

Chapter 50

Legal Empowerment as Social Entrepreneurship: The KwaZulu–Natal Cases of Bulwer and New Hanover

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ABSTRACT

In this chapter, theoretical foundations of social entrepreneurship and legal empowerment are explored and intersection of these social actions by community based-paralegal practice in rural KwaZulu-Natal examined. Conceptually, integration of social entrepreneurship and legal empowerment innovatively contributes to the broader discourse on self-determined community development and democratic governance. Empirical evidence shows that community-based paralegals generate legal empowerment as social entrepreneurship and such service delivery advances rural women empowerment. Arguably there is a global/local nexus of each social action; a positive theory of social entrepreneurship is more useful than normative theories; rule of law orthodoxy is less meaningful for and somewhat contradictory to self-empowerment of indigenous populations that experience plural legal systems. This qualitative study found that while contemporary business models are incorporated in the intersection of social entrepreneurship and legal empowerment, so are African indigenous justice principles and remedies.

INTRODUCTION

Social entrepreneurship entails business models with a social mission to enhance the quality of life for target groups and wider society by promoting social wealth. Such target groups include

segments of humanity that have been historically marginalised and economically unsettled, the so-called poor. Legal empowerment is another social action that seeks to encourage community and self-assertion. In this chapter, distinct theoretical and conceptual foundations of social entrepreneurship

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and of legal empowerment are explored with an aim toward considering intersection of these social actions by community based-paralegal practice in rural KwaZulu-Natal. Unfortunately, a review of the literature discloses that social entrepreneurship and legal empowerment theories have evolved separately. Yet a holistic treatment of the concepts seems well suited for contributing to the broader discourse on community/self-determined development and democratic governance. This chapter helps fill that gap by combining these two forms of social actions, conceptually and empirically. The question presented is whether community-based paralegals in the African context generate legal empowerment as social entrepreneurship – and if so, how? The authors argue first that there is a global/local nexus between social entrepreneurship and legal empowerment independently and interdependently. Second, while contemporary business models are incorporated into the intersection of social entrepreneurship and legal empowerment, so are African indigenous justice principles and remedies. A mixed methods research design and case study strategy were employed and ethical protocols followed.

The chapter is organised as follows. First, the authors examine literature on each theoretical concept before contending that integration of the concepts adds value to community development. Next, research methods are discussed. Finally, against the backdrop of the global/local nexus on the seeming interconnectedness of social entrepreneurship and legal empowerment activities, empirical evidence from two community advice offices (CAOs) in rural KwaZulu-Natal (KZN) demonstrate underlying theory and practice of these integrated activities. The CAOs are operated by community-based paralegals (CBPs) and supported by a KZN based non-governmental organisation – the Centre for Community Justice and Development.

THEORETICAL FOUNDATIONS OF SOCIAL ENTREPRENEURSHIP AND LEGAL EMPOWERMENT

In both the global North and global South, a body of literature has evolved around social entrepreneurship on the one hand and legal empowerment on the other hand. This section reviews definitions, theories and approaches to research within each body of literature while exploring the parallel routes in juxtaposition to socio-economic, political and cultural factors that suggest the two social actions should be intersected.

Social Entrepreneurship Discourse

Advancing a lively discourse about the myriad of definitions of social entrepreneurship and social entrepreneurs, some scholars devise elaborate tables constituting these definitions (Dacin, Dacin & Matear, 2010, pp. 39-41; Weerawardena & Mort, 2006, pp. 23-24; Zahra, Gedajlovic, Neubaum & Shulman, 2009, p. 521; Mair & Marti, 2006, p.39). Specifically, Zahra, et al. (2009) define social entrepreneurship as “the activities and processes undertaken to discover, define, and exploit opportunities in order to enhance social wealth by creating new ventures or managing existing organizations in an innovative manner” (p. 522). Dees (1998) designates social entrepreneurship as what social entrepreneurs do, namely: “(1) adopt a mission to create and sustain social value (not just private value), (2) recognize and relentlessly pursue new opportunities to serve that mission, (3) engage in a process of continuous innovation, adaptation, and learning, (4) act boldly without being limited by resources currently in hand, and (5) exhibit a heightened sense of accountability to the constituencies served and for the outcomes created” (p. 4). Similarly, Peredo and McLean (2006) view social entrepreneurship as

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