THE POLITICS OF SOCIAL PROTECTION IN AFRICA: WHAT DO WE GET FROM A ‘SOCIAL CONTRACT’ APPROACH?

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ABSTRACT
There have been growing calls to reframe the politics of poverty reduction, and of social protection in particular, in terms of extending the “social contract” to the poorest groups. For proponents, a social contract perspective offers both an analytical purchase on how the politics of social protection is played out in practice and also a normative standpoint from which social protection can be promoted. Analytically, a social contract perspective locates the extension of social protection within the changing character of state-society relations over time, particularly in terms of extending the “social contract” to vulnerable citizens via their inclusion in social protection programmes. In its normative guise, a social contract perspective re-locates social protection as part of a wider move towards social justice that is based upon a politics of rights, rather than patronage, but which often involves recipients performing certain duties in return. Given that such claims remain largely vague and untested, this paper critically explores the character and the potential of a social contract approach to social protection, before exploring the implications for international development agencies seeking to promote social protection in Africa. Three main (tentative) conclusions flow from this initial review. First, it seems clear that a social contract approach can offer significant insights into the politics of social protection, particularly in terms of state-society relations. Second, there are at least two different philosophical traditions within social contract thinking, the liberal and social, with different types of social protection agenda flowing from each. Third, donor agencies are more likely to undermine, rather than strengthen, social contracts for social protection in particular contexts. To help ameliorate this tendency, donors need to become more politically attuned to specific contexts and to rethink their approach to issues of “ownership” and “sovereignty”.

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1. The rise of social contract talk and the politics of social protection

“...acquiring a better understanding of...the factors and processes that produce a social contract between state and society is critical for all forms of international assistance.” (OECD 2008: 2)

“...the best way to eradicate chronic poverty is through the creation and maintenance of a just social compact. This exists when political and social institutions are arranged to ensure a distribution of public goods and services that contributes to fairness in society.” (CPRC 2008: 13)

“The establishment of permanent social assistance ultimately requires the development of a politically sustainable contract...” (Graham 2002: 1)

The notion that “social contracts” are important for development has become an increasingly popular theme amongst development agencies and some development academics over the past few years. The term has long since left the confines of academia for the political arena, where it has been frequently invoked to refer to live issues, problems and proposed solutions (Lessnoff, 1990). As suggested by the opening citations above, social contract thinking has been increasingly drawn upon within international development to help explain the politics of development across a range of difference contexts, political processes and policy areas. For the EU, state fragility occurs when “the social contract is broken due to the state incapacity or unwillingness to deal with its basic functions”, including poverty reduction and service delivery (EU 2009: 17), and others have also used the concept to undertake conflict analysis and advocate for particular approaches to post-conflict recovery (Addison and Murshed, 2001). The language of “social contracts” has been employed to explain the politics of taxation by the OECD and others (for example, Moore, 2008), of growth (Haggard et al., 2008), of well-being (McGregor 2007), and it has a resonance with global commitments to poverty reduction, as with the Millennium Development Goals which has been framed in contractual terms as “the world’s biggest promise” (Hulme, 2010).

It has been particularly popular amongst those examining the politics of social protection, including in relation to Latin America (for example, Graham, 2002), South East Asia (Birdsall and Haggard, 2002, Haggard and Kauffman, 2004), India (de Waal, 2000) and sub-Saharan Africa (de Waal, 1996, 1997, Hickey, 2008, 2009).

The rise of social contract talk seems to derive both from a set of normative/ideological concerns within international development and an increased awareness of the importance of politics in shaping development policies outcomes. So, although there is now widespread acceptance within development circles that politics matters for social protection, and a growing amount of research into the specific ways in which politics and social protection are linked in developing countries, there remain significant conceptual and empirical gaps in our understanding. There is little clarity with regards to which forms of politics matter most, how they relate to each other or regarding which forms of political analysis are most useful for capturing these. There is also a strong sense that international development agencies remain poorly attuned to the politics of social protection and wedded to ideological, rather than evidence-based, approaches (Hickey 2009). Part of the appeal of a “social contract” approach, then, is both its ideological attractiveness and the promise that it can offer a unifying approach to a number of popular concerns around the politics of development, including issues of state accountability and legitimacy, popular mobilisation and claim-making, issues of

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2 For example, the term “social contract” was used in 1970s Britain to refer to the particularly close relationships between labour unions and the then Labour administration, whereby such relations were seen as underpinning a contract around the promise of full employment.

3 Another example here is the International Health Partnerships Plus which, signed in 2007 between seven countries, 18 bilateral and multilateral aid agencies and the Bill and Melinda Gates Foundation, was termed the “Global Compact”.
inclusion and exclusion, and of political commitment and the political sustainability of development interventions. Current approaches to explaining the politics of social protection tend to rely on political economy-type explanations (for example, Gelbach and Pritchett 1997, Graham 2002, Pritchett 2005) that tend to be methodologically problematical and limited in scope, and which offer only limited insights into what recent research suggests is the most critical political dynamic that shapes development processes and outcomes, namely, the character of state-society relations. Part of the promise of a social contract approach, then, is that it seems to offer one route towards a clearer understanding of the types of state-society relations that matter in terms of securing more pro-poor forms of politics and public policy.

The aim of this paper is to give critical consideration to the claims made on behalf of a social contract approach to the politics of social protection, and to start working through the implications of this approach. The next part of the paper introduces social contract theory and its growing deployment within international development. This has occurred in two main ways: through the "process", or "historical", approach, which argues that the development of social protection in Africa can be most clearly understood as part of the extension of a social contract to previously excluded groups; and via the "normative" or "advocacy" approach, which argues that social protection should be promoted from a contractual perspective. Section Three examines the first of these by assessing the extent to which the politics of social protection in different parts of Africa can be usefully thought about in terms of the extension of the social contract. Section Four examines how the normative approach tends to operate according to two broad tendencies, liberal and social, each with very different implications for the types of social protection that might emerge. Section Five considers some criticisms of the social contract approach, before Section Six explores the implications of adopting a social contract perspective for development agencies seeking to promoting social protection in Africa. The Conclusion suggests that, while there are distinctive benefits to approaching the politics of social protection from a social contract perspective, there are also dangers and difficult decisions to make here, with regard to the very different ideological approaches to social contract thinking that are available. For development agencies, adopting a social contract perspective would involve significant shifts in current practice.

2. Social contract theory and the politics of social protection: making the links

Social contract theory: from politics to policy

The original focus of social contract theory, as it emerged in European political thought in the Seventeenth and Eighteenth centuries, was focused on questions of political authority and legitimacy, rather than on more specific issues of public policy. Pioneer philosophers – such as Hobbes, Locke and Rousseau – deployed varying forms of social contract theory to help explain the legitimating grounds of political authority, whereby "the obligations of rulers and subjects (and the limits thereof)" are based "on a premised contract or contracts relating to these matters" (Lessnoff 1990: 3). In the context of modern state formation, involving intra-élite struggles over broad issues of political rule, property rights and appropriation of revenue, new explanations were required for why "free men" or "citizens" should submit to the centralised forms of political and

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4 For a fuller critique of these approaches, see Hickey (2008).
5 For example, this finding was central to the work of Peter Evans (1995) on the "embedded autonomy" of developmental states and also emerged as the key finding of an ongoing five-year research programme into the politics of development, which recently concluded that: "...the causes of and solutions to poor governance lie principally in patterns of state-society relations. Progress in creating effective, accountable public authority comes from bargaining among social groups and between social groups and the state. This can produce exclusive benefits for a privileged few, and low levels of public goods. But it can also lead to a broader range of public goods and more inclusive benefits." (IDS 2010: 12).
bureaucratic authority that were emerging. Under the social contract approach, it was held that:

“Subjection to political authority...is legitimate if and only if it actually results from the exercise of a man's equal natural freedom.” (Lessnoff 1990: 3)

Going further, social contract thinking seeks not only to establish the legitimate grounds for political authority but also the legitimating basis for citizens living together, such that:

“By the social contract we refer to the set of mutual rights and obligations binding citizens with their polity.” (Flanagan 1999: 135)

This comes to form a “bargain”, whereby:

“one will enjoy the rights and reap the benefits of the social order if s/he lives by its rules and fulfils the responsibilities of membership.” (Flanagan 1999: 135)

Social contract thinking thus offers a basis for understanding the wider purpose and rationale for social life.

The influence of social contract theory in shaping contemporary debates over the organisation of politics and society has waxed and waned since this critical juncture (see Section Four below). In relation to current debates within international development, the most significant shift within social contract thinking took place during the 1970s. In his seminal work, a Theory of Justice, John Rawls (1972) extends social contract theory to include the legitimacy of all social and political institutions. Rawls argued that people would not agree to subject themselves to political authority unless certain conditions were in place to ensure their basic freedom and equality. Political legitimacy was now to be underpinned not simply by the fact of a (hypothetical) agreement between rulers and ruled, but by the particular content of that agreement. Given the opportunity to do so, Rawls posits, people would contract with each other to establish governing institutions which would ensure this. He proposes an idea of fairness that links the demands of justice to a more general mode of reasoning that citizens would engage in when forging the social contract. The idea here is that if a set of people were charged with re-defining the principles of a good society, without knowing in advance what their socio-economic and political status would be within it, they would be likely to ensure that minimal standards of freedom and livelihood are guaranteed for all as a means of protecting themselves and their fellow citizens from subordination and destitution. The links to current debates on social protection – most notably ideas around basic income grants and a "social floor" – are clear.

Different philosophical approaches to contractualism

Although discussions within international development tend to treat social contract theory as a single, undifferentiated approach, the political theory literature tends to distinguish between two main strands of social contract thinking. The first approach traces its journey from Rousseau to Rawls and tends to view social contracts in terms of the rights and obligations of individuals against political authority and each other. Following Freeman (2007), we term this as the social or right-based approach to contractarianism. The second liberal or interest-based approach flows from the ideas of English philosopher Thomas Hobbes through the new political economy of the Nineteenth century and onto more contemporary thinkers such as von Hayek, Gauthier and Buchanan. As discussed in Section Four below, the comparative fortunes of each

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6 For Freeman (2007: 18, footnote 2) this includes but is not the same as an approach founded on the human rights of individuals. Here, “right” refers to “Rawls’s sense of principles of right”, which “works from an ideal based notion of persons and society”. According to Rawls, “Rights, duties and goals are but elements of such idealized conceptions”.
The differences between the two approaches can be seen across a number of dimensions, from their respective views of the individual to their positions on what should constitute the basis for a project of social justice, as mapped out in Table One. Although “Both take the idea of reciprocity – the idea that social cooperation should be to mutual advantage – as fundamental”, they differ “in their characterization of this basic idea” (Freeman 2007: 18). For example, the interest-based approach, or what others call “Rational choice contractarianism”, holds that “in the context of a social contract, rational agents are presumed to maximize their advantage or self-interest,” (Black 2001: 116) Under the social or right-based approach, “people are presumed to be motivated by a concern for treating people fairly” (Black 2001: 117). Here, and “in contrast to Hobbesian views, social relations are not defined as a rational compromise among conflicting interests”. (Freeman 2007: 19) Instead, right-based theorists “reject the Hobbesian approach to moral inquiry from the point of view of isolated individuals abstracted from social relationships” (ibid., 2007: 20). From this social contract perspective, “our moral value is rooted instead in our capacity to live with each other on terms of mutual respect, as the social contract tradition maintains... our ultimate aim in acting morally is to bring about social relations on these terms”. (De Marneffe 2001:13)

This links to the most significant difference between these approaches for our purposes here, namely, the different versions of social justice that are prioritised within each approach. As Yeatman (1998: 228, cited in Ramia 2002: 57) notes:

“While there are historical ties between the social and liberal versions of contractualism, there are also serious tensions between them, not least with regard to the relative emphasis in social contractualism on the equality of individualized persons, as distinct from liberal contractualism’s emphasis on the freedom of those who already have the capacities to forcefully present themselves as individuals.”

Finally, it is important to note that interest-based approaches are generally more inclined to see contracts as denoting actual legal contracts. For Rawls, and others arguing from a right-based approach, contracts are not necessarily referred to in a legal sense, but in terms of a binding agreement or exchange of promises. (Lessnoff 1990: 4)

However, and as important as this binary divide is within social contract approach in both theory and practice (see Section Four), it also obscures important philosophical differences within each approach, particularly the right-based or social approach. For example, while Freeman places Lockeian and Rawlsian approaches in the same camp, it is argued here that Locke’s emphasis on protecting existing forms of property rights has more in common with a Nozickian (liberal) approach to justice than a Rawlsian one. As (Gauthier 1977: 124) notes:

“Locke supposes that a certain group of men, namely landed proprietors, those who have successfully appropriated or inherited real property or estate, contract together for mutual protection and well-being.”

In allowing for and, perhaps, celebrating the (legalised) entrenchment of privilege amongst élite groups, this conservative and “merit-based” approach to justice contrasts sharply with both Rousseau’s and Rawls’ approach. For Rousseau, early social contract thinkers such as Hobbes and Locke were guilty of using the moralising language of “contracts” to assist élites effectively in duping ordinary citizens into surrendering their liberties and institutionalising inequality. Rawls, meanwhile, would encourage an

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7 See Broach (1998) view on the (inherent) morality of agreements that are reached between consenting parties.
8 Although North et al., (2009) argue that such élite-level agreements (for example, around property rights) form a critical step on a longer path towards “open” and well-developed
overhaul of current institutional arrangements to ensure higher levels of equality, including re-distributive measures upon the basis of need. As such, it makes sense to separate these two strands of the right-based or social approach here. One way of characterising this internal difference is to define the Lockean approach as being primarily concerned with defending “negative” (or actually existing) rights whereas the Rousseauan/Rawlsian approach is primarily concerned with promoting more “positive” rights, i.e., those that a theory of social justice based on fairness would suggest should exist. These and other key differences between the three approaches are elaborated in Table One below.

Table One: Different views of the social contract

<table>
<thead>
<tr>
<th></th>
<th>Liberal/Interest-based</th>
<th>Social/Right-based (negative)</th>
<th>Social/Right-based (positive)</th>
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<tbody>
<tr>
<td>Key proponents</td>
<td>Hobbes, Hayek, Nozick</td>
<td>Locke</td>
<td>Rousseau, Kant Haggard</td>
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<td></td>
<td>Gauthier, Buchanan</td>
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<td>Rawls Scanlon</td>
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<tr>
<td>Overarching goal</td>
<td>Protection; maintenance of order</td>
<td>Protecting existing property rights</td>
<td>Promoting justice</td>
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<td>of the social</td>
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<td>contract</td>
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<td>Vision of individual</td>
<td>Rational actor; motivated by subjective ends. Individual as isolated from others</td>
<td>Rights-bearing citizen</td>
<td>Impartial actor; motivated by impersonal aims Individual in relation to others</td>
</tr>
<tr>
<td>Vision of society</td>
<td>Individualistic Merit-based notion of justice</td>
<td>Individualistic</td>
<td>Commonwealth Equality-based social justice</td>
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<tr>
<td>Basis for social</td>
<td>Utilitarian</td>
<td>Mutual respect</td>
<td>Mutual respect</td>
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<td>relations</td>
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<tr>
<td>View of political</td>
<td>Political arrangements for mutual advantage (although on ethical/moral grounds under a right-based approach)</td>
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<td>arrangements</td>
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Different applications of social contract thinking in development

A different type of distinction has emerged in terms of the deployment of social contract theory within international development, whereby it is possible to identify two distinct, albeit related, approaches. The first is the *historical or process-based* approach, which involves linking the emergence and continuity of certain development interventions directly to particular types of social contracts that either exist or are being formed between states and particular groups or types of citizens. In terms of social protection, this can mean either that social protection interventions flow from and reflect particular

societies, I am more sympathetic to the argument that such prior agreements often make it very difficult for popular groups to gain access to public goods on equal terms at later points in time (for example, Holston, 2008).

Following Berlin, “negative” rights refer to the rights of people to be protected from overt sources of harm (e.g. security), whereas “positive” rights refer to those broader set of goods and capacities that people require to flourish as human beings in a fuller sense.

By some readings, it would be more accurate to position Rawls in the middle column of this table, as by the standards of his time he was certainly more of a liberal than a social democrat. However, his current location in the table is perhaps more accurate given the contemporary character of the ideological spectrum.

This approach follows the famous edict that “government would not be necessary if all men were angels” (James Madison).

Hill (1995) defends an alternative contract view which places a lower burden on individuals as inherently or purely altruistic agents. Here, an agreement reached by persons who are partial to their own interests, but willing to consider impartially the claims of others.
types of social contract, and/or that such interventions help produce and re-produce particular types of social contract. The second is the normative or policy-oriented approach, whereby proponents argue in favour of taking a contractual approach to the establishment and undertaking of development initiatives, as where recipients of welfare are expected to adopt certain types of behaviour in return. We examine each approach below, briefly here and in more depth in Sections Three and Four respectively.

What links social protection and social contracts in practice? Claims from the historical/process-based approach

In terms of the historical or process-based approach, and with particular regard to the ways in which social protection initiatives flow from broader forms of social contract, the ground-breaking move was made by Alex de Waal in his research into food security in India and sub-Saharan Africa (1996, 2000). De Waal argues that the politics of protecting citizens from food insecurity and famine can be most accurately thought about in terms of the types of social contract that exist between states and citizens. Arguing against Amartya Sen’s famous claim that liberal democracy has been responsible for the absence of famine in India since independence, de Waal shows that this contract emerged upon the basis of mass mobilisation, whereby the nationalist leaders of Congress struck a deal with the “masses” on the issue of famine (de Waal 2000: 14). Preventing famine thus formed a key plank within the anti-colonial nationalist movement and of the post-colonial political settlement. This contract was maintained through the institutionalisation of early warning systems, a high level of technical understanding concerning the analysis of famines and policy responses across sectors, and an educated public aware of their rights on this issue and willing to make demands accordingly. For de Waal, social contracts also rest, in part, on the active demands of citizens who mobilise and make claims against duty-bearing institutions. The extension of social contracts can, therefore, be cast in terms of long-term processes of citizenship formation, as represented by the extension of basic services and social protection to previously marginal groups. The extent to which governments see their people as “deserving” of the benefits of social protection-type policies is closely related to the extent to which they perceive them to be citizens or not. Underlining the analytical (as opposed to normative) character of this tendency, others have used social contract theory to explain the absence, rather than the presence, of social protection, as with Haggard and Birdsall’s (2002, 2005) analysis of the fallout of the East Asia crisis, and also the exclusion of certain categories of citizens from certain social protection initiatives (see Section Three below).

Interestingly, a social contract approach has recently been used by Michael Walton (2010) to explain the underlying drivers of development in relation to capitalism and the role of the state. In a background paper for the UNDP Human Development Report 2010, Walton argues that developmental states emerge when contingent political pressures support a political equilibrium that leads to governing elites prioritising pro-poor forms of growth and service delivery. As such, the notion of a social contract helps reveal not only the internal politics of social protection, but also the broader politics of development within which this is located, with particular reference to the overall strategy for economic growth and development. This raises the broader question, which concerns the political work that social protection might perform in helping to produce and

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13 The rest of this paragraph draws on a review of de Waal’s work presented in Hickey (2008, 2009).
14 In examining four components of the social contract in East Asian countries affected by the crisis, namely, social insurance, labour relations, educational spending and decentralisation, Haggard and Birdsall (2002) show how the crisis exposed the deficiencies in having an implicit (rather than explicit) social contract around social protection, which affected not just those below the poverty line, but also those who were vulnerable to the dramatic change in the markets.
reproduce certain types of social contract. This is not a new concern; as Himmelfarb notes in her history of poverty in England (1984: 526), some saw the original Poor Law as part of the “social contract” established at the time of the Reformation, and attacked the New Poor Law of the 1830s as “a violation of that sacred undertaking”, presumably for the way in which it sought to divide between the “deserving” and “undeserving” poor. This re-enforces the sense in which the process-based approach to social contract thinking can be employed not only to help explain the legitimacy of political authority with particular reference to establishing the institutional conditions for promoting social justice, but also as an analytical means of examining the social relations that shape both the capacity and the commitment of states to deliver poverty reduction. Section Three works through some examples of how this process-based or historical approach might help generate important insights into the politics of social protection in Africa.

It is important to note that some early social contract philosophers (for example, the Scottish Enlightenment thinker David Hume) would not accept the use of social contract theory in such a literal and historical manner. Such thinkers saw the idea of the social contract as a necessary fiction for the purpose of securing political legitimacy, rather than something that actually emerged as an empirical event or process, and would argue that to suggest otherwise was to gloss over the realpolitik of state formation which generally involved higher levels of coercion than contractualism. The historical/process-based approach seeks to escape this type of critique by being more analytical than normative, and examining the ways in which certain types of social contract exclude, rather than include, marginal groups (for example, the case of drought relief in Botswana below). However, in making this move, it might be that proponents of the historical/process-based approach to social contract thinking are effectively eschewing the very raison d’être of social contract theory which originates within the moral realm of political philosophy, rather than the more worldly realm of political analysis. As such, the language of “pacts” or “political settlements” may provide equally insightful (and less loaded) concepts through which to examine the types of real life state-society relations that shape developmental dispositions and outcomes.

Promoting contractual forms of social protection: the normative/operational approach

The normative tendency involves advocating for a contractual approach to social protection (and public policy more broadly). This means promoting a specifically contractual approach to social protection interventions themselves (as in the case of conditional cash transfers) and/or efforts to locate social protection within more binding sets of relationships and agreements as a means of ensuring their political sustainability. Such moves are strongly influenced by the striking rise of contractarianism in many spheres of social life in some developed countries over the past three decades, such that “Over the past twenty or so years, the Anglophone liberal democracies have witnessed the revival of contractualist doctrines of governance”. (Yeatman 1998: 227) This has been particularly prominent in the arena of state welfare, whereby:

“beneficiaries are required to make an economic (and moral) contribution to society in return for their state-provided benefits, typically through involvement in (most often mandatory) training and labour market programmes.” (Ramia 2002: 53)

This resonates with contemporary social protection debates in international development, particularly in terms of the popularity of conditional cash transfers. As the World Bank has noted with reference to the Bolsa Familia programme in Brazil:

15 Here, contractual notions “now increasingly underpin the employee-employer relation, some aspects of race relations, and relations between politicians and bureaucrats, spouses, children and parents, educational institutions and students, as well as between the state and beneficiaries of a host of public services”. (Ramia 2002: 53).
“Conditional cash transfers provide money directly to poor families via a "social contract" with the beneficiaries – for example, sending children to school regularly or bringing them to health centers.” (Rawlings and Rubio 2005).

Social protection here is an exchange, whereby cash is transferred to recipients in return for their fulfilling particular modes of developmental citizenship. The implications of different normative positions on social contracts and social protection are explored in Section Four.

3. The politics of social contracts and social protection in Africa: exploring the historical approach

In critically evaluating the relevance of employing a social contract approach to the politics of social protection in Africa, the first question that arises is whether a social contract approach can be applied in the African context? Having discussed ways of potentially overcoming this challenge, this section then examines the extent to which a social contract approach offers useful insights into the forms of state-society relationships that appear to have underpinned social protection interventions on the continent. The section closes with a note on the role that social protection itself might play in maintaining certain forms of social contract (or “settlements”) around broader development strategies.

Developmental social contracts in post-colonial sub-Saharan Africa

Given that the roots of state authority in sub-Saharan Africa lie in the impositions of colonial rule, the region would seem to be ill-suited to a form of political theory that seeks to cast the legitimacy of state rule within the politics of moral reciprocity. Under colonial rule, the terms of any “social contract” were grossly skewed by the origins and character of governmental power, which involved the imposition of violent and exclusionary forms of political authority, as post-colonial scholars and many others have observed. To re-frame this in terms of an ethical contract between rulers and ruled would be grossly misleading. Indeed, the tendency for colonial powers to establish often violent and extractive forms of rule through the institutions of chieftancy effectively instrumentalised and hollowed out any vestiges of morality from existing forms of political authority (for example, Kelsall 2008, Chabal 2009).

However, independence raised the possibility of political rule being re-established on a contractual basis. Although certain important aspects of political authority remained largely unchanged, many nationalist movements and newly independent regimes premised their new-found power on a promise of development (Cooper, 1997). Nationalistic struggles were often underpinned by commitments to extend the benefits of citizenship from the minority beneficiaries (for example white settlers) to the wider population. Such promises included free access to education, health and other services, with development as the legitimating call of nation-building élites in Africa. Such “developmental social contracts” reflect the Rawlsian strand of contractualism, which focuses on a broader range of political institutions, rather than political authority per se. This can be traced both at the broad level of states taking responsibility for economic and social forms of development, and in terms of the more specific politics of social protection. For example, Alex de Waal (1997, 2000) frames the politics of food security in sub-Saharan Africa (as well as in India) in terms of the type of social contract that was forged between governments in countries such as Sudan, Ethiopia and Somalia. De Waal notes that all were committed to a broad notion of social welfare, which was further driven by political parties with revolutionary fervour in the latter two countries (de Waal 1997: 35). Such contracts were not ideal and all contained important elements of exclusion; for example, many were drawn mainly with urban citizens in mind, rather than rural subjects (see Mamdani 1996). More explicitly, de Waal (1997, 2000) explains
the absence of a government response to famine in certain areas of Sudan to the fact that the government considered the inhabitants of the people in those areas as non-citizens with whom they had no social contract. This mixture, whereby social contracts offer both a progressive and also an exclusionary politics of social protection can be identified in countries where more recent national programmes of social protection have taken hold, most notably in southern Africa (Niño-Zarazúa et al., 2010). Below, we use the notion of a social contract to reveal the underlying politics of social protection in South Africa and Botswana, and the differences between them, with a particular focus on pensions.

How social protection has emerged from and reflects social contracts in Africa

South Africa was the first country in Africa to institute a state pension, in 1928. The Act entitled all “white” and “coloured” residents of South Africa, aged 65 years and older, to receive a pension, subject to an income-based means test. The ratio of white to coloured pensions was then set at approximately 2:1, with black South Africans excluded until 1944 when black pensioners were offered a transfer with a value much lower than that received by white and coloured nationals. By 1947, 197,000 black South Africans were claiming the pension. Following the accession to power of the ANC, the Old Age Grant underwent a radical re-design in a bid to ensure equality of service to all South Africans, and also as part of a wider re-structuring of the state bureaucracy. Today, there are 2.1 million beneficiaries from the old-age grant, which is the largest social security transfer from the South African government (ILO 2000). The pension is financed from tax income and consumes around 1.4% of GDP. The rate of increase in the pension has only been set above the rate of inflation (around 5.3 per cent) since 2001/2.

The trajectory of the pension scheme in South Africa closely reflects the historical development of different settlements between state and groups whom it considered to be “deserving” citizens at particular historical moments. In the 1920s, the scheme was originally targeted at the “outsiders” (veterans of the Boer War), along with mineworkers. In the 1940s, the scheme was reformed and extended in order to include white working-class voters, whom the incumbent Labour Party regime was seeking to secure as a core constituency (Sagner 2000: 527). The political discourse employed at the time was one of:

“the state’s moral duty to help its needy older citizens and the entitlement of poverty-stricken older whites to such public assistance.” (Sagner 2000: 527-528)

In the 1990s, these policies were transformed into a progressive form of social protection aimed at reversing previous discrimination as the terms of the broader social contract altered. The erosion of apartheid brought more citizens within the contract as part of a wider move by the new regime to forge a new political settlement, characterised by an extensive debate calling for a basic income grant or household grants for poor families, and the enshrining of access to social security as a right in the Bill of Rights (Olivier, 2003, cited in Pelham 2007).

The development and distribution of social protection in Botswana also reflects the extent to which different ruling regimes have considered different social categories to be worthy of bringing within their moral compass or contract. Although Botswana is generally lauded as one of Africa’s few democratic and developmental states, it is also one of Africa’s most unequal societies, and there is growing evidence that certain groups have been kept in destitution and extreme poverty as a result of the country’s inter-related forms of political economy and political system (Good 1999). The incumbent BDP

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16 This and the next paragraph draw directly from on a comparative research project into ”The Politics of What Works” that was co-ordinated by this author and synthesised in Hickey (2007, 2009). Further details on the politics of social pensions in Lesotho, Namibia and South Africa can be found in Pelham (2007).
party, which has ruled since independence, has remained dominated by cattle barons and traders, and the political culture has historically legitimised socio-economic inequality (Iliffe 1997). Within this context, Botswana’s efforts to protect groups from vulnerability to shocks, such as the Drought Relief Programme, have become heavily politicised (de Waal 1997). In the first instance, the occasional and relief-based character of the programme further ignores the fact that for the destitute and the minority groups such as the Sans the more pressing problem is their lack of any formal land rights, not simply a lack of food (Good 1999). Driven by little discernible concern with social justice, here:

“The duty to prevent famine was closer to an administrative ethic than a directive. Above all, there was never an intention to nurture a corresponding right to relief” (de Waal 1997: 30).

By the mid-1980s, the programme was increasingly serving the interests of large-land holders with tractors and large herds, the same rural élite who sustained the ruling party through political patronage (de Waal 1997, Good 1999). In 1996, Botswana introduced a basic non-means-tested old age pension for all citizens of 65 years and above. By 2003, it was calculated that around 96% of the elderly population was registered in the universal pension programme. However, the scheme is far less generous than those of either South Africa or Namibia, with transfers set too low to enable sustained escapes from poverty; in any case, the most destitute are unable to claim due to a lack of identification papers. However, in contrast to the case of South Africa, the politics of social protection in Botswana similarly reflects the type of contract that the state has established with different social groupings over time.

What type/s of social contract does social protection help to sustain?

Both country cases also point to the ways in which social protection not only reflects, but also plays, a role in maintaining particular types of contracts (or settlements) around broader development strategies. In South Africa, for example, the commitment to social protection appears to sit within a broader settlement that underlies the country’s particular model of growth and development. In line with a development model that has been adopted by some other emerging powers, South Africa has pursued a high-growth/low-employment model of development, with the revenues from growth used to fund a relatively generous body of social grants (Nattrass and Seekings 2010). This settlement is underpinned by a particular set of state-society relations, particularly an agreement between state, capital and labour around the importance of a capital-intensive approach that requires a well-skilled but limited labour force. Here, the trade unions have used their historic importance within the ANC-movement to help protect members, largely to the detriment of less-skilled and less well-organised workers in the informal economy, a constituency which would clearly benefit from a more labour-intensive economic strategy (for example, in terms of public works and road building schemes for example, see Nattrass and Seekings 2010). As such, and while optimists laud the social contract around the pension system as a success story, it might be more accurate to see social protection in South Africa as underpinning a broader settlement which, given the growing levels of inequality, is being used to keep a lid on what might otherwise be an unsustainable situation, and may be obscuring the need for more radical and inclusive strategies (as Teichmann 2008 argues is the case in high-inequality countries in Latin America).

As such, the historical variant of social contract thinking offers an insightful reading of the politics of social protection (and development) in Africa. Examined in terms of the processes of citizenship formation and politics of inclusion and exclusion that characterise state-society relations, the particular politics of social protection in specific contexts comes into view. This process-based and historical approach does not offer up the “social contract” as an idealised form of state-society relations in the manner of normative political theory; as we have seen, actually existing social contracts
may be more or less inclusive for different groups and regions and across sectors. Although social protection interventions can become a means of extending citizenship to previously excluded constituencies, they can also be used to secure and protect privilege (as in the case of Botswana). It is also clear that certain settlements lead to particular development strategies being favoured over others, with social protection playing a particular role therein. This requires an analysis of the nature and performance of both capitalism and state actors as the (historically-shaped) products of interactions between different élite groups, including economic élites, middle, urban working-class, with, in some cases, substantially subordinate/excluded groups. The establishment of social contracts can be traced both in these broad terms and through specific moves towards more inclusive and sustainable forms of growth, job-creation, access to justice, service delivery and social protection (Walton 2010). However, and given the move away from idealised forms of political theory, this analytical work might be achieved more insightfully if the philosophically- and morally-loaded notion of a “social contract” is replaced by concepts such as “settlement” or “pact”. What emerges as most significant here is to employ forms of political analysis that can draw attention to the critical role that particular types of state-society relations play in shaping social protection.

4. The normative approach to social contracts: competing philosophical approaches and their implications for social protection

This section examines the normative approach to linking social protection with social contract thinking, whereby social protection is promoted upon a contractual basis. This occurs both at micro-level, where social transfers are offered in exchange for certain types of agreed response or behaviour, and also at macro-level, where social protection is promoted on the grounds that it can help to secure more democratic forms of state legitimacy and accountability, and cohesive forms of social relationships. It is important here to draw attention to the competing approaches to social contract thinking, whereby different theoretical and ideological approaches have very different implications for the forms of social protection that would be promoted.

As noted in Section Two, there are two main philosophical approaches to social contract thinking, namely, the liberal or interest-based approach, and the social or right-based approach. The fortunes of each in terms of political praxis has varied over time; for example, while the Roussean approach deliberately sought to move past what it saw as the élitist stance of Hobbesian contractualism, the liberal approach returned to precedence over the social view in Britain during the Nineteenth century, in part as a means of justifying the individualism that emerged via processes of industrialisation. Here, the “freedom of contract” moment was premised on the freedom of individuals to contract their own labour in exchange for due reward. For critics, this soon became contradictory, given the intensity of economic processes at work, and “...various writers have illustrated the logical inconsistency of the proposition that the market – and therefore freedom of contract – can operate unchecked, indefinitely. Pure contractual freedom was illusory, a point which Polanyi captured in the notion of the ‘commodity fiction’“ (Polanyi, 1944: 72, cited in Ramia 2002: 53). According to Ramia (2002), the (slow) decline of this “freedom of contract” moment was driven in part by the movement towards what Karl Polanyi termed “social protection”, which developed in several countries during late Nineteenth and early Twentieth centuries in countries such as Germany, Australia, New Zealand and Britain. The serious advances in social protection from 1870 onwards – which, from a Polyanian perspective, “includes all of those policies and institutions that shield individuals, and certain classes of individuals, from the socially detrimental effects of unchecked market forces.” (Ramia 2002: 54) – reached a high-point in the welfare states of post-war Europe.

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17 This was bemoaned by social observers such as John Ruskin as the newly amoral world of political economy.
Although the social approach to contractualism was given further impetus through the work of John Rawls in the 1970s, “The predominance of social protection in the post-war era was not to last long into the 1980s, however, by which time a new contractualism had begun to make its presence felt in public policy”. (Ramia 2002: 55). At this point, contractualism becomes driven more clearly by the liberal, interest-based approach. Here,

“Contractual arrangements in the world of commerce, which previously were the main realm of contractualism, have spilled over into other domains, constituting an important – though as yet under-appreciated – dimension of the neo-liberal phase of societal development.” (Ramia 2002: 50)

In terms of international development, this entailed a minimalist approach to social protection (via residualist safety-nets, for example, World Bank 1990) and a return to the logic of individualism under a market-orientation. In terms of citizenship, the shift here is to move away from the idea of citizens having rights to state-provided public goods, and, instead, “ostensibly to make citizens responsible - through their own individual choices for themselves. Because the cultural contents shaping these neo-liberal political subjects are none other than the liberal norms of the marketplace” (Schild 2000: 276). Here, “Neo-liberalism has everywhere sought to challenge the Keynesian welfare state, reviving classical liberalism’s celebration of market individualism and minimal government to do so”. (Mahon 2008: 344)

However, in the light of the successive financial crises of the 1990s and a series of ideological shifts within leading western countries and international development agencies, most notably the World Bank, the purely neo-liberal moment soon morphed into what close observers termed “Inclusive Liberalism” (Craig and Porter 2006). This moment, captured to an extent in the World Bank’s (2000/1) World Development Report: Attacking Poverty, paved the way for a more muscular social protection agenda that could no longer be left to the market alone. This moment can be characterised by an often confusing convergence of neo-liberalism and a re-energised focus on social policy. South Africa, for example, “in spite of an undoubted commitment to a rather extreme set of neo-liberal macro-economic policies, has a large and apparently expanding system of social assistance, anchored by a state-supplied old-age pension” (Ferguson 2007: 76), a reading that can be extended to a wider range of other low and middle-income countries. What is particularly striking is not just the redrawing of the broader contract to include social protection, but the basis upon which this occurred. Here, the capacities and aptitudes required to engage with the market can be delivered through a mixture of increased personal responsibility along with improved public service delivery that will develop their human capital base and ameliorative programmes of social protection.

This also implied a shift in the institutional means of delivering social protection, led by the idea of “contractual governance” involving chains of contract, often from government to an autonomous public-private body and on to the citizen (Jayausuriya 2002).

“Contractualism in the government sphere has generally formed part of a broader ideological programme designed to carry the perceived benefits of private sector or market mechanisms into the public sector.” (Ramia 2002: 56)

Under inclusive liberalism, then, “…government itself could be ‘empowered to be enabling’, creating frameworks wherein plural (empowered) actors in government, markets and civil society could be marshalled and ‘joined-up’ to focus together on delivering services that worked to ‘enable’ and ‘include’ people”. (Craig and Porter 2006: 91). Communities are central here, so that “The stake has to be generated in the community-based ethic that shapes the values that guide each individual. This is to be accomplished by the building of a new relation between ethical citizenship and responsible community fostered, but not administered by the state” (Rose 2000: 1398), and involves “…the shift towards community as a means of moral reformation for lone parents, feckless idlers, drug addicts, and so forth” (ibid.: 1409). A key example here
are the social action funds that form the backbone of “community-driven development” for the World Bank (Craig and Porter 2006: 211), and which form a large element of its social protection response, particularly in low-income countries and “fragile” states.

The policy response that perhaps most fully captures the new contractual approach to social protection under inclusive liberalism arrived with the conditional cash transfer programmes (CCTs). Such programmes offer cash transfers in return for more developmental forms of behaviour by the recipients, usually in terms of attendance of schools and health clinics. The success rates of such programmes have often been impressive, not only in terms of reduced income poverty but also increased levels of human development. Importantly, they imply a particular model of citizenship and contract between state and citizen, which we place here as a hybrid between the interest-based and right-based approaches (Table Two). This reflects the fact that, although the rights and obligations of citizenship are being promoted here, in line with the social approach, these are conditional upon behavioural changes that imply a less benign reading of human agency and autonomy than within the social approach. This, in some ways, chimes with elite perceptions of the poor in developing countries, which often reveal a similar bias for directing anti-poverty interventions towards those able to help themselves, a move that chimes with “…inclusive liberalism’s emphasis on state support for economically active, ‘empowered’ individuals” (Mahon and McBride 2009: 97).

Indeed, the conditional approach has raised serious concerns, particularly from those who adopt a more right-based or social contractarian view. Three of the key concerns here are that such approaches undermine the autonomy that should be accorded to individuals under a social contract approach; that unconditional approaches are more conducive to building a more democratic social contract; and that CCTs represent a failure to move towards a Polanyian double-movement whereby social protection is targeted more directly at re-embedding capitalism in social relations based upon mutual and ethical obligations. On the first, Jayausuriya (2002: 315) argues that, under CCTs, “[W]elfare recipients are subjected to a coercion that is quite incompatible with individual autonomy”. He argues for a model that “allows us to move to a contractualism that locates individual autonomy in its public context; from the private autonomy of neo-liberalism to a public autonomy of democratic contractualism.”

On the second concern, Hujo (2009: 8) employs a social democratic perspective to argue against conditional approaches in favour of unconditional approaches, whereby:

“From a perspective of social integration, it seems reasonable to posit that when cash transfers are provided on a universal, unconditional, stable and long-term basis, they have a stronger potential to boost people’s capabilities to pursue a decent and sustainable livelihood and to act as an instrument for social integration.”

Finally, critics from a social, rather than liberal, contract perspective argue that the forms of contractualism developed around social protection during this moment have not amounted to the type of Polanyian double movement called for by social/right-based approaches, whereby increasingly globalised economic relations would be socially re-embedded. Responses have tended to be ameliorative, rather than through any
structural changes to either the political economy or the social context (Craig and Porter 2006, Teichmann 2008). This realisation has led several proponents of both contractual approaches to push for a more radical approach:

“Historically we are now at a point where liberal contractualism has to be figured in terms of an equal opportunity and anti-discriminatory ethos. All social actors are to be accorded as contractual individuals. If they need the assistance of the law to assure them of this standing, it is not the rhetoric of protection but the rhetoric of anti-discrimination which is deployed.” (Yeatman, 1997: 51) from Ramia.19

This chimes directly with the “transformative” approach to social protection that some have called for (Devereux and Sabates-Wheeler 2004). A transformative approach to social protection involves moving beyond standard “SRM”-type approaches to embrace a wider, more recognisably Polanyian range of measures. This includes an effort to go beyond treating the symptoms to addressing the causes not only of vulnerability and poverty, but also of exclusion and subordination. This is equivalent to the more radical feminist focus on achieving strategic, rather than simply instrumental, shifts in well-being. The social protection agenda is thus extended (for example, to include anti-discrimination measures), and the type of social contract implied here can be lined up with the Rawlsian project of an agreement founded on the pursuit of social justice associated with fairness and equality.

Table Two sets out the links between these different social contract views and different approaches to social protection.

Table Two: links to development and social protection

<table>
<thead>
<tr>
<th>Liberal/ Interest-based</th>
<th>Right-based (negative)</th>
<th>Right-based (positive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development paradigm</td>
<td>Neoliberalism</td>
<td>Inclusive liberalism</td>
</tr>
<tr>
<td>Core policy concerns</td>
<td>Security and economic opportunity</td>
<td>Security and empowerment and equity</td>
</tr>
<tr>
<td>Key policy actors</td>
<td>Market</td>
<td>Market, community, state-in-partnership with citizens</td>
</tr>
<tr>
<td>Corresponding welfare regime</td>
<td>Conservative</td>
<td>Liberal</td>
</tr>
<tr>
<td>Examples of relevant social protection instruments</td>
<td>Safety nets Microfinance</td>
<td>Conditional forms of social policy and transfer</td>
</tr>
</tbody>
</table>

As such, it is clear that proponents of a social contract perspective to social protection differ markedly in their understanding of what this means, and with often very different policies and approaches in mind, although this is seldom made explicit. For example, proponents of the “social” approach to contractualism discussed above, including advocates such as Guy Standing and Robertson (1996), argue for the idea of introducing a citizen’s income as a new means of establishing a social compact between the state and its citizens based upon a fuller vision of social democracy. Similarly, in a

19 Yeatman (1998: 230) argues that a more radical range of actors, including new social movements, “have all contributed to the resurgence of contractualist principles”.
paper on social protection and social integration prepared for the UNRISD’s 2010 flagship report on poverty, Hujo (2009: 13) argues that:

“Domestic financing schemes with progressive distributional impacts add to the objective of social integration as they support a social contract within society and between society and governments.”

This stands in contrast to the more individuated view of social agency that underpins the interest-based/liberal approach, and which would rely less heavily on state-based provision. In trying to work out which stance might be taken, development agencies such as the EU may find it useful to make the connections between these different ideological approaches and the implications of the historical approach to social contracts and social protection discussed in Section Three, a relationship which we discuss in more detail below. However, more work would be required by normative proponents of a contractual approach to overcome the critical concerns outlined in Section Five below, particularly from a gender justice perspective.

5. Critical concerns

The adoption of a social contract approach to issues of development and social justice has been subject to some important criticisms, three of which are particularly important here given the concerns of this paper. The first is made most forcefully and clearly by Martha Nussbaum (2003). In arguing for the superiority of a capabilities approach to justice, Nussbaum argues that, within a Rawlsian version of contractarian justice,

“...the parties (to a contract) are imagined throughout as competent contracting adults, roughly similar in need, and capable of a level of social cooperation that makes them able to make a contract with others...In so conceiving of persons, Rawls explicitly omits from the situation of basic political choice the more extreme forms of need and dependency that human beings may experience.” (Nussbaum 2003: 52).

In short, the highly dependent categories of people that social protection is often aimed at are excluded from establishing the grounds of the broader social contract, and the forms of care upon which they rely. This critique deserves more attention than we have room for here, and should certainly be given pause for thought for those promoting a social contract approach to social protection from a normative standpoint (as indicated above, the historical approach can largely sidestep such issues). However, it is worth noting that Nussbaum’s arguments have been rebutted by contractarian thinkers, who argue that the capabilities approaches to justice similarly relies on rational beings being able to interpret and act on behalf of “non-rational” beings. As such, Stark argues (2009: 366), “we have reason to retain the contract device and look for another way to ensure that liberalism respects the justice claims of all”.

A second critique is that contractarian approaches tend to promote overtly individualistic approaches, in ways that tends to individuate state-society relations and social agency, and roll-back the gains made by more collective forms of action (for example, Dean 2002, Lessnoff 1990: 16-17, Ramia 2002). Lodged most forcefully from the political left, this critique may be more relevant to some versions of social contract thinking than others, particularly the liberal tendency wherein the individual is conceived as the egoistic actor of utilitarian approaches. This may not be the case with the social approach to contractarianism wherein the individual is necessarily a social being; here, the individual constitutes relational form of selfhood (Yeatman 1998: 232) and offers an ethical basis for more co-operative forms of social life.

The third criticism is that social contract thinking offers an overly normative and idealised reading of history which overlooks both the violence with which contracts are often enforced and also the exclusions that they tend to entail. For example, feminist theorists have long pointed out that social contracts are profoundly gendered, often playing out, in practice, as a sexual/social contract in which not only is the contracting individual male, but this is constructed through the active exclusion of women from the
pact (Pateman 1988, Hellsten 2009). Again, such a critique weighs most heavily on those who would adopt a normative approach to promoting social protection, and who would need to argue that a contractarian approach to justice can deal with such concerns. The historical approach, meanwhile, can largely escape the normative assumptions that often pervade social contract theorising, which tends to assume that all social contracts are inherently just, inclusive and democratic.

6. The strategic implications of taking a social contract approach to social protection for development agencies

"...external assistance is never the key factor in promoting internal change, and always a blunt weapon in the fight against poverty...Nevertheless the right sort of help at the right time can be very important in creating more space for local forces to get things right." (Edwards 2004: 111, cited in Hopwood 2009: 105).

Adopting a social contract perspective to the politics of social protection clearly places national governments and their citizens – rather than donors – at the centre of the matter. As the above quotation suggests, donor agencies are generally ill-suited to promoting the types of political changes required to catalyse or strengthen social contracts around social protection in Africa, and the very notion might be considered to run counter to the thrust of a social contract approach. A great deal of work has suggested that donors tend to undermine domestic accountability structures, particularly in terms of the obligations of governments to protect poor people (for example, Easterly 2008). Donors have generally struggled to make meaningful changes to the domestic politics of aid recipient countries, particularly where the challenge is one of building higher levels of state accountability to its citizens and increased levels of popular mobilisation. Indeed, de Waal (1996) goes as far as to suggest that no social contracts ever emerged with regard to food security in Africa where there was a donor presence; indeed, donor approaches were far more likely to undermine and displace any contracts that existed with some level of external dependence and patronage-based system around the distribution of goods (de Waal 1997). As such, it is clear that donor agencies should steer clear of trying to promote a contractual basis for social protection in Africa unless they are prepared to undertake significant changes to/in the way in which they operate.

The first step – both in terms of “doing no harm” and identifying entry points for potential interventions and dialogue – is to gain a clearer sense of the specific terms of any existing social contracts around social protection in specific contexts. To adopt this historical/process-based approach means “digging beneath institutional arrangements to the political relationships that create and support them” (Haggard 2004: 75, in Hopwood 2009: 111), and focusing on the particular forms of the state-society relations that underpin current developmental commitments. This involves not only asking who is included and excluded from current commitments, but also exploring the relational basis for these tendencies. For example, where certain contracts are held in place as a result of particular deals between national elites and counterparts from specific regions (as is often the case under neopatrimonial forms of politics), what is the scope for extending these to currently excluded groups and regions and on the basis of which types of argument (for example, nation-building, social stability, social justice)? The distribution of the Productive Safety Net Programme in Ethiopia would be one case worthy of further exploration here.

Importantly, adopting the historical approach to social contract thinking might actually direct donors away from social protection as being the key policy response. A case in point here might be Uganda, where the largest social protection intervention in

Moore (2008) makes a similar argument in relation to the role of external agencies in securing a contractual basis for revenue collection in developing countries.
the country, the World Bank-funded Northern Ugandan Social Action Fund, is currently being directed towards the most impoverished and politically marginal part of the country. However, the scope and size of this programme pales into something close to insignificance given the structural conditions that have historically underpinned poverty in this region, which will arguably only be overcome through a much fuller programme of political and economic (re-) integration (Golooba-Mutebi and Hickey 2010). In the absence of a new settlement of this order, the danger is that social protection operates as a mere palliative that avoids addressing the underlying causes of poverty and exclusion. This again highlights the need for analysis to examine the wider social contract around the politics and political economy of development in specific contexts, and of the role that social protection plays (if any) in sustaining this.

This type of process-based analysis suggests that social contracts for social protection are not path dependent but may be rather fluid. In particular, several cases suggest that crises offer a window of opportunity for social contracts around social protection to be redrawn. For example, the South East Asia crisis of the late 1990s encouraged governments to move away from their employment-based contracts of the 1970s and 1980s towards a new series of social protection measures, so that:

> “Whatever the inadequacies of the short-run social-policy response to the Asian financial crisis, democratic governments - either immediately or in the aftermath of the crisis - were able to fundamentally rewrite the authoritarian social contract.”
> (Haggard and Kaufman 2008: 261).

This means that donors are afforded multiple entry points and could usefully monitor emerging crises – including the current “triple-F” crisis – as potential windows of opportunity for promoting social protection. In terms of the financial crisis, this further supports Polanyi’s observation that the impulse for social protection will tend to be at its strongest where the capitalist relations of accumulation and production have become dis-embedded from social relations (also Hickey 2009).

Having identified the character of existing social contracts in relation to social protection in particular contexts, the first challenge for development agencies remains that of “doing no harm”. For de Waal (1997):

> “This means avoiding the temptation to regulate activities where institutional arrangements exist, but rather add material support and political advocacy.”

Indeed, some donors have already gone quite a long way in terms of trying to develop political constituencies of support for social protection in Africa, albeit with only a limited degree of success to date. For example, the efforts of donors such as DFID, the World Bank, UNICEF and others have helped ensure that several countries now have commitments to national social protection strategies within their poverty reduction strategy papers and/or national development plans (for example, Ethiopia, Malawi, Uganda, Zambia), and that several have cash transfer pilot projects on the ground (for example, Kenya, Uganda, Zambia). In these and other countries, there now exists a much stronger evidence base for generating policies and political discussions around social protection. However, serious challenges remain, particularly in terms of securing wider and higher levels of political buy-in across the political and bureaucratic class. As is widely recognised, although the “green shoots” of social protection are apparent in a number of aid-dependent countries in Africa, fuller national policies are limited to the generally more developed countries of southern Africa (Niño-Zarazúa et al., 2010). Social protection is not politically entrenched as a policy agenda across most of west, central and eastern Africa, and the gains achieved to date might easily be rolled back, particularly in the light of the apparent move away from a focus on poverty reduction in favour of a more productivist and growth-oriented paradigm.

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21 For the fuller evaluation of DFID’s approach to policy influencing on social protection see Hickey et al., (2008).
Several of the key challenges that donors have encountered in trying to influence the politics of social protection suggest the need for more fundamental shifts in the politics of aid. So far, donors seeking to promote social protection have tended to focus on persuading governments to commit to a largely new and externally-conceived policy agenda. This implies a model of ownership whereby policy influence is driven by donors, rather than one in which national governments control the policy agenda (Whitfield 2009), which is a significant distinction. In adopting an influencing perspective, donors have tended to work with those areas of government that are somewhat easier to cajole, such as ministries and departments of social welfare and community development, with the result that any “ownership” that donors have secured has tended to be with relatively weak actors within government. Even working within this “ownership by influence” approach, donors have often ignored the critical challenge here which is not simply to find champions for a particular policy agenda but to overcome opposition to the proposed reforms (Morrissey 1995). Opposition to social protection in Africa has often been fiercest within ministries of finance and in the wider realms of political discourses that tend to favour a focus within development policy on the “productive” or “economically active” poor. So far, donor agencies have been unable to make persuasive arguments to élites that poor and vulnerable citizens are not to blame for their poverty, but, instead, face pressing and largely external constraints that can only be tackled through high levels of public action. Although it seems unlikely that donors will be able to make much headway with regard to the ideological positions of élite actors, it is clear that much more could be done to re-focus the character of poverty data and analysis onto the underlying causes of poverty as opposed to its localised correlates and characteristics (Hickey et al., 2007). In this vein of seeking to secure stronger forms of pro-poor accountability amongst political élites, donors could also usefully explore how to make links in their discourse on social protection between vulnerable groups, citizenship and nation-building.

Issues of ownership also relate closely to the critical issue of working with, and through, country systems. Confronted with a choice between working with often low-capacity public service systems with a reputation for being driven by the politics of patronage, some donors continue to sidestep in preference for working with NGOs. This is apparent with the cash transfer pilot projects established by DFID as an initial means of scaling-up the Kalomo experiment in Zambia, and more broadly with the World Bank’s social fund approach. Such approaches will arguably tend to undermine existing contracts for social protection and/or fail to promote them, and greater efforts to working through state structures would be required here. If donors are to take the “ownership-as-control” approach seriously (Whitfield 2009), this involves recognising broader trade-offs between what is “technically optimal” (for example, in terms of reaching people quickly, avoiding capture) and what is politically optimal, in terms of questions of sovereignty and political sustainability. The design of recent social protection schemes, such as the pension in Lesotho whereby the distribution is closely associated with constituency-based members of parliament, is one example of how social protection schemes might usefully work “with the grain” of politics in Africa (Kelsall 2008), while apparently achieving the sometimes contending goals of securing political support and poverty reduction. Further encouragement in favour of working within country systems comes from evidence that many successful social protection interventions have built on existing policy channels rather than inventing new ones. The pension programmes introduced in Botswana, Namibia, South Africa (and also India) in the 1990s, and, more recently, in Lesotho, were all based upon existing schemes, most of which had been introduced under colonial rule (Hickey et al., 2007). Leaving aside the irony that some of the continent’s most progressive social policies have been built on such racially exclusive origins, this suggests that the popular expectations and the sense of state obligation required for social protection to become part of a social contract are

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22 In particular, and of great relevance to a social contract approach, this means placing issues of political authority at the centre of analysis, including questions of who wields it and its legitimacy. (Whitfield 2009: 5)
more likely to exist around policy channels that have been sustained over time. Building on such channels, as GTZ and DFD have sought to do by grafting a cash transfer approach onto the Public Welfare Assistance Scheme in Zambia, is more likely to deepen and broaden such contracts.

For proponents of a social contract approach, popular pressures play a definitive role in the catalysing and sustaining development interventions. De Waal (1997, 2000) notes that the lack of a political contract for famine relief in Africa reflects a lack of popular mobilisation on such issues. Some donors have tried to catalyse this by funding civil society organisations to lobby and advocate on social protection in several African countries. The effects of such moves remain unclear, and it might be that stronger popular constituencies for social protection, or policy interest groups, will only emerge once policies and programmes have been in place for some time. For example, there was little popular demand for the extension of social pensions in South Africa in the early 1990s, but it would be politically very difficult to roll this programme back now. Given the highly incipient nature of social protection in Africa, and the lack of evidence that civil society organisations have historically played a significant role in securing the inception of such programmes, it would seem more appropriate for development agencies to focus most of their attention on actors and discourses within political, rather than civic, society (Hickey 2009).

A further problem with the “ownership-as-influence” approach is that, however much such moves are drenched in the Paris Declaration language of “partnership” and “alignment”, there remains a strong sense of paternalism to such approaches which ill-befits the nurturing of a social contract approach. An alternative route here, which seems to reflect more clearly the preferences of governing elites in Africa, has been the deepening of south-south policy learning around social protection. One of the most promising examples here may be the LEAP programme in Ghana, which has been closely shaped by the transfer of knowledge between the Brazilian Ministry of Social Development and its counterpart in Ghana. Although initially limited in size and scope, the programme is currently being rolled out upon a nationwide basis and is funded entirely from government tax revenues. Some donor agencies have been actively fostering these links, suggesting a recognition that playing a more politically-attuned role requires donors to shift away from the “advice and assistance” model towards one based upon brokerage.

Seeking first to understand and then support the progressive development of the contractual politics of social protection in Africa involves a series of important shifts, many of which chime with other calls for donors to become more politically attuned (for example Booth 2005, Whitfield 2009). Importantly, none of this is to argue that donors should necessarily promote a normative approach to promoting contractual forms of social protection. As argued above, this would require a clear decision to be made with regard to the particular contractualist approach that one would take, ranging between the liberal and social approaches. An example of the different implications that might flow from this is with regard to the debates over whether social protection should be delivered on a universal or targeted basis, and whether they should be conditional or unconditional. As pointed out above, the liberal tendency would broadly favour approaches that are targeted and conditional, whereas the social approach would tend to prefer more universal and unconditional approaches. As Hujo (2009: 8) states that:

“Non-conditional cash transfer programmes, such as child benefits and social old-age pensions based on categorical targeting rather than means testing, seem to be more promising pathways for the extension of social protection in developing countries. The rural pension scheme in Brazil is a good example, together with pension schemes based on citizenship like in Bolivia or several SSA countries.”

There is currently little hard empirical evidence in support of either view. However, it is possible to suggest that a liberal contractarian approach is less likely to secure the forms of politics that have historically been associated with the development of progressive social contracts around social protection. Rather, a social approach seems to be more closely aligned to the challenge of promoting a more progressive politics of
social protection in Africa, in that it engages directly with the underlying causes of poverty and vulnerability, particularly in terms of both challenging the social relations that underpin deprivation and enhancing the capacity of the state to intervene. These have been key elements of the few nationally-driven social protection schemes that have emerged in sub-Saharan Africa, including the social pension systems in Namibia and South Africa. Furthermore, the social approach reflects more clearly the model of welfare regime that has been most successful within a European context, and might, therefore, be the obvious approach for the European Union to consider adopting.

7. Concluding thoughts

The politics of social protection is already pervaded by discourses relating to social contracts, be it implicitly or explicitly, and both within industrialised countries and increasingly beyond. As such, there may be as much continuity as change in re-casting social protection debates in such terms. However, this paper has also identified a number of distinctive and important shifts that donors would need to undertake if they were to adopt a contractualist approach to the politics of social protection, particularly in terms of attaining a deeper understanding of the underlying politics of development and moving towards an “ownership-as-control” approach.

The historical/process-based approach to social contract thinking offers something of a unifying perspective on the politics of social protection in Africa, and brings together some of the apparently disparate forms of politics that seem to be closely associated with the establishment and sustainability of social protection policies and programmes over time. It draws attention to some of the most critical concerns, particularly the character of the state-society relations that underpin institutional arrangements, the discourses that both flow from and shape these relations, issues of state legitimacy, and also the deeper politics of inclusion and exclusion that underlie and inform such interventions. A social contract approach can also be used to help understand the broader politics of development in Africa, and hence to allow clearer understandings of the role that social protection might play therein, be it progressive or not. Importantly, though, it might be that the concepts of “pacts” or “settlements” offer equally insightful, yet less loaded, terms through which to explore the same types of process.

As such, there seems to be much to be gained from adopting a social contract/settlements perspective to understanding the politics of social protection in Africa as it has emerged and becomes sustained over time. However, more normative efforts to actually promote contractual forms of social protection are more controversial and require more unpacking. Different schools of contractual thought have different implications for what forms of social protection would emerge. For example, to promote liberal contractarian forms of politics may well be to promote liberal individualism in contexts in which other forms of political exchange and relationship might have greater resonance. The argument tentatively pursued here is that a right/social contractual approach is better suited to a progressive politics of social protection in Africa, to the extent that it seems more likely to engage with the underlying causes of poverty and vulnerability, particularly in terms of challenging the social relations that underpin deprivation; to promote popular mobilisations and to enhance the capacity of the state to intervene. This approach also seems to resonate more clearly with a more distinctly European position than would tend to be promoted by other key players on social protection such as the World Bank. However, more research is required into the longer term impacts of different forms of social protection in Africa in terms of the underlying processes of citizenship formation and state-society relations.

Given that social contracts are determined by bargaining processes between governments, social groups and citizens within specific countries, it seems very unlikely that donor agencies will be the main players here. However, adopting a social contract perspective does raise a number of challenges for donors, particularly concerning their engagement with issues of sovereignty, ownership and working in more politically attuned ways with regard to country systems, political discourses and existing policy channels. Although this resonates with some of the moves that donors have already made in this broad direction, it is clear that more significant shifts are required if donors
are both to avoid damaging social contracts for social protection where they exist, and to play some (modest) role in helping to strengthen and to extend them in pro-poor directions.

References


