the conditions in which all women can thrive.”

<sup>272</sup> Musimbi Kanyoro, “Culture” in V. Fabella and R.S. Surgitharajah, editors, *Dictionary of Third World Theologies*, Orbis, New York, 2000, 62-63.

- is not natural; it is a social product;
- is not static; it is dynamic and changes.<sup>273</sup>

What this seems to tell us is that cultural practices and traditions are a construction of a particular society. They are often the fruit of the reflection of those who make norms, decide and rule (and often not necessarily those who are ruled). And norms that govern the Tonga and Zambian society at large, with its social and economical inequalities, are basically patriarchal in nature. Men (who are leaders) make these norms and rules.

Now, whether this state of affairs, social and economical inequalities and injustices done to a particular group (women in particular) is what a just Zambian society for the future generation requires to continue to embrace is the question that chapter three shall attempt to look at. But seemingly, there is no doubt that such kind of a society arrangement cannot go on for many centuries to come. The world and also Zambian society in particular, is changing, and so every sphere of life is affected in one way or another.

In fact, a society that prevents its people to develop and exercise their natural capabilities so as to live a full life has no long life span. A balanced society must create an environment in which its members can develop their capacities for life responsibilities. Their liberty must be upheld. According to John Rawls, “social arrangements must respect their autonomy.”<sup>274</sup> And unless, people are free, they cannot fully develop their potential capacities in life, for their own good and for the good of society as whole (social development).

There is no culture that is static. Tonga and even Zambian culture as whole is not static but rather dynamic. That is, it is bound to change. It is a well know fact that every culture that comes into contact with other cultures is bound to change in due course, even if the change itself could be a gradual process. But change itself is inevitable.

In general, it can be said that power of any kind, in the Zambian society (at family and socio-political levels), belongs to the men, married or not. They possess and exercise it as they see fit. Actually, they have dominantly exercised (positively or negatively) this power that society accords them. In fact, it has been generally observed that African:

Practice of politics focuses on the exercise of power; on the mechanisms of decision enforcement and the means of social control. The crux of the political process relates to the

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<sup>273</sup> Dube, *HIV/AIDS and the Curriculum*, 89.

<sup>274</sup> Rawls, *Collected Papers*, 260.

structures and methods of interaction between leaders and followers. These interchanges revolve around the channels of participation and control and forms of political exchange.<sup>275</sup>

However, according to Michael Walzer, power must be possessed by a special group and not just by everyone. In his view: first “power should be possessed by those who best know how to use it; and second ... it should be possessed or at least controlled by those who most immediately experience its effects.”<sup>276</sup> Now, whether Zambian men know how to use power or not is one thing. And whether those to whom it is exercised are able to control it, is another matter. But to be sure, Zambian men, with or without true knowledge of how to use power, are in charge and control it in most spheres of social life. And what is true of power as Walzer puts it succinctly is that, “when it is exercised, the rest of us are directed, policed, manipulated, helped, and hurt.”<sup>277</sup> And this power can be at any level of institutional leadership; family, office, Church, politics etc, even if it may not necessarily be exercised by those who know how to use it. Moreover, it is a historically well known fact that, in politics, anyone can be in power with or without the knowledge of how to use it, as has been the case of historical tyrannies worldwide.

Political power (leadership) is often meant for the good of a particular human society, that is, the common good. And human relations are crucial for the realisation of the common good. Good human relations makes us (human beings) develop and realise our human potentials. In Alasdair MacIntyre’s view, our rational nature takes place in and through human relationships with others; be it, parents, teachers and many significant others in the social relationship networks.<sup>278</sup> The implication here is that human beings need each other (dependent in one way or another) in order to develop into independent rational individuals. And according to Steven Kantz, “human beings, it is said, are not made to live alone”<sup>279</sup> but rather with others. In other words, they are relational social beings who need to cooperate in order to realise their potentials. Moreover, in Kaunda’s view, “man by himself is helpless, but in co-operation with others he is a force to reckon with.”<sup>280</sup>

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<sup>275</sup> Naomi Chazan, Robert Mortimer, John Ravenhill & Donald Rothchild, *Politics and Society in Contemporary Africa*, Macmillan Education Ltd, USA, 1988, 165.

<sup>276</sup> Walzer, *Spheres of Justice*, 285.

<sup>277</sup> Walzer, *Spheres of Justice*, 285.

<sup>278</sup> Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues?* Open Court Publishing Company, Chicago, 1999, 84, 89, 103.

<sup>279</sup> Steven Kantz, *Liberalism and Community*, 217.

<sup>280</sup> Kaunda, *Humanism in Zambia*, 41.

So, in a sense, it could be said that Tonga men and women need each other (of course not in the sense of personal selfish reasons) in order to develop their human potentials in life. And this might be possible in a society characterised by some political ideals (virtues) such as justice and equality, among others. Hence the Tonga and even the Zambian society as a whole, needs to undergo some kind of cultural and political transformation. Such a transformation must begin within the family household. How? Chapter three shall make an attempt towards that. Justice requires that power in the home and also at work-place be equally distributed to both men and women as equal members of the same society. A good society ought to work out some policies that can equally distribute power among its citizens.

### **1.8 Conclusion.**

In chapter two, we presented some Tonga traditional social, economical and political structures and practices. In these spheres, we identified some areas of unequal power distribution between men and women. Evidently, the unequal power distribution is mainly due to the gender roles construction that this particular society and even the Zambian society at large, is culturally structured on. The Zambian society (in general) is culturally hierarchically organised. And these hierarchical structures begin right in the family household going upwards, to the national level. Indeed, in this particular society, we identified who holds power (the man) and how it is exercised, both in the household and in society at large. And it is men who are in charge at most levels of leadership in the Zambian private and public social structures.

Moreover, it is evident from the above presentation that the percentage of men in institutional leadership positions greatly outnumbers that of women. This is so basically because the Zambia traditional society relegates women to the domestic (home) domain. Another reason for such exclusion of women from active public political leadership is because of the social attitude that puts more emphasis on marriage life for women than on men. Consequently, this kind of attitude also compromises women's higher educational pursuits. In fact, on one hand, the traditional cultural attitude encourages men to aim high (to get solid work so as to be able to provide for the family, if and when they get married) while on the other hand, it indirectly persuades women to aim low in their adult life prospects (they easily develop an attitude that someone shall provide for them when they get married, so they will be

taken care of). This also limits their (women's) human resourceful capacity for development which is essential for economical independence in adult life. Education and economical independence have psychological effects; they can boost high self-esteem in men and lack of these results in low self-esteem in women. In fact, what the above presentation demonstrates is that power is unevenly distributed between men and women in the Zambian society. And this calls for socio-cultural evaluation.

But what kind of society do we envision for the future having described the above traditional cultural arrangements and practices? Chapter three makes an attempt towards a democratically transformed society in which the virtues of justice and equality in major spheres of life could be of value (once recognised by law) for all its members. Of course there are many other political ideals or virtues that are worth considering, but according to Rawls (whose theory of social justice we are attempting to apply), justice and equality are fundamental, for a well-ordered society. And for a Tonga and even the whole Zambian society to embrace such crucial virtues for well-being of its members, what is required is a transformation from a traditional hierarchical social arrangement to a balanced one (level playing field): one that might consider every member as equal to the other despite our human differences as men and women. Of course nature knows no equality between men and woman. There social equality is based on an established law.

Actually, what might be required is a kind of a transition from a traditional and customary kind of leadership (unequal power distribution) to a democratic one that affords each person equal rights and duties in society. A traditional type of leadership can be transformed and even be integrated into a democratic system. This is indeed required for the sake of the citizens' liberty to develop their potentials and live a full life in society. And this, we think, can be possible if a society accords its members a conducive environment—in the family and also in other social institutions.

## Chapter three

### Justice and equality: An attempt towards application

#### Introduction

In chapter two, we described the Tonga traditional social structures and their internal customary practices. Evident from this chapter, are the injustices and inequalities that exist in this society. Indeed, we outlined some social, economical and psychological effects on some members of this society such hierarchically and patriarchal gender roles construction do cause. There is need to create a socially balanced environment (playing field), where everyone's dignity is recognised and an equal opportunity is accorded to all to develop their capabilities (potentials) and utilize them fully in their life, without gender based discrimination.

It is from this perspective that chapter three aims at attempting to apply the seemingly lacking virtues of justice and equality in this particular society. In doing this, we envision a society that equally empowers its people (both women and men) to recognise their potentials, abilities, rights and duties. This could possibly enable them to effectively use their potentials as they actively participate in public life, for their own good and for the good of society. This could be is a kind of society in which, as David Miller puts it, “almost everyone can aspire to a state of affairs in which their merits are recognised and duly rewarded,”<sup>281</sup> and not undermined by gender roles construction or by nepotism. And for this to become a reality, there is need for socio-cultural change.

Justice and equality are fundamental virtues of a balanced society. In this chapter, we intend to give some pointers towards a realisation of a society that treats all its members equally. In fact, according to Ludwig Wittgenstein, the task of a philosopher “is to erect signposts at all the junctions where there are wrong turnings so as to help people past the danger points.”<sup>282</sup> Such signposts, in his view, are what a philosopher can offer. Of course, he also acknowledges that there is no certainty that these signposts would be noticed or even followed correctly. This (in his view) is because a signpost belongs to another context of problem area, that is, language problem. What is the point here? The point is that a signpost needs an interpretation for it to be understood. It is like a symbol that needs an interpretation for meaning. Indeed, a signpost may not be helpful everywhere and should not be taken for a dogma. For Wittgenstein, what philosophers offer are reminders of what we already know and

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<sup>281</sup> David Miller, “Virtues, Practices and Justice” in *After MacIntyre*, 259.

<sup>282</sup> Ludwig Wittgenstein, *Culture and Value*, 18e.

nothing purely new. However, these reminders are crucial for the life of a society. Hence the task of philosophy (concerned with linguistic or conceptual analysis) is to look for meanings (clarity) of concepts. Clarity has value in itself.<sup>283</sup> Actually, it seems to be from this same line of reasoning that Friedrich Nietzsche says that “speaking more and more clearly and making ever clearer ... is the only thing proper for a philosopher.”<sup>284</sup>

So, this is what we intend to do in this chapter; to give signposts which we are not certain they shall be noticed or even followed for justice and equality virtues application. However, with or without certainty, an attempt can still be made and it shall be made, towards that; justice and equality application. For as Henry Sidgwick puts it, the function of a philosopher “is to tell men what they ought to think, rather than what they do think.”<sup>285</sup> Therefore, we shall attempt to offer only pointers or signposts that could help people think and reflect. These shall be some possible ways towards justice and equality application to Tonga and also Zambian society at large. And the approach shall be from the basic cell of society, i.e., the family, up to the large society-national level, in various and possible aspects of social life.

### **1. Instilling a sense of justice and equality**

In chapter two we made a mention that gender attitudes and norms, such as those around the roles and responsibilities of women and men, are learned at a young age. Learning these begins right at the moment soon after the child is born, at child naming ritual. Child naming is an important ritual in Tonga society. It marks one of the crucial life moments of a Tonga person. A child is given its social identity (name) at this moment. Indeed, we indicated that, traditionally, boys and girls are given different names that are associated with their future adult life gender roles. That is, a boy is often given names that imply that he is a potential possessor or holder of some property whereas, a girl is given names that indicate that she is a potential possessed person (that is, belongs to someone, implying marriage). This is a crucial aspect of Tonga traditional practice that requires challenging, for change to take root. As emphasised in chapter two, this (naming ritual) actually is the beginning of gender roles

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<sup>283</sup> Cf. Wittgenstein, *Culture and Value*, 7e.

<sup>284</sup> Friedrich Nietzsche, *On the Genealogy of Morality*, Keith Ansell-Pearson editor, translated by Carol Diethe, Cambridge University Press, New York, 1997, no.2, <http://www.cambridge.org/PDF>, accessed on 15/12/2011, at 12:25 pm.

<sup>285</sup> Sidgwick, *The Methods of Ethics*, 373.

construction in a family before it is often extended to the large society. Indeed, we also described the social and psychological effects of gendered specific names to the children, later in their lives.

Now, for change to be realised, transformation must begin right at this stage, namely, child naming ritual. That is, there is need for parents to use or give their children neutral names<sup>286</sup> (actually there are plenty of them) so as to avoid using names that denote unequal gender power construction that has been the traditional practice. This is so because, children grow up into what parents make of them, either by word or by action. Language plays a crucial role in all this. And change of the language used (beginning right at naming ritual) can have a significant impact on the child later on, in life. In his language argument, Benjamin Barber helps us to understand the instrumental power of language. In his view:

If language as a living, changing expression of an evolving community can both encapsulate and challenge the past, it also provides a vehicle for exploring the future. Language's flexibility and its susceptibility to innovation permit men to construct their visions of the future...<sup>287</sup>

So, in the process of instilling a sense of justice and equality, at an early stage of the child, naming ritual requires language neutrality. Neutral names can help children to have a balanced attitude towards the opposite sex, as they grow up into adult life where, they are expected to respectfully relate with others in various spheres of social life.

Besides, as children begin to acquire attitudes and roles, parent must ensure that they allow both boys and girls to play games together.<sup>288</sup> In this way, children will get to grow, knowing how to mix and balance roles they play. And then, they can acquire some balanced roles and attitudes society needs later when they are adults. Parents have a major responsibility to teach their children some practices they wish them to acquire as they grow into adulthood. And as they instil some neutral attitudes into their children (through simple but meaningful childhood activities), they are also in some sense, instilling some sense of justice and equality that children would possibly manifest later in life. No one can give what one does not have.

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<sup>286</sup> For example, Milimo-meaning works, Mainza-meaning rain season, Chisamu-meaning a tree, Lweendo-meaning journey, Swiilila-meaning listen, etc.

<sup>287</sup> Benjamin Barber, *Strong Democracy*, 196.

<sup>288</sup> However, this is not meant to deny the fact that by nature, there is a psychological difference on the way the mind of boys and girls function. Sometimes, even when boys and girls are brought together to play, each sex tends to be closer to its own, boys on their own and girls also on their own. And this implies the natural psychological reality. Hence boys and girls' minds operate differently (similarly, men and women's minds also function differently).

What children receive at early stage of their lives is what they are most likely going to exhibit in adult life. So, if a sense of justice, equality and respect for the opposite sex etc, is already instilled at an early stage of their lives, most likely, children would acquire, grow and live with it later. The point is that parents must begin to administer good and neutral practices to their children right within their families. And this requires a change from a subjective traditional customary mentality and attitude to an objective balanced one.

Practice makes perfect. Fairness must be seen to be practiced at an early stage of the children's lives. And fairness is not just supposed to be expected from those in high-ranking positions of leadership (like in civil service) as David Miller seems to suggest. For, according to him, oftentimes:

We think primarily of justice (or fairness) as being displayed by legislators, administrators, judges, educators, employers and so forth—people whose decisions bear crucially on the interests of others, and the quality of whose conduct therefore vitally affect the general character of a society.<sup>289</sup>

Of course, this is expected at that high-ranking social level. However, justice (or fairness) must be expected not only at such levels, but more and rightly so, at the basic level, that is, at family level (in the household). And parents, who play the role of early moral teachers, must ensure that they instil a sense of fairness to their children, through their way of distributing daily and ordinary activities (roles). This can help children to grow with a sense of justice (or fairness) and equality that society can benefit from (later on) when they are adults. It is mostly likely, that children who are initiated into genderless defined roles would find it much easier to live beyond gender roles construction later on in their adult lives, at home, in marriage or at workplace. And this can make a real difference that is required of a modern society of equal persons.

Furthermore, the traditional unwarranted gender based activities must be discouraged at an early stage of children's lives. What must be encouraged and emphasised, is a free and equal availability of opportunity for both boys and girls to learn what they can (capable of). Children must be given freedom to explore their potentials, of course, under parental guidance. And parents, as the first moral teachers of their own children must encourage such equal opportunity for both boys and girls right at home, within the family. Charity begins at home. Parents must allow their children to discover what they can do (have capacity for) and then

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<sup>289</sup> Miller, "Virtues, Practices and Justice" in *After MacIntyre*, 253.

encourage them to develop (what is good) in their life. This would seem to be the way to prepare genderless minded and responsible future members of a progressive society.

Moreover, during the basic and productive skills in childhood that children must learn and practice; activities like ordinary house chores, art, games etc, a sense of neutrality must be introduced in the process as well. Both boys and girls must learn to acquire important general basic skills (like cooking, cleaning the house, washing etc which is customarily the duty for girls alone), regardless of their gender. Indeed, they must be given the freedom to participate in competitive activities and skills (at home and outside home) be it in sports, education pursuit, public speaking etc, so as to discover their potentials that they can develop as they grow up. This can help children (especially girls) to develop an attitude of competition (that most boys grow up with) in the world of scarcity that they would encounter later in adult life. In this way, they can actually, develop confidence, courage, zeal and determination to find their rightful place in a competitive society (as boys do) as they grow up.

Virtues (good and socially acceptable human practices<sup>290</sup>) develop with time. If good practices are introduced to children, at their early age, right in the family, even at school (from primary up to the university level), by the time they become independent adults, they would have acquired a sense justice and equality that is expected of them in their relations with others later on in their life. To acquire a habit or a practice is easy but to let it go is often difficult. The family is crucial in teaching the children good habits/practices. According to Henry Sidgwick, children:

Should be carefully trained in good habits, intellectual, moral, and physical: and it is commonly believed that the best or even the only known means of attaining these ends in even a tolerable degree is afforded by the existing institution of the family, resting as it does on a basis of legal and moral rules combined.<sup>291</sup>

Moreover, it seems to be from such a similar line of reasoning or perspective that, Susan Okin remarks that, “the family is the primary institution of formative moral development. And the structure and practices of the family must parallel those of the larger society if the sense of justice is to be fostered and maintained,”<sup>292</sup> that is, from one generation to another. Hence, the value of education.

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<sup>290</sup> For this basic description of a virtue, I am indebted to Alasdair MacIntyre, see his book, *After Virtue: A Study in Moral Theory*, 3<sup>rd</sup> Edition, University of Notre Dame Press, Notre Dame, Indiana, 1981, 187.

<sup>291</sup> Henry Sidgwick, *The Methods of Ethics*, 435.

<sup>292</sup> Susan Okin, *Justice, Gender and the Family*, 22.

## 1.1 The value of education

Education is essential for every person. It enhances human life. Jean-Jacques Rousseau wrote; “we are born weak, we need strength; we are born totally unprovided, we need aid; we are born stupid, we need judgment. Everything we do not have at our birth and which we need when we are grown is given us by education.”<sup>293</sup> And this is the value of education in every person’s life.

Education is key to better life. It is the door that opens numerous possibilities that include lucrative jobs and wealth. Attaining quality and formal education is widely and consistently linked with economic growth, better health and advancement of equality and human rights. Education is essential for economic empowerment. And human empowerment (resourcefulness) implies that the person has both the ability to economically succeed, advance and the power to make and act on economic decisions that lead to a better life. Evidence shows that when girls and women (in particular) have equal access to quality education (as boys and men), they are more likely to become economically productive, healthy and empowered citizens, parents and partners. In fact, when they go to school and acquire quality education, families and community members’ views and attitudes on girls change for the better. Such a change, can possibly contribute to the more gender-equitable norms and attitudes that a just society requires.

The traditional parents’ attitude of encouraging mostly boys to work hard and pursue higher education at the expense of girls must be discouraged at all costs. Why? It is because such a practice puts girls in an economically disadvantaged position in their adult life. In fact, parents must accord both girls and boys equal education opportunity. This is crucial indeed. Parents must encourage both boys and girls to acquire higher and quality education. Education is valuable and female education in particular, is a crucial matter, not only in the Tonga but more so, in the Zambian society as whole. Education is a kind of a ‘passport’ for a better future.

When Laura Bush visited the Girls Leading Our World (GLOW) in Lusaka, Zambia, together with her husband US former president George W. Bush, she (generally) remarked that girls must be encouraged to be in school to boost their chances of a better future. In her

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<sup>293</sup> Quoted in Benjamin Barber, *Strong Democracy*, 216. Barber’s quotation is from Jean-Jacques Rousseau’s *Emile on Education*, translated by Allan Bloom, Basic Books, New York, 1979, p.38.

own words she emphasised that: “If they have a chance for education they can get successful and a chance of becoming the lawyers, the teachers, nurses and the doctors and the presidents they all want to become.”<sup>294</sup> This implies that female education is critical for Zambian national development. Actually, in trying to implement the United Nations Millennium Goals, especially one on the “access to universal primary education,”<sup>295</sup> the Government of Zambia (particularly in government owned schools) has made primary school education free for every child. This is a good step forward. It helps (especially) the least advantaged children (from poor families) to get some education for their better future.

However, parents ought to do whatever is within their power to provide sound and quality education for their children (in particular, girls, they need special attention as regards their education). Good education has benefits in life. And the truth is that “good life is facilitated or made possible by education.”<sup>296</sup> Actually, it is hoped that parents would see to it that they equalise the opportunity for educational achievement<sup>297</sup> for all their children (both boys and girls). This implies that, parents must distribute educational resources equally to both girls and boys right in the family, regardless of the traditional customary expectations. Quality education, would in turn, broaden the life visions and opportunities of their children and in this way, (especially girls in particular) would not only grow up with an attitude of getting married, (to be taken care of, by someone later in adult life) but rather with an attitude towards individual economical independence. And this can actually help children grow on the same level of adult better life prospects. According to Michael Walzer:

The education that children need is relative to the life we expect or want them to have. Children are educated for some reason, and they are educated particularly, not generally (“general education” is a modern idea designed to meet the specific requirement of our own society).<sup>298</sup>

Indeed, parents must help children (especially girls) to form right attitudes in life, especially attitudes towards adult economical independence that is possible through quality education. They must give children good practical advices, especially as regards the value of education. For according to John Roemer:

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<sup>294</sup> Bright Mukwasa, “Female education critical for Zambia”, in the Post Zambia Newspaper online, [www.postzambia.com](http://www.postzambia.com), accessed on 04/12/2011, at 4:40 pm.

<sup>295</sup> On the United Nations Millennium Development Goals, see chapter two point 1.6 above.

<sup>296</sup> John E. Roemer, *Equality of Opportunity*, Harvard University Press, Cambridge, Massachusetts, London, England, 1998, 5.

<sup>297</sup> Cf. Roemer, *Equality of Opportunity*, 6.

<sup>298</sup> Walzer, *Spheres of Justice*, 76.

Children form views about the desirability of exerting effort in school by observing what others are doing and by making inferences about the value of education from observing adults who have and have not achieved education at various levels and how their lives have consequently gone.<sup>299</sup>

Actually, with quality education, girls can also find it easier (like boys) to make choices (decisions) regarding their future adult careers. Good education provides a wide range of good and well paying job opportunities. Good salaries imply better life. Of course money cannot buy everything human beings need,<sup>300</sup> but at least, it is a means for a better life.

As indicated in chapter two, a girl child has been traditionally disadvantaged (right from within the family) as regards education opportunity because she has been groomed into perceiving marriage as a natural and an automatic way of life society expects of her. And because of this, indirectly and probably unknowingly as well, parents have been demotivating girls to go to school and aim high. However, in the recent years, the government of Zambia has discovered and acknowledged this girl education drawback. That, lack of proper quality and higher education, generally, limits a girl and a woman's economic independence in productive adult life. And this raises the poverty level among women in society. Having acknowledged this reality, and in view of helping the girl child get the necessary education, the Zambian government, through the ministry of education has devised a criterion to benefit the girl child (the most disadvantaged member of the Zambian society) in her education pursuit, for a better future. The ministry of education has put in place some measures to help the girl child get some higher education so that she can (like a boy), develop her capabilities in order to compete (at an equal level with boys) in the well paying employment world (high-ranking managerial positions both in private and public sectors). Generally, in Zambia, well

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<sup>299</sup> Roemer, *Equality of Opportunity*, 13-14.

<sup>300</sup> Michael Walzer gives a list of some things/commodities that money cannot buy (or rather things that should not be for sale even if they could be sold anyway and they are actually sold). In his list of these things that *should not be for sale* he includes: Human beings; Political power and influence; Criminal justice; Freedom of speech, press, religion, assembly; Marriage and procreation rights; The right to leave the political community; Exemptions from military service, from jury duty and any form of communally imposed work; Political offices; Basic welfare, like police protection or primary and secondary schooling are purchasable only at the margins; Prizes and honours of many sorts, public and private; Divine grace (and not just because God doesn't need the money, his servants and deputies often do need it); Love and friendship; of course, one can buy all sorts of things—clothing, automobiles, gourmet food, and so on—that can make one a better candidate for love and friendship or more self-confident in the pursuit of lovers and friends. Advertisers commonly play on these possibilities, and they are real enough ... But the direct purchase is blocked, not in the law but more deeply, in our shared morality and sensibility. Men and women marry for money, but this is not a “marriage of true minds.” Sex is for sale, but the sale does not make for a “meaningful relationship,” (See Michael Walzer, *Spheres of Justice*, 100-104.

paying jobs require good academic qualifications (presumably nepotism and gender discrimination are not at play in the employment sector).

The first step (or measure) the Zambian government (through the ministry of education) has introduced, in recent years, is to lower the major primary and junior secondary school<sup>301</sup> leaving examination pass mark (often called the cut-off point<sup>302</sup>) for girls. This means that the pass mark for boys remains higher than that for girls even if both attend the same schools, have same hours of classes and write the same exams.

However, at senior secondary school exam (grade 12), the pass mark is the same for both boys and girls. Every student must get a credible certificate, that is, must pass at least six subjects, including Mathematics and English. This is obligatory.

So, this has implications for a girl who has been comfortable in scoring low marks/points, and is not accustomed to study hard and aim high in primary and junior secondary schools, but may have passed because of the lower pass mark advantage granted to her. The point is that it is often difficult for girls who have been brought up not studying hard and aiming so high (like boys) in primary and junior secondary schools, to study seriously and aim to score higher at senior level. A habit (students' laziness in studying) is easy to acquire but hard to let go. Practice makes perfect. Academic miracles cannot be expected to happen in a short period of time. To acquire a study habit is a continuous learning process, a culture of its own kind. There is need to prepare children early enough, for such an education task, leading into their meaningful and productive adult life.

It is worth noting that the reduction in cut-off points for girls is basically meant to encourage (motivate) them to get some quality formal education. Actually, this has helped a

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<sup>301</sup> The Zambian formal education system is as follows: seven years of primary school (grade 1-7), two years of junior secondary (grade 8-9) and three years of senior secondary (grade 10-12), after which, one goes to college or university if and only if, one qualifies, that is, has passed well with six subjects, which makes up for a certificate. Passing in less than six subjects even more than six but without Mathematics and English (no matter how many distinctions one has) does not award someone a certificate (for college or university advancement) in the Zambian education system. One has to repeat and pass (Mathematics and English) to advance in higher education.

<sup>302</sup> Examinations in Zambia are marked out of 100%, meaning, each subject carries 100 marks or points. Cut-off point is a system whereby there is a limit score of marks for one to pass. If for example, the pass mark for boys is 400 out of 600 marks, the pass mark for girls could be 350 marks. So, a boy who gets 350 marks fails the exam while the girl passes. In this case, a boy must get above 400 in order to pass. While any girl who gets more than 350 even if she does not get up to 400 marks, is considered to have done very well. This is the inequality that is aimed at encouraging girls (kind of incentive) to move forward with their education.

great number of girls (and women as well) to get secondary school certificates that enable them to pursue higher learning and later on, get well paying jobs, that assures one, a better life.

In fact, the government of Zambia does not only end at lowering the pass mark (cut-off points) criterion in trying to alleviate the education plight of the girl child. In the second step, it actually has gone much further by providing some incentives<sup>303</sup> like bursary to girls from junior secondary up to the university level. Some Non-Governmental Organisations and even Churches also collaborate with the government in providing bursary for the girls in their education pursuit. This is a great relief for poor parents. It has yielded significant results. Actually, in Zambia (nowadays), it is believed that to educate a woman is to educate the nation. This is said so, because a woman spends most of her life taking care of her children, imparting values (often to be presumed to be good values) to them. And so, it is important to educate her (making her see the value of education), so that she would, in turn, educate her children, i.e., she would instil some sense of the value of education in them. For in most cases, when educated women's priorities change for better, their children's priorities change for the better as well. So, from this perspective, it implies that to educate the mother is to (potentially) educate the child as well.

In its third step, the Zambian government (still through the ministry of education) has introduced a special admission criterion at the higher level of learning, i.e., at the University of Zambia (UNZA) in favour of a girl child. Out of a 100% student admission, 30% percent is automatically reserved for girls while 70% percent is equally shared between the rest of girls and boys.<sup>304</sup>

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<sup>303</sup> It is worth noting that at the beginning the new academic year (from January 2012 onwards), the Zambian government added some measures (as incentives) towards making free education for all children. The Post Zambia Newspaper report that: "The government last week abolished examination fees for grade nine. Zambia Civic Education Association (ZCEA) executive director Judith Mulenga said while the scrapping of fees was a welcome move, she hoped the government had put in place stop-gap measures to effectively deal with the void left by the decision to avoid compromising the quality of the examinations. Mulenga said ZCEA would have preferred a situation where the most vulnerable children were firstly quietly exempted from paying the user fees and still allow for some cost sharing by families that were able to pay...The Minister of Education, Dr John Phiri said that the introduction of free education up to grade 12 will be done in phases," (see Masuzyo Chakwe, "ZCEA calls for measures to preserve quality education" in the Post Zambia newspaper, online, accessed on 9/1/2012, at 6:40pm.

<sup>304</sup> For the information about the change of education approach to benefit girls: that is, bursary for girls in secondary and university levels, admission at university criterion (30% automatic admission for girls and 70% shared between boys and girls) and the aim for doing this; to economically empower more girls and women in society through helping them acquire quality and higher education, I am indebted to Peter Mphande. Mphande is a teacher by profession and is currently (at the time of writing this essay) pursuing his Degree: Bachelor of Arts in Education at the University of Zambia. Actually, he is specifically doing Special Education for the less

All this kind of inequality criterion devised by the Zambian government is meant to help more girls (and women) get quality and higher education so that they can be able to meaningfully and equally compete (with boys and men) on the basis of merit, for available well paying jobs in a competitive employment world—both in private and public sectors.

Indeed, it is common knowledge that most single parents in the Zambian society are women who have no solid economic means to support themselves, let alone supporting their children. And this also creates a high level of poverty among women in society (economic dependents), making them to be the majority economically worst off members of society. Poverty is one of the major obstacles that prevent them from being economically strong and able to fully participate in public life. And basically the major cause of this kind of poverty is lack of proper and quality education. Education is key out of ignorance and poverty. It reduces poverty and economically empowers people. Education is also key to self-confidence not only in men, but more so, in women as well. In fact, according to John Roemer, “self-esteem is acquired as well in the process of becoming educated.”<sup>305</sup>

The above education inequalities (introduced by the Zambian Government for the benefit of girls and women) can be justified as Rawls puts it clearly in his second principle when he says that inequalities *are just if and only if* they are necessary to make the least advantaged members of society better off than they would otherwise be. Hence he writes that:

Society for its part bears responsibility for upholding the principles of justice and secures for everyone a fair share of primary goods within the framework of liberty and fair equality of opportunity ... The basic structure should allow inequalities so long as these improve everyone’s situation, including that of the least advantaged, provided these inequalities are consistent with equal liberty and fair opportunity.<sup>306</sup>

Therefore, the Zambian education inequality criteria (between boys and girls) are justifiable for they uplift the education standards of girls and women, the worst off members of society. These inequalities benefit the said worst off class of people, and it is necessary that they be positioned well in society by means of education (be it through government incentive driven education or otherwise). And it is only hoped that the employment sector (the end labour hiring world) would be “governed by non-discrimination principle,”<sup>307</sup> so that girls and

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privileged group in society, i.e., the physically impaired (disabled) children. Contact with him was made by phone on 14/11/2011.

<sup>305</sup> Roemer, *Equality of Opportunity*, 61.

<sup>306</sup> Rawls, *Collected Papers*, 261-262. (And for his second principle, see in his *Theory of Justice*, 14-15).

<sup>307</sup> Roemer, *Equality of Opportunity*, 88.

women (just like boys and men) could as well have fair access to satisfying and well paying jobs. Actually, education has proved to provide many of them with what is necessary for better life; economic independence in adult life. In fact, the undeniable truth is that the educated “children will be adults with income-providing skills.”<sup>308</sup> So, in educating them, parents are investing in their children’s better future. Hence, children’s quality education is crucial.

The Zambian government’s policy of free primary education is one thing, lowering the pass mark (cut-off points) for girls in primary and junior secondary school exams, abolishing the examination fees (for all pupils) and providing bursary for them until university level, is another. These are major steps towards uplifting the education standards of girls and women in general. However, there is more the government would be required to do. This is in the area of educational resources and facilities distribution/provision. For long time now, there has been wide inequalities that exist between schools in rural and urban areas all over the country. Urban schools have more and better access to educational resources and facilities than those in rural areas: i.e., infrastructures, teaching materials, ratio of one teacher to the number of pupils etc. And due to this state of affairs, the best education has been offered in urban situated schools, at the expense of the rural schools. Generally speaking, the education system in Zambia favours the urban circumstances more than the rural ones. This lowers the motivation of teachers in rural schools. Consequently, they (rural based teachers) often sustain a desire to move (at any opportune moment) to urban schools—rural-urban teachers migration—where facilities are favourable, at the expense of rural children, who are also citizens of the country and have the right to quality education. And radically speaking, this is not just or fair.

The point we are trying to emphasize here is that there is need for the Zambian government to equalise the educational resources provision to all schools in the country (at all levels), despite their different circumstances. In fact, any government, if it is concerned with the equal education welfare of all its citizens must strive to balance educational resources provisions. Education is a public good. And equality of education requires equal access to better resources and facilities for all. Every child deserves quality education as a citizen. Actually in its preamble, the 1991 Constitution of Zambia clearly pledges “to all citizens the right to equal access to social, economic and cultural services and facilities provided by the

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<sup>308</sup> Roemer, *Equality of Opportunity*, 55.

State or by public authorities,” indeed it pledges “to every citizen the right to education.”<sup>309</sup> However, in reality, the practice of distribution of these public goods is unequal.

Therefore, as a matter of justice,<sup>310</sup> there is need for the government to improve the poor facilities in rural areas, if equality has to be seen to be applied to all citizens. In fact, every visionary minded society would always work to improve the situation of all citizens. Of course, development is not so easy to come by. It is a gradual and sometimes a hard process. Hence there must always be a sustained hope for improvement. And this is the very hope that Henry Sidgwick affirms when he remarks that:

No doubt, it would be possible to remove, to some extent, the inequalities that are attributable to circumstances, by bringing the best education within the reach of all classes, so that all children might have an equal opportunity of being selected and trained for any functions for which they seemed to be fit: and this seems to be prescribed by ideal justice, in so far as it removes or mitigates arbitrary inequality.<sup>311</sup>

It might be a challenging venture though, for the Zambian government to implement justice and equality in educational resources and facilities provision but gradually, with time, we believe, these can be attainable. Rome was not built in one day. Neither could the great Temple of Jerusalem be built in three days.<sup>312</sup> So, with time, the required change could come. The point is that the government has a duty<sup>313</sup> (its obligation to equalise educational resources) to actually implement the policy (as it is somewhat indicated in the Constitution), to provide equal education opportunity to all its citizens. This equal opportunity in the education process is in view of the end work/labour hiring world. Actually, the “purpose of an equal opportunity policy is to level the playing field”<sup>314</sup> for all citizens so as to enable them to sell their quality educational skills in the open market of employment. For the market economy whose employment is based on merit<sup>315</sup> has a chance to flourish.

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<sup>309</sup> For the 1991 Constitution of Zambia, see [www.zambia.co.zm/constitution.PDF](http://www.zambia.co.zm/constitution.PDF), accessed on 9/12/2011, at 10:15 am.

<sup>310</sup> In fact, justice, liberty and equality are among other individual rights of citizens that the Zambian Constitution recognises in its preamble.

<sup>311</sup> Sidgwick, *The Methods of Ethics*, 285. Actually, this remark is in the footnote of the page.

<sup>312</sup> According to John’s Gospel, it took forty-six years for Jews to build the Temple of Jerusalem that Jesus said once destroyed, he could rebuild it in three days and the Jews objected to his strange and unrealistic idea which they could not understand. The temple meant was his own body would be killed (destroyed) and within three days, resurrect (See John 2: 18-20).

<sup>313</sup> By *duty* here, we intend to mean an action/activity that ought to be done.

<sup>314</sup> Roemer, *Equality of Opportunity*, 5.

<sup>315</sup> By merit here, we intend to mean that work and positions (especially in civil service) are allocated or assigned on the basis of quality educational skills and not on nepotism (nepotism and corruption are the major impending drawbacks of development in Zambia. They are kind of a ‘virus’ in the area of development—that is, people

The major point we are trying to make here is that education is the backbone of every nation's economic and social progress. It enables people to effectively contribute to civic duties and also apply their acquired skills to contribute to economic growth. Education is important because it promotes the citizens' knowledge, skills, good habits, values, attitudes and understanding life in its various spheres. In general, we could say that quality and formal education is necessary for national development.

## **1.2 Justice and equality in the household**

As indicated in chapter two, traditionally, for marriage to take place (in Tonga land), a man has to pay the bride-price for his wife to be. Once he has paid for her, then he begins to have power over her. And this is the beginning of his domination over her. So, the Tonga cultural practice of paying for a wife into marriage is one of the major causes of women enslavement, (once paid for, she can be used and even abused more or less like any other bought property/commodity).

Now, for women to be liberated especially in marriages, this practice of selling and buying wives must be seriously revised and eventually changed. A human being should not be sold or bought. Selling and buying a human being implies enslavement.<sup>316</sup>

In fact, in olden days marriage was not for sale. There was no bride-price tag attached to marriage institution.<sup>317</sup> Instead, there were some symbols used for marriage to take place. For example, the family of the husband to be, would give a hoe and beads to the family of the wife to be. This was a symbol or a sign of appreciation to the parents of the bride, meant to say *thank you* for giving birth, bringing up and giving us your daughter for marriage. And the parents of the bride would in turn bless and entrust their daughter into the care of the family of the bridegroom. Thereafter, marriage took place. These are the olden marriages that lasted

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getting employed not on the basis of qualification but on the basis of blood, tribe and friendship relations/connections. Actually, what matters in employment world in most African countries is *who you know* in higher positions *and not necessarily what you know*, gets you employment) or even on discrimination by gender.

<sup>316</sup> It is only slaves who are considered as socially and politically 'dead' people, i.e., without rights.

<sup>317</sup> For this information about how marriage was in olden days, I am indebted to Henry Munakombwe, who belongs to this generation of olden days. He is also one of those considered as elders. He is a local court judge. Contact was made with him by phone on 15/11/2011.

until death did them part.<sup>318</sup> And marriage (in olden days) was a serious institution of great value.

However, with the introduction of the use of money as a means of exchange,<sup>319</sup> things changed. Animals like cattle became a major source of economy (for sale). Consequently, marriage also became one of the items for sale (men rulers decided so) and this is how a bride became a means of family economy (bride-price tag).<sup>320</sup> As indicated in chapter two, paying for a wife is what makes her become a slave to her husband in marriage. He bought her for money and so he feels he has the right to use her as he wishes. Simply put, this (in today's reasoning) is women oppression and enslavement. And this custom requires change if women are to be free persons in marriage institution. In fact, it is a well known fact that customs can change, grow or even decay. According to Henry Sidgwick, "because customs are continually varying, and as long as any one is in a state of variation, growing or decaying, the validity of the customary claim is obviously doubtful."<sup>321</sup> Women must be liberated from this kind of customary enslavement. They must not be sold into marriage. Basically, marriage ought to be based on love and friendship. Actually, Michael Walzer should be right when he says that "marriage and procreation rights ... love and friendship"<sup>322</sup> should not be for sale. Surely, if marriage is meant to be the happy union of love between two people, i.e., a man and a woman, then, why should it be an economic affair that enslaves one gender (female) and empowers the other (male)? And it should be remembered that naturally and humanly speaking, we would not consciously love or like to live with someone who "is an obstacle to our attainment of a much desired-end,"<sup>323</sup> which, in this case, is a fulfilled happy life.

Moreover, it is a known fact that, marriage love or "conjugal affection is not always permanent"<sup>324</sup> (but rather assumed because it is supposed to be so). And if this is true, then,

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<sup>318</sup> The old generation of married men boast about having exchanged simple symbols like beads, hoe, axe, spear etc., at their marriages. And they were convinced that marriage was for life, taking care of each other (partners in marriages and also the union of the two families) until death. These are marriages that were arranged by parents themselves (for their children) and not the spouses to be; which is different from these days where spouses to be do arrange their own marriages and marry, often without the knowledge and consent of their parents.

<sup>319</sup> In olden days before money was introduced (by the British who colonised Zambia) as a means of economic exchange, people used material things as means of economic, and this was called *bata* system.

<sup>320</sup> When asked how this custom (marriage for sale; bride-price) came about, elders respond that the practice of bride-price was left by the ancestors, and so it continues because no one challenges it openly.

<sup>321</sup> Sidgwick, *The Methods of Ethics*, 269.

<sup>322</sup> Walzer, *Spheres of Justice*, 101,102.

<sup>323</sup> Sidgwick, *The Methods of Ethics*, 320.

<sup>324</sup> Sidgwick, *The Methods of Ethics*, 21.

why should a woman be paid for into marriage, when she is free to enter or leave it especially when she cannot endure it anymore? Surely women have the right to enter and leave marriage when they discern so.<sup>325</sup>

Now, let us imagine a situation whereby, some day, presumably in future—for yesterday is a bygone/history—women would become more liberated, the majority leaders or rulers/ law-makers (knowing that often laws are made in the interest of the rulers), both traditionally and politically, change long time laws and practices that oppress them, like traditional marriage customs, to suit them as rulers. What would be the state of affairs if some traditional customary gender roles were to be reversed? What would happen, if, for example, women would be rightfully empowered to propose love to men (be hunters), freely and openly, be freely allowed to pay for men into marriage—if deemed fit? Would they not be happy to have such power in society? Would men not welcome such a change to become the hunted and not the hunters anymore? Would they not welcome with joy the idea of being paid for into marriage, instead of them paying as the custom has been and still is? And in turn, would women reject the idea of embracing such power, of becoming in the charge of the household, in private and public offices? Surely a progressive society needs to discern about some structures and practices that oppress some of its (majority for that matter) members and change them when necessary.

When the practice of paying for a woman into marriage shall cease to be, then a woman will be a liberated partner in marriage. Presumably, she would be as free and equal as man in marriage. And so, in the Tonga and more so Zambian society as a whole, there is need to change the economic conception of marriage for meaningful justice and equality to take place between partners (man and woman) in marriage. This is why in a progressive society, according to John Rawls, “laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.”<sup>326</sup> Women enslavement in marriage is not

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<sup>325</sup> It must be emphasised here that we are not advocating for marriage break-ups or promoting more celibates or single headed families, rather we intend to say that those who enter into marriage (especially women) ought to be treated as free and equal persons (before and during); with full rights, duties and obligations, persons worth human dignity. However, in extreme cases marriage break-up can be a necessary lesser evil, particularly in cases where the life of a partner is in danger, then surely “vows to God ... it is thought by many that if these are binding, there must be some way in which God can be understood to grant release from them” and “still if we take an extreme case, where the sacrifice is very disproportionate to the gain, many conscientious persons would think that the promise ought rather to be broken than kept” (see Henry Sidgwick, *The Methods of Ethics*, 305, 308 respectively).

<sup>326</sup> Rawls, *A Theory of Justice*, 3.

just. Therefore, its customary arrangements (selling and buying a woman for marriage—whoever buys has power over who is bought) must be reformed for the good of a woman as an individual worth human dignity.<sup>327</sup> And when none of them would be paid for, surely, both partners would be equal persons in the marriage institution. This would possibly bring a sense of justice and equality in the household (no matter how little it would be).

Indeed, evident from chapter two, most of the household work (chores of any kind) is often left to the woman who, in many cases, is the most burdened member of the family. This traditional Tonga practice of household gender based division of unpaid labour/work is also unjust. It is a form of household enslavement that a woman is subjected to and this is not right. In fact, in most cases, the household chores burden does not only exhaust the woman's energy, but rather it often limits her leisure time in which she could develop her potentials, i.e., hobbies, sports, education pursuit, career advancement etc. Career advancement is crucial. It can enable her to be more economically independent (advancement of educational papers guarantees one an opportunity for job promotion, for higher salary, better life). Education is for life. Human beings stop learning when they die. In the era of democracy, traditional customary practices that hinder a woman to realise her potentials must be seriously challenged and actually changed. It seems to be from this perspective that Susan Okin remarks that, "if we are to be at all true to our democratic ideals, moving away from gender is essential. Obviously, the attainment of such a social world requires major changes in the multitude of institutions and social settings outside the home, as well as within it."<sup>328</sup> And this is what development from the grassroots (below) implies.<sup>329</sup>

Husbands and wives are both capable of sharing the household chores—unpaid work that enhance the family life's well-being. Actually, they should share such duties so that none of them is overburdened at the end of the day. In fact, boys and men who grow up having been initiated into non-gendered housework could find it easier to share household chores with their wives later on (if and when they get married). Moreover, some men who may have began their

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<sup>327</sup> In his *Humanism* vision, Kenneth Kaunda says that, "we cannot organise any section or part of our life—be it on the level of the individual or on the national level—without taking into consideration the beginnings of our society which ... is *man* himself as an individual" (see Kenneth Kaunda, *Humanism in Zambia*, 30). What Kaunda emphasises is the value (or importance) of each individual person (presumably he has in mind both man and woman) in society and that he/she must be treated with human dignity.

<sup>328</sup> Okin, *Justice, Gender and the Family*, 172.

<sup>329</sup> Kenneth Kaunda emphasises development from below as crucial for national development that a nation must always aim at. In his view, for any change or development to be meaningful, it must begin from the lower level of society, i.e., family, village, district, schools, up to the national level (see his book, *Humanism in Zambia*, 36).

professional careers as bachelors (doing housework by themselves) could also find it much easier to share housework with their wives when they get married. Actually, sharing household duties is becoming a reality already in some modern working class households where both the husband and the wife are formally employed outside the home and have to move long distances to and from their workplaces. Some evidence shows that this (housework sharing) relieves women from unpaid work burdens. In this way, some women are able to advance in their education for career promotion, aiming at good salaries for better life. Actually, in such households, both partners (not only a man) are able to explore and develop their potentials; talents, capabilities and advance in their career opportunities. Higher education and well paying jobs offer women (just like men) an economic independence for better life.

Sharing in house chores can be (and actually is) also possible when the household has some paid workers. But for this to be a reality, both partners must dialogue and mutually agree on how to pay their house keepers/labourers. And this is a sense of justice and equality that benefits especially the woman who, traditionally, has been overburdened with most household duties. Therefore, what is required for change to take place is that, men are required to move away from the traditional attitudes towards sharing unpaid work in the household and embrace a sense of equality. Household duties must be equally shared between men and women for justice and equality to prevail. And according to Susan Okin “families in which roles and responsibilities are equally shared regardless of sex are far more in accord with principles of justice than are typical families today.”<sup>330</sup>

Marriage institution should no longer be considered as a field of domination and subordination between sexes. This kind of traditional hierarchical structure is not favourable in today’s world that is bombarded with human rights awareness and recognition. No partner (in marriage) should be treated as an inferior being (to the other) so as to be at the full time service (like a slave) of the other. Both partners must serve each other for their own good, the good of their marriage and the family as a whole. And this, in some sense, brings about the emancipation of women. According to David Held, John Stuart Mill argues that “emancipation of humanity is inconceivable without the emancipation of women.”<sup>331</sup> And this emancipation

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<sup>330</sup> Okin, *Justice, Gender and the Family*, 183.

<sup>331</sup> David Held, *Models of Democracy*, 90.

must begin right in the family set up before it can extend to other social spheres, like work place and political arena.

Furthermore, in olden days, working class partners had joint bank account through which the husband (as the head of the family, the decisions maker) still controlled the finances—economical power. Nowadays, in some modern households, each partner has his/her own personal account (and credit card) and each one is free to use her own money. This is a new development trend. Both partners share family visions, plans and decide freely to put together (contribute) their money for family development projects or ventures. This is a sign of individual economic independence that must characterize each individual person in the modern household. In household where this is already a reality, women feel liberated from the men's economical power to dominate them in financial matters. And what is worth noting is that, in such households, decisions about important family matters are made jointly by a husband and wife. Decisions are no longer imposed from one single powerful master (often the man-head of the family) to the other powerless servant (the woman) as has been the traditional practice where the husband decides alone and imposes his plans and decisions on his wife and children to implement. In this way, power (in the household) is shared, and both enjoy the pleasure it brings. This is the way a sense of justice and equality could be gradually instilled in the household partners. According to John Stuart Mill:

The family, justly constituted, would be the real school of the virtues of freedom ... What is needed is that it should be a school of sympathy in equality, of living together, without power on one side or obedience on the other. This it ought to be between the parents. It would then be an exercise of those virtues which each requires to fit them for all other association...<sup>332</sup>

In fact, domestic (family) life is often supposed to be an environment characterised with happiness (between and among members) even if many people do not seem to realise this fact,<sup>333</sup> and tend to seek happiness outside the family environment (of course the family should not prevent someone from venturing into other ways of happiness outside of it).

And in terms of power relations, justice and equality practice would possibly change the outlook of family life and society as well. According to Elizabeth Frazer and Nicola Lacey, “the change of power relations and distribution of goods between men and women

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<sup>332</sup> John Stuart Mill, *The Subjection of Women*, Electronic Classics Series Publication, The Pennsylvania State University, 2006 (originally published 1869), <http://www.hn.psu.edu/faculty/jmanis/jimspdf.htm>, 51, see also at <http://www.hn.psu.edu/faculty/jmanis/jsmill.htm>, accessed on 08/12/2011, at 10:30 am.

<sup>333</sup> Cf., Henry Sidgwick, *The Methods of Ethics*, 156.

changes the family, the nature of work, the nature of public life, the idea and practice of private life, and so on.”<sup>334</sup> What must be hoped for in such a dreaded change is that husbands and wives both feel the need for a sense of justice and equality to prevail in their lives. And having acquired such sense (in reality), it could possibly make them be at liberty to think, plan, discuss and decide freely and mutually how they can utilize the economic opportunities that come their way when they are still active and productive members of society. This could help both of them to live a better and happy life as a couple. And presumably when partners (in the household) promote such values, children can easily learn from them and then, they, on their part, could possibly practice such values in their adult life. With time, this can make a significant difference in society as whole. Equality in marriage cannot be overemphasised. According to John Stuart Mill:

The equality of married persons before the law, is not only the sole mode in which that particular relation can be made consistent with justice to both sides, and conducive to the happiness of both, but it is the only means of rendering the daily life of mankind, in any high sense, a school of moral cultivation ... Though the truth may not be felt or generally acknowledged for generations to come, the only school of genuine moral sentiment is society between equals.<sup>335</sup>

Besides, in chapter two we also described the unjust agriculture economical practice in the Tonga family (common also in many other Zambian cultures), that is, the actual manual work (in the fields) is often done by women and children while the man often gives directives or orders on the what and how basis. However, they do not have an authoritative say on the end products (profits) of their labour. When it comes to marketing the farm products, the man (head of the family) often takes charge and decides how the agricultural profits are to be used. Often, even when women and children are given some share of their efforts/labour, they remain unsatisfied because in most cases, what they receive is not the equivalent of the amount of energy they invested into labour. Often what they receive is less than what they expected. And this often causes tensions and disputes in families. Natural justice intuition dictates that one should get what is the equivalent of his/her labour. Equal sharing of profits is

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<sup>334</sup> Elizabeth Frazer and Nicola Lacey, “MacIntyre, Feminism and the Concept of Practice” in *After MacIntyre*, 278.

<sup>335</sup> Mill, *The Subjection of Women*, <http://www.hn.psu.edu/faculty/jmanis/jimspdf.htm>, 49, accessed on 09/12/2011, at 11:24 am.

a challenging matter in families. But for the sake of harmony in the household, tolerance<sup>336</sup> in sharing agricultural profits must be considered as a just practice—a value.

Nevertheless, even if the process to rectify such a cultural practice is not easy (it is often easy to acquire a habit or an attitude but hard to change it), it is only hoped that as economical challenges become unbearable (nowadays), open discussions and mutual agreements about equal sharing of agricultural profits would be a reality. In fact, what could be required in such family economic disputes is that, the concerned parties must engage in dialogue (open free talk), share their feelings and thoughts and decide together (not just the head of the family) especially in view of what can bring about a their better future as a family. Henry Sidgwick gives us an idea on how such economic injustices (unequal profit sharing) could be avoided. In his view, it is advisable that where there is no prior law or “if there has been no previous arrangement—the profits of any work or enterprise should be divided among those who have contributed to its success in proportion to the worth of their services.”<sup>337</sup> This ought to be so because social justice demands giving each person what is his/her due, worth his/her labour.

Moreover, as noted in chapter two, when women enter marriage without reliable i.e., independent stable economic means or recognised quality educational papers, they suffer at the hands of their men. Traditionally, wives are often treated as part of the property of their husbands. This implies that in some cases they (literally) own nothing in terms of material things in the household. This makes them kind of ‘slaves’ to their husbands who use them as they wish (often for personal benefits). In fact, it becomes difficulty for women to leave such enslaving marriages because of their total economical dependence on men. And this kind of suffering culminates when the man dies and property grabbing practice takes place. When property grabbing practice takes place (as indicated in chapter two<sup>338</sup>), then, the woman (widow) and her children often become economically vulnerable members of society. This situation is not just and requires rectification.

To alleviate such economic suffering of women and children (effects of property grabbing), the Zambian government, through the Act of Parliament of 1989, decided to take a stand (some measure) to protect the rights of widows, orphans and other dependents of a

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<sup>336</sup> By tolerance here, we intend to mean harmony in difference.

<sup>337</sup> Henry Sidgwick, *The Methods of Ethics*, 279.

<sup>338</sup> See chapter two point 1.5

deceased man. The Act is called *Intestate Succession Act Chapter 59*.<sup>339</sup> It is an Act of Parliament that stipulates what should take place when a married man dies without leaving a written will (*intestate* means dying without leaving a written will). This Act outlines the property sharing procedure. It states that in sharing the property of the deceased husband, out of 100%, children are entitled to get 50%, the widow must get 20%, parents of both the widow and the deceased husband must get (and share) 20% and the other dependents (any other member who has been under the care of the deceased man even if he/she does not biologically belong to the nuclear family) gets 10%. This brings the total to 100%. Strictly speaking, this is how justice is seen to be done following the *Intestate succession act*.

This actual property sharing is often administered by a freely chosen family representative called an administrator, who, is later confirmed and given power by the court to do his work. His confirmation is often done in court (he must swear to be faithful and impartial) in the presence of the family members (the widow, children and other relatives). It is worth noting that the court does not impose an administrator on the family but rather, it approves (confirms) the choice (candidate) of the family, often made after family consultations. So, this is how property sharing is supposed to be administered (and shared) nowadays even if in many cases, especially, in rural areas, an actual implementation remains a great challenge and widows and orphans continue to suffer economically (at the hands of the customary greedy driven men).

Henry Munakombwe recommends that what is required to ease the property sharing process (towards realising justice in the family) is to encourage men to have a written will while they are still alive (sudden death is another matter). This, in his view, could not only ease the process of property sharing but more so, other disputes as well, that the family is often subjected to, when the head of the family dies.<sup>340</sup> As traditional rulers at the local level, headmen and chiefs ought to contribute to the reign of justice among their subjects. But first, they must be mentally transformed from their traditional attitude and customs to the new sense

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<sup>339</sup> For the *Intestate Succession Act*, see [www.parliament.gov.zm/PDF](http://www.parliament.gov.zm/PDF), and as for the further information that follows on how the *Intestate Succession Act* is applied in practice (interpretation), I am indebted to Henry Munakombwe. Munakombwe is a local judge (with vast experience) who actually deals with such cases, in trying to implement justice in family property disputes. Contact with him was made by phone on 15/11/2011.

<sup>340</sup> Munakombwe, contacted by phone on 15/11/2011. However it remains on how to encourage men to write wills while they are still alive. This requires some form of education sensitization. Leaders of social groups like, chiefs and headmen could be of great help in educating their people, especially in rural areas where there is much resistance to the *Intestate Succession Act* implementation (often disregarded) as against the long standing local customs which people are used to. But with time, change is inevitable.

of justice that is required and advocated for. For, as the Pope Benedict XVI reasonably observed, generally in Africa “stability and social order are still frequently entrusted to a council of elders or traditional chiefs”... and they “can effectively contribute to just society building.”<sup>341</sup>

What is worth noting here is the important measure the Zambian government has put in place for the benefit of the least advantaged members of society. This is the way (albeit a gradual process) justice could be seen to be done in such family property grabbing matter. And actually, in respect of the *Intestate Succession Act*, the judicial courts have a final say over household property sharing and this, in some ways, is one way of instilling a sense of legal justice in society.

Having reached thus far, we could say that for justice and equality to prevail in Tonga (and even Zambian) society as whole, there is a need for transformation (presumably eradication) of some traditional attitude of gender division of labour and unequal division of power within the family, unwarranted and unhelpful customary practices and society expectations. This is crucial towards creating a just society that we envision, an inclusive society that empowers all its members without discrimination based on gender. This is a kind of society according to Okin whose, “structures and practices of families must afford women the same opportunities as men to develop their capacities, to participate in political power, to influence social choices, and to be economically as well as physically secure.”<sup>342</sup> And it is only when such capacities are recognised and given fair opportunity to be utilized, equal and active participation of women in private and public spheres might still remain a far-fetched dream, an indomitable venture. In the similar line of thought like Susan Okin, Pope Benedict XVI remarks that:

Giving women opportunities to make their voice heard and to express their talents through initiatives which reinforce their worth, their self-esteem and their uniqueness would enable them to occupy a place in society equal to that of men—without confusing or conflating the specific character of each—since both men and women are the “image” of the Creator (cf. Genesis 1:27). Bishops should encourage and promote the formation of women so that they may assume their proper share of responsibility and participation in the community life of society and the Church. Women will thus contribute to the humanisation of society.<sup>343</sup>

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<sup>341</sup> Pope Benedict XVI, Post-Synodal Apostolic Exhortation (*Africae Munus*) no.49, [www.catholicnews.com](http://www.catholicnews.com), accessed on 9/12/2011, at 7:15pm.

<sup>342</sup> Okin, *Justice, Gender and the Family*, 15.

<sup>343</sup> Benedict XVI, Post-Synodal Apostolic Exhortation, no. 57, [www.catholicnews.com](http://www.catholicnews.com), accessed on 10/12/2011, at 10:05 am.

It is worth noting that even if the Pope sustains such hope (for African women), he also acknowledges how slow mental transformation can be in attitudes towards women, hence he helplessly remarks that: “unfortunately, the evolution of ways of thinking in this area is much too slow.”<sup>344</sup> However, although the African mental process might be slow in this area, there is hope for gradual change of attitude. This is because, it is generally understood, nowadays, that there is no real and natural basis for women subordination, be it in family life, professional employment (public office), political life etc. “Both men and women are born with a God-given capacity to reason.”<sup>345</sup> It is generally believed that women and men both have complementary qualities and these can be used for their own well-being and the well-being of society at large. In fact, according to John Stuart Mill the subjection of women to men; be it, in the home, in work place and in politics, is an old way of thinking and practice. Thus he remarks that “this relic of the past is discordant with the future, and must necessarily disappear.”<sup>346</sup> For, in his view, women must be counted as mature adults who have the right to be free and equal persons like men. And if the modern world is to be free of tyranny of any kind, then, not only must “the divine right of kings” be seriously challenged, but “the divine right of husbands as well.”<sup>347</sup>

Bringing about justice and social order is the work of everyone in society. And it is from this point of view (it would seem) that Pope Benedict XVI actually recommends that “one of the tasks of the Church in Africa consists in forming upright consciences receptive to the demands of justice, so as to produce men and women willing and able to build this just order by their responsible conduct.”<sup>348</sup>

In fact, what is hoped for is that, the equal means of well-being of each person and society as a whole would at some point (in future) become “an object that we must always be striving to realise.”<sup>349</sup> And when we begin to think and act towards that, then, possibly, we would be on the right track towards achieving the much desired social justice and equality in a political community or society.

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<sup>344</sup> Benedict XVI, Post-Synodal Apostolic Exhortation , no. 57, [www.catholicnews.com](http://www.catholicnews.com), accessed on 10/12/2011, at 10:25 am.

<sup>345</sup> Held, *Models of Democracy*, 52.

<sup>346</sup> Mill, *The Subjection of Women*, <http://www.hn.psu.edu/faculty/jmanis/jimspdf.htm>, 19, accessed on 08/12/2011, 10:45 am.

<sup>347</sup> Mary Wollstonecraft, *Vindication of the rights of women*, Penguin, Harmondsworth, 1982, 127.

<sup>348</sup> Benedict XVI, Post-Synodal Apostolic Exhortation, no. 22, [www.catholicnews.com](http://www.catholicnews.com), accessed on 10/12/2011, at 11:00 am.

<sup>349</sup> Sidgwick, *The Methods of Ethics*, 283.

In fact, any society that wishes its citizens to live a good life, must strive to make its social institutions just. Just social institutions are crucial for human self-realisation. According to Paul Ricoeur, just social institutions are necessary because, it is through such institutions “that the wish for a good life finds its fulfilment. It is as citizens that we become human. The wish to live within just institutions signifies nothing else.”<sup>350</sup> And a good life is often characterised by happiness.<sup>351</sup>

### **1.3 Active participatory democracy; a requirement in Zambian politics**

The Zambian political scenario described in chapter two implies that the playing field is not equal (levelled) between men and women. Culturally speaking, the Zambian society (as a whole) accords men larger public space than women. And this makes it to appear as if women are not really active and full participants in the political life of their country. All this is because of culture that imposes public and private gender lines between men and women. However, if accorded the same public space like men, women (like men) also have the capacity to actively participate and contribute to the development of the nation.

In fact, in its preamble, the 1991 Zambian Constitution recognises political rights and liberties for all citizens. As the law of the land, the Constitution states thus:

Proceeding from the premise that all men have the right freely to determine and build their own political, economic and social system by ways and means of their own free choice; Determined to ensure the rights of all men to participate fully and without hindrance in the affairs of their own government and in shaping the destiny of their own mother land: Recognizing that individual rights of citizens including freedom, justice, liberty and equality are founded on the realization of the rights and duties of all men.<sup>352</sup>

This declaration implies that every Zambian citizen has the right to participate in the political affairs of the country, contributing to its destiny. So every citizen has the duty to be engaged in the political process of the nation. And this engagement can take various forms; participation in the electoral process of civic education, campaign activities, voting and to be voted (leadership positions) etc. All this is part and parcel of the political decision making process that an active political community is built upon.

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<sup>350</sup> Paul Ricoeur, *The Just*, xv-xvi.

<sup>351</sup> Happiness or pleasure according to Henry Sidgwick is “an ultimate desired or desirable kind of feeling” (see his book, *The Methods of Ethics*, 78).

<sup>352</sup> The Constitution of Zambia, [www.zambia.co.zm/constitution.PDF](http://www.zambia.co.zm/constitution.PDF), accessed on 13/12/2011, at 10:45 am.

Therefore, politics is supposed to encompass every willing citizen. According to Benjamin Barber, “politics is the art of engaging strangers in talk and of stimulating in them an artificial kinship made in equal parts of empathy, common cause and enlightened self-interest.”<sup>353</sup> Now, if what Barber says about politics is true then, Zambian women have the right to engage in this public talk for the common cause of their country’s destiny. From the Zambian cultural point of view, in such public space (traditionally reserved only for men), women might appear strangers though, but they can and are supposed to be active participants like men. This is their rightful political duty. National development which is often influenced by the political and economical system of governance in any nation is not supposed to be only the responsibility of men (even if at times, they could be—and often they are—the majority in leadership, which should not often be the case anyway). National development is a duty for all citizens. In fact, it requires some form of social cooperation among citizens. And it seems to be from this perspective that Benjamin Barber asserts that “we are born insufficient, we need cooperation; we are born with potential natures, we require society to realize them; we are born unequal, we need politics to make us equal; we are born part slave, part free, we can secure full liberty only through democratic community.”<sup>354</sup>

But how can the Zambian women be sufficient, their natural potentials realized, feel equal to men and be politically liberated, if they are not accorded their rightful place in society (community) as politically capable citizens? The implication of what Barber says is that we human beings are fragile at birth and only find our strength in social cooperation. In other words, we need others to realize our human potentials and develop as human beings. Actually, Barber further remarks that “citizenship and community are two aspects of a single political reality: men can only overcome their insufficiency and legitimize their dependency by forging a common consciousness.”<sup>355</sup> And a strong *common consciousness* is what seems to be lacking in the Zambian political community.

Traditionally and even historically, the Zambian political culture has excluded women from high-ranking leadership positions where influential political decisions are made. Hence, there is need for women participation tolerance in the Zambian politics. Nowadays, women have realized that for a long time, they have been excluded from high-ranking leadership

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<sup>353</sup> Barber, *Strong Democracy*, 189.

<sup>354</sup> Barber, *Strong Democracy*, 216.

<sup>355</sup> Barber, *Strong Democracy*, 216.

positions (entrusted with decision making) and yet decisions have been and are being made that directly affect their lives. They have realized the unequal political playing field. And gradually they are advocating for their rightful recognitions as citizens with potentials and capabilities for leadership. Hence they are calling for equal public space especially in political leadership. Having realized that their exclusion from full sharing in high-ranking leadership is just a cultural attitude, they are challenging the government to seriously consider equal access for all, to leadership positions. Actually according to David Held, “the inequality of the sexes has deprived society a vast pool of talent.”<sup>356</sup> And this might be the case in the Zambian context.

Maureen Mwanawasa challenges her fellow women to stand up and be counted in political leadership. In her view, in leadership, the “fifty-fifty power sharing between men and women is possible,”<sup>357</sup> in Zambia. She said this when she addressed a meeting on the sidelines of women in politics organized by the Zambia Center for Inter-party Dialogue in Lusaka. According to her, it is high time women in Zambia seriously started “to demand the domestication of international protocols that promote equal participation of women and men in national affairs.”<sup>358</sup> What Maureen is advocating for, is an equal representation of men and women in major decision making bodies at all levels of society. Actually she asks women to “demand for a fifty-fifty representation”<sup>359</sup> at all levels of leadership. In reality, equal leadership representation is what might possibly give women a voice and power to influence the political decisions of the country. Not surprising, even in the newly elected government (since September 2011), the trend of sidelining women in major leadership positions continues. Out of the 19 full cabinet posts, only two females have been appointed.<sup>360</sup>

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<sup>356</sup> Held, *Models of Democracy*, 89.

<sup>357</sup> Kombe Chimpinde, “Equal chances for all to lead is possible” in the Post Zambia newspaper online, [www.postzambia.com](http://www.postzambia.com), accessed on 12/12/2011, at 8:36 pm. Maureen Mwanawasa is the widow of the late third Zambian Republican President Patrick Levy Mwanawasa. Late Mwanawasa ruled Zambia from 2001-2008 when he passed on (died).

<sup>358</sup> Chimpinde, “Equal chances for all to lead is possible,” [www.postzambia.com](http://www.postzambia.com), 12/12/2011.

<sup>359</sup> Chimpinde, “Equal chances for all to lead is possible,” [www.postzambia.com](http://www.postzambia.com), 12/12/2011.

<sup>360</sup> Masuzyo Chakwe, “NGOCC bemoans few female appointees to Cabinet,” in the Post online, [www.postzambia.com](http://www.postzambia.com) accessed on 1/1/2012, at 8:30pm. The full text reads; “Non-Governmental Coordinating Council (NGOCC) board chairperson Beatrice Grillo says it is a mockery to the women's movement that only two females had been appointed full Cabinet ministers out of 19 ministers,” in the September 2011elected government. And confirms the historical gender based leadership inequality in the Zambian society. The constitution of Zambia does not indicate any equal representation of men and women in leadership positions. It only stipulates the equality of all before the law. However, we are not sure whether or not, such equal representation is the best, although it could be desired anyway.

Maureen's call for equal representation in leadership echoes Susan Okin's vision of a just democratic society. According to Okin, a just democratic society requires an inclusion of women in the influential political leadership positions. And this implies that their representation ought to be "in approximately equal numbers with men."<sup>361</sup> Of course, it is also a known fact that, in any kind of representation leadership system, there are always two clear definitions of functions: there are those who lead and those who are led (who follow). And if one does not belong to any of these two groups, often, one is free to get out of such a political community.

Actually, Maureen further bemoans the number of women in political leadership that is decreasing. She gives an example of women in Rwanda (East Africa) who have achieved the fifty-fifty political (leadership) power sharing ratio in their country. And so she believes, it can also happen in Zambia when and if women stand up and demand their women political rights recognition. The major reason why she calls on women to stand up and fight for their rights is basically that "we should say no to women carrying the face of poverty, the faces of disease, non-economic empowerment, face of illiteracy and defeat. If the women arise, they will be no hunger at household level. We shall take prosperity to a national level. Other countries have done it."<sup>362</sup>

Basically, what is actually required (in the Zambian context) is that women should not only remain as the majority vote casters, assisting in campaigns or occasional party conventions (as they often do, used by men), but rather they must be selected for political leadership positions as well. This can help them to move towards high-ranking decision making leadership positions. This is what the principle of participation requires. According to John Rawls, "the principle of participation also holds that all citizens are to have an equal access; at least in the formal sense, to public office. Each is eligible to join political parties, to run for elective positions, and to hold places of authority."<sup>363</sup> Equal chance for all citizens to actively participate in political life is what Zambia must strive for, in order to become a democratically strong nation. In fact, "citizens must enjoy political and economical equality in

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<sup>361</sup> Okin, *Justice, Gender and the Family*, 184.

<sup>362</sup> Chimpinde, "Equal chances for all to lead is possible," [www.postzambia.com](http://www.postzambia.com), 12/12/2011.

<sup>363</sup> Rawls, *A Theory of Justice*, 223-224.

order that nobody can be master of another and all can enjoy equal freedom and development in the process of self-determination for the common good.”<sup>364</sup>

Political power ought to be shared equally between men and women without discrimination of either gender. Both men and women should have an opportunity to influence decisions that affect their lives. Political power implies leadership in action. And this would seem to be in line with Max Weber’s definition of politics. According to Weber, “politics means striving to share power or striving to influence the distribution of power, either among states or among groups within a state.”<sup>365</sup> From this perspective, it implies that political power is supposed to be shared (equally or otherwise) among citizens.

Now, what would be needed (in the Zambian political community) to move towards equal leadership representation is full and active participation of women in political affairs. And to encourage more women and also youths to aspire for national leadership positions, national-wide civic education must be in place. Civic education is essential to citizens’ active participation in the political life of their nation. Citizens require education for their political conception formation. A sense of equal and free political life participation implies citizens’ knowledge in political affairs of their country. And such sense of duty, to actively participate in political life can only be realized (possibly) when citizens get civic education. Civic education cannot be overemphasized. It is a necessity for the citizens’ active political participation. And this implies that citizens ought to be taught the value of political knowledge. According to John Rawls:

If citizens of a well-ordered society are to recognize one another as free and equal, basic institutions must educate them to this conception of themselves, as well as publicly exhibit and encourage this ideal of political justice. This task of education belongs to what we may call the wide role of a political conception. In this role such a conception is part of the public political culture: its first principles are embodied in the institutions of the basic structure and appealed to in their interpretation. Acquaintance with and participation in that public culture is one way citizens learn to conceive of themselves as free and equal, a conception which, if left to their own reflections, they would most likely never form, much less accept and desire to realize.<sup>366</sup>

Zambia is 20 years old as a democratic nation (1991-2011). Democracy implies an existence of active political parties, free expression of public opinion and suffrage/voting. These are the three major pillars of a democratic society. And to be strengthened, such young democracy (like Zambia) requires an active participation of its citizens. Majority Zambians do

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<sup>364</sup> Held, *Models of Democracy*, 48.

<sup>365</sup> Gerth & Wright, *From Weber: Essay in Sociology*, 78.

<sup>366</sup> John Rawls, *Justice as Fairness*, 56.

not participate in the political life of their country. Evident in the last September 2011 national elections, the Electoral Commission of Zambia 2011, reports that there were 5, 167,154 registered voters out of the population of above 12 million people. Among these, 2,590, 821 are female while 2,576, 333 are male voters.<sup>367</sup> However, when the actual voting took place, only 2, 772,264 out of 5, 167, 154 people voted. This is just above half the total number of the registered voters. And the presidential results indicate that the winner received 1, 170, 966 votes (42.24%) against his runners-up who got 987, 866 votes (35.63%) while the overall turnout percentage poll was 53.65%.<sup>368</sup> These results show that there is low political participation level among Zambians.<sup>369</sup> However, to be strengthened, democracy requires an active citizens' participation in the political life of their country.

In fact, the beauty of a democratic system lies mainly in its accommodative nature.<sup>370</sup> Democracy is like the commuter buses (within cities and to and from their outskirts) of Zambia and Kenya that are never full (though drivers have to deal with risks on daily basis — Traffic Police Penalties, and democracy also implies risks<sup>371</sup>). They always have space for more passengers (whether passengers sit or stand is not a matter) until they reach their destinations. Similarly, in a democracy, there is always room for more citizens and political parties to participate. Hence an inclusive nature of democracy; every citizen has room to take part and this seems to be what participatory democracy is about. People should be free to assemble to debate and discuss political issues that affect them. It is in this way that it can be seen that they are taking part in the shaping of their political destiny; that is, through their

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<sup>367</sup> The Electoral Commission of Zambia 2011, [http://www.elections.org.zm/register\\_vote.php](http://www.elections.org.zm/register_vote.php), accessed on 10/09/2011, at 3:30 pm,

<sup>368</sup> The Electoral Commission of Zambia 2011, [http://www.elctions.org.zm/media/2809/2011\\_presidential\\_election\\_results.pdf](http://www.elctions.org.zm/media/2809/2011_presidential_election_results.pdf), accessed on 29/09/2011, at 11:45 am. According to the 1991 constitution (still in use at the time of this essay), simple majority winner gets into presidential office. So, the president is not elected by the much desired majority Zambians. And this makes the major institutions or groups like Trade Unions, Churches, Non-Governmental Organisations etc, to call for the inclusion of a 50+1 percentage policy in the constitution that guarantees that the presidential winner must be elected and declared winner when and if he/she gets 50% or above. And this is a clause that the new constitution (being worked upon at the time of writing this essay) might contain, so as to remove a simple majority clause that does not reflect the majority choice of people of a voted president. This is a crucial issue in the ongoing constitution review process.

<sup>369</sup> Even if there has a low percentage of the actual voters, no citizen can avoid political effects. Hence according to David Held, "the actions of the apathetic do not escape politics; they merely leave things as they are ... we do not have the option of 'no politics,'" (see David Held, *Models of Democracy*, 259).

<sup>370</sup> However, this does not mean that democracy is the best system of government. For according to David Held; "we cannot be satisfied with the existing models of democratic politics," (see David Held, *Models of Democracy*, 259). This implies that the process towards discovering the best political system is an on-going venture.

<sup>371</sup> Actually, uncertainties are risks of democratic politics and according to Michael Walzer, "in democratic politics, all destinations are temporary," see his book, *Spheres of Justice*, 310.

participation in the political decision making process. In fact, participation is one of the sources of political knowledge. Actually, according to Michael Walzer, such an allowance accorded by democracy to all citizens is what “complex equality means in politics; it is not power that is shared, but the opportunities and occasions for power. Every citizen is a potential participant, a potential politician,”<sup>372</sup> and not just an “occasional politician”<sup>373</sup> as Max Weber would want us to believe.

Walzer goes on to say that “the citizen must be ready and be able, when his time comes, to deliberate with his fellows, listen and be listened to, take responsibility for what he says and does.”<sup>374</sup> And this can be anywhere; at local or national level, in factories, companies, in unions, faculties etc. For it is through such opportunities for exercising power that a citizen can realize and make sense of himself or herself.<sup>375</sup> So, for a lively democracy to take place, members of a political community have to participate, each one playing his role diligently and responsibly, knowing that their duties are for the common good of their political community and not necessarily for their individual interests and gains.

It would seem that as long as political power opportunities are open to all citizens, a democratic society can be said to be a fair political system. This is because it accords (presumably) political freedom and equal opportunities for citizens to participate in the political life of their society. And this echoes what Richard Rorty seems to imply in his discussion on “the priority of democracy to philosophy”<sup>376</sup> in the American society in matters of policy (constitutional) process. For often in constitutional making process, the issues that affect people’s lives ought to take precedence. These are issues that can facilitate towards an environment in which citizens can realize their potentials and live meaningfully in a particular political community.

Active participation in political life of a nation could be possible with civic education in place. And this implies that political culture must be instilled in citizens. As Rawls puts it (see page 130 above, footnote no.351), citizens must be helped to develop a sense of their civic duty. And this requires civic education.

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<sup>372</sup> Walzer, *Spheres of Justice*, 310.

<sup>373</sup> Gerth & Wright, *From Max Weber: Essays in Sociology*, 83. According to Weber, we are all “occasional politicians when we vote.”

<sup>374</sup> Walzer, *Spheres of Justice*, 310.

<sup>375</sup> Cf. Walzer, *Spheres of Justice*, 310.

<sup>376</sup> Richard Rorty, *Objectivity, Relativism and Truth, Philosophical Papers*, 175 ff.

## 1.4 Civic education

In his *Politics as a Vocation* essay, Max Weber deals with how a potential charismatic leader could be identified among the people. For him, one way of doing that is by localizing politics that is, discussing political issues in places like neighborhoods, clubs etc. Besides such grass-root political arena of local politics, a charismatic leader can also be identified by what he calls 'political schooling in civic education.' And this political schooling in civic education is meant for citizens' political participation, getting them involved. According to him, it was this political education that made possible the empire-building and democracy in England.<sup>377</sup> Hence, he values civic education as a way of sensitizing citizens of their civic duties. In England, civic education was aimed at developing a sense of patriotic feelings or sentiments (like love of one's country) among citizens. Eventually, the specific goal of these patriotic feelings was in some way, to influence citizens' active participation in political life. Hence Weber's believes that every citizen ought to cultivate a patriotic<sup>378</sup> attitude for his/her nation. And it is through this kind of attitude that citizens' political duties are learnt, known and exercised.

According to Henry Sidgwick, "a good citizen...will reasonably form a conception of his actual political duty."<sup>379</sup> Such a conception can only be formed through the instrument of civic education. Civic education is often aimed are forming a moral judgment. And in Paul Ricoeur's view, "it is through public debates, friendly discussion and shared convictions that moral judgment ... is formed."<sup>380</sup> In this case, then, it would possibly follow, that some form of "education is the training of a citizen,"<sup>381</sup> for public national duties.

What the above implies is that democracy requires active participation of citizens (even if how to convince citizens to actively participate can be a challenge). A reasonable and responsible participation of citizens in political life requires some guarantee of minimum basic

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<sup>377</sup> Cf. Gerth & Wright, *From Max Weber, Essay in Sociology*, 104.

<sup>378</sup> Concerning citizens patriotism, Jean-Jacques Rousseau wrote; "there is no patriotism without liberty; no liberty without virtue; no virtue without citizens; create citizens and you will have everything you need; without them, you will have nothing but debased slaves, from the rulers of the state downwards." (quoted in Benjamin Barber, *Strong Democracy*, 213). Barber quotes from Jean-Jacques Rousseau, "A Discourse on Political Economy," in *Social Contract and Discourses*, J.M Dent & Sons Ltd, London, 1913, p.251.

<sup>379</sup> Sidgwick, *The Methods of Ethics*, 17.

<sup>380</sup> Paul Ricoeur, *Oneself as Another*, 290-291.

<sup>381</sup> Walzer, *Spheres of Justice*, 290.

liberties in a political community. Democracy requires recognition of some human rights and these rights ought to be in the form of guaranteed opportunities. And according to Michael Walzer, among other liberties, “the state officials must guarantee free speech, free press, free assembly—the usual civil liberties.”<sup>382</sup>

To enhance active political participation of citizens (men, women and more so, the youths-future leaders) there is need for the Zambian government to engage its people in civic education process. And this must be a countrywide venture. Citizens have the right to know their rights and duties. For them to actively get involved into public national duties, they need to know the basics of their constitution, how to form a common community or national vision. And this can possibly motivate them to participate in political life of their country. Many Zambian citizens do not seem to know their rights, let alone their duties and obligations. This is mainly due to lack of civic education.<sup>383</sup>

Benjamin Barber helps to understand the necessity of civic education for citizens’ active political participation. According to him, there are three forms through which civic education can be implemented:

- (i) Formal pedagogy: a basic knowledge of the nation’s constitution and legal system, of its political history and institutions, and of its culture and political practice is obviously indispensable to democracy in any form;
- (ii) Local public or small-scale private activity: it promotes affective links that support unitary democracy, measures of judgment useful to representative institutions, and forms of public thinking essential to strong democracy;
- (iii) Direct political participation: activity that is explicitly public — is a completely successful form of civic education for democracy ... democracy was best taught by practicing it.<sup>384</sup>

What this seems to imply is that to make citizens get to participate in public affairs of their country, information on national matters must reach them. Ways must be found to reach the people where they are and they must be taught. So, to implement civic education, the Zambian government would be required to reach its people in various possible ways within its means. Actually this would help Zambia restore its lost national spirit and unity of *One Zambia One Nation*<sup>385</sup> that Kenneth Kaunda (the first republican president after independence in 1964-

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<sup>382</sup> Walzer, *Spheres of Justice*, 284.

<sup>383</sup> The constitution is not a familiar document to many citizens. Few citizens know the constitution, let alone understand its contents. And the writer of this essay is one of them.

<sup>384</sup> Barber, *Strong Democracy*, 234-235.

<sup>385</sup> Cf. Kaunda, *Humanism in Zambia*, 29. Actually, in Kaunda’s view, “unity is strength,” and is crucial for national building, he calls unity “a solid foundation on which to build One Zambia and One Nation.” It is worth

1991) had built and sustained the country upon, when he was in power. And this could possibly instill into every citizen a sense of national duty. As John Rawls observes; “education to public spirit is necessary if citizens are to acquire an affirmative sense of political duty and obligation, that is, one that goes beyond the mere willingness to submit to law and government.”<sup>386</sup> Zambia requires such kind of education for national development.

As indicated in chapter two, Zambia is organized in social units of family, village or city, ward, chiefdom, district/constituency, province and nation. One way of implementing civic education could be by using these same units. How? Through workshops or seminars organized in various stages at various levels of society. Workshops could be organized at nation level. And representatives from various provinces (preferably, but not necessarily, members of parliament) could attend these national workshops in which essential knowledge about the basics of the constitution, national issues of interest could be imparted to them. When representatives from each province return to their respective provinces, they would be required to organize workshops at provincial levels where representatives (preferably councilors and chiefs) from the districts/constituencies would attend. And then, the district/constituency representatives would in turn, organize workshops at ward levels where family members can attend. Through this, the required essential civic education and information could possibly get to the grass-root level, in the household.<sup>387</sup> And in these locally organized seminars, everyone could attend, including the youths.

Furthermore, it would also be desired that civic education be part of every child’s learning process. This could be done right from primary school to the university level. This type of education must not be categorized as special field of knowledge but must be part of the education curriculum. If the child gets such an opportunity from early stage of his/her life, by the time he/she reaches college or university level, he/she would be familiar with his/her rights, duties and responsibilities as a member of a political community. And David Held emphasizes this aspect of a child’s civic education process when he says that “the creation of

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noting that during all his 27 years as the president, he united the country of 72 tribes into one nation, one people. And this is completely lost now, tribalism is growing in Zambia and even voting is along tribal lines. Sad story.

<sup>386</sup> Rawls, *A Theory of Justice*, 234.

<sup>387</sup> This can possibly be done once in a while, may be once in a year, especially during the dry season. And we believe it can work. If people can gather in big numbers during political campaigns, we presume they can also gather for such important civic education moments. During major disasters like hunger, diseases outbreak, people gather to share how to handle the situation. Civic education can also be organized in such a way as a way of making people feel it is an urgent matter of necessity, a common good.

an education system, which opens up people's understanding and horizons as a result of knowing about others, is a crucial element of the development of a democratic public culture."<sup>388</sup> And as a young democratic nation, Zambia needs such an education process. In fact, although political knowledge is acquired through history and experience it is often "meant to be applied to the future realm of common action."<sup>389</sup> And media is instrumental in information dissemination, be it history, daily experiences, national matters of public concern etc.

### **1.5 Role of media in the Zambian society**

Freedom of expression is one of the liberties that the Zambian Constitution lists in its preamble.<sup>390</sup> This implies that the constitution guarantees media freedom: press and communication. So another way that civic education could be enhanced is by using the mass media technology, i.e., national and private owned Televisions and radio stations, newspapers and even internet (currently booming in the country). In fact, Zambia is also blessed with Church owned and managed Community Radio stations in almost all the nine provinces where the Roman Catholic Church exists and operates. Mass media is the major instrument of information dissemination. It has a lot of influence on citizens. Actually, in Zambia, media is encompassing almost every aspect of modern life. The average person spends most of his/her time in a day, exposed to some form of media, and in this way, media helps people to form beliefs and behaviors. Nowadays, it is also through media that moral values and ideals are learnt, that traditional and old fashioned practices or customs are undervalued and are easily abandoned for the modern ones. Moreover, it is through mass media that generally, political norms "are produced by an ongoing process of democratic talk, deliberation, judgment and action, and they are legitimized solely by that process, which exhibits and refracts the political culture's changing circumstances and evolving communal purposes."<sup>391</sup>

Indeed, in Zambia media helps citizens to build a national identity despite the multiple cultural dimensions of diverse tribes (72 of them). And media is also instrumental in fostering community or even national development. According to Kenneth Kaunda, development

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<sup>388</sup> Held, *Models of Democracy*, 251.

<sup>389</sup> Barber, *Strong Democracy*, 169.

<sup>390</sup> The Constitution of Zambia, [www.zambia.co.zm/constitution.PDF](http://www.zambia.co.zm/constitution.PDF), accessed on 15/12/2011, at 11:50 am.

<sup>391</sup> Barber, *Strong Democracy*, 170.

implies “changing certain attitudes of our people that stand between them and a fuller life without necessarily destroying the good”<sup>392</sup> that exists in them and in their cultures. In other words, the role of media in society cannot be underestimated. Media informs, media educates and media forms citizens. In fact, it is within our human nature to believe what we are told, what we hear, what we read and what we see. And media feeds us with all that stuff.

Furthermore, media has a remarkable impact on politics—it can build or destroy personalities. That is, positively, it can cover what politicians do and say, and negatively, it can also cover what they do not want the public to hear, see and know, about their actions/behaviors. Of course no media house is neutral.<sup>393</sup> However, media often elaborates on public affairs, daily public facts. And politics is what it is because of media.<sup>394</sup> Zambia is well up to date with technological media; government and private television and radio stations are in place. Phones (landline and mobile) and internet provisions are also available. Actually, the private owned radio stations have become a great battleground for public opinion and more so, for the opposition parties, in the struggle for political power.<sup>395</sup> And this is another way of strengthening democracy in the country.

Now, in the process of promoting civic education, the government of Zambia would be required to allocate some funds for periodical broadcasting of various aspects of civic education information, especially on the state owned TV and radio stations, newspapers and even internet. The government owes this duty to its citizens. It must provide necessary and educative information (like political matters) to citizens.

The free meaningful accounts of political events and issues is necessary for the public’s understanding of politics, formation of public opinion and more so, the public participation in the political process of the country. In a nutshell, media is crucial in determining the individual and collective values of a political community. What is needed though, in the Zambian situation, is a reasonable and visionary national planning, open to collaboration with other major players like the Churches and other developmental oriented

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<sup>392</sup> Kenneth Kaunda, *Humanism in Zambia*, 22.

<sup>393</sup> Every media house serves the interest of the owner no matter how faithful it can be in telling the reality as it sees it. Hence, the subjectivity side of media.

<sup>394</sup> Cf. Gerth & Wright, *From Weber: Essays in Sociology*, 101. Actually according to Weber, “the journalist is a paid professional politician ... management of the newspaper is a continuous political organisation.”

<sup>395</sup> In Zambia, successful opposition parties and their candidates are often said to be the products of the private owned media. The government owned media does not often allocate equal opportunities to all parties, especially towards elections time. Government owned media (National TV, Radio stations and Printing press and national newspapers) is often the monopoly of the ruling party at the time.

groups. It would require mutual cooperation between the government and other private media owners like the Church, to broadcast valuable information for public consumption. And such a mutual cooperation is possible because, both the government and the Church exist for the people. They both serve the people under their care. In other words, *they are* (exist) because of the people. And this developmental kind of collaboration is actually assured. According to the president (at the time of writing this essay), “the Catholic Church should continue to collaborate with the government and build a nation devoid of corruption, poverty and injustice.”<sup>396</sup>

Actually, in the Zambian context, almost every household has a domestic radio. And according to David Morley “domestic radio, from our contemporary perspective broadcasting would seem to occupy a ‘natural’ position in the private space, with its unobstructive presence in the geography of domestic space.”<sup>397</sup>

Public Radio programs (like *Let the People Talk*)<sup>398</sup> whereby leaders could interact with the public must be highly encouraged. This is another way of strengthening public opinion expression. This is the time (and one among other ways) when leaders can interact (reach out to) with people they represent and answer their politically based questions of national interest. Leaders should have opportunities to share with the public essential issues of national interest. Of course, they must avail themselves for this. This actually is another way to enhance civic education. The direct citizens’ communication and feedback (during such open radio talk-interactions; phone-in) can, according to David Held “provide avenues for deepening political participation within existing patterns of liberal representative politics.”<sup>399</sup> What is crucial in such public space is an available opportunity for citizens to talk and hear

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<sup>396</sup> Mwala Kalaluka, “Mazombwe urges Kabwe Bishop to love flock,” in Post Zambia Newspaper online [www.postzambia.com](http://www.postzambia.com), accessed on 17/12/2011, at 8:30 pm. The president of Zambia at the time of writing this essay is Michael Sata. He spoke these words at the Episcopal Ordination of a new bishop of the new diocese of Kabwe, in the Central Province. And on his part, Cardinal Merdado Mazombwe remarked that “any bishop who opts to remain indifferent to the problems facing humanity and confines his work to the sanctuary will fail in his mission.”

<sup>397</sup> David Morley, “The Construction of Everyday Life: Political Communication and Domestic Media” in *New Directions in Political Communication: A Resource Book*, David L. Swanson & Dan Nimmo, Sage Publications INC, London, 1990, 137.

<sup>398</sup> *Let the people talk* is Radio Phoenix’s program—private owned. However, such programs would not just be organized towards and during elections period. It would be desirable that such opportunities are available as much as possible, as this radio station does. Actually, it has proved to be helping citizens to participate in public issues. Citizens phone in directly and share their views and politicians are often available on private owned radio stations to respond to citizens’ questions. This is what is desirable, a public talk takes this form as well.

<sup>399</sup> Held, *Models of Democracy*, 250.

about national issues that affect their lives, provoke public discussions and debates, sharing opinions. This could be one way leaders' accountability on their words, decisions and actions could be directly challenged.<sup>400</sup> Even if it is a well known fact that political questions have no right or wrong answers, but only provide some temporal or provisional alternatives for communal acceptance,<sup>401</sup> interaction with leaders in such a way, could be another way of instilling some sense of responsibility for those they represent. Representative leaders have the duty to fulfill. Representatives in a well-ordered society of a democratic constitution, according to John Rawls must "represent their constituents in the substantive sense; they must seek first to pass just and effective legislation, since this is a citizen's first interest in government, and secondary, they must further their constituents' other interests insofar as these are consistent with justice."<sup>402</sup> And they can only do this if they are challenged by those they represent, so they learn to serve the interest of the majority, the common good.

Media is best suited for such an interaction between leaders and citizens. Given such an opportunity, citizens could get motivated to participate, speak out on public issues that affect them, expressing their views.<sup>403</sup> And this is another way citizens could participate in the decision making process on issues of national interest. According to Robert Nozick, citizens should "have a right to a say in the decisions that importantly affect their lives ... and the government should realize this right."<sup>404</sup> And this is one of the values of participatory democracy.

So this is how technology (media) could be utilized in the process of implementing the required civic education in the country as whole. And according to Benjamin Barber, "new technology can be used to strengthen civic education, guarantee equal access to information,

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<sup>400</sup> Majority political leaders rarely (physically) avail themselves to the people they represent for open discussions, questioning and feedbacks. So, their availability on radio open talks can be people's opportunity to challenge them. Many of them only encounter their people during the time of campaigns, when they seek votes (often with some form of bribes) from the people and then after winning, they abandon the people, buy houses in towns and remain there most of their lives (as if they are voted to migrate into towns, especially the capital city). And this is unfair for the people they represent.

<sup>401</sup> Cf. Barber, *Strong Democracy*, 169. Barber further says that "political knowledge is in any case always provisional. This is true in part because political knowledge shares in the evolutionary character of politics," (see his same book, *Strong Democracy*, page 170).

<sup>402</sup> Rawls, *A Theory of Justice*, 227.

<sup>403</sup> In David Held's view, "the idea that people should be free and equal in the determination of their conditions of their own lives means that they should be able to participate in a process of debate and deliberation, open to all on a free and equal basis, about matters of pressing public concern," (see David Held, *Models of Democracy*, p. 264).

<sup>404</sup> Robert Nozick, *Anarchy, State and Utopia*, 268.

and tie the individuals and institutions into networks that will make real participatory discussion and debate possible across great distances.”<sup>405</sup>

Nationwide government organized workshops, use of mass media and a full time education system, all these could be ways of how civic education could be implemented. Civic education is one way of empowering citizens to make informed democratic political decisions. This is a process that could motivate citizens to democratically participate in the public affairs of their country. And in this way, they can equally contribute to its development. A healthy democratic society is not simply an arena in which individuals pursue their own personal goals, but rather where citizens focus attention towards the common good.

Democracy has a potential to flourish where citizens are willing to reasonably use their freedom to participate in the public life of their political community.<sup>406</sup> And while enjoying the right of individual freedom, citizens of a democratic society are also required to share national responsibilities, that is, joining with others to shape a future that continues to embrace the fundamental values of unity, justice, equality and self-governance. This implies adding their voice to public debates and electing representatives who can be held accountable for their decisions and actions.

Democracy implies tolerance of diverging views/opinions (tolerance here means harmony in difference). There is need for Zambian people (especially men) to learn to accommodate and tolerate women who wish to actively and meritoriously participate in political leadership positions.<sup>407</sup> This should be the case, because, political leadership is for the common good of society. And both women and men can possibly lead and contribute to the common good. And this is the responsibility leaders are entrusted with, by those who elect them. They are elected to serve the public interest and they get the mandate to do so, from those who choose them. They must carry out their responsibility having in mind the needs of the people they serve. And for them to truly serve for the common good, they must consult the people they represent, the electorate/voters. Consultation with the electorate brings about

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<sup>405</sup> Barber, *Strong Democracy*, 274.

<sup>406</sup> This is why it is said that “a democracy would be full worth its name of citizens had the actual power to be active citizens; that is to say, if citizens were able to enjoy a bundle of rights which allowed them to demand democratic participation and to treat it as an entitlement,” (see David Held, *Models of Democracy*, 277).

<sup>407</sup> According to David Held, “the principle of autonomy lays down the right of all citizens to participate in and deliberate on public affairs...the principle of autonomy preserves ‘the ideal of the active citizen; it requires that people be recognized as having the right and opportunity to act in public life,” (see David Held, *Models of Democracy*, p. 281).

meaningful development (felt common needs) in a particular area. And political development requires this approach. So, communication between leaders and the people they lead is crucial in a political community. According to Michael Walzer, “the political community is ... a public place where we argue together over the public interest, where we decide on goals and debate acceptable risks.”<sup>408</sup> However, for this to happen, there should be a full guarantee of some political rights, that could possibly allow citizens to take their rightful place in society; sharing in the decision making process (in some ways) of their political community. Hence the value of citizens’ participation. Active participation of citizens in public affairs of their country keeps democracy alive and strong. And it would be from this perspective that Walzer further sees the crucial value of both a voter and a politician in a democratic political community. According to him, “the citizen/voter is crucial to the survival of democratic politics; but the citizen/politician is crucial to its liveliness and integrity.”<sup>409</sup>

In fact, neither civic education nor information dissemination can be overemphasized. Both are essential to enhance active political participation of citizens. According to Benjamin Barber “information is indispensable to the responsible exercise of citizenship and to the development of political judgment. Without civic education, democratic choice is little more than the expression and aggregation of private prejudices.”<sup>410</sup> Political knowledge is and must always remain public knowledge, a public good. And the government has an obligation to keep it so among its citizens.

Now, reaching out to citizens in the manner described above implicitly manifests a sense of equality which is the basis of citizens’ liberty in a political community. The creation of a politically active citizenry is a task that the Zambian government ought to embark on. This is because national development requires the contribution of every citizen. And that is the task implied in citizenship. Actually, according to David Held, “citizenship bestows upon individuals both, responsibilities and rights, duties and powers, constraints and liberties.”<sup>411</sup>

Therefore, with some form of civic education reaching every citizen in society, public issues of national interests could be shared, discussed and debated everywhere; in families, workplaces, clubs, villages, on the road and even on the bus. In other words, public issues that

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<sup>408</sup> Walzer, *Spheres of Justice*, 300.

<sup>409</sup> Walzer, *Spheres of Justice*, 308.

<sup>410</sup> Barber, *Strong Democracy*, 278.

<sup>411</sup> Held, *Models of Democracy*, 64.

affect people's lives would be of concern to the majority citizens. And this would in turn, encourage them to responsibly contribute to common challenges for common solutions, as particular communities or as a nation. Citizens must be "taught the importance of collective effort"<sup>412</sup> for national development. And this is how the patriotic sentiments required to join together for the common good could be fostered among citizens. This is how democracy could be made strong in Zambia. According to Barber, "in a strong democratic community...the individual members are transformed, through their participation in common seeing and common work, into citizens. Citizens are autonomous persons whom participation endows with a capacity for common vision."<sup>413</sup> Political activity is often aimed at promoting fundamental principles of political virtues, such as freedom, unity, justice, equality, fraternity, solidarity, harmony etc. It is meant for social welfare and not necessarily for individual personal welfare.

When the Zambian government would embark on a nationwide civic education project, traditional political life perception would be transformed into a modern one. And with some sense of equality between men and women in all spheres of life; family, legal, political, social and even religious, then a social environment that could be more inclusion of everyone would be a cradle for an active democratic way of life, a way of life that embraces political virtues of justice, liberty, unity, equality etc. And then, the Zambian society would be more humanized than it is now. Kenneth Kaunda's vision in his humanism philosophy was clear on this aspect.

According to him:

Humanism in Zambia requires those of us in responsible positions to create a situation or an atmosphere in which the common man can develop his talents to their limit unimpeded by any artificial barriers such as related to colour, tribe, religion, creed or his station in life.<sup>414</sup>

Cultural gender constructions that unnecessarily divide men and women domains must be challenged seriously for the full self-realization of every person's potentials to be a reality. And this is a gradual process.

Media is crucial for meaningful cultural-social change. It is instrumental in a representative democracy. It can help in leveling hierarchical structures that oppress one section of people. Media can be a powerful force in shaping how men perceive women roles in the family and society at large. If and when well utilized, media can bring about meaningful

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<sup>412</sup> Kaunda, *Humanism in Zambia*, 24.

<sup>413</sup> Barber, *Strong Democracy*, 232.

<sup>414</sup> Kaunda, *Humanism in Zambia*, 50.

cultural-social change that requires the creation of conditions for the equal distribution of power among citizens at all levels of society. And this is the value of media and communication. “Communication and interaction are the core of global politics in the complex world of today as inseparable as they are unavoidable ... Communication gives meaning to interaction; interaction gives meaning to communication.”<sup>415</sup> And to be sure, real cultural-social change characterized by justice and equality can never be achieved outside the main political and social arena without the influence of media. In Susan Okin’s view:

Having a sense of justice requires that we be able to empathize, to abstract from our own situation and to think about moral and political issues from the points of view of others...we must, therefore, learn to think from the point of view of others, including others who are different from ourselves.<sup>416</sup>

And this is possible only in meaningful social human interactions characterized by equality of all persons.

So what the Zambian society would require is an environment where every citizen would have an equal opportunity to develop and fully realize his/her potentials.<sup>417</sup> And it is within the duty of government to create this kind of an enabling environment for citizens’ potentials to flourish. According to John Roemer, “an opportunity ... is an access to advantage. What society owes its members, under an equal-opportunity policy, is an equal access; but the individual is responsible for turning that access into actual advantage by the application of effort.”<sup>418</sup> In fact, for this to happen, Zambian government would also be required to enact just laws and policies that encourage citizens to participate actively in the governance system, failure to which citizens will continue to be resigned to participate only when they are contacted or towards and during elections time. The principle of participation in John Rawls’ view:

Requires that all citizens are to have an equal right to take part in, and to determine the outcome of, the constitutional process that establishes the laws with which they are to comply. Justice as fairness begins with the idea that where common principles are necessary and to

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<sup>415</sup> Claudio C. Revilla, Richard L. Merritt and Dina A. Zinnes editors, *Communication and Interaction in Global Politics*, Sage Publications, Inc, London, 1987, 9.

<sup>416</sup> Okin, *Justice Gender and the Family*, 185.

<sup>417</sup> David Held remarks thus; “if people are to be free and equal in the determination of the conditions of their own lives, and enjoy equal rights as well as obligations in the specification of the framework which generates and limits their opportunities available to them, they must be in a position to enjoy a range of rights not only in principle, but also in practice,” (see David Held, *Models of Democracy*, p.277).

<sup>418</sup> Roemer, *Equality of Opportunity*, 24. In fact, according to Henry Sidgwick, “common sense considers...that it is a duty to seek our own happiness, except in so far as we can promote the welfare of others by sacrificing it,” (see his book, *Methods of Ethics*, 327).

everyone's advantage, they are to be worked out from the viewpoint of a suitably defined initial situation of equality in which each person is fairly represented ... A constitutional democracy can be arranged so as to satisfy the principle of participation."<sup>419</sup>

To instill some sense of citizens' responsible participation in the public welfare of the nation is a gradual process that requires an ongoing civic education. However, a reasonable and just constitution is a crucial guide towards creating a society characterized by justice and equality. "More equality must be created in society if citizens are to gain an enlightened understanding of their world."<sup>420</sup> And citizens' assured political liberty is vital for their active and responsible participation.

Therefore, with civic education in place, citizens could be made aware of their social responsibilities, duties and obligations. Political interactions and political leadership require regulation no matter how mature citizens are, no matter how autonomous they can be, no matter how democratic they can be. As social beings, human beings cannot avoid interfering with each other's freedom. According to Max Weber, "surely, politics is made with the head, but it is certainly not made with the head alone."<sup>421</sup> Political activities (actions) are human (beings) acts. And human acts demand accountability and responsibility. And this leads to an unavoidable relationship between politics and ethics.

### **1.6 Politics and ethics relationship**

Participation of citizens in political life is a kind of responsibility that civil ethics requires. Any political community that wishes to shape its future ought to encourage its citizens to participate in its political activities. Political freedom and participation require

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<sup>419</sup> Rawls, *A Theory of Justice*, 221-222.

<sup>420</sup> Held, *Models of Democracy*, 50.

<sup>421</sup> Gerth & Wright, *From Max Weber: Essays in Sociology*, 127. Actually in Weber's view, there are three pre-eminent qualities of a political personality namely: "Passion, a feeling of responsibility and a sense of proportion. This means passion in the sense of *matter-of-factness*, of passionate devotion to a 'cause,' to the god or demon who is its overlord ... It is an excitation that plays so great a part with our intellectuals in this carnival we decorate with the proud name of 'revolution.' It is a 'romanticism' of the intellectually interesting,' running into emptiness devoid of all feeling of objective responsibility. To be sure, mere passion, however genuinely felt, is not enough. It does not make a politician, unless passion as devotion to a 'cause' also makes responsibility to this cause the guiding star of action. And for this, a sense of proportion is needed. This is the decisive psychological quality of the politician: his ability to let realities work upon him with inner concentration and calmness. Hence his *distance* to things and men. 'Lack of distance' *per se* is one of the deadly sins of every politician. It is one of those qualities the bleeding of which will condemn the progeny of our intellectuals to political incapacity. For the problem is simply how can warm passion and a cool sense of proportion be forged together in one and the same soul? Politics is made with the head, not with other parts of the body or soul." (See Gerth & Wright, *From Weber: Essays in Sociology*, 115).

responsibility of human actions. And this implies a relationship between politics and ethics that is unavoidable in a political community. Decisions and actions of one individual person can and have an effect on the life of others. This is one reason why any political agent (leader) ought to take responsibility of his/her political decisions, that is, what he/she says and does (words and actions).

In a representative political system (like Zambia), political duties are not done in the name of an individual person but rather, in the name of the political community one represents. Political agents act on behalf of the particular communities they represent. And this requires them to be accountable to those particular communities. In fact, through their right to vote, citizens authorize leaders (they vote for), that is, empower them to act on their behalf, for the common good of the whole community. So, accountability to the electorate is crucial in a representative form of democracy. According to John Rawls, “the principle of participation compels those in authority to be responsible to the felt interests of the electorate.”<sup>422</sup> Therefore, from the ethical point of view, decisions, actions and words of political agents (qualified as human acts) imply some responsibility.<sup>423</sup> It is the duty of leaders to hold themselves responsible to the people they represent. Every political word, act and policy they make, must conform to the people’s interest. Hence their actions are imputable to them as their proper agents. According to Paul Ricoeur, “imputability...is the ascription of action to its agent, under the condition of ethical and moral predicates which characterize the action as good, just, conforming to duty, done out of duty...”<sup>424</sup> And accountability is key to good governance.

Moreover, political leaders are supposed to lead their people towards a certain direction, to people’s desired destination. And like a hired taxi driver who has a duty to transport passengers from point A to point B (which involves risks along the way), consults his passengers before he begins the journey and takes full responsibility of their lives and desires towards their destination, similarly, a democratically elected leader in a representative system has a duty and full responsibility of leading the people to their (and not necessarily to his own) desired destination. He/she must lead them to where they want go. He/she must

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<sup>422</sup> Rawls, *A Theory of Justice*, 227.

<sup>423</sup> According to Paul Ricoeur, “responsibility implies that someone assumes the consequences of her actions, that is, holds certain events to come as delegates of herself, despite the fact that they have not been expressly foreseen and intended,” (see Paul Ricoeur, *Oneself as Another*, p. 294).

<sup>424</sup> Paul Ricoeur, *Oneself as Another*, 292.

consult them before he/she can decide and act on their behalf. Of course, this does not rule out the required essence of leadership; a leader must have a political vision. He/she must be able to set achievable political objectives (harmonized with the aspirations of the citizens) that can benefit the whole political community he/she leads. And this ought to make a leader realize that leadership is a special relationship with people he/she leads. Hence according to Michael Walzer, “the crucial qualification for exercising political power is not some special insight into human ends but some special relation to a particular set of human beings.”<sup>425</sup>

In fact, in Max Weber’s view, a politician should serve responsibly for an objective end. And so, a politician can serve for “national, humanitarian, social, ethical, cultural, worldly or religious ends.”<sup>426</sup> And this requires some form of faith and meaningful human conduct, that is, responsible behavior. If he/she does not do so, he/she fails (sins) in his/her political field, Weber concludes.

Therefore, political actions imply ethical responsibility. And this is where a relationship between politics and ethics exists. And how is this relationship (between the two) blended? According to Henry Sidgwick:

Ethics aims at determining what is to be done by individuals while politics aims at determining what the government of a state or political society ought to do and how it ought to be constituted—including under the latter head all questions as to the control over government that should be exercised by the governed.<sup>427</sup>

And so, viewed from this perspective, as Sidgwick rightly observes, it would seem that politics ought to be a branch of ethics because, actions of government are actions of individuals alone or as a group. They are human acts. And so such actions ought to be determined on ethical principles.

Sidgwick further describes an important connection between politics and ethics. For him, the connection arises in a sense that:

It is the business of government, by laying down and enforcing laws, to regulate the outward conduct of the governed, not in one department only, but in all their social relations, so far as such conduct is a proper subject for coercive rules. And not only ought this regulation to be in harmony with morality—for obviously people ought not to be compelled to do what they ought not to do—but further, to an important extent that the law of a man’s state will properly determine the details of his duty, even beyond the sphere of legal enforcement.<sup>428</sup>

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<sup>425</sup> Walzer, *Spheres of Justice*, 287.

<sup>426</sup> Gerth & Wright, *From Max Weber: Essay in Sociology*, 117.

<sup>427</sup> Sidgwick, *The Methods of Ethics*, 15.

<sup>428</sup> Sidgwick, *The Methods of Ethics*, 16.

This actually, implies that all members of a political community (both the governing and the governed) are bound to account for their public actions and decisions they make. Seemingly, therein, lies an avoidable relationship between ethics and politics.

Therefore, it can be said that political power is not just supposed to be possessed “by those who best know how to use it”<sup>429</sup> as Michael Walzer would want us to believe. But rather, in Max Weber’s view, that, political power has to be possessed and exercised by someone who has a “passion for politics”, one who is able to combine “an ethics of ultimate ends and an ethics of responsibility” is worth the ‘calling for politics.’<sup>430</sup>

Ethical practice of politics is what would seem to be what every political personality should strive for. And a political personality can be either a man or a woman. And this could be one of the reasons why Michael Walzer describes political power, that is, state power as “the means by which all the different pursuits, including that of power itself, are regulated — it is the crucial agency of distributive justice; it guards the boundaries within which every social good is distributed and deployed.”<sup>431</sup> Politics does not necessarily require gender specificity and selectivity. What matters is the leadership qualities one must possess to exercise political power at any level of society. And both men and women have similar capacities to possess such qualities and must be accorded an equal opportunity, and be at liberty, to make use of their potentials for the good of their political community. And if what Michael Walzer tells us about power is true, that, “power has to be exercised to be enjoyed,”<sup>432</sup> then, surely from the point of view of political justice and equality, both men and women ought to be given an equal opportunity to strive to enjoy this power (why not?). In fact, politics and leadership should be an expression of a desire to contribute to the well-being of society. And in order to contribute meaningfully to the well-being of a society, education is a necessity. It is instrumental in meaningful national development.

Now, for all this to happen, Zambia would require a reasonable and just constitution that guarantees meaningful political liberty to govern society.<sup>433</sup> And according to Rawls, “equal political liberty when assured its fair value is bound to have a profound effect on the

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<sup>429</sup> Walzer, *Spheres of Justice*, 285.

<sup>430</sup> Gerth & Wright, *From Max Weber; Essay in Sociology*, 127.

<sup>431</sup> Walzer, *Spheres of Justice*, 281.

<sup>432</sup> Walzer, *Spheres of Justice*, 285.

<sup>433</sup> At the time of writing this essay, the Zambia government is working on the New Constitution. It is at the stage of review. A select committee is working on it after which, a referendum must be done so as to acquire the views of the public before it can be brought to parliament for voting and then finally to the president to enact it into law.

moral quality of civic life. Citizens' relations to one another are given a secure basis in the manifest constitution of society."<sup>434</sup> And this is the moral value of the constitution.<sup>435</sup>

So, there is a lot to be done to raise the political culture of the Zambian people if democracy is to be seen as maturing. For it is a known fact that even if human beings have a natural desire for freedom, liberty, justice and equality, the practice of democracy must be learnt as people grow and relate with each other in society. And the value of politics in any society cannot be overemphasized. According to Michael Walzer, "politics is unavoidable; and politicians are unavoidable, too. Even if we don't talk with one another, someone must talk to all of us, not only supplying facts and figures but also defending positions."<sup>436</sup> And this is part of making democracy mature.

### **1.7 Conclusion.**

In this chapter, we attempted to sketch out some signposts we envision could help towards the application of the virtues of justice and equality not just in Tonga but, more so, in the Zambian society as whole. Hence, some ways in which justice and equality could be instilled in children, in households and also in the political arena have been presented. Indeed, we outlined how mass media could play a major role in the process of civic education that we envision would be required to motivate citizens (giving them information) to actively participate in the public life of their country. Finally, we indicated that there is a need for the Zambian government to enact just laws and policies that can enhance the development of the political virtues of justice and equality among its citizens.

As we indicated at the beginning of this chapter, we undertook to offer only pointers or signposts. For at the background of giving such signposts, we had in mind the constitution reform/review process that Zambia is going through at the time of writing this essay. Our hope is that the Zambian government would make a people's driven constitution that would cater for the full realization of basic human liberties and rights for citizens to develop their potentials and put them to good use, for personal and national development.

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<sup>434</sup> Rawls, *A Theory of Justice*, 233.

<sup>435</sup> Henry Sidgwick, observes "that many moralists who have maintained as practically valid the judgment of right and wrong which the Common Sense of mankind seems to intuitively to enunciate, have yet regarded General Happiness as an end to which the rules of morality are the best means, and have held that a knowledge of these rules was implanted by Nature or revealed by God for the attainment of this end" (see his book, *The Methods of Ethics*, 85).

<sup>436</sup> Walzer, *Spheres of Justice*, 306.

However, since in politics there are no guarantees in anything, there is no guarantee (or assurance) that what has been sketched above would be easily implemented. For we know that to achieve such an environment (described above) as a public human good,<sup>437</sup> there ought to be support with public money. And this can be a challenging task even though it is necessary and possible with time. Plainly put, it is a must for Zambia to have a just and people's driven constitution that would guarantee justice, equality and autonomy<sup>438</sup> of all citizens, at all levels of society. And for a constitution to become citizens' driven, the process requires involving them. They must take part in the constitution making process in some ways. And this could mostly be done through consultations and eventually by referendum. And when justice and equality would be realized, then, Zambia would possibly become a transformed society whose citizens would live full and happy lives<sup>439</sup> that we envision. And this is our hope. This is our dream. For, unless some conducive social conditions are available, citizens may not realize their desired ends. In fact, according to Henry Sidgwick, "it certainly seems more natural to men, at least in the main plan and ordering of their lives, to seek and consciously estimate the objective conditions and sources of happiness, rather than happiness itself."<sup>440</sup> This is why, a conducive environment is crucial towards achieving goals. "For women and men to enjoy liberty requires that they enjoy the conditions and opportunities to pursue self-chosen ends as well as social, political and religious obligations."<sup>441</sup>

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<sup>437</sup> Commenting on Aristotle's ethics, Alasdair MacIntyre remarks that , "in its central account of the virtues, of goods as the ends of human practices, of the human good as that end to which all other goods are ordered, and of the rules of justice required for a community of ordered practices, captures essential features not only of human practices within Greek city-states but of human practice as such," (see Alasdair MacIntyre, *A Short History of Ethics*, Routledge Classics, London and New York, 1966, xvii).

<sup>438</sup> According to David Held, "autonomy connotes the capacity of human beings to reason self-consciously, to be self-reflective and to be self-determining. It involves the ability to deliberate, judge, choose and act upon different possible courses of action in private as well as public life," (see David Held, *Models of Democracy*, p. 263).

<sup>439</sup> According to Henry Sidgwick, " whatever is to be will be better than what is, we all hope; but there seems to be no reason for summarily identifying 'what ought to be' with 'what certainly will be,' than for finding it in 'what commonly is' or 'what originally was' (see his book *The Methods of Ethics*, 83). A hope or a dream remains so until when it is realized. Hence the value of patience in the process of achieving desired goals.

<sup>440</sup> Sidgwick, *The Methods of Ethics*, 151.

<sup>441</sup> Held, *Models of Democracy*, 52.

## General Conclusion

In this essay we ventured to present what we understand as the basic concept of John Rawls' theory of justice. In his view, a well-ordered society must have some basic guidelines to govern the welfare of its members. And these are what he calls principles of justice. For him, justice as a fundamental virtue ought to have a special place in a society. In his theory, he aims at establishing a society that embraces the virtues of justice and equality for all its members. And this, in his view, is possible in a society ordered by a democratic constitution. A just constitution, according to him, guarantees liberties and rights to all members of a well-ordered society.

Justice and equality as ideal political virtues may not just be restricted to one particular society. They can possibly be extended or applicable to other societies as well. And it is from this perspective that we presented the Tonga society of Zambia, to which, as an attempt, the virtues of justice and equality could possibly be applicable. Indeed, in chapter two, we described some customary practices in which we identified some areas that lack the virtues of justice and equality. In this part, we also highlighted that the lack of these virtues in society is the major cause of oppression and subordination of one class of people, woman in particular. This led us to make an attempt towards application of these virtues which according to John Rawls, and we too, believe, are the core virtues on which to build a well-ordered society.

Our aim in this essay has been trying to propose a socio-cultural transformation from a traditional to a modern one. We envision a transformed society that would possibly embrace the virtues of justice and equality right from the family level up to the national level. In our view, this could be possible in a society that fully embraces human rights and liberties. Hence there is need for the creation of a reasonable and democratic constitution; a kind of a constitution that would (clearly stipulate) guarantee equal opportunities (without gender discrimination) for every individual person to develop his/her potentials so as to live a full and happy life. We believe that a just society can accord its members equal treatment, and this equality can at most, be guaranteed by a just constitution.<sup>442</sup> And the full development of

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<sup>442</sup> According to Henry Sidgwick, "justice (when regarded as essentially and always a virtue) lies in distributing Good impartially according to right rules," (See Henry Sidgwick, *The Methods of Ethics*, 393). And this is somewhat similar to what John Rawls implies in his two principles of justice; i.e., justice and equality as essential virtues for a well-ordered society (see John Rawls, *A Theory of Justice*, 60-61). Moreover, socially speaking, persons become equal by an established rule of law. And equality of persons before the law is fundamental to any just and democratic society.

individual potentials would in turn, help develop society at large. And this would possibly bring about national development that a political community requires. Thus, in the last part of this essay, we made some proposals towards a realization of our envisioned society; a society that treats every member as equal and just not only because the written law (constitution) says so, but also from the point of view of considering these virtues as vital in the ordinary daily practices of the family and society at large. In fact, we are hopeful that with time, change (or transformation though gradual) is possible because contacts between different cultures and traditions are (in various ways) in progress. No culture can remain static forever. Socio-cultural change is inevitable.

Social transformation requires the cooperation and active participation of every citizen. It is the duty of every citizen to contribute (in any way possible) to the required social change. Active participation in public life requires a citizens' development of a patriotic attitude and for this, some form of civic education is necessary. Citizens' involvement in the public affairs of the nation can make a difference. Building a well-ordered society requires a responsible participation of citizens in its public life. And public life implies civic duties and obligations. And this led us to an inevitable connection (relationship) between politics and ethics.

Finally, we noted that what we proposed (in chapter three) are only signposts that we are not sure they would be followed towards justice and equality realization or application, conscious that "the truth of a philosopher's premises will always be tested by the acceptability of his conclusions."<sup>443</sup> However, we sustain a hope that, with time (it can be centuries from now), the required socio-cultural change would be achieved, i.e., a society that embraces every member as worth human dignity, with an environment in which every member could realize his/her full potentials and make use of them for both personal and common good (well-being).

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<sup>443</sup> Sidgwick, *The Methods of Ethics*, 373.

## **Appendix 1: Abbreviations:**

Acts	Acts of the Apostles
Cf.	Confer
Co. Ltd	Company Limited
CSSp	Congregation of the Holy Spirit
Dr	Doctor
Ed	Editor(s)
E.g	For example
Etc	Et cetera
Ff	Following
I.e	That is
P	Page
Prof	Professor
No	Number
Rev	Reverend
SCAF	South-Central African Foundation
UK	United Kingdom
USA	United States of America
Vol	Volume

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### **Appendix 3: Interviews:**

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