

Democracy and The Common Good: Decentralization in Kenya

By: Caroline Shisubili Maingi*

Abstract

Current debates in politics, socio economics and international business and even cross cultural practices are questioning the notion of common good. Often times, a question like “what good” and “good for who?” always follows throwing in doubt what was being discussed - an initiative or a policy, whose main objective is to benefit the people in society. This actualization of common good is perhaps needed more than ever before especially when one witnesses more and more leaders as well as citizens acting selfishly while projecting an absolute lack of thought or care of the other or the environment they reside in. It is against this backdrop that modern debates in democracies are encouraging a renewed investigation of the concept of common good. We seek to interrogate the development of the concept of common good and meaning over time, while identifying the various aspects of common good that correspond to the tenets of democracy and consequently, find out if devolution in Kenya is a common good.

Introduction

As more and more states advance their processes of democratization, it is vital to keep making reference to the reasons of transition from non-democracies to democracies. One of the reasons brought forth is that it is for achieving common interests that are beneficial to many. When asked literally the meaning of common good, one would say that it is ‘good’, common to all or rather to a majority. This only elicits more curiosity – to what ‘good’ is, who says it is good and for what purpose, if the good is for the individual, for a group of people or for a selected few. In addition, one is curious to know what qualifies what it is to be good. This probing is valid, and perhaps it is wise to go back to where it all began and develop it through time to enable application

* PhD International Relations Student at USIU-A, MA Philosophy and Ethics from Strathmore University.

to real situations around us. This study will therefore attempt to look at various aspects of the common good in a democracy. The question to ask perhaps is “is common good a component of democracy or reversely, does democracy call for the common good. Are the characteristics or values of democracy a common good? And how practical is common good in Kenya? We will analyze data from texts were from journals, government documents, online material and books.

Ontology and Epistemology

The common good as a philosophical concept, is best understood as part of an all-inclusive model for practical reasoning among members of a political community. The model takes for granted that the citizens are rational beings who take a stand in political or civic relations that requires them to create and maintain certain common interest facilities that benefit them. To formulate an ontology in the study of democracy and common good would first enable the understanding that practical reason is the use of the reason to decide how to act. It then follows that this action is towards a good proper to, and attainable only by, the community, yet individually shared by its members².

The epistemology is post positivist.

1. Development of the concept and meaning of common good through time

In order to best define the concept of common good, its development through history should be considered. The basic tenets of the concept are based on the classical Greek philosophy, mainly Plato and Aristotle. As citizens were encouraged to participate in the life of the polis, there was a need to coexist. Their teachings were based on the search for a "good life", which is attainable in a "good society". Here, citizens were expected to live in harmony in an ideal political community. In Aristotle, the idea of political community characterizing the polis is founded on the principle of common good³, that meant participation towards human flourishing of the society (eudemonia).

² Dupré, Louis. "The common good and the open society." *The Review of Politics* 55, no. 4 (1993): 687-712.

³ Miller, Fred. "Aristotle's political theory." (1998).

The definition of common good therefore, is not exhaustible. Webster's Dictionary defines common good as "belonging to or shared by each or all"⁴. The idea of common good can also be described "as the product of a particular process, such as a democratic process." This can be a difficult version of common good as those within the procedure can argue what is in the interest of the common good and sometimes make decisions based on personal gain⁵. Will Kymlicka likens the common good to "the result of the process of combining preferences, all of which are counted equally consistent with the principles of justice"⁶. Jeremy Bentham sees the common good as the "sum of the interests of the several members who compose it"⁷.

1.1. Western philosophy

Common good concept is not common in Plato texts. However, he repeatedly indicates that a particular common goal exists in politics and society⁸. Plato promotes an environment of cooperation and friendship among different social groups, as each benefits while it adds to common good. In the Republic of Plato, his main character Socrates states that the greatest social good is the cohesion and unity that results from common sensitive reactions of pleasure and pain which one experiences when all members of society are glad or sorry for the same successes and failures⁹.

Aristotle, who was Plato's student par excellence is considered the father of the idea of common good. He used the concept 'the common interest' as the fundamental for his distinction between right and wrong constitutions. Right are those supported by the common interest and wrong are in the interest of

⁴ Webster's New World Dictionary. 3rd College Edition. Warner Books, Inc. 1990

⁵ Clemens, Walter W. Powell Elisabeth Stephanie. Private action and the public good. Yale University Press, 1998.

⁶ Kymlicka, Will. "Two theories of justice." *Inquiry* 33, no. 1 (1990): 99-119.

⁷ Bentham, Jeremy. "A Fragment on Government and an Introduction to the Principles of Morals and Legislation." (1948).

⁸ Simm, Kadri. "The concepts of common good and public interest: from Plato to biobanking." *Cambridge Quarterly of Healthcare Ethics* 20, no. 4 (2011): 554-562.

⁹ Ferrari, Giovanni R., ed. *Plato: The Republic*. Cambridge: Cambridge University Press, 2000.

rulers¹⁰. For Aristotle, the common good is constituted in the good of individuals. Individual good, in turn, consists in human flourishing—the fulfillment of the human's purpose—which is the right and natural thing for humans to do. On this teleological view, the good stems from objective facts about human life and purpose¹¹. One of the greatest works of Aristotle is the *Nicomachean Ethics* in which he reiterates that there is greater value in common good than individual good¹². (Ross 1956).

In his politics, Aristotle discusses the types of political regime; Monarchy is the rule by one man for the common good, aristocracy is rule by few for the common good and polity is rule by many for the common good¹³. However, by “common good“, Aristotle is specifically referring to the common good of citizens, that is adult men, and not necessarily to the good of non-citizens such as women, children, slaves and manual labourers who reside in the city¹⁴. This leads us to one contemporary usage rooted in Aristotle’s philosophy - common good refers to "a good proper to, and attainable only by, the community, yet individually shared by its members"¹⁵.

In the Medieval times, Thomas Aquinas (1225–1274) is one of the key figures. In his works on political philosophy, Aquinas defines Society "as a union of men acting for a common purpose." The categories of unity and order play a large role in the political thought of Thomas and he saw them as “the main contribution of the civic community¹⁶. How can the common purpose be defined then, if society is organized for the same? That purpose is the common good, known both through man's natural knowledge as Aristotle knew it, and

¹⁰ Diggs, Bernard J. "The common good as reason for political action." *Ethics* 83, no. 4 (1973): 283-293.

¹¹ *Ibid*

¹² Ross, David. "Aristotle: the *Nicomachean ethics*." (1956).

¹³ Clayton, Edward. "Aristotle: *Politics*." (2004).

¹⁴ *Ibid*

¹⁵ Dupré, Louis. "The common good and the open society." *The Review of Politics* 55, no. 4 (1993): 687-712.

¹⁶ Cox, John F. *A Thomistic analysis of the social order*. Vol. 73. The Catholic university of America press, 1943.

as expressed in the will of God through revelation¹⁷. In chapter fourteen of the first book of *On Kingship* Aquinas discusses the centrality of the common good in understanding the purpose of the state. All members of the political society must work together to assure that this good is achieved. The state must always exist not for the good of any individual or group of its citizens but for the good of all (Thomas et al 1949). The common good "is the natural foundation for the being and the action of the state and the test of the justice of the laws the state enacts in the pursuit of its end"¹⁸.

Still in the later medieval times one finds Machiavelli (1469 – 1527). In his works on *Discourses on Livy* Machiavelli indicates that "the common good (*comune utilità*) is drawn from a free way of life (*vivere libero*)" but is not identical with it¹⁹. Additionally, he speaks of the *bene commune* (common good) or *comune utilità* (common utility), which refers to the general well-being of a community as a whole²⁰.

In Modern times, one meets the likes of Jean- Jacques Rousseau (1712 – 1778). He composed *the social contract* in the mid-18th century. In it, Rousseau argues that for society to function properly, the individuals must have interests in common. Additionally, he stated that the end goal of any state is the realization of the common good²¹. Famous for the concept of the *general will* of a political community, he posits that the common good can be identified and implemented only by heeding to that *will**. Further from the social contract, he maintains that the general will always tend towards the common good though he admits that democratic considerations of individuals will not always express the *general will*. General will and will of all can be distinguished as Rousseau clarified. The latter is simply the sum total of each

¹⁷ Crofts, Richard A. "The common good in the political theory of Thomas Aquinas." *The Thomist: A Speculative Quarterly Review* 37, no. 1 (1973): 155-173.

¹⁸ Lynam, Gerald J. "The Good Political Ruler According to St. Thomas Aquinas." (1953).

¹⁹ *Discourses*, I 16, p. 174

²⁰ Hanasz, Waldemar. "The common good in Machiavelli." *History of Political Thought* 31, no. 1 (2010): 57-85.

²¹ Rousseau, Jean Jacques, J. H. Brumfitt, and John C. Hall. *The social contract and discourses*. EP Dutton. London: JM Dent, 1950.

individual's desires, the former is the "one will which is directed towards their common preservation and general well-being".²² Political authority, to Rousseau, should be understood as legitimate only if it exists according to the general will and toward the common good. The pursuit of the common good, then, enables the state to act as a moral community²³.

Contemporary period ushers in the likes of Adam Smith, Alexis de Tocqueville among others. In his *Wealth of Nations*, Adam, making reference to economics argues that the invisible hand of market competition automatically transforms individual self-interest into the common good²⁴. For any national or international economic system to work, there must be an agreement on common issues and common rules of engagement.

1.2. Oriental Philosophy

The Confucian political philosophy stresses the importance of the subordination of individual interests to group or collective interests²⁵ or at the very least, the mutual dependence between the flourishing of the individual and the flourishing of the group²⁶. In Islamic political thought, many modern thinkers have identified conceptions of the common good while endeavoring to ascertain the fundamental or universal principles underlying divine sharia law²⁷.

1.3. Africa

The development of the notion of the common good in Africa cannot be divorced from the notion of community life. In early centuries in Africa, people enjoyed the communal form of life where among the valuable options

²² *Of the Social Contract*, Book IV, Chapter 1, Paragraphs 1 & 2

²³ Lee, Simon. "Common good." *Encyclopedia Britannica* (2016).

²⁴ Skousen, Mark. "It All Started with Adam." In *The Making of Modern Economics*, pp. 21-54. Routledge, 2017.

²⁵ Wong, David. "Confucian Political Philosophy." In *The Oxford Handbook of the History of Political Philosophy*. 2011.

²⁶ Bloom, Irene. "trans. Mencius." (2009).

²⁷ Bulliet, Richard, David Cook, Roxanne L. Euben, Khaled Fahmy, Bernard Haykel, Robert W. Hefner, Timur Kuran, Jane McAuliffe, and Ebrahim Moosa. *The Princeton encyclopedia of Islamic political thought*. Princeton University Press, 2013.

available, was the individual deriving their significance from the social forms²⁸. However, this has radically changed. There has been a disruption and or a location of negative forces of colonialism, slavery and authoritarian rule by African political elites which in concert, created a rift between the citizens and the state. The inability of the state to meet the aspirations of the citizens is majorly responsible for the distrust of the communal form of life that was inherent²⁹. In addition, there have been ideologies such as materialism, relativism and utilitarianism among others, which have disturbed the trend of community life in their demonstration.

Ethnicity is entrenched in African societies. Ethnic identities shape the meaning of the common good. However, while ethnic sentiments may undercut the nationalistic approach, they may also be a force that enhances any sense of nationhood and common good³⁰. Ethnic identity, be it in rural or urban areas, remains a powerful force to reckon with, although it varies like temperature, from time to time, depending on prevailing political circumstances such as times of elections or referenda³¹. Despite many countries in the process of democratization calling for national unity, the typical understanding of the common good remains limited to the framework of particular ethnic groups. Important issues such as how to form a nation based on political consensus and ethnic identities have not been addressed³².

The task of African societies includes then, the formulation of an inclusive concept of the common good based upon ethnic identities, political consensus, and consent. To develop such a paradigm does not mean that ethnic differences must be suppressed. The challenge we face is how to orient such identities toward an overlapping consensus that fosters the common good. Such project

²⁸ Ebijuwa, T. "The common Good and Social Hope in Africa." *Prajñā Vihāra* 7, no. 1 (2006).

²⁹ *Ibid*

³⁰ Shue, Henry. *Basic rights: Subsistence, affluence, and US foreign policy*. Princeton University press, 2020.

³¹ Mbiti, John S. *African Religions and Philosophy*: By John S. Mbiti. Doubleday, 1970.

³² Tarimo, Aquiline. "Ethnic Identities and the Common Good: Considerations on the Social Drama of Africa." *Revista Portuguesa de Filosofia* (2009): 577-592.

entails developing a profound unity that respects ethnic diversity. It is not a unity that imposes uniformity, but a unity that cherishes participation and creativity in the interest of the common good³³. This way of proceeding is valuable because the African understanding of the common good is still limited to the framework of the ethnic community.

2. Aspects of common good that correspond to values of democracy

Democracy as a concept has prompted great debates and a continuous dialogue in the public and private sphere as more and more countries are in the process of democratization whilst few are already mature democracies. Some schools stress the rule of the majority, others the desire of man to govern themselves, others push for public participation and inclusivity. The process of democratization requires an agreement on certain norms, values that are generally accepted as good to be lived and practiced in a society. As a process, democracy has various phases that are both a consensus and or a conflict. In some of the many transitioned democracies, the notion of common good becomes a common tool of governance among other aspects.

2.1. Historical understanding of democracy

The idea of democracy takes us back to Greek city states such as Athens and Sparta. For the Greeks, democracy had a meaning... *Demos* meaning People and *Kratos* meaning power or to rule³⁴. In Athens, a political system of legislation and executive bills was practiced. Adult male citizens were the only ones allowed to participate in the political systems with the exclusion of woman, slave or foreign resident in as much as they made up a huge percentage of the population³⁵. In Greek democracy, unlike a Parliament, the assembly members were not elected, the officials of the democracy were in part elected by the assembly and largely chosen by lottery. Athens created a direct democracy rather than a representative democracy where the adult males

³³ Hauerwas, Stanley. "Vision and Virtue (Notre Dame, IN." University of Notre Dame Press 1981 (1974): 204.

³⁴ Schmitter, Philippe. "Diagnosing and designing democracy in Europe." The future of representative democracy (2011): 191-211.

³⁵ Thorley, John. Athenian Democracy. Lancaster Pamphlets in Ancient History. Routledge. (2005). p. 74.

could take part³⁶. The direct democracy of ancient Athens differs markedly from the representative democracy of constitutional republics such as the USA.

Aristotle was right when he said that man is by nature a political animal³⁷. Men necessarily dwell together in communities. It is no mere contingency that men dwell together in communities. But the form of that togetherness, at least at the most inclusive level of the city or nation-state, is not given along with the common end. Democracy is one of the historical alternatives. Democracy itself has assumed many different forms, and there is no reason to think that the democratic impulse in human governance has exhausted the historical possibilities for new structures³⁸.

2.2. Modern understanding of Democracy

Modern times scholars borrow many aspects of common good from the Greek ancients. For instance, Dahl³⁹ postulates that democracy entails having a framework in which all citizens are considered politically equal and participate in decision making. He further apprises that democracy can only thrive in jurisdictions that respect human rights. Additionally, Diamond and Plattner⁴⁰ contend that democracy entails creating a culture where all voices are valued as an instrument for change. Diamond and Plattner⁴¹ argue that democratization is the process by which states move towards more democratic structures and processes. Simply put, it is a change in the political regime within a sovereign state from non-democracy to democracy. Tocqueville⁴² held that in democratic societies, there was a strong tendency for people to

³⁶ Ibid. 32

³⁷ Politics. No. 264. W. Heinemann, 1944. in Aristotle, in *Twenty-Three Volumes*, trans. H. Rackman (Cambridge, MA: Harvard University Press, 1972), p. 9

³⁸ Frank, William A. "Authority and the common good in democratic governance." *The Review of Metaphysics* (2007): 813-832.

³⁹ Dahl's, Robert. "Democracy and its Critics." New Haven, Conn./London (1989).

⁴⁰ Diamond, Larry, and Marc F. Plattner, eds. *Electoral systems and democracy*. JHU Press, 2006.

⁴¹ Diamond, Larry Jay, and Marc F. Plattner. *Democracy: a reader*. Johns Hopkins Univ Pr, 2009.

⁴² Tocqueville, Alexandre de. "Democracy in America, New York (Vintage Books) 1945." (1945).

become totally absorbed in the search for earthly possessions. For him, people who cared only about such things were apt to sacrifice their political freedom if it appeared to interfere with their endeavors. He called this attitude “individualism”, and he thought that one of the best ways to fight it was through religion⁴³.

2.3. Some Criteria for Democratization

In his book, *Democracy and Its Critics* (1989), Dahl clarifies his view about democracy. No modern country meets the ideal of democracy, which is as a theoretical utopia. To reach the ideal requires meeting five criteria; (1) Effective participation where citizens get equal and adequate opportunity to exercise their freedoms and place questions for setting the public agenda; (2) Equality when voting by citizens with full knowledge that their vote counts; (3) Enlightened understanding where citizens are free to discover what is best for them eventually choosing it; (4) Agenda setting on political matters by citizens laying a foundation for what should be deliberated on and (5) Inclusivity meaning that every individual has a legitimate stake within the political process.

There is a high probability that the elements that form the criteria form the body of values of democracy. Are these principles by Dahl ideal? Can they be achieved? Amartya Sen discusses the values of democracy from a different perspective.

2.4. Values of democracy by Sen

What then is democracy? Sen moves away from the traditional definition of ‘a majority rule’ maintaining that democracy is an arduous system and not just a mechanical condition. He goes on to explain the merits of democracy. First is about the exercise of civil and political rights as a component of flourishing emanating from human freedom. Second, however much democracy may be in tension with economic development, it has an important instrumental value in enhancing the participation of people. Third is the idea that citizens learn

⁴³ De Tocqueville, Alexis. "Democracy in America, translated by G. Lawrence." (1988).

from each other and in so doing, aids society form its values and priorities – a key factor.

For universality of values to occur, there has to be a multiplicity of virtues including the inherent significance of political participation, accountability and constructive role in the formation of values, paying attention to needs, rights and duties of citizens. The question on what universal values are cannot just be answered as the responses can be as diverse. For a value to be universal however, it does not necessarily have to have everyone's consent – rather, the reasoning is that people anywhere may have a commitment and see it as valuable. For instance, the countries in the process of democratization have good reason to see it and accept it as a good, as a value. This is because the features democracy supports are consistent with human nature and freedom, a person's yearning⁴⁴.

In summary, Sen reiterates the value of democracy includes its intrinsic significance in people's life, its contributory role in creating political incentives and its constructive role in the formation of values including order and discipline; merits of which are not regional in character but universal*. Heterogeneity of values seems to characterize most, perhaps all major cultures.

3. Decentralization and The Common Good in Kenya

Aquinas stated that the purpose of the state is to function for the common good. If that is the case, three related questions arise that can be applied to the Kenyan scenario: (1) Is resistance to the state based on commitment to the common good lawful or seditious? (2) What is the best form of government for the sake of the common good? (3) To what extent must popular sovereignty or the consent of the governed be involved in a state based upon the common good?⁴⁵ In Kenya, there is notably an increased resistance to various projects that are proposed, constitutional or not. These are such as the national census and or devolution. One wonders if the resistance is because of the question of

⁴⁴ Ibid

⁴⁵ Crofts, Richard A. "The common good in the political theory of Thomas Aquinas." *The Thomist: A Speculative Quarterly Review* 37, no. 1 (1973): 155-173.

common good. As the devolution process continues, there is a discourse on the best form of government. This is propounded in the Building Bridges Initiative of 2019. In all this, the question to ask is, where is individual sovereignty? Where is the person in all these?

3.1. Decentralization in Kenya

Juma and Mulongo⁴⁶ define decentralization as a means of fostering development has been a focus of intense academic, policy and popular debate in Africa and Kenya in particular especially after the 2013 elections that effectively brought to life counties as prescribed in Constitution of Kenya 2010. On the policy front, the government has over the years adopted a series of decentralization policies, although their implementation has in most cases fallen short of expectation. The most notable of the decentralization policies include, the Swynerton Plan (1948), Majimboism (1963), District Development Grant Program (1966), the Special Rural Development Program (1969/70), the Rural Development Fund, District Development Planning (1971), the District Focus for Rural Development (1983) and the CDF (2003)⁴⁷.

Decentralization can be defined as the transfer of powers from central government to lower levels in a political-administrative and territorial hierarchy^{48, 49, 50}. Decentralization can take two broad models: deconcentration and devolution. According to Kauzya⁵¹, decentralization is a generic term

⁴⁶ Juma, C., C. I. Omboto, and L. S. Mulongo. "The Concept of Decentralization: Kenya Experience and Lesson from Mozambique." (2018).

⁴⁷ Juma, C., C. I. Omboto, and L. S. Mulongo. "The Concept of Decentralization: Kenya Experience and Lesson from Mozambique." (2018).

⁴⁸ Crook, Richard C., Richard C. Crook, and James Manor. *Democracy and decentralisation in South Asia and West Africa: Participation, accountability and performance*. Cambridge University Press, 1998.

⁴⁹ Agrawal, Arun. "Accountability in decentralization: A framework with South Asian and West African cases." *The Journal of Developing Areas* 33, no. 4 (1999): 473-502.

⁵⁰ Ribot, Jesse C. "Decentralisation, participation and accountability in Sahelian forestry: legal instruments of political-administrative control." *Africa* 69, no. 1 (1999): 23-65.

⁵¹ Kauzya, John-Mary. "Decentralization: Prospects for peace, democracy and development." (2005).

which covers a number of modes such as the following: (i) deconcentration which refers to the process of administrative decentralization whereby the central government designs a structure that enables its field agents and offices to work in close proximity to the local people (ii) delegation which is the transfer of responsibilities from central government to semiautonomous bodies that are directly accountable to the central government, (iii) devolution which is the process of transferring decision-making and implementation powers, functions, responsibilities and resources to legally constituted, and popularly elected local governments, (iv) delocalization which is the spatial distribution of central government socio-economic development facilities and activities such as schools, hospitals, etc. in peripheral regions⁵². Also, there is (v) privatization which refers to the passing of all responsibility or functions to non-governmental organizations or private individuals and enterprises independent of the government. Amitava Mukherjee⁵³ adds another concept of decentralization, to the above-mentioned ones is (vi) dispersal which means the posting of personnel outside the national capital without any significant transfer of functions or powers to them. Ribot⁵⁴ and Juma et al⁵⁵ note that deconcentration, also known as administrative decentralization, refers to a transfer of power to lower-level central government authorities, or to other local authorities who are upwardly accountable to the central government for example districts, provinces, regions or local councils.

3.2. Elements of decentralization

Choosing the most appropriate form of Decentralization may be based on the reasons for decentralization: decentralization is believed to have the following elements: (a) it should be Democratic, substantively referring to the

⁵² Kauzya, John-Mary. "Decentralization: Prospects for peace, democracy and development." (2005).

⁵³ Mukherjee, Amitava. *Researches in decentralisation with special reference to district planning in India*. Heritage Publishers, 1990.

⁵⁴ Ribot, Jesse C. "Representation, citizenship and the public domain in democratic decentralization." *Development* 50, no. 1 (2007): 43-49.

⁵⁵ Juma, C., C. I. Omboto, and L. S. Mulongo. "The Concept of Decentralization: Kenya Experience and Lesson from Mozambique." (2018).

accountability of leaders to the people⁵⁶. (b) Accountability, meaning checks and balances by citizens and the power holders^{57, 58}. (c) Participatory in political, economic and social activities while increasing the government officials' sensitivity to local conditions and needs (Kirira 2011). (d) Equity in a sense of reaching to more people and allowing them greater representation. (e) Enhancing creative, innovative and responsive programs by allowing local experimentation. (f) Alleviation of complex bureaucratic procedures. (g) Reduction of opportunities for "corruption", particularly large scale corruption. We argue that these elements correspond to those of democracy and interpreted as for common interest for all if not majority since these are aspirations of many people in any society.

3.3. Advantages and disadvantages of decentralization

First, the basic reason for decentralization is to bring government close to the people. This enables local people to be able to participate and exert influence using the existing local political avenues. Bringing power to people makes the political process more tangible and transparent. Second, since decentralization implies a division of power in society, it enables the creation of a more open political system initiating channels of representation and power sharing. In this respect, a decentralized political system can function as an open 'market'^{59, 60}. Third, ethnically divided societies and presence of minority groups' support for political exclusion lead to serious polarizing effects. A decentralized system thus, according to Lijphart and other theorists is more

⁵⁶ Ribot, Jesse C. "Representation, citizenship and the public domain in democratic decentralization." *Development* 50, no. 1 (2007): 43-49.

⁵⁷ Agrawal, Arun. "Accountability in decentralization: A framework with South Asian and West African cases." *The Journal of Developing Areas* 33, no. 4 (1999): 473-502.

⁵⁸ Ribot, Jesse C. "Decentralisation, participation and accountability in Sahelian forestry: legal instruments of political-administrative control." *Africa* 69, no. 1 (1999): 23-65.

⁵⁹ Oates, Wallace E. "An essay on fiscal federalism." *Journal of economic literature* 37, no. 3 (1999): 1120-1149.

⁶⁰ Crook, Richard; Manor, James.. *Democratic decentralization* (English). Operations Evaluation Department (OED) working paper series ; no. 11. Washington, D.C. (2000): The World Bank.

<http://documents.worldbank.org/curated/en/646841468765299512/Democratic-decentralization>

accessible to new political movements and minority groups which then gives them a voice⁶¹, ⁶², ⁶³.

Fourth, due to the ‘proximity of politics’ and a greater involvement of citizens, decentralization legitimizes the public institutions. In turn, the government’s ability to implement is strengthened⁶⁴. Furthermore, a decentralized bureaucracy adapts more easily to local identities and norms, which may increase effectiveness⁶⁵. Fifth, most of all, devolution was seen as a means to address Kenya’s chronic ethnic conflicts: ‘the new Constitution establishes national values and principles of governance that seek to diffuse, if not eliminate altogether, the ethnic tensions fuelled by perceptions of marginalization and exclusion’ ⁶⁶.

According to Dorotan⁶⁷, decentralization is also associated with the following generic challenges: For standardized, routine and network-based services, it may not always be efficient; the central government can experience the loss of economies of scale and control over scarce financial resources; there could be weak administration or lack of technical capacity or financial resources at the local levels and finally, there can arise a distrust between public and private sectors that eventually undermines corporation impeding development and progress.

⁶¹ Lijphart, Arend. *Democracy in plural societies: A comparative exploration*. Yale University Press, 1977.

⁶² Grindle, Merilee S. *Audacious reforms: institutional invention and democracy in Latin America*. JHU Press, 2000.

⁶³ Hadenius, Axel. *Institutions and democratic citizenship*. Oxford University Press on Demand, 2001.

⁶⁴ Bhattacharyya, S. C. "Rural Reforms in West Bengal." *Economic and Political Weekly* (1994): 2110-2110.

⁶⁵ Navarro, Zander. "Decentralization, participation and social control of public resources: "Participatory Budgeting" in Porto Alegre (Brazil)." In Conference Paper, Workshop on "Citizen Participation in the Context of Fiscal Decentralization: Best Practices in Municipal Administration," Tokyo and Kobe, Japan. 2002.

⁶⁶ Akech, M. 2010. *Institutional reform in the new Constitution of Kenya*. Nairobi: International Center for Transitional Justice.

⁶⁷ Dorotan, Eddie. "Importance of Decentralization." Cambodia: Second Social Accountability School (2008).

4. Characteristics of Common Good

In this part, the following characteristics of common good are derived from the writings of various scholars through time. It is clear from the familiar opening lines of the *Nicomachean Ethics* and the *Politics* that Aristotle locates the good at the center of practical thought. Every craft, inquiry, action, and decision, he says in the *Ethics*, aims at some good; the *polis*, he observes in the *Politics*, like every community, is established for the sake of some good⁶⁸. Answering the question of what is the good for the sake of which the political community is organized, he argued that it is excellent activity of the rational soul, supported by external resources, over the course of a lifetime⁶⁹. Aristotle also encouraged the education in virtue as opposed to vice. This supported good life and human flourishing in the *polis*⁷⁰.

Plato asserts the practice of corporation and friendship in the communities in turn enhances cohesion and unity. In the same vein, Aquinas insists on unity and order as contributing to a civic community. He affirms that state exists for the good of all. Rousseau on the other hand contends that the *general will* is for the common good. Confucian philosophy advocates for the subordination of individual interests to group or collective interests. In a sense, this curbs self-interest. Africans had the communal life and ethnic settings that coexisted and was never a problem until a lethal seed was sowed – that of looking at an ethnic group as ‘*the other*’, that is either superior or inferior or means no good to ‘*my ethnic group*’. Inversely so, Machiavelli’s conceptualization is interpreted as more utilitarian. Utilitarianism has a lot of problems in democracy which we discuss further under critic on common good. We posit that the tenets of democracy are similar if not same as those supporting common good. This is therefore an appealing attribute to what most people would want.

⁶⁸ Kraut, Richard. "I4 Aristotle and Rawls on the common good." *The Cambridge Companion to Aristotle's Politics* (2013): 350.

⁶⁹ NE I 10, 1101a14–16

⁷⁰ 1280b10-12; NE 1179b

5. Critic of Common Good

Schumpeter (1883 – 1950) is known for his redefinition of democracy as merely leadership completion⁷¹. As much as he did not welcome socialism, even less did he welcome popular democracy⁷². His definition is a construction intended to preserve elite domination in the unwelcome socialist democracies of the future⁷³. In the name of realism, his definition stripped democracy of all ethical content. Schumpeter's redefinition, shorn of its dark origins, became canonical in postwar American political science⁷⁴. Schumpeter denies that individual will, common will, or common good are essential to democracy. Democracy is only a method, of no intrinsic value, its sole function is to select leaders, according to Schumpeter⁷⁵.

Schumpeter submits that if there is no common good there can be no will of the people. Schumpeter is attacking utilitarianism, and he believes that the utilitarian view is that there is an independently defined utilitarian principle of the greatest good for the greatest number that all would assent to in rational argument⁷⁶. If there is no greatest good for the greatest number, then there is nothing for the people to assent to. Additionally, he argues, that there is no independently defined common good⁷⁷.

Hart Ely⁷⁸ suggests that “democracy is a sort of applied utilitarianism, unfortunately possessing utilitarianism's weaknesses as well as its strengths – an institutional way of determining the happiness of the greatest number.”

⁷¹ In 1942, he published his *Capitalism, Socialism and Democracy*, an analysis of the inevitability of socialism

⁷² Medearis, John. *Joseph Schumpeter's two theories of democracy*. Harvard University Press, 2013.

⁷³ *Ibid*

⁷⁴ Scheuerman, William E. *Carl Schmitt: The end of law*. Rowman & Littlefield, 1999.

⁷⁵ Mackie, Gerry. "Schumpeter's leadership democracy." *Political Theory* 37, no. 1 (2009): 128-153.

⁷⁶ Schumpeter, J. A. "Capitalism, Socialism and Democracy, New York: Harper, 1975." (1942).

⁷⁷ *Ibid*

⁷⁸ Ely, John Hart. "Constitutional Interpretivism: Its Allure and Impossibility, 53 *IND.*" *LJ* 399 (1978): 405-08.

Alexis de Tocqueville⁷⁹ offers a similar suggestion: “Democratic laws generally tend to promote the welfare of the greatest possible number; for they emanate from the majority of the citizens, who are subject to error, but who cannot have an interest opposed to their own advantage. Furthermore, the advantage of democracy does not consist in favoring the prosperity of all, but simply in contributing to the well-being of the greatest number.

6. Discussion

Question is “Is decentralization / devolution a common good”? the main aim of decentralization is to bring government close to the people and enabling local people to participate and be represented in the political process and giving a voice to all. Therefore, working for the good of all supporting a good life and human flourishing. Following the aforementioned, it can be presumed that for the ordinary political discourse in Kenya, common good refers to those facilities common to all, whether material, cultural or institutional that have a relational obligation for all to care since they benefit the common interests of the majority. In a growing democracy like Kenya, some undisputed examples of common good includes the road network, the public libraries, the public health facilities, the public water and drainage systems, museums, courts and judicial systems among others. These form part of the decentralized functions in Kenya.

Common good as a philosophical concept helps one reflect on the philosophical meaning of the role of public and private dimensions of social life. Public life is the participation in the political process locally, nationally or internationally. It is a shared effort among the citizens to maintain certain facilities for the sake of common interests. Private life however, each individual member must pursue distinct set of personal projects to support the achievement of the common interest.

When we look at how other occupations such as journalists, corporate executives or consumers act on the basis of common good to actualize decentralization. This could be through working in close proximity to the local

⁷⁹ Tocqueville, Alexandre de. "Democracy in America, New York (Vintage Books) 1945." (1945).

people, delocalizing the distribution of its services throughout the country and ensuring they play a role in representing the local population.

More fundamentally, we should we care about the common good as it promotes corporation and friendship in the communities in turn enhances cohesion and unity.

However, Dahl, while postulating that democracy allows for a citizenry that is politically equal and participate in decision making while respecting human rights holds that democratic societies have a strong tendency “individualism”; whereby we have a situation whereby community members withdraw from public life and focus exclusively on their own private lives.

7. Conclusion

In conclusion, the study notes that with the changing times, the discourse in international relations needs to reflect on going back to systematic philosophy in order to ground the current events. This paper aimed at examining various aspects of the common good in a democracy. We have established that democracy and decentralization support common good but from different perspectives. It almost seems that they are intertwined as they all aim at achieving the greatest good for the greatest number.

The transfer of powers from central government to lower levels in a political-administrative and territorial hierarchy is ideal for Kenya since it increases representation of the local people to the central government. This will also help in tackling the corruption menace since having decision-making and implementation powers, functions, responsibilities and resources to legally constituted, and popularly elected local governments increases the level of accountability of office holders. Devolution ensures the spatial distribution of central government socio-economic development facilities and activities such as schools, hospitals in all parts of Kenya equally. This paper finds that Kenya would benefit greatly from a devolution system as a common good as it seeks the best interests of all citizens.

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