Democracy's Subjections: Human Rights in Contexts of Scarcity

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Introduction

The relationship between democratization and human rights is often taken for granted, and the dominance of human rights as the discursive language of justice even more so. The reason for this can be traced back to the incomplete shift by postcolonial African states towards democratization beginning in the structural adjustment period of the late 1980s. This period was historically important for among other factors, the fact that it was underlined by an intensified demand for liberties. This opening up of political spaces was, however, also marked by the diminishing engagement with class analysis and an overall failure to link oppressive social relations that were emerging in the context of decolonization, such as homophobia, xenophobia and racism, to the silencing of class dynamics. As such, while the emphasis on recognition has been progressive in highlighting hitherto ignored forms of oppression, some observers have regretted the fact that it seems to have been coupled with an abandonment of concern for class politics, associated with the politics of distribution (Phillips 1999). The reconfiguring of human rights in the neoliberal turn thus signified the discontinuity between civil/political rights and economic justice and with this a significant drawback from popular democracy. The rights discourse is at present applied in justifying aggressive interventionist approaches of powerful countries at the same time as the assertion is made that guaranteeing rights to publics sets them on a developmental path, and paradoxically, that "freedom" can be experienced by publics so encumbered by economic lack and exclusion. Globally, protests of workers constrained by worsening economic and social conditions increasingly expose the brutality of states, through austerity measures, and through state-sanctioned violence perpetrated in the name of "maintaining law and order", "peace keeping" and "defense". It is similarly curious that a debate has been conducted in countries like South Africa on the possibility of a "democratic developmental state" without taking direct interest in issues of economic empowerment and equitable development, and this has much to do with a narrow human rights perspective that has prevailed in public discourse (Moyo/Yeros 2011). This trend is more clearly observable in "donor driven" countries such as the Democratic Republic of Congo, South Sudan, and Uganda, where interest is sharply focused on constitutionalism, rights and liberties while economic

demands of the populations stand neglected. The problematic nature of this trade-off is because of the way in which human rights mask particular interests and ideological motives when demanded or applied in real situations. Such interests mirror the neocolonial pacts through which African states were granted ostensible political freedom and autonomy which, however, maintained the oppressive economic status quo. As such, democratization as a postcolonial emancipatory project continues to generate more questions than it answers. Primarily what these questions reveal is an antagonistic relationship between the liberal democratic conception of human rights on the one hand, and social/redistributive justice as a fundamental aim of radical democracy on the other.

This paper is concerned with the processes of democratization as an emancipatory project in postcolonial liberal democracies in which the dynamics of power and constraints of liberalism often negate or undermine mechanisms for redistributive justice. Monopoly capitalism and questions of state sovereignty offer the lens through which the liberal human rights framework is critiqued. I argue that liberal notions of human rights applied in contexts of political, cultural and economic exclusion and lack actually *reproduce* human rights violations rather than resolve them. Drawing on Wendy Brown's (2010) critique of waning state sovereignty and Jacques Rancière's (2006) radical notion of the "democratic man", I argue that human rights function within liberal democratic regimes as instruments of exclusion of those subjects constructed as undesirable, through the implicit inclusion and "rewarding" of compliant/disciplined individuals. This strategy functions in two ways: firstly under the rubric of consumerism – the commodification or trading of rights through the market, which "walls out" those who are structurally unable to access the market place; and secondly, through the liberal notion of "universality" which obscures the multiple and intersecting nature of identities and desires to be found within the polity, rendering invisible the rights claims of those whose identities deviate from the norm.

A number of critical debates emerging out of these concerns begin from a critique of the liberal democratic state. For instance, viewing liberal democracy as more than a mere "form of government", Chantal Mouffe (2000) characterizes it as a regime with a specific form of organizing politically human coexistence which results from the articulation between two

different traditions: on one side, political liberalism (rule of law, separation of powers and individual rights) and, on the other side, the democratic tradition of popular sovereignty (2000: 18). What is at stake, she argues, is the legitimation of conflict and division, the emergence of individual liberty and the assertion of equal liberty for all (2000: 19). What we witness, however, is the negation of conflict and the undermining of difference within the liberal human rights framework that proceeds from a universalist and essentialist point of view. Where pluralism has been factored in, it has, in Mouffe's argument, been an "extreme" type that emphasizes heterogeneity and incommensurability and according to which pluralism – understood as valorization of all differences – should have no limits. Such a formulation ignores the limits imposed on the extension of the sphere of rights by the fact that some existing rights have been constructed by the very exclusion or subordination of others.[1]

Brown makes a similar point when she asserts that those concerned with emancipatory political practices confront a set of paradoxes, the central one being that the question of the liberatory or egalitarian force of rights is always historically and culturally circumscribed; rights have no inherent political semiotic, no innate capacity either to advance or impede radical democratic ideals. Yet rights necessarily operate in and as an ahistorical, acultural, and acontextual idiom (Brown 1995: 97). In other words, through the objectivist pursuit of a discourse of universality, rights undermine the postcolonial project that seeks to engage with particular legacies of colonialism, imperialism, and neocolonialism; the normative application of rights, lacking as it does in "historical and social specificity" can address itself to no more than a generalized account of the social realities present in different political and economic contexts.

A further critique relates to the functioning of human rights as one of many conditions inscribed upon states and heralding "freedom" in the post-Cold War era.[2] These conditions are coded as "choice", such that development and its opposite, underdevelopment, wealth instead of poverty,

[1] Despite its claim to be more democratic, Mouffe considers that such a perspective prevents us from recognizing how certain differences are constructed as relations of subordination and should therefore be challenged by a radical democratic politics (Mouffe 2000: 20).

[2] Neoliberal capitalism has imposed upon developing economies conditions upon which development and "freedom" could be measured. This democratization agenda included such measures as: structural adjustment programmes, privatization schemes, trade liberalization, and entrenchment of the human rights regime.

are conceptualized as preordained and self-evident categories and not what they ought to be viewed as – "particular ways of seeing and acting upon the world that reflect not only the conditions they describe but also the constellations of social, economic and political forces at the time of their emergence" (Abrahamsen, 2003: 202). Human rights, Patricia Williams (1991) has argued, impose an artificial barrier of progress/unprogress, righted/wronged, legitimate/illegitimate: they maintain illogical barriers between that which is to be hallowed and that which needs rescuing. Through coded conditions, the idea that states are ultimately responsible for their own stability is constructed, at the same time as the notion of state sovereignty is forcibly retrenched though a discourse of "autonomy". Yet if, as Brown (2010) has argued, sovereignty is no longer to be found in the nation state, but rather in political economy, then it becomes clear that the emergence of a liberal human rights regime ought to be viewed in relation, and as a response to the "crisis" of waning state sovereignty. This response is signified by hegemonic interference in states through (the imposition) of laws and the international human rights regime, which "sometimes openly aim to subvert or supersede the sovereignty of states" (Brown, 2010: 22). One of the subjective manifestations of this political interference is discrimination at the level at which various group identities are essentialised for the sake of maintaining a semblance of the "whole", what Heidegger termed a "reassuring world picture" (Heidegger cit. in Brown 2012: 118). Response to universalized oppression(s) through a liberal human rights framework thus becomes the new method of exercising power and monopoly which post-Westphalian states, increasingly compromised as Brown notes, by growing transnational flows of capital, people, ideas, goods, violence, political and religious fealty, can no longer exert (Ibid).[3]

Although manipulation of power remains central to the state project, what is just as apparent in the varying conceptualizations of power in postcolonial Africa is its highly dispersed nature, resonating with the fact, as noted by Rita Abrahamsen, that resistance to power is no longer to be found simply in "seizing" state power or the means of production (2003: 209). The

[3] Nation-state sovereignty has been undercut as well by neoliberal rationality, which recognises no sovereign apart from entrepreneurial decision makers (large and small), which displaces legal and political principles (especially liberal commitments to universal inclusion, equality, liberty, and the rule of law) with market criteria, and which demotes the political sovereign to managerial status. Nation-state sovereignty has also been eroded by the steady growth and importance of international economic and governance institutions such as the International Monetary Fund and World Trade Organization (Brown, 2010: 22).

multifariousness of power suggests that the task of understanding the particular ways in which human rights function – as the emerging signification and boundary of state sovereignty – must be discovered in the micro-foundations of the application of rights/power. Critical questions emerge out of such a framing. Achille Mbembe, in a discussion of his seminal work *On the Postcolony*, poses a set of foundational questions that seek to distinguish the object of power from the subjections which power produces. Under what practical conditions, he asks, is the right to kill, to allow to live or to expose to death exercised? Who is the subject of this right? What does the implementation of such a right tell us about the entity that is put to death and about the relation of enmity that sets it against its murderer? How can we account for the contemporary ways in which the political, under the guise of war, of resistance or of the fight against terror, makes the murder of the enemy its primary and absolute objective?[4] These questions point us to the reality that much of what is spoken in ostensibly objective, unmediated voices is in fact mired in hidden subjectivities and unexamined claims that make property of others beyond the self, all the while denying such connections (Williams, 1991: 11). If human rights, then, claim such objectivity, what does it include – who is constructed as deserving of rights and how does this construction proceed? Who/what is excluded or suffers? And how does this inclusion/exclusion binary render what is then considered as "reality"? In short, what casualties are produced out of the normative framing of human rights as it operates within the liberal democracy?

Drawing from these critical debates, this paper seeks to highlight the limitations of justice in contexts where alienation, physical and military violation and immiseration are observed despite ongoing democratization processes. The liberal human rights regime has pushed the boundaries beyond a fantasy that the state will protect, towards an even more intangible desire, for the global "protector". The antagonisms and tensions arising out of the ensuing struggle between the nation state and competing global sovereign powers, the reproduction of a human rights discourse as "knowledge", and the effect of such constructions on the democratization project form the core focus of analysis. The paper considers these questions in two different political contexts in Africa – Uganda and South Africa, providing examples which demonstrate that exploitation,

[4] Hoeller, Christian, *On Postcolony: Interview with Achille Mbembe*, http://missingimage.com/book/export/html/250676 (accessed on 06/10/2012)

immiseration, and cultural violation of marginalized groups is also the condition for capitalism's accommodation of human rights claims within these liberal democracies.

Human rights, scarcity and state repression in Uganda

Recent developments in Uganda reveal a country in which leaders have exacerbated the "legacy of colonialism" by fomenting further ethnic division and conflict; adopting an uncompromising approach to issues of national importance; marginalizing or seeking to marginalize whole areas and ethnic groups; adopting disastrous economic policies, and further weakening an already weak state apparatus. The consequences of such moves have been recurrent violence, economic decline and stagnation, and perennial political instability (Galooba-Mutemi, 2008: 2). From 1986-2006, the ruling National Resistance Movement (NRM) regime under President Yoweri Museveni undertook economic liberalization and political reconstruction following a long civil war. The NRM wanted to introduce a corporatist economic programme but had to liberalise to obtain donor support. Although the regime resisted many demands from the international donor community, in 1991 it accepted fiscal discipline (Brett, 2008: 348-351) and Museveni was hailed by the foreign press, diplomats and even some academics as a "new style" African leader to be emulated in his almost single-minded pursuit of economic development, fiscal discipline and the free market.[5]

Political spaces opened up after the NRM takeover, in part due to the fact that the NRM had yet to consolidate its hold over the country. But as it created and solidified its control over various institutions, it also began to tighten its grip on those political spaces. The relative stability in the country after NRM came to power, combined with Uganda's rapid economic growth at the time, initially won Museveni and his movement considerable support and many were willing to overlook the persistent constraints on democratization (Tripp 2000: 56). These positive changes were, however, associated with some disturbing developments that included an increasingly ruthless use of state power to keep the ruling elite in place; growing patronage-based corruption; the failure to resolve the long-running civil war in the North; intensification of North-South inequalities and hostilities; chronic aid dependence and weak state capacity (Brett 2008: 351).

[5] See for example Berkeley, 1994; Caplan, 1997; McKinley, 1998.

Liberalization in Uganda was only opposed by the tiny group of politicians, officials and others who had direct access to the rents available[6] through the state, and supported by the mass of the population who saw the state as a criminal conspiracy against the much of society.[7] Structural adjustment and the very generous aid that came with it generated widespread benefits and, therefore, consolidated the political legitimacy of the regime (Brett 2008: 359). However, the NRM's intolerance to opposition and moves towards a more repressive stance and exclusionary posture towards opponents in recent years threatens this legitimacy (Galooba-Mutebi 2008: 23). Riots over high commodity prices, routine harassment and imprisonment of opposition politicians and the militarization of society are all symptomatic of a state desperate to consolidate its waning authority.[8] The U.S. and the West turned a blind eye to the massive corruption, suppression of freedom of expression and the press, and that of dissidents, and continued to pour aid and donor funding into the country. In part this owes to the fact that Museveni has become a vocal supporter of the war on terrorism. Out of this, an important argument has been made that this massive influx of aid may actually have retarded democratic reforms because it made the government less dependent on popular support.[9]

Historically, foreign and national security affairs have been the policy areas most difficult to bring under (liberal) democratic control. "Reasons of state" generally persuade even those governments formed by parties ideologically opposed to these positions. The implication for state democracy is that the more important foreign policy and national security become in the life of the state, the less likely the state is to prove susceptible to democratic control (Dryzek 1996:

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[6] In part, this had been maintained through military provision of the coercive force needed to maintain regime security, and assurance by military leaders that competitive interest groups would not develop modes of behaviour that are detrimental to 'state' security. Activities of such groups are carefully monitored by military elites to ensure that none develops enough violence potential to capture the government. In return for helping maintain the regime, the military receives rents via a share of government expenditures (see Kimenyi/Mbaku 1995: 701).

[7] By 1973, the state had lost both its legitimacy and capacity to deliver services, and most services and economic activities had been effectively privatized and informalized.

[8] Earlier signs included far-reaching proposals on constitutional reform, through which Museveni recommended lifting the constitutional provision that stipulates that a president can stand for elections for only two terms. Rather than seeking an amendment that would allow a third term, Museveni recommended that term limits be removed altogether. Museveni's exit from the helm of Uganda's leadership is uncertain as he has now amended the constitution to allow himself to serve indefinitely (Oloka-Onyango 2004).

[9] Andrew Rice (2006), *Kampala Dispatch*. Available at http://www.tnr.com/article/kampala-dispatch# (accessed on 21/10/2012)

74). So while on the one hand Uganda's suppression of human rights and overall suspension of democratic practice conforms to realist international relations theories, on the other, the contradiction borne of its parallel accommodation of a conservative rights agenda led by America's evangelical movement defies any normative understanding of the democratic project there. This is due to the fact that although the state has sought to limit civil liberties through suppression of LGBTI rights, in doing so it appears to be fomenting a diverse queer discursive space in the country.[10] This confrontation and the fetishized elevation of a queer discourse to the status of a national debate ought to be read as a function of the disciplining power of U.S. and Western governments. The NRM government has maintained an ambivalent stance on the issue, at times apparently succumbing to intense international pressure to veto the controversial Anti-Homosexuality Bill,[11] and at other times endorsing the conservative backlash underpinned in localized discourses by the cultural-religious aggression towards "Western" values.

In short, Uganda's accommodation of the LGBTI rights discourse is not only deceptive but diversionary too. For what the country's history provides us with is a narrative of a postcolonial state whose sovereignty is under immense pressure externally from international financial institutional dependence and regional political instability, and internally from intensifying class struggles and political insecurity borne of ethnic minority marginalization, poverty and a highly militarized society that suppresses dissent. Its sovereignty is guaranteed externally by its

[10] Indeed as Sokari Ekine (2010) observes, the increased visibility of LGBTI activists has incited public discussions in the media, facilitated easier access to information and compelled people to think about the effect of exclusionary rights in their society. This sphere, I would propose is an emergent counterpublic, which has the potential to broaden the possibility of extending democracy and increase civil society participation in resistance to the dominant public sphere. See also Fenton/Downey (2003): Counter Public Spheres and Global Modernity. In: The Public, 10, p. 15.

[11] A campaign delivered half a million signatures to Museveni, various governments lobbied, the Germans said they would cut aid, and now the U.S. Congress has amended financial legislation (with bipartisan support) that would cut aid to countries deemed to be persecuting gay people. Introducing the legislation, Congressman Barney Frank highlighted Uganda and noted that the U.S. has a fairly influential voice in the development area. To quote U.S. Treasury Secretary Timothy Geithner "the treasury department will continue to instruct the US executive directors at each of the MDBs [multilateral development banks] to seek to channel MDB resources away from those countries whose governments engage in a pattern of gross violations of human rights" (Timothy F. Geithner 2011). The European parliament on its part passed a resolution in December "reminding" Africa that "the EU is responsible for more than half of development aid and remains Africa's most important trading partner" and that "in all actions conducted under the terms of various partnerships" that sexual orientation is a protected category of non-discrimination (Paul Canning 2011).

performative role as the regional political buffer,[12] thus the strong imperative to impose a democratic outlook upon Uganda: what Jacques Rancière has termed as the undertaking by America "to spread their democracy throughout the world with armed force" (2002: 3). Contrary to popular thinking, the issue of LGBTI rights is not a taboo subject in Uganda – there has been vibrant, if polemical, debate in media, parliament, civil society and in the general public domain. The conditions enabling this relatively greater discursive space around LGBTI rights in Uganda compared to other African countries ought to be understood as being part of the elite pact between wealthy capitalist states of the West and their elite counterparts in the global South. Brown's words in this regard ring true: that there are powers that possess discernible logics, but that lack political form or organization, let alone subjective and coordinated intentionality (2010: 24). Such powers inadvertently (re)produce themselves through discernible spaces of power like democracy, which is then subjected to its machinations. Uganda's incubation of a gay rights discursive space must be read in tandem with the objectives of the deeply rooted neocolonial links it retains with the U.S and the West.

What is lost is much more than a genuine space for laying rights claims by those individuals or groups disenfranchised by a greedy, corrupt, repressive and inequitable state. It is also the case that out of the artificial binary imposed by human rights between "legitimate" and "illegitimate" claims, those assumed as more deserving of protection – the "hungry masses" – are also the ones most penuriously injured by this falsehood. The deception being that homosexuality becomes the totality of *that* which ails society. The choice offered between one set of (morally corrupting) rights and another set of transcendental human rights is also the application of liberal "choice" as an instrument of capitalist domination (Brown 1995: 24). Marx in the *Communist Manifesto* bemoaned the fact that the bourgeoisie has, "in place of the numberless indefeasible chartered freedoms, set up that single unconscionable freedom – Free Trade" (Marx and Engels 1934: 12); and that the only equality it knows is commercial equality, based on brutal and shameless exploitation, on a fundamental inequality in relations between the service "providers" of work and the "clients" who buy their labor power. Contemporary sociological texts, Rancière points

[12] Successive wars in Uganda have been fundamentally wrapped up in cross-border alliances and these patterns continue to underpin on-going warfare inside Uganda, pitting government forces against the Lord's Resistance Army in the northern part of the country, as well as Uganda's involvement with military conflicts beyond its borders, especially in the Democratic Republic of Congo and Somalia (Galoobi-Mutebi 2008: 23).

out, replaces the "bourgeoisie" with another subject, "democratic man", from which point it becomes possible, he argues, to transform the reign of exploitation into the reign of equality, and to make democratic equality identical to the "equal exchange" of market services (2006: 19). The bourgeois classes, concerned only with profitability, create a "rights economy" that may be deemed as the commodification of rights. Within the liberal democratic state, rights enter into the realm of market services, alongside commodities, and the "democratic man" expresses the "equality" of the relations of exchange as the "equality" of human rights (ibid).

The conservative anti-homosexuality debate is the means through which the public is hailed into a nationalist discourse ostensibly to protect the state's and the people's sovereignty. Human rights in this sense have emerged as the barrier or filter through which an "us" versus "them" is constructed, and the "us" universalized to obliterate differences of class, ethnicity, sexuality, geography and gender, which differentially oppress the Ugandan public under the impoverishing current conditions of monopoly capitalism and militarization at work in the country.

Liberal constitutionalism, poverty and resistance in South Africa

This section deals with a further critique of human rights as it functions in antagonism to state and capital. South Africa is presently witnessing a "period of vibrant, explosive, but uncoordinated worker militancy" (Bond 2012) unprecedented in the country's post-apartheid history. Mass service delivery protests are traceable to the immediate post-apartheid turn, when the African National Congress (ANC) government committed itself to urban reconstruction and development, evidenced by two major macro-development strategies developed after 1994. These are the Reconstruction and Development Plan (RDP) and the Growth, Economic and Redistribution Strategy (GEAR).[13] The RDP was presented as a policy framework for integrated and coherent social economic progress, which sought to mobilize the people and the country's resources toward the final eradication of the legacies of apartheid. Its goal was "to build a democratic, non-racial and non-sexist future", and claimed to represent a vision for *the*

[13] The RDP is directed at addressing the social aspects of sustainable development by meeting the basic needs of people and encouraging people-driven processes. GEAR is the country's main economic strategy and an attempt to address issues of economic inequity, as well as the country's continued economic growth.

fundamental transformation of South Africa. Critics of the RDP White Paper (WP)[14] largely conferred upon it a reactionary status. Asgar Adelzadeh and Vishnu Padayachee, for instance, viewed it as representing "a very significant compromise to the neo-liberal, 'trickle down' economic policy preferences of the old regime" (1994: 2), and elsewhere it was argued that the framing of the RDP and the White Paper submerged crucial political issues (see Wolpe 1995L 91). GEAR, some scholars suggested, was much more than a shift to harsh neoliberalism, but more importantly also a redefinition of the National Democratic Revolution - NDR (Hart 2007). According to Gillian Hart, GEAR asserted "new technologies of rule", which among other things "made social support conditional on the correct attitudes and aspirations" (2007: 93,). The redefinition of the NDR embodies a powerful drive to contain popular mobilization. An initial manifesto of this broader state project was an ANC Discussion Document issued in 1996 which while not making explicit reference to the NDR, asserted the imperative for containing the instinct towards "economism" on the part of the ordinary workers in the following terms:

> "If the democratic movement allowed that the subjective approach to socio-economic development represented by 'economism' should overwhelm the scientific approach of the democratic movement towards such development, it could easily create the conditions for the possible counter-revolutionary defeat of the democratic revolution" (paragraph 6.11, in Hart 2007: 94,).

The implication was that the NDR's primary consideration would not be to address the "lived realities" of the people, but rather that the legitimacy of rights claims would be determined by the conditional parameters negotiated for the revolution. In the case of GEAR or RDP, the extent to which rights demands could be made were already constituted within their neoliberal limits. Or as Hart has argued, GEAR can be seen as part of a vanguardist project to exercise a new form of activism "defined in technocratic and hierarchical terms", and to assert the dominance of a transnationally-connected technocratic elite over mass mobilization and action (2007: 94). The point to note here is that mass actions and protests, where they have been tolerated in South Africa, have been delimited by the very foundational documents and policies that made their expression possible.

[14] See Republic of South Africa (1994): White Paper on Reconstruction and Development. Notice No. 1954 of 1994, p. 9

As Wolpe had predicted, by mid 2003, the ANC had began asserting itself as a developmental state and effecting a redefinition of the NDR in terms of a "First and Second Economy" (Hart 2007: 96). Hart (2006b) saw the First/Second Economy discourses as part of an effort to contain the challenges from oppositional movements that reached their peak by 2002 and render them subject to government intervention. What is significant about this discourse, she argued, is the way it defines a segment of society that is superfluous to the "modern" economy, and in need of paternal guidance: those falling within this category are citizens, but second class. As such they are deserving of a modicum of social security, *but on tightly disciplined and conditional terms*. Hart (2007) further argued that strategies to identify and treat a "backward" segment of society go a long way towards explaining the vehemence with which powerful figures in the ANC dismissed proposals for a modest Basic Income Grant (BIG).[15] The reason why the ANC government rejects the BIG, she suggests, is precisely because it is a universal grant – and therefore lacks points of leverage for instilling in its recipients the "correct" attitudes and aspirations (2007: 96). The post-apartheid state has, through its economic policies and a progressive constitution, unleashed desires among citizens – of rights claims and unbridled consumerism – which it has, through the same mechanisms sought to suppress, increasingly violently.

These narratives are reminiscent of Rancière's thesis which calls into question the notion of impassivity with regards to consumption of goods or service when he speaks of human rights as being the rights of egotistical individuals of bourgeois society (2006: 17). By this he suggests that the culture of protest and rights claims ought to be read as "impatience" on the part of the consumer who has been seduced by the seeming "limitless growth that is inherent to the logic of the capitalist economy: democracy as the reign of individuals always yearning to consume ever more" (2006: 20). The exchange between society and state, however, takes place on by far inequitable terms: for the liberal democrat, the condition upon which the citizen's wishes are

[15] The basic income grant (BIG) is seen as part of a 'comprehensive social security system', in explicit reference to

Section 7.26 of the welfare White Paper. The BIG was set at R100 per month to be provided on a universal, non-means tested basis. Monthly incomes higher than R3,000 would repay the BIG in the form of taxes, while incomes higher than R5,000 would repay twice the BIG in the form of a 'solidarity tax' (Barchiesi 2007: 568-9).

granted rests on the adherence of the citizen to the state's neoliberal (disciplining) agenda – of government within limits, of social regulation, and of economic austerity. What is at stake with this trade-off is the political and metaphysical element of human rights. What collectives enable with the depoliticization of human rights is the re-articulation of human rights in line with the aims of the very (political and economic) regimes which oppress and impoverish the communities. In the South African case Hart explains these as "the depoliticizing thrust of discourses of a Second Economy and the disciplinary practices that accompany them" (2007: 96). The paradoxical nature of rights claims in the liberal democracy is that the apparent "freedom" that citizens exercise in claiming their rights leads them deeper into an existential *unfreedom.* Political subjects come to expect new things from democracy, which is newly understood as the guarantor of the promises of rugged individualism, mass consumption, and privatization. No longer the guarantor of civic rights, democracy is equated to consumer freedom, allowing "freedom of choice" and "freedom of expression" in and through the marketplace. Democracy is thus newly expected to guarantee open markets and it is in and through open markets that citizens expect what was previously guaranteed by the state (McLaren & Farahmandpur 2005: 100). Identities once defined by work and civic responsibility come to be structured under the organizing principle of consumerism. It is thus as consumers that individuals participate and find meaning in democracy. Those, like migrant labourers, non-unionised workers, ethnic minorities, and other marginalized individuals and groups become disenfranchised by an increasingly consumer driven society, which they can no longer participate in. As a result, the gap between their subjectivities and democracy's services continue to grow (Nielsen 2007). The stories of mass protest and wildcat strikes in South Africa are also stories of the state's irresponsiveness to the basic demands of individuals driven ever further away from the state by the punishing demands of consumerism. The state's response has, not unexpectedly, been antagonistic, as these individuals are recognised less as deserving citizens and more as intrusive/disruptive elements in the liberal democratic pact. In South Africa the "slow death" of the democratic citizen has been years in the making, as intensified economic competition entrenched through the explicit alignment of capital with state interests narrows the scope for radicalization of the democracy.

Conclusion

Despite the ambivalent relation of the postcolony to the legacies of the Enlightenment it was hoped that decolonization would foster democracies where citizens could enjoy freedom in all aspects of life. Its failure, however, has produced a world in which the needs of consumers are increasingly constructed around hyper-individualism, instant gratification, moral decay, and hedonism, and with this, the entrenchment of a capitalist culture of contradictions. In the case studies South Africa and Uganda, this paper has posited these contradictions as the antithesis of freedom and of universal human rights. As a "walling" mechanism, human rights have morphed into exclusionary instruments that account for some and exclude others, through its discursive practices and disciplinary regimes. In addition, there is a paradox inherent in the expectation that the postcolonial bourgeois state, on the one hand the guarantor of equal citizenship rights, and on the other, the mediator of capital, can constitute the locus for radical democratization. For those whose cultural and traditional modes of production and reproduction do not fit with the logic of capitalist expansion, "development" means dispossession and exclusion. The process of decolonization is as much about exposing the processes through which such dispossession continues to take place at present, as it is about restoring the dignity and human rights of every human being regardless of their individual subjugations. Civil society actors, as a counter-public, have a revolutionary role to play in this regard that is as much discursive as it is empirical. It lies in the possibility of organizing resistance around difference, not as something that need necessarily be reconciled, but as a means through which "perceived unity and homogeneity are replaced by dialogues which give recognition to the specific positioning of those who participate in them as well as to the unfinished knowledge that each such situated positioning can offer" (Yuval-Davis, 1997: 131). Postcolonial critiques have exposed difference as one of the key questions of decolonization, a question which liberal democratic texts have dismally failed to account for. This annihilation of difference is reminiscent of Hannah Arendt's construction of human rights as they function in liberal democratic regimes, as mere illusion: the illusory rights of a humanity that has been chased away from its homes and country, and away from citizenship altogether, by tyrannical regimes. Despite the pessimism that abounds, one ought to find recourse in Rancière's poignant urging, that those that care about democracy's promise must continue to dig deeper (2006: 97).

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