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## The Practicality of Civil Disobedience in Resolving Uganda's Governance Challenge

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### ABSTRACT

In the afternoon of 30 September 2023, as a youth leader & activist in my district (Mayuge), I received a phone call from Muwanga Mark, Kato Kennedy & Mutesi Joan my village mates and OB and OG respectively complaining about their subjection to beatings and other forms of torture including hurling insults on claims of mismanagement of company property, possessing phones etc by their Indian 'General Manager' of Mayuge Sugar Ltd, a company processing sugar and other related products. Across the company, things had been no less violent against the black workers coupled with dismissal threats. Using this case as an entry point into the debate on human rights, politics and work violence, I seek to understand the concrete social conditions under which people claim rights in an ethnicized, gendered, classed, racialised political environment. I seek to understand how intersectional categories that determine access to not only rights but broadly resources, claims to power, justice and opportunities become complicated. In other words, how do claims to "rights" [in this case labour rights] create subjectivities when they interact with gender, race, class, and ethnicity among others in workplaces which are not given priority by the modern state yet they act as centres of violence protected in the name of human rights? Does solving the question of race [in this case Indian and Chinese as a different category of identity according to the employees] subjectivation resolve the subjectivities in an already gendered and classed environment like Uganda [a capitalist and neo-liberal]? If not, then how do we think of the subjectivation beyond the canons of race? The basis for this is that we cannot come to grips with the politics and dynamics of rights if we don't subject such rights to categories that define conditions of work, that shape individuals and societies and that define these very rights. This paper seeks to analyze the context and dynamic under which Ugandan [racialized and ethnicized] workers interact with their employers and how this interaction shapes their subjection to violence. It seeks to show that the subjectification is historical,

political and contextual—multifaceted. This violence against the workers goes unrecorded with the aid of the state machinery [mostly police] which is meant to protect and safeguard the so-called rights. It proves that the state is mired with and a perpetrator of violence to people who face multiple subjectivities and multiple identities. The biggest question for me becomes, is the thinking and decision of the police to subject those workers to unfair treatment out of a vacuum or is it structural and systemic? The state considers all workers as workers having similar rights and groups them in one category [workers] but not all workers go through similar situations. I take inspiration, from the theoretical and conceptual frameworks of Lisa, Marie Cacho (2012), Yuval-Davis and Floya (1992), Suárez-Krabbe, Julia (2014), Rancière, Jacques (2009), Costas Douzinas (2007) and Dhawan Nitkita (2014). For instance, Suárez-Krabbe argues colonial subjectivity is directly related to modern subjectivity...as it becomes the modern [yet gendered] form of subjectivity that erases the “Other” through exploitation and violence. For Yuval-Davis and Floya argue that economic processes are very distinct albeit related concepts but understanding the link between the two doesn’t necessarily require the postulation of class. For Cacho race doesn’t work in isolation to create subjectivities and marginalities, human value is understood in ways which are racialized, sexualized, spatialized and state-sanctioned violence. Costas Douzinas (2007) argues that “the privileged subject of rights are the powerful; those with political and economic muscles, and that rights are racialized, classed and gendered, thus making rights political, contextual and historical.

**Keywords:** Labour Rights, Workplace Violence, Subjectivity, Intersectionality, State Power and Structural Violence.

## Introduction

In the afternoon of 30<sup>th</sup> September 2023, as a youth leader & activist in my district (Mayuge district), I received a phone call from Muwanga Mark, Kato Kennedy & Mutesi Joan my village mates and OB and OG respectively complaining about their subjection to beatings and other forms of torture including hurling insults on claims of mismanagement of company property, possessing phones etc by their Indian ‘General Manager’ of Mayuge Sugar Limited, a company owned by Indians processing sugar and other related products. Across the company, things had been no less violent against the back workers coupled with dismissal threats from the company. Mayuge Sugar employs people mostly below senior six with backgrounds. They are paid less and their salaries are not subjected to NSSF deductions since most of them are not registered workers with the Uganda Revenue Authority nor are they in any worker’s union. According to Mark & Joan, Mayuge Sugar employs mostly males with very few females amounting to less than 15%. Due to “trust issues with ‘black’ Ugandans”, the company is managed by an Indian male though with qualifications less than those of most of the employees.

Unfortunately, the owners cannot summon or fire their General Manager whom they trust better than the “black workers” irrespective of what wrongs he does. His salary is far 10 times higher than the majority of the employees regardless of their qualifications. When the employees face acts of violence meted out to them by the General Manager not only report such cases to the Labour Officer of Mayuge District Local Government but also to Uganda police (Mayuge Central Police Station) based on the constitutional “claim that they have rights to report against any acts of violence, they are forced into pre-bargains or end up being threatened to be charged for instigating the violence and disruption of business of the said company. This is after the General Manager paid a bribe” to both the District Labour Officer and Uganda Police (Narration from Mark & Joan). Due to a lack of money to pay bribes, the workers are denied access to justice by a law enforcement agency—police but also for the fact that they are “blacks” reporting “an investor” who is not of “black origin” becomes a question of indiscipline and behaviour of uncivilized. Immediately after writing the police additional statement and the case is withdrawn from the police, the consequences range from either being fired, told to pay fines or subjected to sorts of violence and mistreatment on the orders of an Indian General Manager. Claims of employees having freedom from inhuman torture, freedom to seek justice and fair pay as enshrined in the 1948 Universal Declaration of Rights, International Convent on Economic, Social, and Cultural Rights 1969, Uganda’s 1995 Constitution & Employment Act of 2006 ended up not working in such scenarios since they tend to make universal and homogenizing claims. This violence against the workers goes unrecorded with the aid of the state machinery [mostly police and labour officers] which is meant to protect and safeguard the so-called rights. This puts into question the idea of rights themselves and the nature of the state under which such happens. It proves that the state is mired with and a perpetrator of violence to people who face multiple subjectivities and multiple identities. The biggest question for me becomes, is the thinking and decision of the police to subject those workers to unfair treatment out of a vacuum or is it structural and systemic? How do we read this in a more historical, political, contextual and multifaceted way? The state considers all workers as workers having similar rights and groups them in one category [workers] but not all workers go through similar situations. This case unveils many cases of violence happening to many employees in places of work due to their gender, class, ethnicity and race as I will attempt to demonstrate.

Using this case<sup>1</sup> as an entry point into the debate on human rights, politics and work violence, I seek to understand how people make claims to rights in an ethnicized, gendered, classed, racialised political environment. I seek to understand how intersectional categories that determine access to not only rights

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<sup>1</sup> The paper emerges from my human rights activism for youths and women in Mayuge and Busoga Region through interaction with Muwanga Mark, Kato Kennedy & Mutesi Joan employees of Mayuge Sugar Ltd the company in the story and observations which I made when following up with their case on violence mounted to them by the General Manager at Mayuge Central Police Station, Labour Office and Equal Opportunities Commission.

but broadly resources, claims to power, justice and opportunities become complicated. In other words, how do claims to “rights” [in this case labour rights] create subjectivities when they interact with gender, race, class, and ethnicity among others in workplaces which are not given priority by the modern state yet they act as centres of violence protected in the name of human rights? Does solving the question of race [in this case Indian and Chinese as a different category of identity according to the employees] subjectivation resolve the subjectivities in an already gendered and classed environment like Uganda [a capitalist and fully neo-liberal country]? If not, then how do we think of the subjectivation beyond the canons of race? The basis for this is that we cannot come to grips with the politics and dynamics of rights if we don’t subject such rights to categories that define conditions of work, that shape individuals and societies and that define these very rights, and we cannot understand the sources of violence if we don’t understand the nature of the state [modern state]. This paper seeks to analyze the context and dynamic under which Ugandan [racialized and ethnicized] workers interact with their employers and how this interaction shapes their subjection to violence. It seeks to show that the subjectification is historical, political and contextual—multifaceted. The paper emerges from the human rights violations cases I received and tried to handle with tortured employees of Mayuge Sugar Limited and observations which I made when spending time at police and company premises during regular meetings. Muwanga Kennedy Mark, Mutesi Joan and later others narrated to me their ordeals and sought some advice on how best they could go about especially this systematic violence. My line of inquiry will take, as its inspiration, the theoretical and conceptual frameworks of Yuval Davis and Floya Anthias (1992), Cheng Grace (2012) and Cacho Lisa M. (2012), Suárez-Krabbe, Julia (2014), Rancière, Jacques (2009), and Dhawan Nitkita (2014).

### **Understanding the State in the Context of Human Rights**

To understand the history of human rights and how this works to make populations subjects, we need to understand the nature of the state. The process of understanding the history of human rights, the state and workers’ subjectivity within the context of race and racism alongside other makers of subjectivation starts with enlightenment and colonialism. Despite it being very eminent today, it is a process which is historical, political and contextual. Enlightenment considered an African as a child irrespective of age, the narrative took the African continent as young and every young requires a tutelage and to be under care. This formed the basis for colonisation to raise the African child.<sup>2</sup> This Eurocentric assumption which associates “other” [oriental] with savagery, backwardness, inferiority, barbarism and wickedness

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<sup>2</sup> Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, (Princeton, NJ: Princeton University Press, 1996), p.4

prompted the creation of equations i.e. Christianity=civilisation and paganism=savagery, as a way to create colonial racism which would victimise those on the second equation.<sup>3</sup> The whole project did not necessarily focus on exploiting the subject populations with colonialism but largely on how best they could be ruled<sup>4</sup>...and I can add that such methods of rule would ease the process of exploitation. Dealing with inclusion and exclusion means dealing with the form of power which shapes such subjectification. This would mean that the entire focus of understanding the colonial project about human rights and subjectification should be thought of dialectically i.e. Showing the relations between the state, the market and the society. Suárez-Krabbe argues that colonial subjectivity is directly related to modern subjectivity...as it becomes the modern [yet gendered] form of subjectivity that erases the “Other” through exploitation and violence. For her, there is a clear link between colonial/modern subjectivity, gender, race and human rights<sup>5</sup>. Any analysis of human rights calls for acknowledging that modern subjectivity starts with colonialism. “The racist configuration of power cannot be understood without taking into account the patriarchal configuration of power”<sup>6</sup>. If one didn’t meet the standards set by the white men, they were regarded as subhuman and so belonged to the “nonbeing zone”. The colonial project aimed at ensuring that the coloniser and the colonised are defined in totally distinct terms and so their civilisation and this would form a basis upon which one would be exploited by the other. Kelly argues that colonialism never put civilisations together but just dwarfed and buried the others by authenticating its own. He adds that colonisation dehumanizes, brutalizes, and degrades the coloniser as a way of awakening the buried instincts, violence, race hatred and moral relativism<sup>7</sup>. For Kelly when we think of rights in a modern sense, it is only rights about whites and not negroes or Indians. This means that universal human rights are unthinkable and when Europe talks about it, it gives a “narrow and fragmentary, incomplete and biased and, all things considered, sordidly racist”<sup>8</sup>. This thinking is attributed to the fact that capitalism and a capitalist society “is incapable of establishing a concept of the rights of all men, just as it has proved incapable of establishing a system of individual ethics”. In the words of Douzinas, rights and exclusion are historical and privileged subjects of rights a white man, well-off, heterosexual male “who condenses in his person the abstract dignity of humanity”<sup>9</sup>. Civil rights are

<sup>3</sup> Mamdani, 1996, *Citizen and Subject*, p.33

<sup>4</sup> Mamdani, 1996, p.16

<sup>5</sup> Suárez-Krabbe, Julia, ‘The Other Side of the Story: Human Rights, Race and Gender from a Transatlantic Perspective’, in Nikita Dhawan (ed), *Decolonizing Enlightenment: Transnational Justice, Human Rights and Democracy in a Postcolonial World*, (Barbara Budrich Press 2014), p. 214

<sup>6</sup> Suárez-Krabbe, *The Other Side of the Story*, 2014, p.211-226.

<sup>7</sup> Kelly, Robin D.G “Introduction,” in Aimé Césaire, *Discourse on Colonialism*, New edition, Introduction by Robin D. G Kelly, New York: Monthly Review Press, 2000, p.35

<sup>8</sup> Kelly, 2000, “Introduction,” p.37

<sup>9</sup> Costas Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism*, (Abingdon, Oxford, and New York: Routledge-Cavendish, 2007), p.76

not for categories considered less human like blacks, women, ethnic and others. These categories are presented as less/uneducated, uncivilized and non-deserving of the privileges of full humans<sup>10</sup>. Colonial domination relied on similar assumptions, the same is still happening thus the basis of demonstrations in the USA against seeing minorities as less human. Such then provides a basis for Western intervention today in world affairs based on the assumed universal principles and values. For Douzinas, rights are seen as ways to deal with oppression by the state and its machinery or transnational bodies, while at the same time serving the interests of dominant classes in society. This points to the transposition of the strength of promises made by modernity and the intensity of violence embedded in its practices<sup>11</sup>. We cannot therefore think of colonisation as an innocent project. Its equivalent can only be an equivalent of "thingification" as Africans and those in the Caribbean become objects at the mercy of the Europeans. In the same thinking, he argues that civilisation in the Western sense can be thought of as proletarianization and mystification<sup>12</sup>. The two are typical expressions of the relations of power [and domination]. This he argues provides room for and mired with there is room only for forced labour, intimidation, pressure, the police, taxation, theft, rape, compulsory crops, mistrust, arrogance, self-complacency, swinishness, brainless elites, degraded masses<sup>13</sup>. This means that those who are colonised are equivalent to nonhumans and so cannot command any human rights, dignity and respect but a "thing". In a Marxist sense, it would be considered a commodity. This whole process does not happen outside the purview of the state the state particularly the colonial [but most importantly the postcolonial state as we shall see] is at the centre of creating these systems of exploitation.

Human rights theorists have criticized nationalism as fronting group or national interests at the expense of individual interests thus national and not human rights interests and is synonymous with identity politics and ideological justification for exclusion and extremism of others<sup>14</sup>. Nationalism has been read as justification for violence and intolerance especially that based on race and ethnicity. Statist nationalists target political dissidents different from ethnic ideologies of nationalism that seek to marginalize particular ethnic groups. As ethnic nationalism seeks to suppress ethnic differences, statist nationalism homogenizes the nation politically due to liberal values and political development in developing countries with authoritarianism<sup>15</sup>. If some international human rights scholars argue for a political order that replaces the nation-state as a locus of citizenship and identity, cosmopolitan scholars argue that the

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<sup>10</sup> Costas Douzinas, 2007, *Human Rights and Empire*, p.97

<sup>11</sup> Douzinas, 2007, p.102.

<sup>12</sup> Kelly, 2000, p.42

<sup>13</sup> Ibid.

<sup>14</sup> Cheng, Grace, *Nationalism and Human Rights: In Theory and Practice in the Middle East, Central Europe, and the Asia Pacific*, (New York: Palgrave Macmillan, 2012), p.3

<sup>15</sup> Cheng, 2012, *Nationalism And Human Rights*, p.4

nation-state would be the quintessential approach to ensuring practical human rights<sup>16</sup>. Globalization has become the option for cosmopolitan theorists since it would speed up the erosion of nationalism and rethinking of citizenship as the basis of claiming rights and identity<sup>17</sup>. Human rights find objection from sections which have not been empowered by globalization given the inequalities in power and wealth that it brings about. Human rights therefore become conceived as being hegemonic given its relation with neoliberal globalization and liberal internationalism<sup>18</sup>. Does it mean if they get empowered, they would stop opposing it, or does it mean it would have stopped being oppressive to others? The fact remains that sometimes surrender privileges to international capital but countries with big capital owners close their borders to the world's poor searching for work<sup>19</sup>. Settling with the idea of human rights and citizenship is very problematic [a thinking very common with cosmopolitan scholars] for rights and citizenship are dependent on identification which is very challenging. This is because, other markers then come to define subjects say gender, race, class etc. In other words, rights can best be thought of as approximations of the subjectification and oppression faced by people. Rights then become undermined under the imperatives of international/global political economy. This then tells us about the nature of the state the liberal form of rights are practiced and how they are very problematic.

For Mamdani, the logic of the post-colonial state using indigeneity as a litmus paper for rights, which was a logic of the colonial state and that indigeneity has therefore been used to determine justice and so access to entitlements constitutes a problem that the post-independence African state faced<sup>20</sup>. Thus,

To understand why the link between indigeneity and rights continued to be reproduced after colonialism, we need to focus on the character of conservative—mainstream—nationalism. Mainstream nationalism shared with its radical counterpart a common effort to de-racialize civic rights. In contrast to militant nationalists who were determined to de-ethnicize the customary sphere, however, mainstream nationalists pledged to reproduce the customary as the authentic tradition of Africa. As a consequence, mainstream nationalists reproduced the dual legacy of colonialism. This time around, though, they hoped to privilege indigenous over nonindigenous<sup>21</sup>

As much as the attempt to deracialise rule was universal, the postcolonial state's attempt to reform the inheritance of the colonial bifurcated state followed two different yet incomplete trajectories i.e. "the

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<sup>16</sup> Cheng, 2012, p.6

<sup>17</sup> Ibid, p.7

<sup>18</sup> Cheng, 2012, p.9.

<sup>19</sup> Jacques Rancière, *Hatred of Democracy*, (London: Verso Books, 2009), p.82.

<sup>20</sup> Mamdani Mahmood, "Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism.," *Comparative Studies in Society and History*, 43, no. 4 (October 2001), p.567.

<sup>21</sup> Mamdani, 1996 [2017], *Citizen and Subject*, p.25; Also, Mamdani Mahmood (2005). *Political Identity, Citizenship and Ethnicity in Post-Colonial Africa*. Arusha Conference, "New Frontiers of Social Policy" – December 12-15, 2005, p.9

conservative and the radical”<sup>22</sup>. If the former preserved the rule of chiefs and customary authority over ethnically defined realms, the latter sought to eliminate the ethnic divisions and so abolished and/or under-looked the authority of chieftaincy. With the conservative trajectory, the nature of state power persisted for it relied on rule based on customary and despotic power of chiefs which Mamdani terms as “decentralised despotism” of the conservative regime. For the radical trajectory, there was a shift and the relevance of chiefs was disregarded along with a multitude of separate customary laws. Mamdani notes that “*the result, however, was [the development of] a uniform, countrywide customary law, applicable to all peasants regardless of ethnic affiliation, functioning alongside a modern law for urban dwellers*”<sup>23</sup>. In instances where the radical state is said to have dealt with the tribal question and removed it out of despotic rule, the bifurcated nature of the state remained with a division between the rural and the urban: with the urban having a deracialised civil society of citizens constituting the radical postcolonial state’s reform ego while the rural remaining in a sense that the state [postcolonial] continued to treat the peasants as the prototype subject of despotic rule<sup>24</sup> just like the conservative state treated the prototype subject to bear an ethnic mark. Therefore, Mamdani shows how the postcolonial African state failed to democratise and reform the colonial mode of indirect rule thus maintaining a continuity of the colonial bureaucratic system and institutions. The postcolonial state Mamdani argues has continued to envision the colonial bureaucratic management of difference and divisions<sup>25</sup> and so the administrative logic of difference—that Chatterjee would call ‘the rule of colonial difference’.<sup>26</sup>

The modern nation state tells its own story based on the ideas of progress, reason, and inclusion but fails to focus on the history of exclusion. Its major focus is on ensuring that the excluded genders, races, sexualities, classes etc are given freedom and equality, freedom and rights, things which may otherwise seem temporal by promising to transform people from darkness/tradition to modernity/enlightenment. The Enlightenment has been charged with universalising the world, by trying to ensure that the people, societies and institutions are measured against the yardstick of rational utility thereby propagating oppression. Enlightenment assumed an ambition of universalism by fronting universal principles to be taken up by all human beings irrespective of their race, gender, religion etc. and such can be exported to the rest of the world<sup>27</sup>. As Pillay would write, equality in the liberal sense is not specific to a group, a

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<sup>22</sup> Mamdani, 1996 [2017], *Citizen and Subject*, p.25; Also, Mamdani Mahmood (2005). *Political Identity, Citizenship and Ethnicity in Post-Colonial Africa*.

<sup>23</sup> Mamdani, *Citizen and Subject*, p.25

<sup>24</sup> *Ibid.*, p.26.

<sup>25</sup> *Cf* Mamdani, 2005.

<sup>26</sup> Mamdani *Citizen and Subject*, 2017; Mamdani, Mahmood, *Define and Rule, Native as Political Identity*, (Johannesburg: Wits University Press, 2012); Chatterjee, Parther. *The Nation and its Fragments*, (New Jersey: Princeton University Press, 1993).

<sup>27</sup> Dhawan, Nikita, ed. *Decolonizing Enlightenment: Transnational Justice, Human Rights and Democracy in a Postcolonial World*. (Barbara Budrich Press, 2014), p.24.

race, a gender, a class etc. “It is for this reason that the popular symbol of justice is a blindfolded figure”<sup>28</sup>. Rights for this case under the auspices of the modern universalized form of the nation state focus on the individual. Pillay would cite Hannah Arendt to say that “you have to be a part of a nation-state to enjoy and to have your universal human rights protected. Constituted as such, the terrain of much of the struggles of the 20th Century, whether it has been for the nation-state freed from the yoke of European feudalism, the suffragettes for citizenship, the anti-colonial struggles or the struggles for national liberation, have aspired towards an equality of rights for an individualized citizen”<sup>29</sup>. Enlightenment has banked on individuality to extend its violence; the problem is that you cannot identify yourself as a problematic group. How about groups that define themselves as groups say Muslims, Baganda etc.? Political modernity and rights can be located well in the history of colonialism and imperialism which set a yardstick for assessing progress to divide the world [colonial mostly] thus the continued cycles of violence backed by legal and institutional frameworks set up in the name of rights consequently erasing difference.

### **Intersectionality of Race, Gender, Class, Human Rights and Workers’ Subjectification.**

To better articulate the idea of racism and exploitation, human rights, gender, class etc. from the colonial period, we need to go back to Yuval-Davis and Floya. Yuval-Davis and Floya examine the link between race and class with the economic processes of black people. They argue that economic processes are very distinct albeit related concepts but understanding the link between the two doesn’t necessarily require the postulation of class. Despite the ease with which one can easily tell/identify blacks as being at the bottom of the economic strata, it isn’t easy to show that it is due to racism neither is it easy to expose that this is a means through which capital profits from the lower class who offer cheap labour or act as reserve army (Yuval-Davis and Floya, p.61). Racism can be well envisioned in the colonial justification of exploitation by colonisers through constructing the racialised Other. Even the blacks in America are seen as undergoing a continued process of colonization given the political power exercised on them<sup>30</sup>. Colonialism is considered the origin of racism that structured the position of blacks through its discourse. Other scholars don’t link racism to colonialism but to European encounters with non-Europeans say for Jordan, how the English constructed the black African upon encountering colonial racial ideas separated the population into discrete peoples [subject nation or people]. Theories of race have been constructed as market relations approach [focus on factors that change the market operation normalcy say

<sup>28</sup> Pillay Suren. *Identity, Difference, Citizenship: Or Why I am No Longer a Non-Racialist*. (Dakar: CODESRIA, 2015).

<sup>29</sup> Pillay Suren. *Identity, Difference, Citizenship*, 2015, p.10.

<sup>30</sup> Yuval-Davis Nira and Anthias Floya, *Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle* (London: Routledge, 1992), p.63.

discrimination], stratification theory [distribution of economic resources with extra-economic factors re-enforcing those of economic inequality], class conflict theory [focus on class exploitation, considering racism to be a result of economic class interests]<sup>31</sup>. This shows that there is a structure that shapes exploitation and oppression based on racism. Steve Biko argues that the oppression of “blacks” was systemic and structural and there is a need to overhaul the entire system that divides races between superior and inferior before blacks and whites can join hands to fight a common enemy<sup>32</sup>. Steve Biko insisted that blackness was not part of biology but a political experience through racism. Biko doesn't consider race as entirely and exclusively an issue of identities but a reflection and manifestation of realities which are historical and political. These are realities of marginalisation and oppression. Biko articulated that political identity is historically created [and can historically change]. People are not born to be white but are born white, neither black are born to be black. Majority-minority are not naturally natural, they are created and historical, and so yesteryear's majority can become today's minority and vice-versa.<sup>33</sup> For Cacho race has been instrumentalised in the US system and colour-coded criminalization is what has been given maximum attention.<sup>34</sup> This narrative is derived from her interpretation of the American media's representation of African American and White survivors' actions in the reverberation of Hurricane Katrina. Despite the blacks and whites being caught in similar acts if not the same acts, the blacks' efforts are seen as criminal while those of whites as ways of survival. For her, the policy environment in the USA is “dependent upon the permanence of certain groups' criminalization,” and such groups are considered to be “ineligible for personhood”<sup>35</sup>. For her race doesn't work in isolation to create subjectivities and marginalities. The critique of race that she gives is not that it is degrading because it is devalued, for instance, if you are black, you have no value or less valued [it is right but not entirely a sufficient explanation], but because this race is accompanied by other devalorising categories. So, as we think of race as a problem, how do we think of its implications on people who experience other categories that devalue them and oppress/exploit them? For her, human value is understood in ways which are racialized, sexualized, spatialized and state-sanctioned violence<sup>36</sup>. So, as we think of race, we need to think of those other categories to get to the core of the problem. Cacho examines how social value is a contested terrain but more through the language of morality. Morality then

<sup>31</sup> Yuval-Davis and Anthias, 1992, *Racialized Boundaries*, p.65

<sup>32</sup> Steve Biko B, *I Write What I Like: Selected Writings* (Chicago: University of Chicago Press, 2002), p.64

<sup>33</sup> Biko, 2004, *I Write What I Like*; Also see Mamdani Mahmood. *Neither Settler nor Native: The Making and Unmaking of Permanent Minorities*. (New York: The Belknap Press of Harvard University Press, 2020, Forth Coming November). I would like to thank Professor Mamdani for sharing chapters of this forthcoming publication with me.

<sup>34</sup> Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012).

<sup>35</sup> Cacho, 2012, *Social Death*, p.6

<sup>36</sup> Cacho, 2012, p.4.

becomes a language that structures exploitation and endorses state violence. This is identical to the US situation where the demonstrations are against racism sanctioned by the state to meet violence against racialized groups. She writes that “for the poor of colour, the stakes are always high...are affected most often and most intensely when criminal and immigration laws are altered to be more efficient but less humane”<sup>37</sup>. This shows that the question of racism is worsened by the class question. For some employers take it to the extreme to discriminate based on one’s health status.

One of China’s largest and most powerful construction companies, with operations all over Africa, discharges local employees if they test positive for HIV. The firm insists that its workers be tested for HIV and then, obtaining the test results directly from the testing clinic, fires those whose results affirm their HIV status... The Chinese company’s practice regarding workers with HIV came to light when employees went to court seeking compensation for unfair dismissals. A driver for China Communications in Uganda was summoned to the head office and told to take an HIV blood test. Another set of employees was summarily transported with him to a clinic in Kampala, Uganda’s commercial capital. “We had to go along with it,” he testified, “because we were afraid of losing our jobs”... When the driver complied, and the enforced test came back positive, his manager sent him packing, and without compensation. Subsequently, he sued for unfair dismissal, joined by another worker who had been treated in the same way. The second employee, a single mother with a six-month-old baby who had worked for China Construction for eight months as a cleaner being paid the equivalent of \$83 a month, said, “You’re not supposed to treat people like that. For them, it’s as if HIV is like flu.” She has been unable to find another job.<sup>38</sup>.

This points to the multifaceted nature of subjectification people go through, now beyond race and class to gender and health status. one can be dismissed on charges of testing positive as if it affects their output rate in any way. One is left to wonder why one’s contract would be terminated based on medical reasons.

Yuval-Davis and Floya argue that although race and class are linked, “racism are forms of discourse that may but need not articulate class processes”. Race is a component of a class formation and not merely a derivative of it. To them, questions of race formation, racism, exclusion, economic and social position etc. Cannot collapse into mere links between race and class but engaged through engaging broader social processes<sup>39</sup>. The conceptual claim here according to Yuval-Davis and Floya is that racism cannot “be

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<sup>37</sup> Cacho, 2012, p.5.

<sup>38</sup> Rotberg Robert I. “Chinese Company Fires HIV-Positive Workers”. *China Focus*, August 1, 2017. Available at <https://www.chinafocus.com/society-culture/chinese-company-fires-hiv-positive-workers>

<sup>39</sup> Yuval-Davis, and Anthias, 1992, *Racialized Boundaries*, p.75

understood without considering their interconnections with ethnicity, nationalism, class, gender and the state. To this end, Ferber (2002) writes that “gender and race have no priori bearing on an individual’s economic position or behaviour, but in particular historical circumstances, race and gender distinctions may become significant variables in the process through which surplus labour is performed, appropriated, and redistributed”. In other words, race alone cannot explain labour relations and ignores intra-ethnic disparities considering class. This invites us to think about the class character of black struggle—meaning the struggles are not necessarily struggles over being a black race per se, and so facing subjectivities as a racialised group but the struggle involves a class question. Meaning they are not only considered black but such an identity considered of the lower class. This is political where blackness isn’t defined alone but class. The vision that is articulated by Yuval-Davis and Floya is to say that such kind of analysis would imply that in instances where white people undergo similar aspects of class definition and identification as blacks do—the very conditions they face—the former would not easily escape the very subjectivities the latter goes through i.e. that of being considered a lower class. If we focus our energies on dealing with the questions of race and racism without questioning other factors i.e. Class and so what it means to be “black” in an environment which is already racialized, race and blackness cannot easily be separated. Black struggles reflect how the working class is politically constituted and politically organized. It is not entirely on the fact that they are proletariats but their political inclusion.<sup>40</sup> The best reflection would be on the conditions white people would go through if subjected to the same system as black. If subjected to the same class definition as blacks in terms of conditions, the whites would experience similar subjectivities i.e. Being of a lower race. This means separating race from blackness is not liable for any solution aimed at resolving the race question offers no practical solution to the class question of what it means to be black. We cannot locate class formation in the processes of production per se, it is as Yuval-Davis and Floya would argue historically constructed “about the history of gender and race”<sup>41</sup>. Citing Rex, migrant and immigrant workers are an underclass since they occupy lower positions. Migrants are from the poorest sections of their countries of origin. In Britain for instance, they are not only inserted into economic relations through the reproduction of class disadvantages but also through relations of racism and political and economic exclusions. This means that they face multiple forms of exclusion defined by both race, class, gender etc.<sup>42</sup>

Generally speaking, migrants (except for some categories of refugees) have tended to be from the poorest and most underprivileged groups of their countries of origin. In the case of Britain, the last wave of new commonwealth migrants of the post-Second World War period has had their class composition structured

<sup>40</sup> Yuval-Davis Nira and Floya Anthias 1992. P.62

<sup>41</sup> Yuval-Davis and Anthias, 1992, p.79

<sup>42</sup> Ibid, p.77

through colonial relations. How they have been inserted into the economic relations of the countries of migration has not only reproduced the class disadvantages present at the point of migration but has restructured them within relations of racism and other political and economic exclusions<sup>43</sup>

In employment, migrant workers and ethnic minorities offer hard manual labour of lower class and pay while the majority of white children in non-manual work with evidence from the British system<sup>44</sup>. This means that the category migrant workers are not a universal category and does not mean the same thing across different contexts. The argument raised by Yuval-Davis and Floya is very true in many racialized environments including places like Uganda. Even the case which I am studying as an entry point speaks to this same situation. Non-blacks are preferred in non-manual work than blacks having higher pay even with less/same education and rank than blacks thus de-valorisation. If the category “migrant workers” is applied in a context like Uganda where migrant workers are not of black origin, the story changes its tone. If turned on its heels, migrant workers in the African context who come from other parts of the world especially Europe, USA and the new world [China, India, Korea, etc], tend to take up higher positions in a foreign land. These most of the time disguise as investors while others come as employees [migrant workers]—which status they feel not comfortable embracing for it would make them look devalued for it means a different story [a group of people who are devalued and their work not considered worth paying its worth but exploiting]. This is not to say that they shouldn't have better positions and better-paying jobs but the reward system for them the so-called “blacks” becomes unfair for it tends to favour them at the expense of the blacks irrespective of the contribution each makes. What I mean here is that migrant workers as a status and identity is historical and contextual. A migrant worker is true to the meaning only when he/she is in the context of the world that considers itself superior to others but when such labour moves from an allegedly developed country, then they become investors. Such statuses and identities tend to turn tables and make groups and identities of people be put in certain categories which are unchanging, universalised and homogenised despite the differences. This is part of a larger process of exploitation, violence and discrimination. At what point is one considered a migrant worker? When do we consider Chinese, Indians, Americans, and British who move from their countries to the African continent for example or to Uganda as migrant workers? [who did not come to invest but to work]. I can argue however that not all migrant workers are under-classed in the context where they work, they might be an underclass in their home countries but they become not if they change contexts. This is not to say that they aren't an underclass, but given sometimes the issue of racism i.e. being for instance white, their class

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<sup>43</sup> Ibid., p.55

<sup>44</sup> Ibid., p.79

is elevated compared to their black counterparts—to portray them as being of a higher class, irrespective of their education levels, experience, expertise etc. A clear case is the story I use as a starting point of this analysis, where an Indian is considered to be of a higher class than the rest of the blacks—more so the female blacks, despite the Ugandans having higher education qualifications than him, more experience and expertise in the field but also in the company, he becomes a highly classed member of society given his race. He is not one of the investors [according to standards set by the government that qualifies one to become an investor] but he enjoys employment privileges attributed to his “race” and descent—including high salaries, holidays, leave days etc—which privileges are not available to others [even those next to him in ranks]. It was put to my attention that he earns a salary of 6 million Uganda shillings net while the next in rank earns 600,000 shillings but his wife with a very lower rank than many employees [including those earning 250,000shs, earns 800,000shs monthly with daily lunch allowances of 20,000 [making her the second highest paid employee though not second in rank]<sup>45</sup> and majority earning between 100,000 and 250,000 shillings, with 5000 shillings only as daily lunch allowance. This is a problem bigger than this company. It is a big structural and historical problem that starts with the history of colonialism.

Some employers often chant racist claims on how local labour is weak and lazy:

When asked why they came to Uganda, business owners echo their workers: they’re here to make money. Some speak of frustrations with local labour, often relying on racist stereotypes in their claims that Ugandans are “lazy” or that they steal from them. These frustrations are similar to those recorded in Warmerdam and Van Dijk’s 2016 survey of Chinese businesses in Kampala, where 27% of respondents identified “workers steal things” as a problem faced by Chinese traders. This argument is used to justify the preference of many Chinese business owners to hire Chinese workers to man their stores and warehouses...Furthermore, the tendency of Chinese traders interviewed to root their complaints about local Ugandan labour in racist rhetoric, associating blackness with laziness and ineptitude, contributes to the continued issue of racism and a sense of superiority in the Chinese that make it difficult for Ugandan employees. We need more economic geographic analysis of how racial power operates in this particular context, and within wider China-Africa geoeconomic and geopolitical relations.<sup>46</sup>

From the quote, calling local workers lazy was but a justification for favouring non-racialised workers like fellow Chinese, the salaries given to employees is just enough for them to reproduce themselves but not self-sustainability beyond work. Arsene shows that “even though the base salary paid by the average

<sup>45</sup> This can best be explained through feminisation of work which I will explore at a later stage in the paper.

<sup>46</sup> Devon Hsiao and Caroline Faria. “The Intimate China-Africa in Kampala, Uganda”. American Geography Society. Available at [Http://www.Focusongeography.org/Publications/Articles/Uganda\\_china/Index.Html](http://www.Focusongeography.org/Publications/Articles/Uganda_china/Index.Html)

Chinese employer is more than a Ugandan employer typically pays, it only covers necessities: rent, food and, if applicable, school fees”<sup>47</sup>. For the employees to survive, they have to look for ways beyond their incomes [through side incomes when in the field this happens to grocery distributors and Chinese shops Arsene researched about] and this is referred to as “enjjawulo”<sup>48</sup> (difference). This enjjawulo is also used by workers to substantiate their monthly earnings at Grocery distributors. In a bid to give bonuses, 50 shillings is given for each box of water sold but only if someone sells above 50 boxes...something unlikely given the competition in the market with other water brands moreover of better quality and each jumbo of water. Mind you each box has a profit not less than 2000shs and you are given 50shs only and so the motivation to work serves the interest of the capitalist. The attempt to make *enjjawulo* comes with what Jean and Jane Cameroff would call the “poetics of contrast”.<sup>49</sup> They argued that African workers in mostly racially coded environments develop a poetic language in which they express their discontent with the unequal/uneven power relations between them and employers in capitalist societies. Such tension is expressed in the distinction workers make between working for themselves and for the whites<sup>50</sup>. Workers of Grocery face similar tensions of having to work for the boss [the Indian] and themselves. This happens with other employees of course with other bosses including the Chinese. Taken lightly, enjjawulo is what can be related to infra-politics<sup>51</sup>—a response to their employers on issues which cannot be discussed openly. Gramsci would call it passive revolution<sup>52</sup>. Employers consider workers [especially black workers] to be very poor to the extent of not being able to save for basic future needs like taking care of visitors by mere offering drinks:

Another typical example comes from Doris, an 18-year-old woman who works in a grocery store managed by a Chinese family. She recalls: I was abused when my father came to the place of work and I attended to him. I bought him a soda and when he left, the boss asked me where I got the money that I used to buy my visitor that soda. I had my money, but he claimed that I sold an item, a bag of chips I think, and failed to give him the money. He told me to pay for the chips if I still wanted the job. I did it and from that time, I do not come with money [to] the shop just because of this [experience] (Doris, 4

<sup>47</sup> Codrin Arsene, “Chinese Employers and Their Ugandan Workers: Tensions, Frictions and Cooperation in an African City,” *Journal of Current Chinese Affairs* 43, no. 1 (March 2014): 139–76, <https://doi.org/10.1177/186810261404300106>, p.142

<sup>48</sup> “Enjjawulo” encompasses certain notions of value and labour not entirely limited to the informal Ugandan view on the retail service. In stores where most products do not have a price tag, the value of an item is the result of an intense financial and discursive negotiation. In other words, while Ugandan sellers often label enjjawulo as “free money over the expected sale price” Arsene, Codrin, 2014, Chinese Employers and Their Ugandan Workers, 2014, p.142

<sup>49</sup> L. John and Jean Comaroff, “The Madman and the Migrant: Work and Labor in the Historical Consciousness of a South African People,” *American Ethnologist* 14, no. 2 (May 1987): 191–209, <https://doi.org/10.1525/ae.1987.14.2.02a00010>: 191

<sup>50</sup> See also Arsene, 2014, p.160

<sup>51</sup> For a broader discussion on infra-politics, see Scott, C. James, *Domination and the Arts of Resistance: Hidden Transcripts*, (New Haven & London: Yale University Press, 1990).

<sup>52</sup> For a discussion on passive revolution, see Antonio Gramsci, *Selections From The Prison Notebooks Of Antonio Gramsci* (New York, Ny International Publishers, 1971)

October 2011). What all these stories have in common is that the employees either acted in ways their bosses judged to be suspicious, or failed to do.<sup>53</sup>

Arsenes conclusion that workers act in suspicious ways is insufficient. She ignores the nature of violence against the black employees who are considered low class and incapable of keeping some money for themselves and being found with any money would lead to violence and theft accusations which is very common with many people in racialised places. Simply put, such a process of subjectivation is not thinkable outside the broader structure of capitalism which exploits the worker and leaves them with no option but to work for the capitalist. In this case, Joan Acker shows that capitalism as a process of organisation of production and distribution is gendered and racialized<sup>54</sup>. Through separating capitalist production from family reproduction, it becomes gendered as it “reorganises the division of labour between men and women”<sup>55</sup>. Her analysis tries to show how gendered and racialized practices and outcomes are indicators of capitalism and how they can help understand contemporary gender and racial segregation and division of labour. Acker’s historical argument is that capitalism is racialized and gendered due to two intersecting historical processes. First, she claims that the quintessence of industrial capitalism is dominated by white males, a gender and race-separated workforce, wage inequalities, and a large-scale gender division of caring labour<sup>56</sup>. Secondly racialized and gendered capitalism stems from the fact that these practices of inequality are embedded in and propagated through the gendered substructures of capitalism. In this sense, caring and rearing activities in the domestic realm are devalued and viewed as the antithesis of masculinity, and outside of the “main business” of life. At the initial stages of capitalism, women were incorporated differently from men and among themselves<sup>57</sup>. Gender and race are built into capitalism and its class process through the long history of racial and gender segregation of paid labour and through the images and actuals of white males that dominate and lead central capitalism endeavours. We learn that capitalism puts white males at the top and shows how the white male epitomises the real definition of masculinity. Simply put, Acker's feminist answer to the class question is to understand the history of capitalism as founded by "a relatively small group of white men" who organized workplaces “based on assumptions about the masculine individual as the normal human being”<sup>58</sup>. Capitalists [wealthy white men] used gender and race to organize production and to place people into jobs both paid and unpaid This indicates that masculinity and violence have a deep connection

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<sup>53</sup> Ibid., p.155

<sup>54</sup> Joan Acker, *Class Questions: Feminist Answers* (New York: Rowman & Littlefield, 2006), p.77,85

<sup>55</sup> Joan Acker, 2006, *Class Questions*, p.86

<sup>56</sup> Acker, 2006, p.78

<sup>57</sup> Ibid., 80

<sup>58</sup> Ibid. p.9

to capitalist history. The story is a reflection on the process of feminisation which tends to bring bigger questions which are unthinkable in the liberal regime of rights. This process of feminisation of work is rooted in colonialism and capitalism. The works of Yuval-Davis and Floya do not go deep into analyzing feminization of work about race, gender and rights. Women are historically and politically considered to be meant to take on work which is feminized. But this feminisation does not only affect women. In the end, it also affects men who do work which is feminised and considered now worth doing by women. The work done by women who are not black pays them higher than blacks would earn in the same job. There is reproductive work which is done by men in numerous places both in the household and the market i.e. Nursing, caring, cooking and many others. This is the sense in which Peterson tries to inform us that gender can be structured by class and so the relations that affect it. Peterson shows that in instances where there is no woman to perform work which is devalued, men who are down the strata and so less earning do perform such work.<sup>59</sup> Feminisation, however, shouldn't be seen as only rendering work less paying, indeed, work can also become high paying in the process since feminised work may not be so forever. This means we need to deploy intersectionality to understand this conundrum since it's beyond a single homogenous category. How about if they extended the analysis to the feminization of work and pay. Does work done with a white woman pay higher if done with a black man? This of course is not true. Deploying intersectionality means that any discussion about identity calls for discussion broadly about systems that uphold the very identities [i.e. Racism, classism, capitalism etc.].

### **Workers' Agency, the Question of Structure and Subject Response.**

One would wonder why employees don't leave jobs that subject them to inhuman and degrading treatment. I can argue that no worker would wish to stay under such circumstances, each wish to leave. It becomes problematic to argue [though there has been an argument by scholars who tend to research similar questions] that workers are treated well and so they stay at places of work for a long time. My argument is that there are those workers that face better working conditions but political and economic conditions in the country force the majority of workers to stay in current jobs, sometimes it becomes hard to find another job while others have debts [due to advance payments—something very much liked by employers to keep workers as security] and so fear to leave. This comes from the fact that the employees at grocery distributors have often wished to quit work and get other jobs but the biggest question they ask themselves is quit to where? The big unemployment [structural] problem in Uganda brings about this situation. The structure of the capitalist liberal state has made it impossible for them to freely leave and join other places. Galabuzi argues that there is an assumption that the concept of unfree labour “is not

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<sup>59</sup> Spike V. Peterson, “How (the Meaning of) Gender Matters in Political Economy,” *New Political Economy* 10, no. 4 (December 2005): 499–521, <https://doi.org/10.1080/13563460500344468>

exclusive to describing servitude but also poor working conditions and the coercion of work (as opposed to coercion to work) in conditions that structure alienation and marginalization”<sup>60</sup> (p.9). To him, this has been extended in a way that can address relations of coercion that explain forms of bonded labour, human trafficking, sex slavery and any other such relations that can be identified outside the ambit of laws.<sup>61</sup>

Arsene (2004) has argued that Chinese employers tend to offer acceptable, permanent employment opportunities to workers:

The Chinese employers provide an acceptable, and sometimes thriving and permanent, employment opportunity for those willing to work towards this goal. For example, Aiman, Doris and Thomas continue to work for their Chinese employers six years after I interviewed them for the first time (as of 10 February 2014)... For example, out of the original 30 respondents (interviewed in 2012), 22 continue to work for the same employer (as of 2014), four have switched jobs (in 2013), while the remaining four were laid off and moved to another employer after the shop they worked in went out of business<sup>62</sup>

The question I would pose is whether these employees remain at their places of work because they want, are happy or are paid well? Bosses have given them permanent employment as they claim. To me, most of the time and based on the narrations from grocery distributors limited employees, stay because they have no choice, in fact even the employees wish to quit but cannot leave for they need daily survival, the bosses want to ensure they don't accumulate so they can be to their disposal and offer labour but also give them advance salaries to ensure they are demand and all they can do is stay. The quote above seems to suggest that the employees choose willingly to stay, but I argue that structure and conditions force them to. Staying at places of work can either be through coercion or consent but all comes down to the idea of the hegemony of capital. While providing reference to the works of Antonio Gramsci and Ranajit Guha, Arrighi argues that Gramsci perceived hegemony as a specific combination of coercion and consent, which enables the dominant classes “to present their rule as credibly serving not just their interests but those of subordinate groups as well”<sup>63</sup>. However, he adds that “when such credibility is lacking or wanes, hegemony deflates into sheer domination,”<sup>64</sup> and Guha in Arrighi calls this “dominance without hegemony”<sup>65</sup>. Althusser argues that it's believed that every subject endowed with a consciousness and believes in ideas inspired by his consciousness and acts according to them, can inscribe his ideas as a free

<sup>60</sup> Galabuzi Grace-Edward, “Conceptualizing Precarization as a Feature of Late Capitalism in the Global South and North: Responses to Precarity in Uganda’s Labour Markets; A Workerist Analysis”. MISR Seminar Paper: Wednesday, January 30, 2019.

<sup>61</sup> Galabuzi, 2019, Conceptualizing Precarization, p.9

<sup>62</sup> Arsene, Codrin, 2014, p.155

<sup>63</sup> Giovanni Arrighi, *Adam Smith in Beijing: Lineages of the Twenty-First Century* (London: Verso, 2007), p.150.

<sup>64</sup> Arrighi, 2007, *Adam Smith in Beijing*, p.150.

<sup>65</sup> Ibid.

subject<sup>66</sup>. Meaning a subject in action of personal material practice with agency. But he shows that even with such subjects, there is another ideology which is driving him/her to act like that in their consciousness. This to me means the subject has no agency<sup>67</sup>, even when they make personal decisions. The system constructs in them and so the structure of the ideological state apparatus determines such agency of the subject. They might know that they are being cheated, oppressed and marginalised but can hardly move out of that subjectification. The subject cannot be said to be born, but rather to find him/herself as part of the ongoing process of subjectification. Sometimes the subject takes hold of the institution in the sense of Foucault, [what Althusser would call ideological state apparatuses and Gramsci hegemonic culture]. Sometimes, as Arsene may contend, subjects feel they are not forced but convinced that what they are doing is right and not forced.<sup>68</sup> Power doesn't have to necessarily be coercive but just structures the normal way in which the subject behaves. The most important thing is to ensure that we take seriously the context within which people are demanding for rights for universalisation of human rights is very problematic.

### State-Capital Violence and Human Rights

There are provisions in the Ugandan constitution that prohibit discrimination based on gender, class, age, disability etc. The state considers all workers as workers having similar rights and groups them in one category [workers] but not all workers go through similar situations. It tends to make universal rights claims in the context of the law. This shows the weakness in legal provisions that categorise workers [just like all humans] as being the same and so facing similar conditions—thus bracketing who the subject of rights is. For instance, article 21 of the Constitution of Uganda states that all human beings are equal before the law and no person can be discriminated against on any ground including sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. This might sound a beautiful articulation but its implementation has not yielded any fruitful results. This failure is best located not only in the human rights discourse [of liberal nature] but also in the history of the state [particularly the nation state] and that of colonialism—taking into consideration the fact that the modern nation-state and colonialism were born at the same time [not at different times] and so the nation-state being born of colonialism. The creation of the modern nation-state was through the process of colonisation starting with the colonisation of the Americas. In the US, the nation-state was “through

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<sup>66</sup> Althusser Louis. *Ideology and Ideological State Apparatus: Notes Towards an Investigation*. Trans by Ben Brewster. *Lenin and Philosophy and Other Essays*. ( *La Pensée: Monthly Review Press*, 1970)

<sup>67</sup> This for me still is wanting for people have agency [whether influenced by structure or not but must be appreciated].

<sup>68</sup> Cf Michel Foucault 1926-1984, *Discipline and Punish: The Birth of the Prison*, Tr. Alan Sheridan. ( *New York: Pantheon Books*, 1977); Michel Foucault, *The Subject and Power*, ed. D. Faubion James (New York: New Press, 1997).

ethnic cleansing”<sup>69</sup>. Many employees face violence and discrimination not only because they are racialised but also because of their class and gender, their education and health status etc. By the employers at workplaces. The same holds for employees at Grocery Distributors Limited. Employees are beaten, kicked, abused, salaries are chopped etc. It also happens with many other employees in other places some are reported in the media but the majority go unnoticed, unrecorded and unattended to. In the daily monitor of Wednesday, January 17 2018, a Chinese company called China Railway No.3 was reported to be frequently abusing and meeting violence on some of its employees. Steven Ariong writes that:

The government says it will investigate claims of torture and other forms of mistreatment by a group of workers employed by China Railway N03; a Chinese company which was contracted to upgrade the 195-kilometer Moroto-Soroti road in Karamoja Sub-region. This comes after a group of Ugandans working for the company appealed for protection from relevant authorities against what they termed as inhumane treatment by managers of the Chinese company. The workers say, daily, that they are insulted and assaulted by some of their Chinese supervisors for no reason. Mr Patrick Lokol, a driver, said workers who fall sick or get injured while on duty are forced to work to avoid being summarily dismissed. According to Mr Lokol, the Chinese managers took the original copies of driving permits from 12 drivers and whenever they demanded them, their supervisors claimed that they misplaced them.<sup>70</sup>

Employees worst of all do not face acts of violence from their employers but also from other people [racists, classists, heteronormativists etc] while at places of work. Kagumire Rosebell in August of 2018 wrote about a case where an American missionary [considered racist] assaulted and racially abused hotel employees at Grand Imperial Hotel in Kampala. The name of Jimmy Taylor identified the American. He’s said to have punched workers and called them “niggers saying—I’ve come to love Uganda, I’ve come to help Uganda, but Uganda hates Jesus through this son-of-a-bitch.”<sup>71</sup>. This story’s most interesting point is that “the behaviour and attitude of this self-described missionary, unfortunately, is all too common. It might not manifest in the exact extreme ways, but all over Uganda, you can find stories of racist behaviours and incidents living up to the White Savior Complex”<sup>72</sup>. Taken from where it has ended, the manager at Grocery Distributors hurls such insults as “Ugandans are lazy and don’t want to work...I

<sup>69</sup> Mamdani Mahmood. *Neither Settler nor Native: The Making and Unmaking of Permanent Minorities*. (New York: The Belknap Press of Harvard University Press, 2020, Forth Coming November), p.29.

<sup>70</sup> “Ariong Steven, Workers Accuse Chinese Road Construction Firm of Torture. The Daily Monitor, Wednesday January 17 2018. Available at <https://www.monitor.co.ug/news/national/workers-chinese-road-firm-torture-karamoja-bigirimana-/688334-4266484-P5o82g/Index.Html>. Accessed on April 29, 2024.”

<sup>71</sup> Rosebell Kagumire, “An American Missionary’s Racist Rant Shows the Reality of White Savior Complex,” Quartz Africa, accessed April 30, 2024, <https://qz.com/africa/1367413/american-missionary-jimmy-taylor>.

<sup>72</sup> Kagumire, 2018, *An American Missionary’s Racist Rant in Uganda*

come from India give you a job and you just don't want to work and steal me...you are stupid...I come here to help you and help your family".<sup>73</sup> Such talk is not innocent, its located in the colonial history and enlightenment history. In the article by Kagumire (2018) the case was reported to the police, but what came out of the report is yet to be established since then. As for Grocery distributors, when the employees that face acts of violence meted on them by the boss report cases to the police "claiming they have rights to report against any acts of violence, they are forced into pre-bargains or end up being threatened to be charged for instigating the violence after the boss paying a bribe"<sup>74</sup>. The workers are denied access to justice by law-enforcing agencies—particularly the police—for they don't have money to pay bribes but also for the fact that they are "blacks" reporting "an investor" who is not of "black origin". After the case is withdrawn from the police, they are either fired, told to pay fines or subjected to sorts of violence and mistreatment. Claims of employees having freedom from inhuman torture, freedom to seek justice and fair pay end up not working in such scenarios since they tend to make universal and homogenising claims. This violence against the workers goes unrecorded with the aid of the state machinery [mostly police] which is meant to protect and safeguard the so-called rights. This puts to question the idea of rights themselves and the nature of the state under which such happens. It proves that the state is mired with and a perpetrator of violence to people who face multiple subjectivities and multiple identities. The police decisions, choices, and acts to subject people [importantly workers] to unfair treatment are not out of a vacuum. It is structural, historical, political and systemic. If you look at the Black Lives Matter movement, it reveals something, which is that Black people, Latinos and Muslims, are ruled differently from how other races are ruled. In the US, the "Black population was granted citizenship after the Civil War with the amendment of the constitution. But the amendment in the constitution had one exception: there was a provision in which you could demand forced labour, which was the prison. The constitution demands forced labour from the prisoner. Half of the black male population is in jail at any one point in time"<sup>75</sup>. Reading Alexander Michelle<sup>76</sup>, it becomes clear that blacks (racialized) of the lower class (classed) are considered to be a different population in the United States. This population has to be dealt with by the police—the American police, [which is militarized just like Ugandan one]. Michelle writes that "the new caste system labels black and brown men as criminals early, often in their teens, making them "damaged goods" from the perspective of traditional civil rights advocates. With criminal records, the majority of young black men in urban areas are not seen as attractive plaintiffs for civil rights litigation or good "poster boys" for media advocacy"<sup>77</sup>.

<sup>73</sup> Narration from Employees of Grocery distributors Limited [Isaac, Ramathan, Ronald and Muhamad

<sup>74</sup> Conversation with employees of Grocery Distributors

<sup>75</sup> Mamdani Mahmood, MISR Class seminar on Modern State and the Colonial Subject, conducted in August 2020 via Zoom

<sup>76</sup> Alexander Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New York Press, 2010).

<sup>77</sup> Michelle, *The New Jim Crow*, 2010, p.216.

The distinction between the military and the police is blurred in such contexts. This can be located in the broader history of the colonial police, particularly its role in entrenching violence but not guaranteeing rights and freedoms. Let's read more from Michelle Alexander before we broaden the understanding in a Fanonian description of police and violence:

For the system to succeed...black people must be labelled criminals before they are formally subject to control. The criminal label is essential, for forms of explicit racial exclusion are not only prohibited but widely condemned. Thus, black youth must be made—labelled—criminals. This process of being made a criminal is, to a large extent, the process of “becoming” black. As Wideman explains, when “to be a man of colour of a certain economic class and milieu is equivalent in the public eye to being a criminal,” being processed by the criminal justice system is tantamount to being made black, and “doing time” behind bars is at the same time “marking race.”<sup>56</sup> At its core, then, mass incarceration, like Jim Crow, is a “race-making institution.” It serves to define the meaning and significance of race in America.<sup>78</sup>

In the words of Cacho<sup>79</sup>, the language of rights has emerged as a universal claim for the humanity of the oppressed. It has been universalized in a way. When we talk about institutional racism, we are broadly talking about the role of institutions like the police as being at the centre of upholding racism in the West and the colonised space. How? Institutions become racist by the set of laws and policies that structure them and upon which they are structured—which is not any different from other institutions that are gendered, classed and sexist. When one critically looks at the acts of the police in response to violence on employees in question, s/he is made to reflect on what Fanon would say that contemporary racialised postcolonial and post-civil rights society is still colonial. Mamdani would argue that the postcolonial state—and its institutions—[emphasis added] is just a replica of the colonial state and so society is either partially or not decolonised. Historically [here I am thinking about colonial history], the police were created as a tool for controlling the “other” and this vision exists today for the intention for which it was created persist and runs through the hegemonic ideology that considers the other to be the antithesis of modernity. If we read it in the context of America and England, especially between 1825 and 1855, the police establishment was a response to “changing global dynamics between classes, not as a response to individual crime but collective action as Whitehouse would call it—a response to large defiant crowds especially workers strike, slave insurrections and class riots. For Whitehouse, “In the North, the invention of the police was just one part of a state effort to manage and shape the workforce on a day-to-day basis”.<sup>80</sup> Any discussion about violence against racialized persons—especially black bodies which depicts

<sup>78</sup> Michelle, *The New Jim Crow*, 2010, p.195.

<sup>79</sup> Cacho, 2012, Social Deaths

<sup>80</sup> David Whitehouse, “Origins of the Police,” Works in theory, December 8, 2014, <https://worxintheory.wordpress.com/2014/12/07/origins-of-the-police/>. Accessed on May 2, 2024.

racialized bodies—should start with a focus on the history of colonial establishments...that is racial difference and its accompanying violence.<sup>81</sup> The violence of today is just violence of the colonial period manned by state institutions in the interest of capital. Decolonization according to Fanon is “quite simply the substitution of one "species" of mankind by another”<sup>82</sup> for the system to continue reproducing itself, there has to be a system of continued reproduction of the colonized subject but there has to be a separation between the colonizer and the colonized and such a divide is enforced by the state institutions like the police, the barracks, army etc. Fanon would simply put that, “the spokesperson for the colonizer and the regime of oppression, is the police officer or the soldier”<sup>83</sup>. Other than resolving the question of violence, they cover it up or instigate it further, instead of alleviating it or masking domination, they demonstrate it with a clear conscience of the law enforcer—*explaining the experience of grocery distributors’ employees with the police*. Modernity as a process is and has been one of violence [both euro-modernity, American modernity, Chinese modernity etc.] but this violence has been hinged on the name of rights. What else would a racialized, classed, ethnicized, and worse of all gender person expect from the postcolonial institutions except perpetuation of violence on them? What else than denial of justice would one expect from the postcolonial state and police which is a replica of the colonial police? This illustration and the story are just a pinch of salt on what happens every day not only in Uganda but in many places. Upon assuming power, the postcolonial elites used the colonial machinery to “assert its hegemony within the postcolonial state”.<sup>84</sup> For Mamdani, the crucial question to ask about postcolonial bureaucracy and despotism is therefore, “How does this institutional inheritance, with its legally enforced distinctions between races and ethnicities, civil law and customary law, rights and customs, subject races and subject ethnicities, play out after colonialism?”<sup>85</sup> The points to the postcolonial state three-fold dilemma:

The first arises from the growing tendency for indigeneity to become the litmus test for rights under the postcolonial state, as under the colonial state. The second dilemma arises from the fact that we have built upon this foundation and turned indigeneity into a test for justice, and thus for entitlement under the postcolonial state. The third dilemma arises from the growing tendency to identify a colonially constructed regime of customary law with Africa’s authentic tradition.<sup>86</sup>

<sup>81</sup> See Frantz Fanon, *The Wretched of the Earth*, trans. Philcox Richard ([1963] New York: Grove, 2004)

<sup>82</sup> Fanon, *The Wretched of the Earth*, 1963, p.1

<sup>83</sup> Fanon, 1963, p.3

<sup>84</sup> Blanton, T. David Mason, and Brian Athow, “Colonial Style and Post-Colonial Ethnic Conflict in Africa,” *Journal of Peace Research* 38, no. 4 (July 2001), <https://doi.org/10.1177/0022343301038004005>, p.480.

<sup>85</sup> Mamdani Mahmood (2001). *Beyond Settler and Native as Political Identity: Overcoming the Political Legacy of Colonialism*, p.567

<sup>86</sup> Mahmood Mamdani, “Political Identity, Citizenship and Ethnicity in Post-Colonial Africa – 1,” . . . *Arusha Conference, “New Frontiers of Social Policy,”* 2005 p.3; Mamdani, 2001, *Beyond Settler and Native*, p.657

Important questions to ask are: are rights thinkable in the post-colonial state? Who would enforce such if so? Can capitalism allow for rights to thrive despite the excessive desire to maximize profits through exploitation and oppression? Do we then need to abandon rights if they aren't thinkable in their liberal sense? I would argue that we may not necessarily abandon rights but need to rethink them and strike a balance between having rights and addressing the questions that subject people to violence, discrimination and exploitation. The police decisions and acts are not new, they are historical, structural, system and political. The interests they serve as the very interests for which they were established to serve during the colonial period. They are just reproducing the logic the colonial state used in the postcolonial period. For Luxemburg<sup>87</sup>, capital is created through primitive accumulation under the agency of the state. The words of Marx speak sense to this dilemma locating it in the whole process of primitive accumulation. Marx tells us that the character of the separation of labour from its means of production and the maintenance of this separation was violent and he proceeds to illustrate the historical antecedents of violence in expropriation and exploitation:

The starting point of the development that gave rise both to the wage labourer and to the capitalist was the enslavement of the worker. The advance made consisted in a change in the form of this servitude, in the transformation of feudal exploitation into capitalist exploitation. To understand the course taken by this change, we do not need to go back very far at all...In the history of primitive accumulation, all revolutions are epoch-making that act as levers for the capitalist class in the course of its formation; but this is true above all for those moments when great masses of men are suddenly and forcibly torn from their means of subsistence, and hurled onto the labour market as free, *unprotected and rightless proletarians*. The expropriation of the agricultural producer, of the peasant, from the soil is the basis of the whole process. The history of this expropriation assumes different aspects in different countries and runs through its various phases in different orders of succession, and at different historical epochs.<sup>88</sup>

From the foregoing, we can acknowledge the centrality of force under primitive accumulation. Violence manifests itself as the only available means to transform the immediate producers into wage earners and of altering the social means of subsistence and production. This violence happens with the knowledge of the state but nothing is done to stop it. it just seeks to make the proletariat right-less and unprotected. This implies that human rights are unthinkable without thinking about the history and legacy of violence—which spans from the Enlightenment period. After all human rights violations in themselves are promoted by the state through the instruments of the law. If Grocery employees expect equal state protection under the law through institutions like the police, da Silva would say that such claims are "elusive" for black

<sup>87</sup> Luxemburg Rosa *The Accumulation of Capital*. Trans. by Agnes Schwarzschild. (London and New York: Routledge Classics, ([1913] 2003)

<sup>88</sup> Marx. *Capital*, [1867] 1976), p.875-6

people as they are considered to be an object of no value<sup>89</sup>. Blacks and Latinos are considered to be ethical-juridical subjects who command no rights to formal protection of the law and in the end, the state protects the interests of capital [business owners and not workers].

## Conclusion

This paper has made three conceptual claims: 1) that we need to transcend the shallow interpretations of the categories of human rights to broadly include other significant categories like gender, race, class, citizenship etc.; 2) workers' subjectification cannot be understood outside the purview of the modern nation state and its institutions' history—*colonialism, enlightenment*; 3) workers' exploitation need to be located in the broader history of capitalist primitive accumulation, for capitalism in itself is gendered, classed and racialised/tribalized. From that, we note that the idea of human rights that alleges to protect workers tends to subjectivity them through making blanket and universal/homogenous claims and erasing differences. Unless we rethink the idea of human rights and the nature of the state, human rights will continue to be a tool for extending violence and exploitation of people. Rethinking human rights means reading it intersectionally to understand how claims of rights create more subjectivity when they interact with gender, race, class, and ethnicity among others in workplaces. Consequently, the process of workers' subjectification becomes historical, contextual, political and systematic.

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