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PREFACE

We are very pleased to introduce the 7th volume of *The Interdisciplinary Journal of International Studies* (***IJIS***).

We thank all who responded to our open call for papers at the beginning of the year, and we also congratulate the authors of the articles published in this issue. Each submitted article underwent a peer-review process from two anonymous referees, or from three referees in the case of the submission by the journal editor. Hence, we also want to thank our conscientious referees for the time and effort they put into reviewing the submitted papers. Though their identities shall remain anonymous, they know who they are, and their contributions are now etched in the development of knowledge. Some of their thoughtful reviews are uploaded to, and can be downloaded from, the ***IJIS*** website under the "Peer-Review Process" section.

The accepted papers for this year's volume can generally, but not entirely, be categorized into two sets of articles: empirical and theoretical. There are three empirical papers, each of which has a particular geographical focus and case study. The first contribution by Andreas Aagaard Nøhr shows how biodiversity is poorly governed within the framework of the EU's Common Fisheries Policy through an interrogation of the myth of 'the tragedy of the commons' as the philosophical basis for the policy's creation; an examination of the implications of knowledge production as a seemingly top-down strategy to empower 'experts' for the objective of addressing the problem of the global loss of biodiversity; a critique of the policy's privileging of 'self-centered' over collective values and of short-term economic-commercial interests over long-term social-moral imperatives; and an explication of the overarching logic and interest of the policy whereby the 'rationality of power' of EU member states overwhelms the aspirations of nature and human beings for the preservation and governmentality of biodiversity. The second article by Signe Cecius Larsen Pejstrup investigates the period of transition in Swaziland and argues that the deeply entrenched structural and cognitive factors—specifically, the power of traditions and people's perceptions towards modernization—pose tremendous challenges to civil society activists and democratic movements in particular and the process of democratization in general. And the third co-authored empirical article by Jakob Christensen, Lasse Frimand Jensen, Peter Skøtt Pedersen, Stefan Steen Jensen, and Stefanie Dorotha Weck examines the impact of market-based land reform in Zambia since the mid-1990s and reveals that this further institutionalization of capitalist and elitist power structure in the accumulation process exclusively benefits the established economic-political-bureaucratic elites, local chiefs, and emergent foreign investors, but it, at the same time, effectively dispossesses and deprives the multitude marginalized rural poor of their rightful access to land.

In addition, the two largely theoretical papers are critical approaches to that of the mainstream theories in the fields of international relations (IR) and international political economy (IPE). The first theoretical article by Nora Fritzsche traces the origin of the construction of masculinity in IR and discusses its implications for both theory and practice through a radical feminist and social constructivist approach to international politics by unpacking the foundations of mainstream theories of realism and liberalism and their particular focus and interpretations on war whose core assumptions and perceptions are

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dominated and shaped by men which, in effect, systematically alienate women's existence and perspective. And the second theoretical article by Bonn Juego reflects on the limitations of some of the essential contributions of the French Regulation School (associated with the works of principal regulationists Michel Aglietta, Alain Lipietz, and Robert Boyer) to the study of capitalist dynamics within the Marxist tradition in critical IPE and makes a proposal for a reconciliation or synthesis of the regulation approach with concepts derived from classical Marxism so as to come up with a powerful analytical framework that captures the interactions and interrelations of agency-structure, local-global, regulation-reproduction, and exchange-production in understanding the complexities and specificities of contemporary capitalist development.

This new issue of the ***IJIS*** also comes with new developments in the journal's publication process as we strive to uphold academic professional standards with integrity and excellence. Since we assumed the editorship last year, we have resolved to embark on a painstaking process of revitalizing the journal as a truly student-driven and faculty-refereed publication with a view to embed in the necessity for institutional memory and to create a platform where future editors and contributors can build on. To this end, we have endeavored to work on a 10-point agenda: first, gather together as much as we can files, documents, and information since the beginning of the journal in 2002; second, come up with well-defined editorial policy and style guide; third, form an editorial advisory board composed of reputable researchers and scholars from the social sciences and humanities; fourth, build a group of graduate students to act as editorial assistants; fifth, secure an ISSN for the journal's online edition; sixth, promote the journal to all study programs and solicit submissions from former and current students; seventh, take seriously the peer-review process; eighth, do proper editing of accepted papers for publication; ninth, redesign the journal's identity and structure with a new layout, a new cover page, and a new logo; and tenth, establish a new website on a par with (online) academic journals.

All these endeavors would not have been realized without the help, contributions, advice, inspiration, guidance, and support of a substantial number of people who have been with us through and through. We are grateful to those who shared with us some of their valuable time, ideas, wisdom, and skills, notably: Jytte Kongstad and Johannes Dragsbaek Schmidt for their guidance and advice on the history of the journal; Wolfgang Zank for believing in us and for his prompt responses to our questions and needs; Ioana Bunescu, former editor, whose tips, advice, and encouragement have been very helpful during the transition process; Birte Siim and Jacques Hersh, our senior advisers, for their thoughtfulness and enthusiastic support; Malene Gram and Henrik Halkier, leaders of the department, for willingly accepting our invitation for them to be part of the advisory board; Cirkeline Kappel for her nice, cheerful, and diligent support to us especially in communicating on our behalf with the Royal Danish Library to secure the journal's online ISSN and for her important advice and reminders about the development of the website; Morten R. Mortensen for his invaluable support in providing our IT needs and for making it possible for the editorial team, based in different locations in and out of Denmark, to work remotely in real time; and Hugo Silva, a graphic designer, who must be credited for the new ***IJIS*** logo. We are also grateful to the Study Board for International Affairs, the Study Board for Cross-Cultural Studies, and their faculty members for all their kind and generous support to the journal and for their continuous efforts to encourage their students to contribute to future issues.

And of course, we cannot close this issue's Preface without acknowledging and expressing our heartfelt thanks to our wonderful and superb editorial team: Dave Allington, Henrik Skaksen Jacobsen, Andreas Aagaard Nøhr, and Viviana Pădurean. As editorial assistants, they all performed the tasks to copy-edit, proofread, and layout all the accepted articles for this issue. Yet, living up to the orientation of ***IJIS*** as a student-driven journal, their individual and

collective contributions extend far more than editing of accepted papers because they are very much involved in the entire revitalization process of the journal. Amidst their demanding schedule while doing their respective internships outside Denmark, they have been very active from brainstorming to the actualization of our plans and ideas. Despite them being young professionals in their own right, they have freely offered their talents and skills to the cause. Andreas was the first zealous volunteer and has since then committed himself to redesigning the overall look, typeset, and layout of the journal. Viviana, with her background in philology, has an eye for detail and, as such, we are happy to have her on board. Henrik, a jack-of-all-trades, has laid out a plan to accelerate both our university and online presence. Dave, a professional web developer, has done an amazing job in breathing new life into the ***IJIS*** website, and we are indeed very lucky to have him in the team.

The delightful experience we have had working with the editorial team and with our colleagues truly evokes of the hopeful aphorism by the anthropologist Margaret Mead: “Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.”

Bonn Juego and Osman Farah
Aalborg, September 2011

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The Governmentality of Biodiversity in the EU's Common Fisheries Policy

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ABSTRACT. In recent years, the global loss of biodiversity has been an increasing concern for many governments around the planet. Solving this problem requires working together and reforming existing policy frameworks. This paper explores how biodiversity is governed under the EU's Common Fisheries Policy. Drawing upon Foucault's governmentality concept the paper advances its own concept "governmentality of biodiversity". The author identifies three overall arguments for preserving biodiversity that take their basis in self-centered values, de-centered values, or intrinsic values. The author analyzes and determines how the governmentality of biodiversity on the basis of the knowledge and rationality embedded in de-centered and intrinsic values promotes new goals for governing the Common Fisheries Policy. It is concluded that in the different mechanisms of power, the governmentality of biodiversity yields to the rationality of power exercised by member states in the EU.

Introduction

Biodiversity is the sheer variety of life on Earth, which includes all living organisms, plants, animals, microorganisms, bacteria; and the diversity between species, ecosystems as well as within species genetics. Biodiversity has in recent years become a high priority on the international agenda (Queffelec et al. 2009). The widespread concern is the global loss of biodiversity caused by human activities, global warming, dispersion of exotic species, etc. (Schalk 1998; Jackson 2008; Wake and Vredenburg 2008).

According to a report from the European Environmental Agency (EEA) on biodiversity in the North Sea, it is asserted that "marine ecosystems are under intense pressure from fishing, nutrient input, recreational use and habitat loss; most notable are the effects of fisheries" (EEA 2002: 4). Within the existing policy framework that is regulating the fisheries, the Common Fisheries Policy (CFP), the Commission of the European Communities (CEC) concludes in a green paper on the 2002 reform that "As far as conservation is concerned, many stocks are at present outside safe biological limits," thus calling for "integration of environmental protection requirements into the CFP" (2001a: 4) and the need for a Biodiversity Action Plan for Fisheries (BAPF). However, biodiversity is one of many concerns or challenges in the CFP (e.g., globalization of the economy and emergence of new countries in the world fisheries). Policies designed to preserve or limit the loss of biodiversity will collide politically with interests of exploitation (Queffelec et al. 2009). Considering that the CFP in a broad sense, according to scholars, has been a failure in terms of effectively regulating fisheries and preventing overexploitation (Gray and Hatchard 2003; Raakjær 2009), which role will biodiversity then play in the overall policy?

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This paper examines the question of biodiversity within the CFP as a critical case study, in an attempt to highlight a range of general problems between preservation of biodiversity and power. The paper does so by applying Foucault's concept of "governmentality," which is an approach that seeks to question the often taken for granted nature of governing strategies in given periods of time. The analysis is based on a number of documents from the CEC and existing literature on the topic of how the CFP functions. The overall aim of the paper is to investigate and explain *how biodiversity is governed within the CFP*. Methodologically, the paper does so by advancing the concept "governmentality of biodiversity".

The Governmentality Approach

The term "governmentality" stems from a lecture Michel Foucault gave at the *Collège de France* in 1978 in a course called *Securité, territoire, population*. In one lecture about the activity of governing, Foucault elaborates over the different meanings of the word "conduct" (*conduit*)—for example, as the activity of conducting oneself, in an ethical sense, and as conducting behavior, in a normative sense (Foucault 2007: 192-3; Dean 2009: 17). In the ethical sense, government is the effort to shape, sculpt and guide choices, needs and lifestyles of groups and individuals; it is to govern through freedom in a suggestive way. In the normative sense, government is to establish a code of conduct to which behavior can be judged and regulated. Government is therefore seen as the "conduct of conduct". Foucault argues that "To govern … in this sense, is to structure the possible field of action of others" (1982: 221). A more exhaustive explanation of government as the "conduct of conduct" is that:

> Government is any more or less calculated and rational activity, undertaken by a multiplicity of authorities and agencies, employing a variety of techniques and form of knowledge, that seeks to shape conduct by working though the desires, aspirations, interests and beliefs of various actors, for definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and outcomes. (Dean 2010: 18)

To analyze government in this sense is to analyze the methods of calculation, the types of knowledge and techniques, the object to be governed and how it is conceived, the types of governing institutions and agencies, and the desired outcomes and consequences.

Governmentality has two central meanings; a historical meaning that Foucault describes in his lectures and a general meaning where governmentality is seen as a semantic linking of the words "governing" and "mentality", thus referring to the way we think about governing (Lövbrand et al. 2008). In this sense, governmentality has a specific meaning that has been phrased "mentalities of government," where there is an emphasis on both rational and irrational ways of reasoning (Rose and Miller 1992). In studying governmentality, one emphasizes two aspects of governing: firstly, the taxonomization and knowing of a phenomenon (e.g., the population, society, and economy), which is represented in the *episteme* of governing; and secondly, acting upon the same phenomenon in order to transform it, which is represented in the *techne* of governing (Lövbrand et al. 2008).

The CFP constitutes, what Dean (2010: 40) calls a "regime of practice," which is a policy area that brings different elements together. The reason for states to act in a community (i.e., the EU) is to manage not just fisheries, but also socio-economic problems and market structures. The CFP makes use of different types of knowledge from economics and biology; it makes use of statistical knowledge to keep track of fish stocks and special tactics and different management styles to govern fishermen; it addresses a single theme revolving around the relationship between society and nature.

Dean (2010) argues that to gain knowledge about such regimes of practices it is necessary to take into account four points of what he calls 'an analytics of government'. First, an analytics

must draw attention to the particular fields of visibility that the government has; what government sees is usually expressed in graphs, tables, maps, or expressions of concerns like that of loss of biodiversity. Second, the technical aspect of government, also called *techne*, revolves around: "by what means, mechanisms, procedures, instruments, tactics, techniques, and vocabularies is authority constituted and rule accomplished?" (Dean 2010: 42). Third, is the examination of the individual and collective identities that regimes of practices operate through and attempt to shape? The question raised is: "what form of person, self, identity are presupposed by different practices of government and what sort of transformation do these practices seek?" (Dean 2010: 43). Fourth, the rational and thoughtful aspect of governing, also called the *episteme* of government, asks: "What forms of thought, knowledge, expertise, strategies, means of calculation, or rationality are employed in the practice of governing?" (Dean 2010: 42). Rationality, Dean argues, takes place within a specific time and space (e.g., a model, a graph, a text).

Rationality is, however, a very contested concept and thus there is need for a clear-cut approach to what is meant by it. Rationality can be thought of as a general meaning of thinking, or "any form of thinking which strives to be relatively clear, systematic and explicit about aspects of 'external' or 'internal' existence, about how things are and how they ought to be" (Dean 2010: 18-9). Max Weber was the first to point out that there is no single, universal rationality, but a great variety of rationalities, even within what can be called *Western reason* (Dean 2010: 18-9). Rose and Miller (1992: 179) argue that there is a multiplicity of what they call 'political rationalities' each possessing an 'intellectual machinery' that makes the natural reality thinkable. In this view, rationality, knowledge, science, and truth are not detached reflections of reality, but become "socially embedded practice interwoven into the fabric of rule and authority" (Lövbrand et al. 2008: 8). How this 'intellectual machinery' functions can be described as kind-making (Miller 2007: 338) which plays a vital role in policy making, as it is this knowledge that makes states able to govern different phenomena, such as the economy or a population. This activity is therefore of special importance and "[through] their day-to-day conceptual and practical work, scientists classify and reclassify the subjects and objects of nature and society, carving up the world into distinct ontological types and occasionally creating entirely new taxonomic categories" (Miller 2007: 338).

The importance of different types of knowledge or activities of reasoning is determined exogenic to knowledge itself. This is so, because rationality does not exist in a vacuum; it is always situated in the context of power. As Foucault pointed to the fact that rationality is analytically inseparable from power and vice-versa. Echoing Foucault, Flyvbjerg (2001: 123-5) asserts that "power defines reality" and elaborates that "power defines, and creates, concrete physical, economic, ecological, and social realities" (Flyvbjerg 1998: 227; Flyvbjerg 2001: 155). Consequently, we must distinguish between formal rationality and *realrationalität* and acknowledge the fact that "rationalization presented as rationality is a principal strategy in the exercise of power" (Flyvbjerg 1998: 228).[2]

Flyvbjerg developed a complex of propositions about the interrelation between rationality and power based on rationality as context-dependent, and that the context of rationality is power. One of these is that: "in open confrontations, rationality yields to power" (Flyvbjerg 1998: 232). In open, antagonistic confrontations, actions are directed at what works most effectively in winning over one's opponent. Here, naked and raw power tends to be more effective than appealing to rationality, which is why the game of power is played as *realpolitik* with the use of *realrationalität*. In short, the argument goes: power has a rationality that rationality does not know, whereas rationality has no power that power does not know (Flyvbjerg 2001: 155). Another proposition that this paper will later draw upon is that "the power of rationality is embedded in stable power relations rather than in confrontations" (Flyvbjerg 1998: 299-233). So, to determine how effective or which role the governmentality

of biodiversity is going to play, the paper will examine *how* power is exercised in the political framework of the CFP in terms of *realpolitik* and *realrationalität*.

The Genealogy of Biodiversity

In genealogic research, one is focused on the search for the plurality of concepts, and not a typical historical linear approach. The main reason for doing this is that we can show all the contradictive views of a concept that there have been in history, thus removing the "taken for granted" nature of concepts in a given period of time. Genealogy research methods therefore are time consuming and impossible to apply in the limited time available, at least in a single paper. Therefore the paper will build on others' work in this genealogical analysis of biodiversity, and the paper relies heavily on Finn Arler's (2009a, 2009b) doctoral dissertation: *Biodiversitet* [*Biodiversity*] with the subtitle *Videnskab, Kultur, Etik* [*Science, Culture, Ethics*].

Biodiversity can be approached, as pointed out by Arler (2009a: 19-20), as an "object of interest" (i.e., what *is* biodiversity?) as well as "reasons for interests" (i.e., why is biodiversity important and how do we value it?). The main focus of this paper is the latter; how do we value biodiversity, and which arguments can policy-makers bring forward in the defence of biodiversity? Arler (2009b) identifies three types of arguments for why we should preserve biodiversity: First, the self-centered argument that refers to the utility an organism can bring humans, which Arler (2009b) points to as a rather weak argument for the preservation of biodiversity, because of the fact that not all species are of utility to humans. Second, the disinterested interest argument that refers to human's ability to distance themselves from self-related needs, conscribing de-centered values to biodiversity. De-centered values can be understood as the observer's ability to "distance him- or herself from self-related needs" (Arler 2009b: 337). The de-centered argument is embedded in the *aesthetic*, *cultural* or *scientific* values that a society has towards biodiversity, which in principle can encompass large parts of the biodiversity. Hence, the disinterested interest argument can be a strong argument because of the wide spectrum of organisms it catches, all depending on the society in which it is put forward. Last, the intrinsic value argument, which refers solely to the organism as having value in itself. The intrinsic value argument, however, is hard to handle and if it is to make any difference, Arler (2009b: 277) argues that it must distance itself from the disinterested interest argument.

Where Are We Going with Biodiversity and the CFP?

In the 1970s, important fish stocks were threatened from exhaustion, here among herring, cod, mackerel and sole (Raakjær 1994). In 1971, the world catch of fish failed to increase because of overfishing, caused by the intensity of fishing and advancement in fishing equipment (Shackleton 1983). Consequently, the need for international coordination between countries, conservation of fish stocks and management of fishery fleets became apparent (Raakjær 1994). The experience from the North East Atlantic Fisheries Commission had shown that the lack of authority, practically national self-interest, had overruled interests in conservation ecosystems (Shackleton 1983). The EU's Act of Accession that was agreed upon in December 1971, did not, however, include a conservation policy, it only required the establishment of one (Hegland 2004). On the contrary it focused mainly on common organizations of the markets and common structural policies, nevertheless the problems of over-fishing were noted in CEC's work prior to the act:

> Because of the growing problem of over-fishing, the Council has included provisions to safeguard existing resources in territorial water by the introduction of restrictions on the fishing of certain species, and on the use of fishing grounds, techniques and seasons. (CEC 1970: 4)

It was not until 1983 when the CFP was introduced that an actual conservation policy was established, although not to create a new fishery management design, but rather to protect the *status quo* (Symes 1997: 140-2). The CFP brought together three aspects of fisheries management at the European Community level: conservation policy, structural policy, and a market policy (Raakjær 1994). The market policy was created to promote stability by applying common standards in order to optimize quality and to promote rational marketing of fish products. The structural policy was created to ensure that the fishing industry could face international competition, along with goals of increasing productivity such as to create a fair standard of living for the fishing communities and reasonable prices for consumers. The conservation policy was created to ensure that fish stocks remain at healthy levels by managing fish stocks, thus preventing overexploitation by the fishery sector (ibid.: 30-32).

Vital to the study of governmentality is the examination of fields of visibility of government. For example, what does government see and what does it not see? The problem that was visible to the Commission and the reason for creating the CFP (besides the desire for a common market) was that the fish stocks were exhausted and overfished as a result of the way the fisheries were governed—that is, a lack of international coordination.

The Fisheries Tragedy of the Commons; Conservation of Resources

Until the 1970s, it was a widespread belief that the resources of the oceans were inexhaustible. However, all this was about to change with the fisheries' tragedy of the commons. In an article called "The Tragedy of the Commons", Garret Hardin (1968) addressed the problems of sharing a common resource on the principle of freedom to all.[3] Hardin (1968) starts out by picturing a common pasture open to all, a common resource that all herdsmen are free to use. It is given that all herdsmen will try to keep as many animals on the pasture as possible. This does not pose a problem for now because the carrying capacity of the land has not been reached. Meanwhile the population and demand for food grows, consequently, at some point in time the carrying capacity of the commons will be reached. It is at this point in time the tragedy occurs. Hardin (1968: 1244) assumes that all herdsmen are rational beings, which leads them to one question: "What is the utility to me of adding one more animal to my herd?" The positive utility for a single herdsman is nearly plus one, while all herdsmen share the negative utility. This, consequently, means that one herdsman only is responsible by a fraction of minus one. Therefore, the rational herdsman concludes that the only sensible course of action is to add one more animal, and another, and another. The same conclusion is reached by all the other herdsmen and herein is the tragedy. The result according to Hardin (1968: 1244) is dire:

> Ruin is to the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all. (Hardin 1978: 1244)

Hardin also points specifically to freedoms of the commons other than the pictured pasture and the freedom to breed, among other things "freedom of the seas" where maritime nations "bring species after species of fish and whales closer to extinction" (Hardin 1968: 1245). European fisheries have developed very much according to Hardin's predictions, creating a tragedy of the commons. Fishermen have for a long time freely exploited the seas around Europe; however, when the population and the demand for fish increased the tragedy of the

fisheries occurred. The overall argument being that fishermen and other resource users will prefer decisions and policies that increase short term profits (Hardin 1968).

An analytics of government seeks to unmask the taken for granted nature of rationalities that governments apply in their planning, strategies and policies. It emphasizes the intellectual machinery of political rationalities' ability of "kind-making" and rendering reality thinkable. In Hardin's "Tragedy of the Commons", the herdsmen or in the case of fisheries, fishermen, are rendered thinkable and classified as selfish profit-maximizers. Dean (2009) pointed to the internal rationality about how things are and how they ought to be in certain governmental rationalities. In the context of fisheries the internal rationality can be explained as follows: the common resource (fish) is limited; because all fishermen act as profit-maximizers, they will continue to exploit the seas until they bring *tragedy to all*; in order to conserve the commons it is necessary to govern by setting limits for how much fish can be landed and how big the fleets need to be and so on. It is this kind of rational and thoughtful activity that government needs in order to make planning, strategies, technologies, and mechanisms work in practice. Yet, rationalities do not need to be correct and flawless to be suitable as the principle idea behind a policy. In fact, Hardin's "Tragedy of the Commons" might be far from this. David Feeny et al. (1990: 13) investigate the prediction Hardin's model brings forward and they contradict and reject Hardin's claim, because: "the simple one-to-one relationship between property-rights regime and outcome postulated by Hardin" does not exist.

Apart from creating a usable rationality for governments to utilize, Hardin's herdsman also creates the possibility for incorporating certain collective and individual identities. An analytics of government pays attention to the identities government subscribes to, as well as to the people or populations they govern (Dean 2010). The identity subscribed to the fishermen is that of the selfish profit-maximizer contrary to government, which is seen as economically responsible. However, the fisheries do not only consist of fishermen, but also fishing industries. By distinguishing between the different actors the conclusion becomes somewhat different. Brox (2002) challenges this view by attributing the selfish profit-maximizer to fishing industries (ranging from multi-national corporations to one-man businesses), while giving "household" community fisheries only an "income goal". David Feeny et al. and Brox' views imply that policy design cannot rely on simple models of rational actors to achieve its goals; there is need for a more complex understanding of fisheries than that of Hardin's herdsmen.

Nonetheless, Hardin's "tragedy of the commons" has become the philosophical basis for a central control management regime in the EU (Gray and Hatchard 2003), especially in DG Fish (under the Commission) with a strong connection to the scientific community. Lequesne (2000: 354) points to three core assumptions within the DG Fish: that fishermen have a natural tendency to overfish; that it is the Commission's job to convince member states to adopt conservation regulatory measures; and that it is necessary to produce statistical models and projections on fish stocks in order to convince politicians about the extent of the problem. Furthermore, Hardin's "Tragedy of the Commons" opens up for the development of various tools, instruments, techniques, or in general *techne* for governments to create conservation policy (Charles 1992). In the CFP, a set of *techne* was developed to manage the fisheries such as the Total Allowable Catches-system (TAC), the Multi-Annual Guidance Program (MAGP), and mechanisms of national implementation and regulatory responsibility along with other minor technical measures to secure safe and sustainable exploitation of the fisheries (Raakjær 1994).[4]

In 1983, the Commission issued that: "the conservation and management of Atlantic and North Sea fish stocks are to be controlled by the fixing of *total allowable catches*" (CEC 1983: 3). The TAC-system is the essential mechanisms in the conservation policy of the CFP (Raakjær 1994, 2009). The TACs are fixed in the Council of Ministers on the basis of scien-

tific advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF). The TAC is thereafter divided up in quotas, which are then distributed among the member states based on the principle of 'relative stability'. That means that each country receives quotas according to traditional fishing patterns, the special needs of areas heavily dependent on fisheries, and compensation for losses caused by the extension of coastal limits in third-country waters (CEC 1983: 3).

One of the other technical aspects of the CFP is the MAGP, where the aim is to reduce the overcapacity of fishing fleets. The idea is that there are "too many fisheries chasing too few fish" thus calling for a "rationalization" of the fishery from an economic perspective (Charles 1992: 368). The Commission (1992: 25) concluded that there was a large overcapacity in the EU fleet and in order to ensure a coherent balance between fishing capacity and activity, and the size of fish stocks, it was necessary to reduce the level of activity of the fleets. Fishing capacity was then defined in terms of *tonnage* and *engine power*; however, there are many other factors that determine the fishing mortality generated by the fleet. Consequently, the MAGP III and IV failed to prevent the increase in efficiency caused by technological advancement and the problems of overcapacity continued.[5] Instead, the EU abandoned the MAGPs, and in 2003 implemented a strict and simpler "entry-exit" strategy (Raakjær 2009: 81). Furthermore, the success of the conservation policy highly depends on the mechanisms of national implementation and regulatory responsibility—that is to say, that: "the success of conservation policy depends on the degree to which the Member States comply with policies decided at EC level" (Raakjær 2009: 30).

Building on the genealogical analysis of biodiversity, the following question arises: what is the relationship between society and nature in the conservation policy? In terms of taxonomies, the early CFP places an exclusive interest in fish species with commercial value. The defense for biodiversity or the concern for conservation of fish stocks therefore takes its departure in self-centered values, where different species of commercial fish are regarded as a resource, of utility value, a product, or a means of income.

Establishing a Governmentality of Biodiversity

E. O. Wilson first used the term 'biodiversity' in 1985 at the conference National Forum on Biodiversity (NFB). At the NFB conference, Wilson (1988: 3) argued that: "Biological diversity must be treated more seriously as a global resource, to be indexed, used, and above all, preserved". The term was thus partly introduced to make broader groups aware of the problem of the "falling diversity" (Arler 2009a: 16). Debates about biodiversity have since revolved around specific themes or issues, such as: assessment of biodiversity, falling diversity, and the level of human impact on biodiversity. On 5 June 1992, the UN organized a Convention on Biological Diversity (CBD) where the member states agreed on a comprehensive strategy for sustainable development, definitions and goals for the preservation of biodiversity. At the first CBD, member states agreed to be:

> Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components. (CBD 1992: 1)

That biodiversity now has all these new types of value is somewhat different from the heavy emphasis on self-centered values ascribed to biodiversity in the CFP's conservation policy, where focus was exclusively on the commercial value of fish as a resource. The declaration of these new values brings with it a new discourse that was not encompassed in the field of visibility of the CFP prior to the convention. Government's problem is now not only that

commercial fish stocks are in a crisis, but rather the greater crisis of global loss of biodiversity. The ideas expressed at the CBD forces governments to rethink the way they conceptualize both themselves and fishermen when making new legislation. If we truly are to regard biodiversity as having de-centered and intrinsic value, then fishermen can no longer only be the selfish profit-maximizers and government no longer only economically responsible, they both have a moral imperative to protect and preserve biodiversity.

Since the initial use at the NFB and the CBD in 1992, biodiversity has been used in scientific, ethical, cultural, political, juridical, economic, and administrative debates all over the world (Arler 2009a: 14). Apart from the CBD in 1992, biodiversity has made its way into many international and regional organizations such as: Global Biodiversity Forum (GBF) established in 1993; the Global Biodiversity Information Facility (GBIF), an initiative by OECD in 1999; and The Economics of Ecosystems and Biodiversity (TEEB), started in 2007 by G8 countries. These have different purposes ranging from mapping, assessing, and categorizing, to guiding policy formulation with the aim of preservation of biodiversity.

What these organizations are involved in is the establishment of a governmentality of biodiversity. The organizations all engage in producing *episteme* for the purpose of making governing possible—the GBF by making a forum for scientists, NGOs and other communities a voice in international decision-making. The GBIF is mainly distributing knowledge about biodiversity, whereas TEEB focus on the economic and policy guiding perspectives of rationality production. Nevertheless, biodiversity grew as a particular, historically produced, discourse in a network of "international organizations and northern NGOs to scientists, prospectors, and local communities and social movements" (Escobar 1998: 53-4). As pointed out by Escobar, we could start out by questioning whether biodiversity really exists, and instead place it as an artificial construct, claiming that: "biodiversity does not exist in an absolute sense" (Escobar 1998: 54-5). Biodiversity is rather a discourse that renews the relationship between society and nature, in an all-new narrative that "if you want to save the planet, this is what you must do, and here are the knowledge and resources to do it" (Escobar 1998: 56). This narrative, embedded within the actor network, forms and creates new types of knowledge and truths about biodiversity that can be used to govern:

> Intervention in the network is done by means of models (e.g., of ecosystems, conservation strategies); theories (e.g., of development, restoration); objects (from plants and genes to various technologies); actors (prospectors, taxonomists, planners, experts); strategies (resource management, intellectual property rights). (Escobar 1998: 54)

As highlighted earlier, governmentality studies pay close attention to the *episteme* of government and insist that governments produce truth and apply knowledge, calculation, expertise and strategies in their practices of governing. Furthermore, it stresses the point that this knowledge is not detached reflections of reality, but a socially embedded practice placed in the context of power. By making models and theories, defining objects and forming strategies, scientists and biologists become actors in the game of power concerning the preservation of biodiversity. Here, the governmentality of biodiversity, contrary to the old governmental ideas in the CFP, takes point in de-centered and intrinsic values and wishes to empower the expert.

New Goals for Biodiversity in the EU in 1998

The loss of biodiversity is also a concern for the EU, and in 1998 the Commission published a paper called "A European Community Biodiversity Strategy". The paper deals with challenges of biodiversity loss, drawing upon the new values from the CBD in 1992 for the defense of preserving biodiversity, and a proper response in the form of policy objectives. In the paper, the use of de-centered and intrinsic values becomes clear when fisheries, fishing

and fish stocks not only refers to the commercial value of fish, but also non-target species such as: "molluscs, crustaceans, marine mammals and other marine or estuarine animals" (CEC 1998: 13). Yet no concrete policy formulations are to find in the paper, only objectives and intentions.[6] Nonetheless, in 2001 the heads of states in the EU reached the conclusion to "halt the decline of biodiversity [in the EU] by 2010". In the publication "The European Union's Biodiversity Action Plan - Halting the loss of biodiversity by 2010 – and beyond" from 2008, published in a reader friendly layout, the Commission in the very beginning (page 4) exemplifies in which way biodiversity should be valued:[7]

> Economically, biodiversity sustains our economy and our quality of life. It provides us with a whole range of direct economic benefits that are all too often unrecognised and undervalued.
>
> Emotionally, biodiversity has an intrinsic value. It supports our cultural identity, offers spiritual inspiration and solace, and plays an important role in our mental and physical well-being.
>
> Ethically, we have a moral duty to look after our planet and preserve its richness for the benefit and enjoyment of generations to come. (CEC 2008: 4)

Yet policy makers do not emphasize or have great understanding for deep-ecological arguments for preserving biodiversity (Arler 2009b). So the question remains: how much weight will the 'de-centered and intrinsic values' arguments carry in the political debate? Moreover, and not surprisingly, the CEC emphasizes that safeguarding biodiversity is more than just a moral preoccupation; it is an "economic imperative" (CEC 2008: 4).

Since the 1980s, the CFP has been revised nearly every tenth year and when the Commission published the 1991 report it concluded that "present mechanisms are inadequate" (CEC 1991: III) to secure a sustainable fishery sector, pointing out the need to balance fishing activity and capacity with the size of fish stocks. However, in 2001 the Commission released a Green Paper on the future of the CFP concluding that it had not met the goals from 1991 and further: "The policy has not delivered sustainable exploitation of fisheries resources and will need to be changed if it is to do so" (CEC 2001a: 4).

In previous revisions the Commission had focused exclusively on the commercial fish stocks as a resource with direct utility for society, and that it was inconceivable that fisheries were responsible for the destruction of marine habitats. However, this changed in the 2001 Green Paper where future goals are considered:[8]

> [T]o establish responsible and sustainable fisheries that ensure healthy marine ecosystems maintaining the quality, diversity and availability of marine resources and habitats. To that end there is an urgent need to strengthen and improve the conservation policy in order to reverse the current negative trends of many stocks. (CEC 2001a: 20)

The 2001 Green Paper was followed by CEC's four specific sectorial action plans in the areas of Economic and Development Co-operation, Fisheries, Agriculture and Conservation of Natural Resources (CEC 2001b; Queffelec 2009). However, not much has happened in terms of implementation. In the BAPF, there were not any new ideas on how to manage fisheries. On the contrary, the solution posed was to: "[optimize] the use of available measures under the reformed CFP" (CEC 2006b: 12). However, it should be noted that "long-term management and recovery plans are being developed to help rebuild collapsed fish stocks and maintain others at safe biological levels" (CEC 2008: 15). Nonetheless, a strategy relying on strengthening and improving the conservation policy could prove fatal for biodiversity in EU waters.

The CFP: A Political System in Crisis

The establishment of an Action Plan for Biodiversity does not necessarily mean that preventing further loss of biodiversity will go easy. The CFP is a political system in crisis, where decision-making processes get caught in a "joint decisions trap" (Raakjær 2009: 60)[9]. The following section of the paper will regard the BAPF as an expression of the governmentality of biodiversity, placed in the context of power, that of the CFP, examining the question: who wins and who loses by which mechanisms of power.

One such mechanism is change and political reform. The fisheries in the EU are composed of many different interests. First, the CFP covers different ecosystems (the Baltic Sea, the North Sea, north-western waters, south-western waters, and the Mediterranean Sea); second, the member states have different business structures (from the large-scale, high-tech, and capital-intensive fisheries to the small-scale, low-capital fisheries); and third, the clash of interest between fisheries and conservation interest (Raakjær 2009). Overall there were three political positions expressed in the 2002 reform. First, the Commission that has interest in reforming the CFP, with support from the scientific community in the technocratic and administrative approach, emphasizing the need for radical reforms and a stronger conservation policy. The main strategy employed by the Commission is that power defines reality. With the help of various institutions (e.g., ICES and STECF) and scientists, as this paper has argued, the CEC produces truth, rationality and knowledge about the fishery sector, fishermen, fish stocks, and ecosystems. Second, the network "Friends of Fishing" or *Amis de la Pêche* composed of Spain, Portugal, France, Italy, Greece, and Ireland that has its interest in securing the short-term livelihood of fishermen and fishing communities and is opposed to what they consider an overly-conservationist approach by the Commission. The network itself also engages in production of rationality by making publications on joint conclusions and counter-proposals (Raakjær 2009; Hegland 2004). Third, "Friends of Fish" founded by representatives from Germany, the UK, Sweden, the Netherlands, Belgium, and Denmark that has its interest in reforming the CFP, but in a less radical way than the Commission (Hegland 2004).

In the 2002 reform process, the antagonistic position taken by the "Friends of Fishing" and impartial position taken by "Friends of Fish" has caused an effective deadlock on how the decision-making in the CFP can unfold, which prevents the Council to "elaborate comprehensive strategies for rational changes of the CFP" (Raakjær 2009: 76). Considering Flyvbjerg's proposition that in open confrontations rationality yields to power, the Commission did not do itself or the conservation policy any favors. The Commission, as argued by Hegland (2004), sometimes engages in antagonistic power confrontations with the "Friends of Fishing" network by making exaggerated proposals. The Commission sometimes attempts to win power struggles by pushing arguments further than what is needed. As a Commission official put it in November 2003:

> Any Commission proposal is a sort of mixture of what we honestly believe should be the final outcome and what we need to propose in order to get the final outcome that we want. (Hegland 2004: 60)

All in all, changing and reforming the CFP seems difficult if it ends in open confrontations between the Commission and the "Friends of Fishing" every time reform or change is needed. If rationality, that is the governmentality of biodiversity, has the best possibilities in stable power relations, then rationality ultimately becomes the loser when the main feature of the CFP is unstable power relations dominated by the rationality of power. Consequently, the governmentality of biodiversity seen as rationality will have hard terms if the CFP is to successfully be promoting the use of rationality.

Another mechanism is that of the annual TAC setting. When the TAC setting process is running, most member states tend to follow domestic interests for maximizing fishery activity

and for a joint front against the Commission's proposals. The result is that the Council adopts far higher TACs than recommended by the scientific advice and thereby creates long-term negative consequences for fish stocks and fishery communities. The Commission explains in the Green Paper:

> The current situation of resource depletion results, to a good extent, from setting annual catch limits in excess of those proposed by the Commission on the basis of scientific advice, and from fleet management plans short of those required. Poor enforcement of decisions actually taken has also contributed to over-fishing. [And later added] Difficulties with TACs are due to the Council's systematic fixing, in some cases, at levels higher than indicated in the scientific advice. (CEC 2001a: 4-8)

Raakjær (2009) points to three explanations for this phenomenon: First, that ministers argue for higher TACs because of pressure from domestic fishing sector representatives with short term interest in protecting their business, arguing that survival of fishing communities should be put before fish. Second, that if ministers are too hard on their colleagues one year pushing for lower TACs, they will have a weaker bargaining position the next year—thus, pacifying the decision-making process so that no big changes can be implemented. Third, that ministers intentionally question the scientific assessments processes because if the scientific advice cannot be questioned it ties the system down, which leaves them no room for maneuvers of self-interest and "horse-trading" in the Council. By this example, power defines what becomes considered as knowledge, and the Council treats the rationality of the Commission and the scientific community as rationalization.

The TAC setting mechanism relies heavily on the Council being interested in following the scientific advice from the Commission and scientific community, yet there is no incentive for them to do so. When the TAC setting finally relies on the power of the Council, rationality has a very small chance of success. The result is that the CFP becomes the tragedy it was created to prevent.

Conclusion: Is Sailing in Dead Waters Desirable?

The first section of the paper dealt with the creation of the CFP. The decline of fish stocks due to overfishing was identified as the field of visibility of government. Hardin's "Tragedy of the Commons" was used as a metaphor for what government observed. The "Tragedy of the Commons" was also the main source of knowledge, rationality, and of what could be considered truth. In this governmentality, fishermen and government were attributed certain identities. The fishermen were regarded as profit-maximizers who caused the tragedy of the fisheries. Contrary to this, government was considered as economically responsible and acted to prevent the tragedy. To do this, government relied on the conservation policy that had the TAC system and MAGPs as its main technologies. The CFPs interest in biodiversity was reflected solely in self-centered values, concerned only with the well-being of commercially valued fish stocks. Consequently, the preservation of biodiversity, in a broad sense, did *not* have good conditions.

The second section of the paper dealt with the invention of the concept of biodiversity and the establishment of a governmentality on biodiversity. "The global loss of biodiversity" was found to be the new field of visibility for government. Taking its starting point in mainly decentered and intrinsic values, the knowledge, rationality and truth of the governmentality of biodiversity suggested empowering the experts. The main argument being: "if you want to save the planet, this is what you must do, and here are the knowledge and resources to do it". The identities attributed to both fishermen and government is that they must comply with the moral imperative to protect and preserve biodiversity.

The third section of the paper dealt with the EU's BAPF and the merging of the governmentality of the CFP and that of biodiversity. It was found that the CFP had renewed its field of visibility to include global loss of biodiversity although with some special dedication to the tragedy of the commons. The CEC puts its main argument for the preservation of biodiversity on the economic imperative rather than the moral imperative established in the governmentality of biodiversity. Also, the BAPF seeks mainly to optimize the old *techne* (with only new ones in the making), which could prove fatal for the biodiversity of EU waters.

This brings us to the last point: who wins and who loses by which mechanisms of power? Placing the governmentality of biodiversity as rationality in the context of power it proves ineffective and with no real impact. It would be true to uphold that rationality must see itself outplayed by power in the context of the CFP, and by this Flyvbjerg's (2001:155) dictum proves very useful: power has a rationality that rationality does not know, whereas rationality has no power that power does not know. So to answer the question *how biodiversity is governed within the CFP*, this paper would argue: *poorly*. Nevertheless, it will be interesting to follow the reform process and see how the knowledge-power relations are changing within the CFP.

Notes

1. This paper is based on a 7th semester Development and International Relations project report by the same title. In the rewriting process, I owe a great many thanks to Freja Schaumburg-Müller Pallesen, Dave Allington, and the two reviewers for valuable comments and suggestions.
2. Flyvbjerg (1998: 228) elaborates on formal rationality and realrationalität: "The freedom to interpret and use 'rationality' and 'rationalization' for the purpose of power is a crucial element in enabling power to define reality, hence, an essential feature of the rationality of power".
3. In "Tragedy of the Commons", Hardin was addressing the growing problem of overpopulation arguing that we had to regulate how much humans were allowed to breed. He concluded that "Freedom to breed brings ruin to all" (Hardin 1968: 1248).
4. Various surveillance measures: obligatory logbooks, port inspections, aerial patrols, etc. which the member states are responsible for (CEC 1983: 7).
5. The green paper from the Commission (CEC 2001a: 11) concluded that: "Continuation of the current system would not only be unable to cut the excessive capacity of the fleet but would lead to an increased fishing effort in a situation where the state of the stocks cannot even support the present effort".
6. Nevertheless, in "Fisheries Management and Nature Conservation in the Marine Environment" (1999: 3) the CEC declared that: "interactions between fisheries and marine ecosystems must hence forth be integrated into the CFP".
7. Although some of the arguments can be found in earlier publications (CEC 1998: 1; 2006b: 3) where the arguments are not as clear-cut formulated.
8. Only in the revision of 1992 is it noted that fishery resources form a link in the food chain and that exploitation has an impact on the marine ecosystems, but that it is difficult to assess the global impact of fisheries, as there has been little research carried out in the field (CEC 1992: 21).
9. The "joint decisions trap" was introduced to describe situations in the council based on unanimous decisions. On the contrary, most decisions regarding the CFP are adopted under qualified majority voting. Raakjær uses the term to describe when various groups form a blocking minority. See (Raakjær 2009: 60).

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Swaziland in Transition

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ABSTRACT. The focus of this paper is on the structural and cognitive challenges civil society activists meet in their struggle for democracy in the Kingdom of Swaziland. The research is motivated by an internship with the Danish labour union federation LO/FTF Council and its affiliate in Swaziland, SFTU, while collaborating with grassroots activists who fight for democracy. The research is based on a survey of 100 Swazis and on presentations of two leading democracy activists. The empirical data is contextually analysed with a range of complementary theories within the social sciences. The analysis explains the complexity in the challenges from different approaches both focusing on the power of tradition and political modernisation. It is concluded that the challenges are related to more than rational issues but rather to a set of cognitive and structural factors relating to the power of tradition and the dilemmas in political modernisation.

Introduction

Swaziland is a small landlocked country centred in South Africa. It is a dualistic society with both a strong traditional nationalistic identity and a modern British influenced identity; rural homesteads of stray huts next to shopping malls, or loincloth and axes next to suits. Swaziland is formed on one tribe and thereby not divided between different tribes. A sovereign and conservative monarch controls the country, but civil society groups and especially the labour unions are active in a battle for democracy. There exists an immense amount of academic writing on democracy, democratisation, civil society, group theories, and on Africa, but very little research has been done specifically on civil society and the underground political movements in this tiny monarchy.[1]

My interest in delving into these political and nationalistic clashes is based on my internship in Swaziland in 2009 with the Danish labour movement federation LO/FTF Council that supports unions and democracy projects in developing countries. In Swaziland, I became close to strong and charismatic personalities involved in the battle for rights and democracy—people who did not want to sacrifice their cultural pride and traditions to follow western practices—and in the unions and other civil society groups who fought for the possibility to form Swaziland into a nation of strong democratic minds embedded in a strong cultural setting.

For over two months, I collaborated with Swaziland Labour Union Federation (SFTU) and its affiliate Coalition of Informal Economy Associations in Swaziland, an informal workers association, to understand their struggle for workers' rights, basic human needs and for political freedom and democracy. To understand the challenges of the unionisation of the informal workers, I surveyed 100 informal workers with a questionnaire and the possibility to express their views. The results of this research will be presented in the empirical presentation section alongside with a presentation from a public meeting I attended in Copenhagen where two

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leading civil society actors from Swaziland discussed the possibilities of dismantling the monarchical system. During my time in Swaziland and fieldtrips around the country I realised that there is an active civil society and a will to evolve, collaborate, and make change. The underlying conditions for activism are not good, due to the strong, almost dictatorial monarchy, and widespread poverty. I was eager to understand the practical and cognitive challenges they faced in their struggle for democracy and freedom.

Central to this research is an exploration and elaboration of the challenges for civil society to change the political structure towards multiparty democracy in a politically hostile society; split between fixed traditional mind-sets and those aspiring for some dispensation of democracy. Its focus is on civil society actors and the people at the grassroots level in Swaziland since it is their lives that are being affected. What interests and puzzles me are the challenges that impede civil society in the process of democratisation and how civil society contributes to this process.

The main focus of the research is not to find a clear solution for Swaziland, but rather to illuminate the diversity of challenges they face as they aspire to become agents of democratic change. The obvious obstacles such as police violence, legislation, and bad governance are tangible and may be possible to change with support from the international community. Such actions directed against the monarchy and the government would indicate a top-down approach. But there are several underlying layers of the challenges that cannot be overcome immediately using a top-down process, but rather need to be handled from the bottom-up via empowerment projects, debates, and inclusions in the population in the rural areas via civil society.

The paper briefly presents the country, then considerations on the research and a presentation of the empirical data, followed by a deeper reflection and analysis of the topic. The analysis is divided into four main sections. The first is about how important are effective and strong organisations to mobilisation for change. The second is an examination of how legitimacy of the King is important for the power structures. The third explores how change of mentality and democratic awareness is based on structures of social and individual identities. And the fourth covers how the elements of national identity, tradition, and cognitive structures have a strong position in social changes. The paper concludes with a summary and makes some points for reflection.

Swaziland, a Monarchy

Few people around the world have heard about Swaziland, as it is a peaceful monarchy with only 1.1 million inhabitants landlocked in South Africa. But the country holds a few notable world records. Besides Sibebe, the second biggest rock of the world, Swaziland has the world's highest HIV rate at around 40%, with a life expectancy at 32 years and it is the last absolute monarchy in the world. In addition, a unionist has been allegedly killed in police custody for wearing a t-shirt with the logo of a political party on it. Since my visit to Swaziland there have been continuously more human rights violations and civil discontent is mounting. This is an example of why light needs to be shed on Swaziland.

Swazis are proud nationalistic tribal people who find community spirit in their narrative on culture and traditions. As indicated, Swaziland has a vibrant and outspoken civil society that demands reforms for rights and democracy, although through different means and political ideologies (Mzizi 2002; ACTSA 2008; Word Food Programme and Hershey 2009). Besides the political system and repression the monarch is criticised for extravagant use of money, while 70% live in abject poverty. The King has 13 wives as part of the traditional way of living and as part of the western way of life he feels it is necessary to have a jet plane when

they need to go shopping in Saudi Arabia. Furthermore, the small country spends a lot on their military (Mzizi 2002).

The country was under the rule of the British Commission, 1906-1968, and has thereafter adopted element of the Westminster Model, which is now combined with a system of chiefdom called *Tinklundha*. The system holds democratic elements but King Mswati III is the sole ruler. The political unrest started in the 1980s when the former King died, it was seen as a chance for change, but instead it became a strengthening of the monarchy. During the same period, other African countries started experiencing battles against dictatorial systems, including apartheid in South Africa (Mzizi 2002).

Political parties are banned and are categorised as terrorist entities, although a few still exist. Because of these restrictions, political groups are politically active in worker unions that are legal; however, political and democratic forces are often limited in the worker union as well. An example of this would be that just before a legal demonstration in September, 40 to around a hundred unionists were brutally arrested for no apparent reason (Livbjerg 2010). This shows the limited space unions have for manoeuvring. The majority of the active civil society groups call for multi-party democracy, and 60-65% of the workforce are unionised, most in the political unions of SFTU and SFL (Mzizi 2005). The rural and informal workers (e.g., street vendors, craftsmen, traditional healers and small-scale farmers), most often women, are the less unionised groups, and due to the global economic crises in the late 2000s the number of informal workers is growing. These groups are in these years getting unionised by CIEAS, an affiliate to SFTU, with whom I collaborated about parts of the research during the practicum. The organisation is constitutionally apolitical, nevertheless it is still unionising this big group of civil society.

Other groups are formed to unite the active civil society to form a united front. Swaziland United Democratic Front (SUDF) is a recently formed collective advocacy movement aiming to bring together different parts of civil society including both major radical movements but also more conservative fragments within political parties, unions, and churches. Their goal is to have a united front in the struggle for multi-party democracy. Foundation of Socio-Economic Justice (FSEJ) started in 2003 and concentrates on civic education to encourage participation and to raise awareness on human rights issues and democracy. The biggest democratic initiative is Swaziland Democracy Campaign (SDC). Statements from representatives of the leadership of FSEJ and SUDF are part of the empirical data (FSEJ and SUDF Activists 2010; Mzizi 2002).

Considerations on Methodology

The research is aimed not to be normative, however it cannot be assumed to be objective either. My involvement with the activists and the local community, as well as my personal background has coloured my view. Ontologically, the approach is based on the perception that social phenomena are created and viewed through human understandings and attitudes. Clifford Geertz (1993) has, on the basis of Gilbert Ryle, formulated the concept ‘thick description’. It explains that objectivity is not possible (or desirable) when observing and understanding actions or phenomena. Thus, I will not avoid, but rather accept and embrace my own conceptual structures as a point of departure. The data collection is directly from the source, but it is still somehow a product of my interpretation based on my background. Multiple types of empirical data, theories, and analysis methods are included to avoid one-sidedness and to acknowledge most possible viewpoints and approaches.

It should be noted that the empirical data is not representative sample of the country, but rather it is a survey undertaken among informal workers. In that way, the survey results

should be understood as a presentation of some views and an indication of ideas and not as exact presentation of the Swazis' general mind-set. It would, however, be really interesting to undertake a general and more in-depth investigation to enlighten and understand the mind-set of the Swazis.

Two of the central concepts in the paper are democracy and civil society, both terms with multiple definitions. The word democracy in this context is understood as a version of a multiparty system where basic rights such as the right to assembly are fulfilled.[2] Exactly what political version and how the political structures should look like are not discussed fully here. The definition that is used builds on a relatively unequivocal although not thorough definition of democracy expressed by the activists. The definition used is therefore a multiparty system with the King as cultural figure without any political power, and as a democratic mind-set of the masses (FSEJ and SUDF Activists 2010).

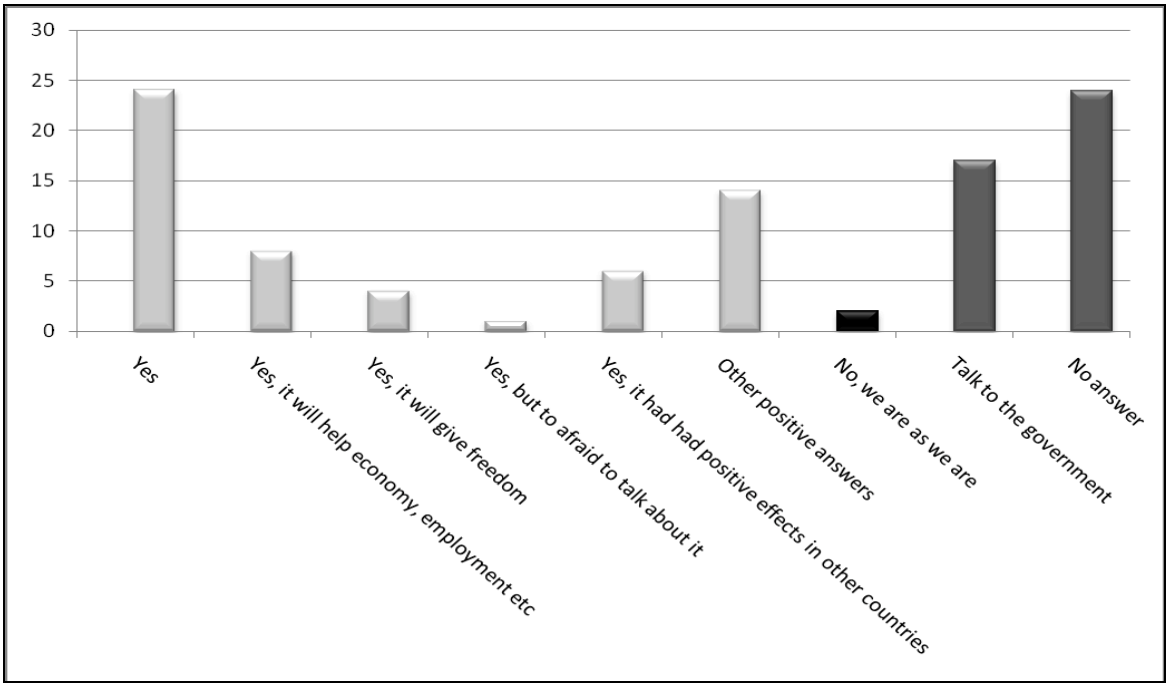
Civil society is another term with several definitions. It is the pathway between the individual citizens and politics and it covers the organisations formed by citizens as a participatory practice. In this research the focus is on groups related to political struggles, but civil society also includes: religious groups, more practical-related groups such as cooperatives, or other non-political NGOs. Civil society also includes less organised entities as it include all *civil* parts of the *society*. In Swaziland, it is the labour union federations who are key actors on the civil society scene. Civil society does not fully represent the population, as some social groups are more engaged and active than others. This is apparent in Swaziland where it is dangerous to be politically engaged and where scarce resources in rural areas limit the level of participation. Nonetheless, as the empirical data will show, also the rural areas in Swaziland are getting more and more organised and active.

Empirical Foundations – the Swazis' Statements

Two types of independently collected empirical data are fundamental to the exploration of challenges to democratisation. The first is a survey undertaken in 2009 among 100 informal economy workers from around the country, some organised and some not (Pejstrup 2010). The questionnaires were formulated with around 25 questions on organisation, hopes, and democracy. The answers were not pre-formulated but the participants expressed themselves in their own words. As shown below, the answers were then analysed and collected into groups of replies to be able to make an overview.

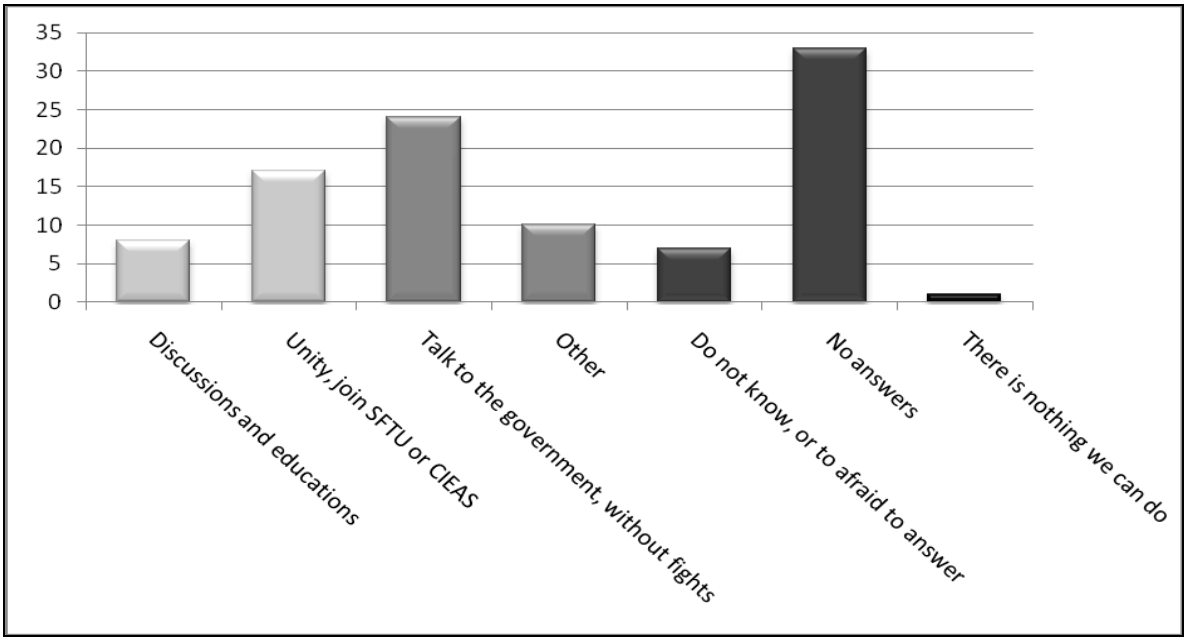
The survey showed that the associations the workers are organised are often small and mainly formed for practical reasons in connection with vending, transportation, or collaborations in building a poultry farm. Some are slightly political in the sense that they, for example, come together to formulate petitions about the market place for the city council.[3] However, the associations are democratic arenas where Swazis from rural areas also have knowledge sharing and debate. The questions reflected different aspects of their lives—for example, on whether the workers were optimistic about their associations, they gave a series of good ideas for development of CIEAS and SFTU. The responses of key relevance for this paper are the ones relating to SFTU and democracy. The responses and lack of the same on the questions on SFTU and democracy provides data on how the Swazi population thinks of democracy (the full survey results and reflections can be found in my master's thesis, Pejstrup 2010). The prevailing majority was positive about SFTU. Few responded to the more forward question about the sensible subject of democracy, but only one out of 100 said that he disliked democracy (see Figure 1) and the answers about how it should be reached reflected a high degree of willingness for communication (see Figure 2). The results are shown in the figures below.

Figure 1
"Do you wish Swaziland was more democratic? (Please elaborate on your answer.)"



N:100
(Source: Pejstrup 2010)

Figure 2
"If yes, how could it be achieved?"



N:100
(Source: Pejstrup 2010)

It is not certain what the lack of answers could signify. Most likely it is a sign of the Swazis being insecure or afraid of debating democracy. It is unclear for them what it includes and

what it will result in. Furthermore, it would possibly be problematic for them to answer these questions openly.

The second part of the empirical data features recordings from a meeting held in Denmark with two leading civil society activists. It was arranged by the Danish NGO Africa Contact and held in March 2010 with the title "How to remove a despot?" The guests and speakers were: representatives from Swaziland Federation of Labour (SFL), SUDF, SFTU, and FSEJ (for a summary of the meeting, see Pejstrup 2010).[4] The whole meeting forms the basis for the analysis of the challenges.

The activists started their presentation by describing the problems they meet, especially in the rural areas that are controlled by chiefs and thereby indirectly by the King. However, the organisations have had success in civil rights education. They hope to make Swaziland look united so the international actors can see they wish democracy and can get help to change the situation. They are afraid it will look like the violent situation in Zimbabwe before they can get help from outside. Both activists have experienced being abducted or harassed in various ways by the police, even though the organisations are legal. Together with the lack of freedom, rights, and democracy, the activists are worried about the highly unequal income distribution. Moreover, they are explaining the role of women, as women are not treated as legal persons with, for example, the right to own land. However, women do come together to fight for their rights. Regarding the political system the activists explain that they hope for Swaziland to develop a multiparty system. It should not be an import from foreign countries, as they wish for a constitutional monarchy where the King is a national symbol without interfering in political issues.

Civic education, debates, and empowerment that are conducted on grass roots level are of key relevance for development, as they acknowledge that international restrictions cannot be used unless the Swazis speak with one voice. Since the transition process can be done in multiple ways and worked on several angles, civil society activists benefit from collaboration with, among others, Africa Contact, and the SFTU benefits from LO/FTF council, which supports workers rights as well as workshops with debates.

The two sets of empirical research reflected two sides of the civil society and used a method of triangulation. One of the key elements in both sets of materials is the strong will to be organised despite harsh conditions. To fight for democracy takes a lot of courage and resources, but even in the rural areas there is willingness to organisation and optimism about participation.

The Complexity of Transition

I will go further into the challenges on civil society that impede the process of democratisation in Swaziland and how they contribute to the following section. In order to explore these challenges, a range of complementary theoretical approaches is incorporated in the analysis on the democratisation and civil society of Swaziland. The theories chosen address the issues relating to the power of tradition and the issues of political modernisation. They are complementary as important element of the path towards the conclusion and will be used to address various dimensions of the empirical data. The analysis is divided into sections according to the issues considered and the theories and the empirical data will be employed in the analytical arguments.

The Issue of a Strong Social Movement

A political shift and a change towards a democratic oriented national mind beginning from the grassroots level can only be achieved with a strong movement. Results from both the survey and the activists showed that communication and unity were urgent needs to achieve the goal and hence well-functioning representational organisations are a key element (Pejstrup 2010).

Charles Tilly's framework of social movements focuses on the components of social movements and it can thereby support the examination of the challenges social movements encounter. He explains that a strong social movement includes a sustained collective claim, a repertoire of actions, and what he calls the WUNC displays (Worthiness, Unity, Numbers, Commitment) (see Tilly 1978; Tilly and Wood 2009). The first element is for the organisation or movement to have a sustained collective claim that extends beyond a single event. In Swaziland. the common campaign among most social movements is the desire for multiparty democracy and implementation of human rights. However, the strongest entities are based on the labour movements whose main focus is labour rights, which is more a practical element than a problem as civil society groups are organised in different fields and they need to stay legal to survive. The main campaign is divided into a repertoire of several actions, and the different movements have both their own and the collective ones. Despite the danger, participants of the social movements keep writing petitions, organise meetings, strikes and demonstrations. As the representative from FSEJ explained, their activities are related to civic education, discussions and empowerment projects that match the requests of the informal economy workers in the survey in order to achieve democratic development. The lack of open rallies and hence the possibility to declare or promote their positions to the general public give significant challenges for the mobilisation in social movements (FSEJ and SUDF Activists 2010; Tilly 1978; Tilly and Wood 2009).

According to Tilly (1978), there are four additional elements that are relevant for a social movement as illustrated in the WUNC displays (see also Tilly and Wood 2009). The first display is Worthiness, which suggests the necessity in presentation, particularly in a case where the national discourse portrays all political activists as terrorists. It is of key relevance for the social movements to show they are non-violent and that they are supported by all types of people and not just a minority group of extremists. Secondly, as the empirical data indicate, Unity is a key element for success. It is a challenge to avoid conflicts or disunity, but the civil society actors are working with the issue by shaping all-embracing organisations such as the SUDF. Unity is emphasised by symbols and actions, several of which relate to the struggle against apartheid like 'Amandla! Awethu!', which means 'Power! To the people!'. The third display is Numbers, which indicates that the movements can show support since a well-supported group gains more support. In the Swazi case, this becomes a challenge as the cause might have a lot more or maybe less support than what is shown publicly because of the danger of arrest in participation. The last display in Tilly's terminology of social movement is Commitment. This element reflects the challenges as it takes a high degree of commitment to be an active participant because of the risk of harassments and arrests. Even answering the questions on democracy in the anonymous survey was transcendent and only a quarter or a third did so.

It takes an extraordinary amount of commitment to fulfil the role of a movement that can change the political structure and to a certain extent the national identity of Swaziland. In conclusion, Swaziland is far from living up to the standards that Tilly presents but some good groundwork have been built and steps taken. Max Weber's theoretical framework on legitimacy will in the following section be used in the analysis of how the King still has legitimacy despite a broadly based wish for democracy.

The Issue of the King's Legitimacy

It is clear that King Mswati III's legitimacy to rule is based on aspects other than just his political and economic abilities. Obviously, rational fear for going against the King is of big importance to Mswati's supremacy. Max Weber's theory on power relations is a classic way of explaining legitimacy and domination. The three archetypes of legitimacy are tradition, charisma, and legal domination, and each will be used to analyse the power relations and the role of the King (Weber 1978 [1991]; see also Gerth and Wright Mills 1991).

Legitimacy based on tradition has undoubtedly been a key factor as to why the monarchy in Swaziland holds power. While the world around the Swazis changes, the monarchy and its supporters rely heavily on the tradition, nationalism, and the history and national identity of the Swazis. Traditional power structures, ceremonies, rites and even clothing are important factors in the nation-building process. It is in the favour of the monarchy that the national identity continues to be built on traditions more than processes of modernisation or westernisation. Although it interesting to note that the system in its current version is no more than a few generations old, it is formed around a romanticised historic narrative from pre-colonial times. The calculated use of discourse and narrative and invented traditions will be analysed later. Respect for Mswati is not, at least not entirely, based on manipulations and ignorance as the King is a symbol of independence and national pride. A rapid change of institutions, structures, and symbols would most probably cause unrest. My own observations including Kuper's and Booth's research suggest a nation in political transition, but combined with a strong sense of belonging and proud culture (Kuper 1947, 1972; Booth 1983, 2000). Even if activists believe in democratic developments, only the most progressives believe that the King should be removed entirely. In casual conversations, several Swazis have expressed curiosity with the Danish governmental system of constitutional monarchy.

Charisma is another explanation for the existing power structures. A strong superhuman and heroic narrative supports the charismatic legitimacy of the King. Most of this narrative is actually shaped by the former King and not by the present. However, Mswati III keeps it alive and the narrative sticks to the institution. King Mswati III is an icon and it is rather the system that is criticised more than the person. However, a strong spearhead is a valuable means for any organisation to connect to and formulate the identity of the organisation (Weber 2005). These three aspects illustrate some of the basic reasons about the challenges facing the advocates for transition.

The Issue of Social Identity and Self-categorisation

The works of Clifford Geertz, Stuart Hall, and Fredrik Barth are adopted for analysing issues related to identity, culture, and the narrative perspective (Geertz 1993; Hall and du Gay 1996; Barth 1969). Geertz defines culture in this manner:

> [M]an is an animal suspended in webs of significance he himself spun, I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretative one in search of meaning. (Geertz 1993: 11)

The idea that one is suspended in a web of significance is a key point in the analysis and conclusion of this paper. Hall's (1996) version of a similar thought is that identities and identifications are constructed as reflections of one's surroundings and are always in process due to radical historisation. The constitutive outside both shapes and sketches the differences to the identity of an entity so they are marked and clear and the borders formulate the identity of the group (Hall 1996). Fredrik Barth explains that boundaries create identification and thereby that the dichotomisation of others as strangers implies internal common understanding and mutual interest (Barth 1969).

Michael A. Hogg and Deborah J. Terry have a more complex theory on social identities and self-categorisation processes (Hogg and Terry 2000). The theory is included to understand cognitive identity and social action in organisations. The main points are:

> (1) social identity processes are motivated by subjective uncertainty reduction, (2) prototype-based de-personalization lies at the heart of social identity processes, and (3) groups are internally structured in terms of perceived or actual group prototypicality of members. (Hogg and Terry 2000: 122)

The theory of Hogg and Terry on self-categorisation combined with Hall's and Barth's thoughts on social identity can be adopted in order to explain some of the complexities in social identification and why national, social, and individual identity has such a big impact on the struggle for democracy in Swaziland.

Even though both traditionalists and the activists are proud Swazis, there lies a battle in the formulation of the national identity as well as the societal structures. As social identity processes are motivated by subjective uncertainty reduction, it is thus the goal for progressive social movements to develop a strong united identity. The risk is that increased subjective uncertainty among the population makes them stick to the safe and well-known prototypical traditional Swaziness. A new societal and political system therefore has to involve a strong social identity that reduce uncertainty and rather develop unity and a common Swazi national feeling that is not deviant, strange, or un-Swazi for the individuals. According to the terminology it is a prototype-based de-personalisation that happens when one enters a group and adopts to it according to the mainstream idea of such a group. His personal will is not erased, but the risk of deviance and alienation keeps him consciously or unconsciously close to the prototypical group member, in this case the traditional Swazi. People are in general rather path dependent and follow the group's identity (Hogg and Terry 2000).

Some people come together and 'deviate' from the traditional structures collectively in unions and movements. A single person who brings changes or new ideas to a group becomes a vulnerable outcast, but as soon the individuals mould a group with their own prototypes, ideals, and identity the group will be alienated from the other group and together they have a social identity that forms them as a new cohesive group. The group has to shape a social identity that speaks for its members but at the same time a social identity that separates them from other groups. Unity reduces subjective uncertainty, and it makes one feel safe and makes one belong to a strong social identity. The challenge is to formulate a prototype that clearly separates them from the traditionalist but on the other hand does not demand a change too large between the identity as a proud nationalist Swazi and the identity as a democratic Swazi (Hogg and Terry 2000). Identity is a significant issue and even if it is changeable it changes slowly and according to its surroundings and its circumstances, as the self-perception and group identity is significant for people's actions and mind-sets. The change that is needed for democratic development and modernisation is therefore difficult to move. The democratic is not just a matter of political arguments, but also especially a matter of identity. The challenge in reformulating such issues is extensive but possible to overcome; however, it demands lot of time and work at the grassroots level.

The Issue of National Identity

This section has four parts that collectively indicate how personal and social identity and a national narrative strongly affect individuals' viewpoints and group mentality.

To execute democracy one needs not only to understand the premises but also to accept them as part of one's culture and national identity. Nevertheless, for many Swazis the political debate seems irrelevant and intangible, but the FSEJ and SUDF representatives argue that the

wish for democracy exists, but it needs to be found explicitly via empowerment projects (FSEJ and SUDF Activists 2010). The point about democracy is actually not political unity, as this removes the necessary individuality of the democratic process. Instead, empowerment is needed in order to facilitate people into formulating their own stance and thereby claim their democratic rights. The unity lies in the common goal of a democratic system that paves the way for such mentalities and strengthened individualistic mind-sets. The social identity of being a Swazi has tremendous importance and since that includes monarchical features it takes more than good political arguments for the Swazi on the ground to change the perception of their group identity as Swazis.

Considering Eric Hobsbawm and Terence Ranger's (2010) concept 'invented tradition', which refers to those traditions that are invented either intentionally or unconsciously as a response to a situation where the power of tradition is useful, we can understand how Swazi traditions are mobilised in the process of nation-building such as in the formulation of collective memory and national narratives.

Traditions are important elements of an identification process, both for the traditionalists and in the civil society. When naturally occurring traditions are not enough, traditions get invented. This often occurs during periods of rapid change, as people feel the need to a reference point in their lives. Thereby, it is also an effective means in the nation-building process, or in this case, in struggles over national identities. Invented traditions and narratives have a deep impact on identification, and even though the monarchy is no older than 70 years, it has positioned itself as a valuable piece of history. The monarchy has developed a range of traditions with a high degree of symbolic value, and going against any of these is symbolically equalised with support to the British colonial powers or other rootless and un-Swazi values. The other party and civil society actors also use invented traditions as a rallying cry and symbol of freedom in South Africa against apartheid (Hobsbawm and Ranger 2010).

The struggle on the national identity—democratic vs. conservative—is to a large extent fought discursively. Discursive acts can contribute to the restoration and legitimisation of the social status quo, as well as its destruction and transformation (Wodak, De Cillia, Reisigl and Liebhart 2009). The monarchy has had success in controlling the discourse and the national narrative to such an extent that it has been able to set a scene that is hard to change. That is of course emphasised by, among others, the control of the media. The current political system was formulated in a period when the border between nationalism and the colonial power was highly important to the construction of a national identity in which all structures and symbols that were Swazi—rather than British—were embraced. It has been an emphasised alienation of the British and this alienation has grown to include democratic ideas like westernisation. Barth (1969) explains such a process as 'a dichotomisation of others like strangers', which is an extremely strong social and psychological means in the discussion of group mentality.

These sections have shown that the challenges the civil society actors meet are more profound and complex than can be addressed by a single solution. However, civil society actors acknowledge these difficulties and try to deal with them despite limited resources and a bundle of hurdles.

Conclusion

This paper has explored the different challenges that confront civil society to play a role in the process of democratisation in Swaziland. The civil society is an active actor in reaching this democratisation goal, and the objective of this paper has been to examine what are the main challenges facing them and thereby how can democracy advocates succeed. The method of triangulation in data collection, in theory, and in method of analysis has been applied to get

the most nuanced research possible. The survey of 100 informal workers, mainly rural poverty stricken women, is an indication of their situation and their relation with social movement activities and democratisation.

I attended and recorded a meeting with two main actors in the democratisation process to reflect the other side of civil society and to get direct information on views, ideas, and the work. The data has been analysed with a variety of theoretical frameworks that with different approaches investigated challenges for the democratisation process. The challenges can be partly explained as due to the power of tradition and political modernisation.

Four main issues were discovered. The first investigated the well-functioning civil society groups, or social movements. It was pointed out that social movements need a common campaign with the Swazi organisations as they have set a joint goal of multiparty system. They need a repertoire of actions, and they need worthiness, unity, numbers of people that support them, and commitment—all elements that the organisations are aware of, but remain challenges due to current and historical circumstances.

The second main issue is the relatively high degree of legitimacy the King has. It was examined why this is the case through the sociological theory of Max Weber on the sources of power and legitimacy. There are three types of legitimacy: a rational one that is strong due to the King's supremacy; a traditional form that is strong in this case due to conservatism and nationalism; and a charismatic form that reflects the superhuman icon the King has become.

The third part dealt with social identity and self-categorisation, and it illustrated the immense importance of individual's identity and sense of belonging. The development of democracy is more than the structure of the government but also a cognitive acknowledgement of participation and individual thinking and collective collaboration. This means that the civil society actors stand in front of a challenge of reformulating what Swaziness is.

The fourth part of the article took these ideas on identity from a personal to a national level: firstly, it discussed issues of democratic identities in a traditional society; and secondly, it examined the meaning of invented traditions, narratives, and discursive battles.

In conclusion, the challenges on the democratisation process and how they can be overcome by civil society are manifold. The dilemma of the discussion involves issues in the power of tradition versus political modernisation. To realise democracy, institutions have to change and the power structure needs to be redefined. Here, a fundamental issue has to do with questions of national identity and democratic mind-sets. The concepts of democracy, identity, and nationalism are cognitive and social constructions. Neither of them are tangible issues, nor the way for democratic progressives to succeed is to balance between tradition and Swazi uniqueness and pride, on the one hand, and political modernisation and democracy, on the other. A possible revolutionary change in Swaziland that throws away all unity would scatter the Swazis and rebound on the process for democracy. The research showed a desire among the surveyed Swazis and the activists for openness, organisation, communication, freedom, and democracy. There is still a long way to go for the development of a sincere democracy in Swaziland, and it will be interesting to follow future developments and the transition that is ongoing among the people.

Two big issues of debate are relevant to investigate in further research of the transition of Swaziland. Firstly, this research has not dealt with the type of democracy Swaziland needs and it is of big importance that it is not assumed that any copy of a democratic form of governance will fit Swaziland. And secondly, the political activists who visited Copenhagen feel that it is urgent for the international community to take action. However, they wish for international involvement is constrained by the risk of an eventual western top-down political modernisation, which will foster new conflicts.

It is therefore a challenge for the social movements to encourage a political change, as the international society is not in a position to interfere in national issues. The debate is worth

taking, as the situation in Swaziland is indefensible, but a bottom-up solution is to a large extent preferable. Further investigation on this issue is necessary.

Notes

1. The main social science authors on Swaziland are Hilda Kuper and Alan R. Booth. Joshua Bheki Mzizi also researches on specific topics in the Swazi context.
2. These are basic rights according to the UN Human Rights agreement.
3. Some of the associations were members of CIEAS, while others are not. CIEAS functions as a coalition of several groups and it has few individuals as members.
4. Names are not identified here for purposes of security.

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Caught in the Clash amid Customs and Market: A Case of the Poor and Marginalized Rural Population's Access to Land in Zambia

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ABSTRACT. The paper is a case study analyzing the effects of the Zambian Lands Act of 1995. The problem area centers on the question as to why the market-based land reform of 1995 in Zambia has not, despite its purpose, improved the access to land for the poor and marginalized rural population. The ability to acquire land titles in Zambia highly depends on (i) access to knowledge, (ii) legal access, (iii) access through social identity, and (iv) access to authority. The findings of this paper reveal a reality in which mostly Zambian elites, chiefs, and foreign investors benefit from the prevalent power structures gaining exclusive control over land. Additionally, problems such as complicated and costly bureaucratic procedures as well as civil status, traditional hierarchies, and corruptive behavior weaken the poor and marginalized rural population's access to land. The paper concludes that the Zambian market-based land reform in 1995 has not benefited the poor and marginalized rural population's access to land, but has intensified inequalities.

Introduction

Land is one of the most fundamental resources in any society as a basis for human survival. This is particularly the case in Africa where land remains the single most important asset in securing livelihoods for the poor and marginalized rural population. Despite land's pivotal role in human survival, it is often unequally distributed and the poor and marginalized rural population in Africa struggles to gain access to land and security of tenure. With increasing population growth and threats from climate changes adding to existing problems of land infertility, water scarcity, and desertification (Hassan, Scholes, and Ash 2005: 836), there is an urgent need for a response to address the issue of land.

There is a common consensus on the development agenda claiming that sustainable growth and development in Africa depend largely on the manner in which land resources are secured,

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used and managed (EU Working Group on Land issues 2011: 6; Janneh 2006). This consensus sees land reforms as a means to achieve both growth and poverty alleviation (Mwangi and Patrick 2006: 1; World Bank 2003a: 1-2). Land reforms have been carried out in Africa since the Second World War, but the approaches have differed over time. Prior to the 1980s, land reforms were dominated by a belief in redistribution. Subsequently, developing countries, in order to redress inequalities and stimulate small-scale agriculture and self-sufficiency, redistributed land from large-scale landowners to landless and poorer peasants. Since the 1980s, land reforms have, however, been characterized by a neo-liberal, market-based approach. Here it is argued that formal titling and a lightly regulated market for land will increase the efficiency of land distribution and boost agrarian productivity. Furthermore, it is argued that recognition of property rights can reduce poverty and enhance capital accumulation in developing countries (Brown 2005: 79-80). Yet, one problem remains, new reforms, which seek to modernize the customary systems, may, contrary to the objective, consolidate the inequalities because "… even progressive land policies and the availability of necessary tools for pro-poor land registration can become vehicles of the powerful for their own advantage" (Anseeuw and Alden 2010: xii).

Zambia is a peculiar example of a developing country trying to reform its land system. In 1964, when Zambia became independent, it was the richest country in sub-Saharan Africa, twenty years later, prior to the land reform, it was one of the poorest (World Bank 2001) and even today it ranks as one of the poorest countries on the Human Development Index (UNDP 2008: 27). Despite being a relatively stable state spared from both external and internal conflicts (van Loenon 1999: 1), Zambia has not been able to make a land reform that benefits its mainly rural population, where approximately 80% live in extreme poverty unable to afford buying the land they live on (Adams and Palmer 2007: 63). [1]

In 1995, the Zambian government introduced a new market-based land reform, highly inspired by the neo-liberal paradigm and as part of conditionalities from the World Bank (Simutanyi 1996: 826). The reform consolidated Zambia's dual tenure system consisting of state and customary land. It is estimated that 94% of the land area in Zambia is customary land.[2] Nonetheless, as a consequence of the land reform, it became possible for people living on customary land to convert it to state land and hereby gain formal titling. The problem remains that the Zambian government so far has been unsuccessful in providing a supportive policy environment for devolved communal area land and natural resource proprietorship and management (Metcalfe and Kepe 2008b: 241). There are many examples of increased insecurity of land tenure for the poor and marginalized rural population (Bupe 2010; Hansungule, Feeney, and Palmer 1998: 44; Mutangadura 2007: 179) and also many examples of people being evicted from their land (Brown 2005: 92; Jesuit Centre for Theological Reflection 2005: 33; Mpundu 2006; MS-Zambia 2009c: 1; Palmer 1997: 285). A 64-year-old woman and her children were beaten and evicted from their land. Afterwards she explained the consequence:

> [H]unger entered our home and it has never left. We cannot even grow enough food to feed our children because of not having enough land. (cited in Machina 2002: 7)

This indicates that the high expectations for the land reform and its ability to fight poverty and create equity have not been met, and that land has not been equally distributed. On this backdrop, the paper aims at critically examining the 1995 land reform in Zambia in order to identify why, despite its purpose, it has not improved the poor and marginalized rural population's access to land (see Chileshe 2005: 254; Metcalfe 2005: 6). This will be done through an assessment of whether shortcomings of a specific reform and institutional settings prevent the implementation of reform. To examine this, Ribot and Peluso's theory of access (2003) is applied. Access theory breaks with the more traditional theories on land rights by defining access as *the ability to derive benefits from things* instead of merely looking at access in a juridical sense as *the right to benefit from things*. While other frameworks applied on the

subject of land rights tend to focus solely on legal mechanisms, this framework also puts emphasis on extra-legal mechanisms such as access to *knowledge*, access through *social identity*, and access to *authority*. Access theory divides social actions into the concepts of *access control* and *access maintenance*. Access control refers to the ability to mediate others' access, while maintenance of access refers to the need to expand resources or powers in order to keep access to a particular resource open. This means that actors in a subordinate position transfer certain benefits to the ones controlling them, and thereby intend to gain benefits for themselves. In this way, an array of mechanisms of control and maintenance of access can change according to the value of a resource or the means of access. Both are fundamental for actors in relation to appropriation, management, or use of a resource.

Based on these reflections, the paper seeks to provide a nuanced answer to the following research question: *Why, despite its purpose, has the market-based land reform of 1995 in Zambia not improved the poor and marginalized rural population's access to land?*

Access to Knowledge

The frameworks of resource access, which have enabled and disabled the poor and marginalized rural population (PMRP), were constructed in historical processes. That is to say, the historical production of categories of knowledge has produced the frameworks present after the Lands Act in 1995 benefiting foreign investors and local elites (Ribot and Peluso 2003: 168-9).

The colonial powers constructed a rural elite and used it to "create political structures for governing rural populations" by using a *fits all* frame for understanding and organizing the rural population (Boone 2007: 561). They interpreted the population as being organized in stable and coherent *intelligible units* comparable to *tribes* that could be used to practice indirect rule (Moore 1994: 24). This can be considered a faulty understanding as the different tribal areas had different approaches to land distribution (Brown 2005: 84; Sitko 2010: 44; van Loenen 1999: 2). This was a production of knowledge that informed the discourse guiding colonial and post-colonial rule of Zambia, which made it possible to implement indirect rules so that first the colonial administration and later the shifting governments as well as local elites have been able to benefit from the distribution of land.

In the case of the Tonga people, the colonial administration was able to pick and choose chiefs and headmen, institutions the Tonga people regarded as *purely arbitrary* creations by European officials, and made them submit to their desires by force (Sitko 2010: 41). Dixon-Fyle (1977: 582) recounts that uncooperative chiefs were summoned at the District Office and "whipped…or detained until they submitted." The creation of new elites produced new knowledge about the governance of Zambia that was highly influential in how land was redistributed during the colonial administration and also during post-independence because traditional leaders were empowered to control the access to land for the PMRP. By creating the institution of chiefdom and thereafter disciplining the chiefs into adhering to the colonial system of knowledge, the chiefs were given status and authority that enabled them to control the PMRP's access to land. Thereby the chiefs utilized the "few opportunities and many constraints" presented to them (Gordon 2001: 318-9). The chiefs were acknowledged by the colonial rulers and thereby gained authority as a form of expert status which gave them the ability to manipulate "the categories of resource access and use" (Ribot and Peluso 2003: 169). For the PMRP, this meant that they were constrained from controlling land and had to maintain access to land through the chiefs. The PMRP's ability to derive benefits from land was therefore dependent on arbitrary decisions made by the chiefs. The shifting rulers of Zambia were able to use the British governance structure to promote national integration and

to consolidate their power and thus reproduce the knowledge of how Zambia should be governed (Boone 2007: 561).

The dominant discourse regarding land is the market approach advocated by the neo-liberal discourse with the World Bank as the most prominent actor (Manji 2006: 152). This approach stresses the need for evolving away from customary tenure in favor of individual property rights (Deininger and Binswanger 1999: 248; Smith 2003: 211). It is assumed that when the population's density increases or when valuable natural resources are discovered, there will be an increased demand for 'secure' land rights in a modern property rights system (World Bank 2003a: 9-10). If the state provides society with land titling at the right time, modern (Western) property rights will evolve naturally with significant results for the society, economic growth, efficient resource allocation, social peace and stability, and positive effects on government budget (Platteau 1996: 35; Whitehead and Tsikata 2003: 67) and thereby benefit the whole society. A fundamental trust is thereby placed in the market to create growth and prosperity for everyone. This is outspoken in the following statement from the former director of Britain's Institute of Economic Affairs.

> What Africa needs is capitalism - and its first cousin - the rule of law ... Capitalism has a nobility. It lifts us all from primitive conditions. Free markets could free Africa. (Institute of Economic Affairs 2004, June 14)

Zambia was required to reform its land policy as a conditionality of the Structural Adjustment Program in order to receive loans (Kahler 1992: 89). This was based on the knowledge embedded in the discourse on land reform so that Zambia, according to an internal review from the World Bank, could have an "accelerating implementation of the land market reform" (World Bank 2003b: 38). This knowledge about how Zambia should manage its land has had a profound effect on the distribution and access to land. The Zambian government initially opposed World Bank reform initiatives. As a consequence, the World Bank effectively cut off Zambia from loans and bilateral donors, creating public unrest and food riots (Ihonvbere 1996: 87; Machina 2010; Rakner 2003: 61; Simutanyi 1996: 827-828). The World Bank's ability to dominate local policy arenas in Africa is done by "setting the agenda and then loaning only to those that follow the agenda" (Greenberg and Bonti-Ankomah 1997).

The PMRP has been disadvantaged because the framework of resource access has shaped a governance structure which has decreased their ability to maintain access to the land by systematically favoring those with access to capital and knowledge. The elites have the upper hand in such a system and are able to maintain a status quo where they are able to profit, whereas the PMRP is lacking the knowledge and resources to take advantage of the few opportunities now present (Mbinji 2006: 34-35; Metcalfe and Kepe 2008a: 14; Mellemfolkeligt Samvirke [MS] 2009: 26, 33; MS-Zambia 2009a, 2009b, 2009c, 2009e; Sitko 2009: 40).

Legal Access

The PMRP is subject to arbitrary land administration which causes problems for the maintenance of its access to land because of subsequent dependence on personal preferences of unaccountable chiefs. This is due to the broad framework of the 1995 Lands Act (hereafter, Act) which allows for individual interpretations based on ethnic traditions subsequently resulting in a non-uniform process, no accountability, and little transparency (MS 2009: 12-13).

The Act has made customary land interesting for foreign and domestic investors, as it made it possible for them to convert the land into statutory tenure and hereby gain property rights. Accordingly, land should not be alienated "without consulting any other person or body whose interest might be affected by the grant" (Government of the Republic of Zambia [GRZ] 1995: Part II, section 4c). This, however, is seldom respected because the chiefs are often

unaware that the land is already inhabited or are persuaded by promises of personal gains or economic investments (Hansungule 2001: 25). Contrary to previous practice, where chiefs did not have the exclusive right to allocate land, the Act has installed the chiefs as the sole persons with decision-making powers to grant permissions to convert customary land into statutory land. By doing so, statutory law empowers the individual chiefs and not the institutions of the chieftaincy. Hence, the power relations between the chiefs and the PMRP have been changed to the benefit of the chiefs, who have now gained exclusive power to control the PMRP's access to land. This has tempted some chiefs into approving local and foreign investors to acquire already occupied land. The Act strongly guarantees the exclusive property rights of title-holders since it is almost impossible to reverse the process. Consequently, the people living on the land are being forced to resettle or are transformed into 'squatters' overnight (Jesuit Centre for Theological Reflection 2005: 33; Mpundu 2006; MS-Zambia 2009c: 1; Palmer 1997: 285). Hence, small-scale farmers experience a shortage of land which is related to large commercial farmers buying the land, leaving the PMRP as tenants of land owned by landlords or left them with infertile and insufficient land.

A Lands Tribunal was created under the auspices of the Act intended to be an alternative dispute resolution mechanism providing a mobile (not with a fixed headquarter), speedy, low cost, flexible and efficient means of settling disputes over land. Hereby, it provides poorer, non-titled individuals with a cheap and quick venue where they could protect their customary rights to land. However, only a few are aware of its existence and many of the people facing evictions, are desperately poor and unable to pay for lawyers to argue their case for them (Zambia Land Alliance [ZLA] 2005: 2). Furthermore, the Tribunal has become more formalized, and now resembles the courts that it was intended to be as an alternative. Here, the character of cases, which the Tribunal processes, has changed and it now mostly deals with urban matters (Brown 2005: 91). If the Tribunal was working as intended, it would have provided valuable means for the PMRP to secure their access to land. Unfortunately, this has not been the case so far.

The Act made it legally possible for anyone to convert customary land into statutory leaseholds, but the PMRP has made use of the possibility to secure title to land only to a limited degree (Brown 2005: 88). There seems to be five reasons for this. First, the PMRP is still not sufficiently aware of the possibility of converting land (MS-Zambia 2009c: 1). Second, there is a language barrier for the PMRP as the formal language in Zambia is English and therefore all information is given verbally in English, which is problematic as most of the people only speak local languages (Vind Andersen 2009). Third, the process is too complicated and with unaffordable transaction costs for the PMRP. The PMRP struggles to cover these expenses, whereas foreign investors and Zambian elites easily cover these costs (Brown 2005: 90; Central Statistical Office 2006; MS-Zambia 2009c: 1; van Loenen 1999: 6). Therefore, the discrepancy between the market value of the title and the relatively low costs for acquiring it has resulted in speculations on land. People with money can buy land cheaply and resell it with significant profit (Metcalfe and Kepe 2008b: 249; Brown 2005: 92). Fourth, chiefs pose a lot of resistance against conversions of customary land, as they feel that they are losing their power when the land is converted. Additionally, if someone interested in acquiring a title is granted an audience with the chief, the applicant is expected to pay the chief respects in the form of money or goods (e.g., goat or chicken), thus making a permission too expensive for many members of the PMRP (MS-Zambia 2009b: 2, 2009c: 1). And fifth, the applicant is burdened with significant travel costs as it is necessary to travel to the district headquarters and the Ministry of Land's office in either Lusaka or Ndola.

These different obstacles constrain the PMRP's maintenance of access to land, as they cannot use the possibility to convert land. Therefore, their land remains under the insecure customary tenure.

Access through Social Identity

The social status of chiefs is not something they have gained through power of resources (material wealth) but through heritage (Sitko 2010: 41; van Binsbergen 1995: 17). Chiefs earn their income from subsistence farming and limited allowance from the GRZ. However, their authority to decide on the conversion of titles is a potentially large source of revenue because of the honorarium they get when people request land conversions and other customary approvals (Brown 2005: 98; MS 2009: 32). The PMRP has to maintain access to land through the chiefs by paying respects to the chief—a cost that they cannot afford. Hence, they do not succeed because it is too expensive to maintain access to the chief or because they have not acted in accordance with the chief's principles.

Next in the hierarchy are the village headmen, who have social power due to their status as respected members of the community. The headmen also play an important role in Zambian land matters and they can, through their social status, gain access to control land at the expense of the PMRP. The methods of choosing headmen vary depending on customary traditions (van Binsbergen 1995: 17; Panos 2005: 45). In most cases the tradition of election of headmen itself leads to marginalization of those who do not have membership in the clans and those who are not senior male members. This also means that the headmen are not accountable to the other community members because they are not responsible for electing him and have no means of replacing him. As such, it affects the PMRP's access to land because the allocation and use of customary land are administered, to a greater or lesser extent, by the headmen (Sitko 2010: 41). However, even though headmen rank high in the hierarchy, some of them are maintaining access through the chiefs and they do not solely control land matters. The chiefs' social statuses enable them to control headmen and the PMRP by dismissing the headmen (if they do not agree with their decisions), and by ignoring the PMRP's wishes.

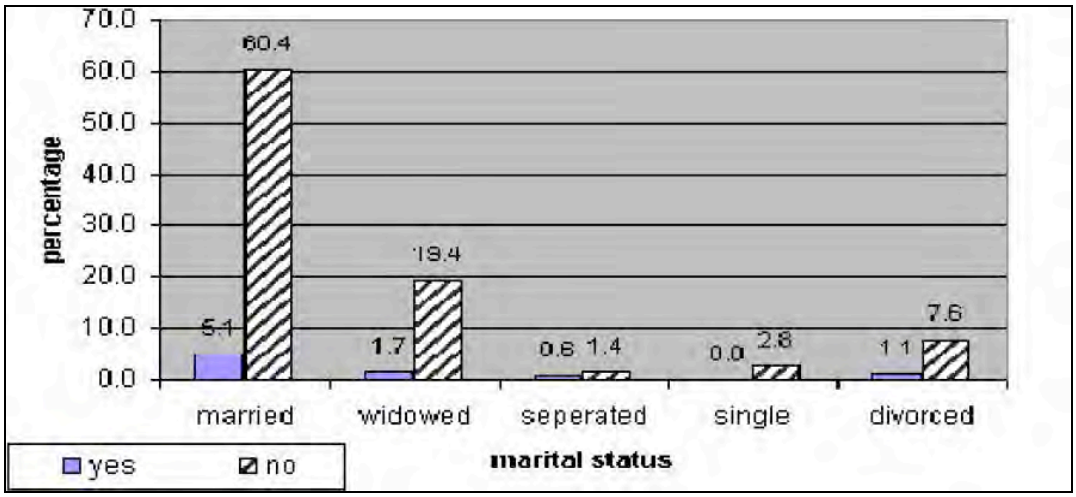
The social groups at the bottom of the hierarchy, in tribal communities, are poor rural people, landless peasants, elderly, youth, and women—especially widows, singles, and divorced. Because of the position of these groups, their social identity is also contributing to the hindrance of their access to and control over land (Anseeuw and Alden 2010: 61-62, 65; Brown 2005: 88; Sitko 2010: 48; ZLA 2008: 14).

Zambia's women are lacking access to land because they depend on men's acceptance of their access to land (Byrne 1994: 14; Eckman 2007: 18; Social Institutions and Gender Index 2009: 2). Until recently not much attention has been paid to women's access to land in Zambia (MS-Zambia 2009h: 5), but after the Act the focus on women has increased. Gender has become an important issue in Zambia, due to the different roles men and women play in both households and the market (Eckman 2007: 1). Women are not controlling the households (and thereby neither the land). This is especially a problem in times of food shortage, where conflicts over resources tend to increase women's vulnerability (Byrne 1994: 16). Furthermore, the Act's market-based principle deteriorates women's situation because many rural households cannot afford a title deed, which thus means that women have to travel longer distances to pick up wood fuel for cooking and other domestic duties (Machina 2010). This can be seen as "a clear sexual division of labour by task in agricultural work and in the household" (Chileshe 2005: 312). Consequently, women are suffering the most because of their low status as those responsible for domestic duties.

Title deeds in Zambia are usually registered in the man's name. Consequently, the "joint customary land rights of a wife, which she enjoyed prior to conversion of tenure, are lost" (Chileshe 2005: 342). It is important to note that acquiring statutory land requires capital, and women's access to, and control over, both capital and market is low. Furthermore, statistics shows that men earn twice as much as women (UNDP 2008: 39). Converting land from customary to statutory land can therefore be argued to induce a negative impact for the poorest women, who lack access to capital and credit (Spichiger 2008: 2; ZLA and Dan Church Aid

2005: 6). Loans are vital for Zambian women, and those who cannot get help have to rely on informal credit alternatives where "the rates are usurious" (Social Institutions and Gender Index 2006: 2). Power relations between men and women have therefore changed to the worse for women due to the unequal access to capital and finance—i.e., both factors that the market-oriented Act has made fundamental to land acquisition.

Figure 1: Possession of Title Deeds for Women



Source: ZLA and Dan Church Aid 2005

Civil status plays a significant role in women's ability to access land. This is indicated in Figure 1 which shows that women of all civil statuses face difficulties in acquiring title deeds and in securing their access to land. Sixteen per cent (16%) of all marriages in Zambia are polygamous (Social Institutions and Gender Index 2006: 1). This aspect has great influence because "women in polygamous marriages have no land. They only work in the husbands' fields as labourers" (ZLA and Dan Church Aid 2005: 18). Their ability to maintain access to land resources is therefore highly affected by polygamy, and this gives men the ability to control women's access to land.

Women in village communities usually maintain access, to land through men, which could either be their father, brother, or husband (ZLA and Dan Church Aid 2005: 22; Social Institutions and Gender Index 2006: 2; Spichiger 2008: 1; World Bank 2004: 20). Notably, Figure 2 shows that women's acquirement of land through their husbands only makes up 7.8%, which could be connected to husbands' perception of their wives where "women are often perceived as property belonging to someone and therefore cannot own property themselves" (Office of the High Commissioner for Human Rights 2008: 2). This statement indicates that there is a cultural aspect to why women are lacking access to land and only can maintain access through men. This is further underlined in the following quote:

> [W]omen's access to land and security of tenure is dependent on maintaining good relationships with the men in control of land. This in turn reinforces women's dependence on men and diminishes their ability to make independent land-based livelihood choices. (Ellis 2000: 157)

The GRZ has recognized this problem and has made an Inheritance Act to provide women with a share of their deceased husband's possessions. The customary traditions are, however, still disadvantageous for women because household property is regarded as belonging to the husband—hence, promoting the practice of property grabbing by other family members (World Bank 2004: 3).

Figure 2: Women's Land Acquisition

Inherited the land	25.3%
Given by headman	24.7%
Given by the father	23.0%
Given by the uncle or brother	11.8%
Given by the husband	7.8%
Given by the mother	7.4%
Based on 648 households	100%

Source: ZLA and Dan Church Aid 2005

Traditional customs have established hierarchical relationships in the households where men have more opportunities than women and retain discretionary powers to control resources. The tribal system has in many ways constrained women's acquisition of land (MS-Zambia 2009d: 1). The chiefs are generally obstructing women's access to land, and even female chiefs are preventing women from accessing land due to the status and the position of marginalized women (MS 2009: 13). This is caused by the deeply rooted perception of women as being subservient to men. In some cases, the position of women has become even worse due to the Lands Act of 1995 which requires capital in order to secure access to state land. While the Act may not explicitly favor men in legal terms, women are in an inferior position in comparison to men regarding marital status, inheritance, and access to capital. These factors have severe consequences for women's appropriation and maintenance of land. Appropriation becomes a problem because the Act has institutionally turned land into a commodity and thereby marginalizing those that were already in an inferior position, particularly women. Marital power relations are prohibiting women from maintaining access to land because of the husband's identity being perceived as a higher social status.

Access to Authority

The market-based land reform is not only an attempt to open up the country for investment and private ownership. Due to the assumption that customary land tenure is insecure (GRZ 2000: 1), the reform also aims at improving the conditions for acquiring private title deeds. However, instead of favoring the PMRP, access to authority has become bounded to informal claims (e.g., providing gifts to please the chief). The prevailing situation, where transfer from customary into statutory land or leaseholds can only be undertaken with the approval of a chief (GRZ 1995), gives incentives to local leaders to take advantage of their power and enrich themselves personally. This makes accessibility to authority more difficult for the PMRP (MS-Zambia 2009c: 1).

Chiefs exert both direct and indirect forms of access control due to their authority in the decision-making process of who gets what, when, and how. It makes chiefs accountable only to themselves and thereby unaccountable to their constituents (Ribot 2001: 14). Corrupt behavior of leaders creates tension within the social community. By favoring personal interests, rather than acting on behalf of the common welfare of the village, chiefs might risk conflicts and resistance among their people (Bond 1998: 143-4).

Nevertheless, chiefs lose parts of their physical domain by approving land titles since leaseholds cannot be reconverted into customary land. This procedure is affecting the chiefs'

sphere of influence and shifts authority to another level. Being aware of this setback of their power, many traditional leaders opposed the Lands Act of 1995. In addition, chiefs claimed that they had not been adequately consulted when the Act was reviewed in 2002 and 2006 (ZLA 2007: 1-3; Mukanga 2007). Such conflicts not only reveal a struggle for power between two levels of authority (the state and the local unit) but these also give evidence for contradictory procedures and maladministration in the country.

In Zambia, the President-dominated government maintains and increases its strong position on land related issues. The President's powerful role in the distribution of land, as well as the Ministry of Land's responsibility to approve all land transfers, generates power relations imbalance between national officials and local representatives and thus makes access to authority even more difficult for the PMRP. Foreign investors and wealthy individuals, who are often ignorant and uncaring of the interests of the PMRP, deal and transact directly with state administrators. It enables them to avoid the formal procedure of acquiring land titles and bypass the local chiefs' authority. The PMRP, however, finds itself in a disadvantageous situation for not being able to compete with the rich and powerful in approaching the authorities.

Zambian elites particularly benefit from the informal way of securing titles (MS 2009: 12, 14), as well as from the control and allocation of land (Adams and Palmer 2007: 64). Thus, access to authority is highly dependent on privileged access and personal relations to institutions and individuals in a web of powers, which also correlates with the claimants' economic ability to gain advantageous information. The PMRP lacks such determinants to access authority. Institutions and procedures to promote and protect the interests of customary landholders (e.g., the Lands Tribunal) lack effective policy measures and "are often banal and stand little serious chance of ever being implemented" (Adams and Palmer 2007: 65).

The power struggle described above and the particular characteristics of maladministration (such as shortage in personnel capacity, absence of binding regulations, and vulnerability to corruption) create a situation of confusion at user level not only for the PMRP but also among authorities. One question permanently recurs: whom to approach when claiming access to authority and how? Consequently, the PMRP's ability to maintain access to land is threatened, as access to authority, which is an important means of maintaining access to land, becomes even more difficult to grasp.

Despite intentions to improve the ability to benefit from resources, the Lands Act of 1995 widened the gap between the local communities and the state as well as the poor and the rich. It contributes to a shift in power relations and reinforces the gap between different social groups and institutions. This, in effect, makes it more difficult for the PMRP to gain access to, as well as, approach authority in order to benefit from resources. The Act itself has not contributed to changing this situation.

The dual tenure system after the 1995 Lands Act reinforces economic and social exclusion, rather than creating opportunities for the PMRP to ensure their rights to land. Local and national authorities fight over accumulation and legitimacy of their power which, in turn, is transforming existing structures. In effect, local chiefs—who are traditionally given a great deal of authority and control—have in some ways benefited from the Act, but have in other ways been losing their power to national officials and the Zambian elites who closely interact with foreign investors. In the struggle for power over land within the context of a corrupt policy arena in Zambia, which lacks transparency and accountability (Metcalfe and Kepe 2008a: 114), the PMRP is in a position unable to appropriate access to authority, while their ability to benefit from land has worsened.

Conclusion

At a time when market-based land reforms are being implemented throughout the whole of sub-Saharan Africa with development partners—especially with the World Bank that promotes secure private land tenure as precondition to structural adjustment packages—it is essential to reach a deeper understanding of the social and political processes that shape land reforms affecting the population. With this in mind, this article has explored the legal and extra-legal processes at play in Zambia in order to understand why the 1995 Lands Act has not lived up to its promise of attaining security of tenure for the poor and marginalized rural population. In this connection, the article has shed light on how the government's market-based approach to land has affected the poor and marginalized rural population's ability to appropriate, control, and maintain their access to land. The market-based land reform has benefited local elites and foreign investors, but not the poor and marginalized population. Four main reasons can be identified for the distortion of benefits.

Firstly, some of the latent and often unnoticed factors in Zambia are the interventions from the former colonial administration and the neo-liberal discourse that have created the structures by which the poor and marginalized rural population has found themselves in. Being subjected to these influences has been disadvantageous to the poor and marginalized rural population because it has created power structures that favor those with superior knowledge of language, capital, and better access to the bureaucracy. Here, prevailing power relations that work in favor of the Zambian elites, chiefs, and foreign investors were consolidated. Hence, market-based reform, no matter how well intended it might be, was already constrained by the profound influence of the historical experience. Since the reform made no changes on the prevailing colonial historical structures and was even reinforced by neo-liberalism, it was not able to improve the poor and marginalized rural population's ability to access land.

Two lessons can be drawn from this. First, the outcome of any policy—particularly, a policy as disputed and fundamental to development as land reform—is profoundly influenced by historical experiences and the character of local politics. And second, unequal access to land in Zambia can be, to a certain extent, traced back to the influence of donors and colonial administrators.

Secondly, through the Act that vested exclusive powers to the chiefs, the customary tenure security of the poor and marginalized rural population has deteriorated because the law has swayed power relations in favor of the chiefs and thereby strengthened their control over land. The consequences of this are manifold as many chiefs are tempted by lucrative deals with personal gains to allocate land to investors even if the land is already inhabited and there appears to be no legal possibility for lodging an appeal. Hence, the poor and marginalized population's ability to maintain access to and derive benefits from land has diminished. There is, however, a possibility in the Act for attaining tenure security by converting the land to statutory leaseholds. Nonetheless, the poor and marginalized population does not have the necessary knowledge about this opportunity, and even those who are aware of the possibility cannot convert their land due to bureaucratic delays (red tape) and other costly procedures. This is also the case when applying for title deeds for statutory lands. Thus, the Act has not improved the poor and marginalized rural population's ability to appropriate land in either tenure systems.

In view of this, two lessons can be learned. First, the current customary system with the chiefs as the sole allocating authority is defective mainly because of the lack of accountability. And second, security of land tenure and livelihoods for the poor and marginalized rural population are unlikely to be purely realized through conversions of tenure and exercise of registered private property rights.

Thirdly, the structure of the customary traditions has consolidated the chiefs and headmen at the top of the hierarchy, whereas the poor and marginalized rural population at the bottom. Chiefs and headmen, who used their social status to promote personal gains and interests, hindered the government's aim for fair and effective land administration. Women are particularly the ones who suffer from the customary traditions despite the fact that they are supposedly on equal status as men according to Zambian law. Their access to land is influenced by laws, civil status, practices of succession, inheritance, traditional rules of divorce and separation, and access to capital. Uncertainties influence women's access to land as they depend on maintaining good relations with their husbands and other authority figures. These uncertainties stem from their subjection to customary institutions, norms, and values—all of which are, in practice, patriarchal. Marital relations are one of the biggest problems of women in asserting their right of access to land. In the event of separation caused by divorce or widowhood, a woman living in her husband's village is likely to lose her land rights.

A couple of important points can be made from this. First, land reforms are likely ineffective because of the cultural remnants of feudal power distributions. And second, better enforcement of women's rights to land and its inheritance can avoid burdening widows with conflicts over land and with the disempowering inability to access land.

Fourthly, the Act has widened the gap between the local communities and the state as well as the poor and marginalized rural population and the rich local and foreign elites. It has reinforced economic and social exclusion, rather than created opportunities for the poor and marginalized rural population to ensure their access to land. Parallel and competing authorities fight over accumulation and legitimacy of their power which, in turn, is transforming existing structures in the struggle for power over land, especially in the corrupt policy arena of Zambia that lacks transparency and accountability. Despite the intention to ease the poor and marginalized rural population's access to authority, the Act has not led to any improvements but it has, to a great extent, even worsened their ability to benefit from land. Maladministration within the institutional structure is not providing effective means for the poor and marginalized rural population to access land. Instead, it has created greater confusion, contestations, and uncertainties about procedures for land acquisition.

In this regard, the inferences are twofold. First, the struggle of authorities over power to control land leads to a situation where no state authority, locally or centrally, exists to represent the poor and marginalized rural population's interests on matters related to land access. And second, costly bureaucratic and complex procedures to have access to appropriate authorities erode the supposed effectiveness of land reforms.

In sum, some of the most important reasons why market-based approach to land in Zambia since 1995 has not given access to land for the poor and marginalized rural population are:

[a] the power structures shaped by the colonial experience and reinforced by the neo-liberal reforms and discourse favoring the affluent;
[b] increased tenure insecurity in customary areas accompanied by costly and bureaucratic procedures for acquiring both statutory and customary land;
[c] customary traditions benefiting chiefs and headmen that place value on social status, including women's subordination to men in the social hierarchy; and
[d] parallel and competing authorities in struggle for power over land results in maladministration and poor access to authorities.

In the final analysis, the Act has not benefited or effected the ability and access of the poor and marginalized rural population's to land. In fact, it has deepened tenure insecurity of people living in customary areas. This condition can prove catastrophic in a country with approximately 80% of its rural population living in extreme poverty who are dependent on land to survive and sustain their livelihoods and who are in constant risk of being evicted from their land. Indeed, there are high expectations and critical needs for the Zambian gov-

ernment to develop policies and actions that make land more accessible to the poor and marginalized rural population. Apparently and regrettably, these legitimate needs and expectations have not been met, thus far.

Notes

1. Zambia is a sparsely populated country where the rural population comprises 64% of the general population (CIA 2011).
2. These numbers are based on measurements from 1958 (Mukanga 2007) and may thus be inaccurate. Henry Machina estimates that "at least 40 percent of the total land area in Zambia already belongs to the state today" (Dalgas 2007). It is, however, not possible to verify how much of the land is respectively customary and state land.

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The Construction of Masculinity in International Relations

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ABSTRACT. International politics is characterized by a lack of women. The few women holding high political positions are more likely to be criticized and judged based upon, what the author calls, 'the construction of masculinity in international relations'. Tracing the origin and logic of this construction, the article critiques the dominant theories of international relations (namely, realism and liberalism) and argues for the aptness of a radical feminist social constructivist approach to the study of international politics. The article also illuminates the strong focus on men and men's perspectives of these influential mainstream theories on their conception and interpretation of war. An examination of the concept of war reveals how masculinity and femininity are portrayed on matters of war and national security and what side effects this has on women in politics, particularly women with political positions.

Introduction

Three waves of feminist movements have left their marks. Unlike their foremothers, today's women enjoy equal rights and opportunities in many parts of the world. Especially in the most developed countries, women are more independent and better educated than ever before in history. But there still is a significant gap between the felt and the actual gender equality. The mission of gender equality cannot be regarded accomplished.

According to the Global Gender Gap Report, women earn less than men in every country in the world, even in the same job position (Hausmann et al. 2010: 10).[1] Female employment is generally lower than men's, even in Scandinavia where the differences between women's and men's employment rates of 4.8 percentage points are the lowest in the whole of Europe. In other parts of Europe, these figures are much higher, with a difference of 17.7 in Germany and up to 28.5 percentage points in Italy, which is the European country with the biggest difference in employment rates (Pfarr 2002: 32). Emancipation of women might not have come as far as the broad-based and long-term view on gender equality as supported by the mainstream.

This fact is very apparent, especially in the political sphere. The Global Gender Gap Report 2010 also notes that gender equality in areas of political empowerment and representation is particularly low, as compared with other spheres like health or education, even in countries with the highest overall score. Iceland, for example, being rated the most equal country with an overall score of 0.8496 (of possible 1.0 indicating total equality), only reaches a score of 0.6748 in the sphere of political empowerment. This seems quite low compared to the scores in other spheres like education (1.0), health and survival (0.9696) and even economic partici-

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pation and opportunity (0.7540). Considering that Iceland's score is by far the highest of all countries it seems solid to conclude that reaching gender equality is particularly challenging in the political sphere. Furthermore, this paper is based on the impression that particularly when it comes to hard politics in the media, to matters of war and peace, almost exclusively a male domain appears. To investigate whether this impression can be backed up by empirical evidence, the focus is set on political positions in which decisions about war and peace and national security are chiefly made—specifically, Heads of State such as Presidents or Heads of Government such as Prime Ministers.[2] The Ministers of Foreign, Military or Defence departments are also taken into account.[3]

Taking a closer look at the Heads of State and Heads of Government, the dominance of men is striking. According to the Inter-Parliamentary Union and the United Nations Division for the Advancement of Women (2010) there are only nine female Heads of State out of 151 in total. Female Heads of Government are only 11 out of 192. The fact that only 6% of female Heads of State and 5.7% of Heads of Government are opposed by 94% and 94.3%, respectively, of men in leading political positions is a very clear indication of male domination in high politics. Similarly, small are the numbers of female Foreign and Defence Ministers. The government departments that are most frequently represented by female ministers are those concerned with social affairs, family, children, elderly, women's affairs, education, and culture. In the department of Foreign Affairs, the number of women-led ministries is much lower. Only 40 of 188 countries taken into consideration have women as Foreign Ministers, amounting to less than 21%. When it comes to the departments directly related to the military sphere, the ones dealing with Defence or Veteran Affairs, the underrepresentation of women is even more striking. Women lead only 11 of the 188 countries' Defence departments, amounting to less than 6%. Apparently, not much has changed since the 1990s when J. Ann Tickner (1992), a leading scholar in the field of women in international relations, noted:

> In 1987, women constituted less than 5 percent of the senior foreign ranks, and ... less than 4 percent of the executive positions in the Department of Defence were held by women.

Over thirty years later there are still not more female leaders and women in positions to decide upon war and peace. But the 'occasional head of state' (Tickner 1992: 1) that we run across every so often is not enough to make women visible in international politics and it is certainly not enough to make sure male and female perspectives are considered in processes of international decision-making.

The impression of a specific lack of women in high political positions related to international relations has been proven right. On top of that, women are not only underrepresented, but the few who hold high political positions also face particular problems and are frequently confronted with doubts on their competence. Regardless of sheer quantity, which would be almost impossible to measure, the critique on women in high political positions concerning national security is of different quality. An assumed lack of competence would be linked to the gender of the female politician in question, more often than their male counterparts. Again, a comparison between today and thirty years ago shows that not much has changed. In 1985, Donald Regan, Chief of Staff in the Ronald Reagan administration, told the Washington Post that women in general would not be able to understand the issues discussed on the upcoming Superpower Summit in Geneva. Regan argued that women were 'not going to understand [missile] throw-weights or what is happening in Afghanistan or what is happening in human rights' (cf. Tickner 1992: 2).

Over thirty years later, many of the doubts and criticisms that female politicians encounter would still be linked to their gender—as the cases of the likes of Angela Merkel and Hillary Clinton show. For instance, during the first years of Merkel's political career, her qualification was questioned merely on the basis of her gender. In the years to follow, critics were not

concerned with her political performance itself but solely with the fact of her being a woman. As Rita Süssmuth (2005), former President of the German Bundestag, put it:

> Take the media coverage on Angela Merkel. There ... was more discussion on her haircut, her outward appearance, facial expression, ... etc. than on her actual political work. And how many times did the question emerge: Is the girl[4] actually able to do it? Is she qualified? These are questions that would never have been asked regarding a man. In so far we are still experiencing unequal evaluation criteria very often. (Süssmuth 2005; cf. Koch 2007: 146)

All in all, it is much harder for women both to reach and be accepted in high political positions particularly where decisions of national security are made and matters of war and peace are discussed. Compared to other spheres of social life such as in the sectors of education and health, the sphere of high politics has been proven to be one of men-domination to an even higher degree.

Why is Female Leadership so Difficult When it Comes to National Security?

From a feminist perspective, the lack of women in leading political positions cannot be traced back to gender specific attributes or female inability of any kind. The alleged biological and deterministic voices about the nature of men and women are rejected. Sociobiologists never tire to emphasize that the source of typical male or female behaviour goes back to the old, simple question of 'who went hunting in the Stone Age'; and they conclude that men as hunters turned out strong and aggressive while women as gatherers turned out nice and chatty. Assuming that the human brain might have developed quite a bit since then, one can still imagine various other reasons.

An important factor could be that women of the generation(s) that have benefited the most from the feminist movements in the 1970s have not yet come of age to hold high political positions. Thus, it seems that the lack of women in these critical political positions would vanish in the upcoming decades. But while this prognosis sounds inviting, it is still not very likely to come true. As mentioned earlier, the involvement of women in other spheres of social life is higher and, according to the Global Gender Gap Report, has also been rising significantly faster than in the political sphere.

Furthermore, the supposition that culture is an influential factor is not empirically supported. The nine female Heads of State and the 11 Heads of Government mentioned before can be found in any part of the world, even in countries that are believed to be shaped by a rather patriarchal culture or religion.[5]

Having discounted the biological, generational, and cultural factors that have been identified by many observers as reasons obstructing women leadership in national security portfolio, we are here left with one pertinent question: Why are women least represented and least accepted in foreign and military policy decision-making?

The Construction of Masculinity in International Relations

I take as point of departure the assumption that the distinctive lack of women in the sphere of international politics in general and the below average representation in the associated political positions (such as Presidents, Prime Ministers, Foreign and Defence Ministers) in particular are due to the way the field of international relations is constructed by theories and consequently perceived by public opinion. Theory and reality interact. Theories are not only describing and explaining reality; they are also influencing and even forming it. This thought, generally known as the concept of reflexivity, has occupied many scholars, the first being the

American sociologist William Isaac Thomas (1928: 572) who was credited this quote: 'If men define situations as real, they are real in their consequences'.

The idea that what is once defined as true becomes true was supplemented to the assumption of a 'self-fulfilling prophecy' by sociologist Robert King Merton, who coined this expression in 1948, and continued among others by Karl Popper, who called it the 'Oedipus effect'. On this basis, I argue that the reason for women having an especially tough time reaching and being accepted in the field of foreign and military policy-making is due to the construction and perception of the field itself. The whole sphere of international politics theory (mainly, realism and liberalism) and practice (broadly speaking, war and peace and diplomacy, deterrence and nuclear threats, national bargain and hard politics) are characterized by a high degree of gender-blindness, if not an exclusive concentration and focus on men's perspectives. The construction of and focus on masculinity in international relations is the reason why femininity is hardly wanted nor found in it.

The expectations on the few women in positions of international political affairs are associated with manhood and masculinity, and not with femininity. The constructed masculinity against which female politicians are measured is a hyper-masculinity that most men themselves would not be able to meet if they were evaluated according to it to the same extent as women in their position. In other words, hyper-masculinity is something that is unattainable. This concept is well captured in what the sociologist R.W. Connell (2005) terms *hegemonic masculinity*, which is 'not … normal in the statistical sense; only a minority of men might enact it. But it was certainly normative. It embodied the currently most honored way of being a man' (Connell 2005: 832). Connell's concept of hegemonic masculinity thus describes the dominant and most socially accepted and wanted form of masculinity. Similar to my understanding as some kind of hyper masculinity, hegemonic masculinity is 'correlated with what might be called macho masculinity and exemplified by fictional characters in films such as Rambo, Rocky and the Terminator' (Wetherell and Edley 1999: 340)—thus, associated with attributes like authority, dominance, physical strength, and toughness. These attributes do not correspond with the personality of most men. But other than women, whose deviation from the norm is obviously physical in form of their biological sex, men are less likely to be judged upon their conformity. On the contrary, women are much more prone to be measured as to whether they meet the requirements; hence, they are more often confronted with doubts about their competence in the field of international politics that is highly characterized by masculinity.

The next sections examine the hypothesis of a constructed and dominant masculinity in international relations and how this has become evident. The following discussions do not deal with solutions for this dilemma or ideas on how the lack of women in both the academic and practical sphere of international politics can be eliminated or overcome since many feminist scholars in international relations have already done thorough studies on these issue areas (see, for example, Elshtain 1995; Enloe 1983; Tickner 1992).

Theoretical Approach

To start with the investigation, the most traditional and influential theories of international relations, namely realism and liberalism, is introduced to show which thoughts have shaped the construction and perception of the field. This is followed with an outline of how these two theories, being of both rationalist and positivist nature, differ from the constructivist approach in international relations. Against this background, social constructivism opens up a variety of new perspectives (including feminism) and promotes new ideas (such as the possibility of a social construction of reality) as part of this article's hypothesis.

The classical theories of international relations dealt with in this section are realism and liberalism, even though I am aware of the fact that there are more theories and sub-theories within the academic discipline. The focus, however, is on the more classical theories, to show what kind of thought has shaped the field of international relations the most and what ideas have led to the de facto exclusion of women. Hence, the intention of the following discussion is to reveal the faults, and not to present solutions or strategies that many rather new approaches to international relations like post-colonialism or Marxism would provide.

Even within the broad schools of realism and liberalism there can be diversity of opinions. They are not in fact as homogenous as they might appear in my short description. But the disagreements and discussions within these broad schools of thought are not exactly of importance to the purpose of this paper. Therefore, the focus is on the very core assumptions of each presented theory.

Realism, with its ancient philosophical heritage and long tradition going back to early modern scholars like Niccolò Machiavelli and Thomas Hobbes, is 'widely regarded as the most influential theoretical tradition in international relations, even by its harshest critics' (Burchill 2001: 70).[6] After the Second World War and during the Cold War, realism became the dominant theory of international relations, influencing both political practice and the perception on international relations as an academic discipline. Regardless of the differences between classical realism of Hans Morgenthau and the neo-realism of Kenneth Waltz (1979), they share some core assumptions. Both assume the world of international politics to be of conflictual nature and characterized by anarchy, thus a world in which no superior power exists that could impose sanctions and guard international law of any kind. The main actors are sovereign nation states acting in their own interest with no higher power to restrict them, which leads to a situation that Waltz (1979: 102) describes as follows: 'Because some states may at any time use force, all states must be prepared to do so…. Among states, the state of nature is a state of war.' The constant need for power accumulation and military strength, which every state assumes as essential for its survival in an anarchic world, can again be a cause of conflict by producing a power-security dilemma that can end in arms race (Buzan 1991).

A different picture is produced by theories that belong to a rather liberal thinking—notably, classical liberalism, liberal intergovernmentalism of Andrew Moravcsik, regime theory of Stephen Krasner, and complex interdependence theory of Robert Keohane and Joseph Nye. These various strands of liberalism suggest that despite anarchy there are opportunities for cooperation, interaction, and even trust between states. Economic interdependence, collaboration, and 'highly institutionalized' international regimes can facilitate cooperation, trust and a neutralization of the security dilemma when they 'specify strict patterns of behavior and insure that no one cheats' (Stein 1983: 129). Liberalism, unlike realism, does not see states as unitary actors, but sets apart different kinds of states, all driven by different interests. Liberal theories also emphasize the importance of including non-state actors into the picture.

Apparently, gender has not been the focus of attention in international relations theories, be it realism and neo-realism or the different schools of liberalism. The titles of the most influential publications of realism and liberalism[7] are telling of the core elements of international relations, namely: state, power, struggle, war, fear, peace, power politics, and man.[8] Even though I know that 'man' is an equivalent for mankind (as in humankind) it still indicates that when it comes to war and power, experiences of men are erroneously assumed to be the ones of humankind, the ones that count, or as Simone de Beauvoir (1974: 134) puts it:

> Representation of the world, like the world itself, is the work of men; they describe it from their own point of view, which they confuse with absolute truth.

Classical theories of international relations are characterized by a focus on war and reflect men's experiences only. Their orientation is heavily criticized by feminist scholars as being

'one of the most gender-blind, indeed crudely patriarchal of all the institutionalized forms of contemporary social and political analysis' (Walker 1992: 179).

An evaluation of the effects of the long dominance of these war- and man-fixated theories can be effectively done through the application of constructivist theories, whose difference from traditional theories lies in their core assumptions.

Realism and liberalism are both based on the assumption of purely interest-driven behaviour on the part of the involved actors. Realism, in particular, regards nation-states as the sole political actors that act on rational and self-interest, in which interests are assumed to be of pre-social origin. In rationalist theories, like realism, social interaction is not considered an important determinant of interest formation, as it is already formed as well as universal to all states. This point is criticized by constructivist scholars: 'Like neorealists, neoliberals treat state interests as exogenous to interstate interaction, and see no need for a theory of interest formation' (Reus-Smit 2001: 213).

These assumptions of rational-choice and *homo oeconomicus* are opposed to a norm-oriented *homo sociologicus* on which constructivist theories are based. *Homo sociologicus* is a sociological term emphasizing that humans are social beings with their actions, behaviour and decisions being formed by social discourse and interaction. From a constructivist point of view, actor's preferences do not follow the *logic of consequentiality*, but the *logic of appropriateness*. These post-rational assumptions, originated in sociological theories, create the basis for constructivism. The hypothesis of a masculine construction of international politics (i.e., the general assumption that the field like any spheres of human interaction is in some ways socially constructed and not pre-socially given) is only possible on a post-rational basis.

Another basic assumption dividing realism and liberalism from constructivism is the one of *positivism*.[9] The concept of positivism, as it was first formulated by French philosopher August Comte in the middle of the 19th century, states that 'valid [i.e., for science] should only be what is positively demonstrable and what can be empirically measured' (cf. Schülein and Reitze 2005: 108). Anything else, according to Comte, would be speculative and had nothing to do with proper science. Together with the limitation of scientific work on the interpretation of *positive findings* (a term borrowed from the natural sciences) comes the concentration on the explanatory part of science away from understanding (for example, in the humanities departments).

Moving away from this rigorous positivism as in Comte was Karl Popper (1902-1994), regarded as the founding father of critical *rationalism*. Still, Popper holds on to the basic positivist paradigm that of interest for science is only what can be seen and measured. Humanities and social sciences in particular, such as the then newly emerging discipline of sociology that relies on a variety of methods and procedures, including interpretative and qualitative ones, opposed Popper and his critical rationalism. In their eyes, science was neither neutral nor could it be limited to quantitative methods (Schülein and Reitze 2005: 159). Evolving from this critique, the so called *positivism dispute* in German sociology since the 1960s arose between Karl Popper and the supporters of critical rationalism, on one side, and Theodor W. Adorno and Jürgen Habermas as representatives of the Frankfurt School Critical Theory, on the other. The two main disagreements were about methodology, with the Frankfurt School denying the exclusivity of quantitative methods, and the problem of value judgments (*Werturteilsstreit*) which, as Habermas and Adorno argued, inescapably influenced any scientific research. The Frankfurt Schools rejected the postulate of *Werturteilsfreiheit*[10] and put the focus back on the problem of reflexivity. They emphasized again that there is always interaction between theory and reality, especially between research and researcher, and called for 'a reflexive and critical self-positioning of the scholars in relation to practice and subject of research' (Behrens 2009: 212).

With the renewal of reflexivity, they made important additions to the field of sociology. They argued that the world is only as it seems because we see it that way. Reality cannot, as it is understood in positivism, be detached from values, ideas, and subjectivity because there are subjects living in it, seeing it with their eyes, and even changing it through their existence.

By outlining the concepts of rationalism and positivism, two important aspects have been revealed, which should be considered in every academic research and that are particularly important to this article. Firstly, as post-rationalists emphasize, reality is never pre-socially or exogenously given, rather it is the result of human interaction and social discourse. From this perspective, the lack of women in politics would not be rooted in biological differences between men and women, but in the way we see politics and the way we see women—hence, the social patterns that have evolved through human interaction. Secondly, therefore, when people are the subject and object of analysis, academic research cannot be restricted to empiricism. Science cannot focus solely on what we are able to see and measure, as for example human actions and behaviour, but it has to include the ideas, values, and norms that stand behind them.

Most constructivist scholars agree on a core assumption that: Reality is not accessible as such. The world, as it appears, is rather constructed through the way we interact, through the shared ideas we have about the world, and through the way we experience our environment (Ulbert 2006: 409). Or, in the words of Berger and Luckmann (1966: 52), the founding fathers of constructivism: 'Social order is a human product, or more precisely, an ongoing human production'.

This core thought of social constructivism is of enormous importance to gender studies, feminist theories, and feminism as such, even though the impact might differ depending on which kind of feminism is concerned because, as always, there are various, even contrasting, forms within the broad concept of feminism. They can be divided into three very broad ways of thinking: differential or equalizing (also: radical) feminism and the rather new school of deconstructing gender. All of them differ in their very core assumptions.

Differential feminists assume that there are fundamental differences between men and women due to their biological nature that cannot be changed. In their view, the biological sex influences the gender; both of them are unchangeably linked and thus determined. On the contrary, there is radical feminism, in which line of thought I have argued so far. Radical or equalizing feminists believe that the different roles men and women play in society are not due to profound biological differences, but to gender-related socialization and division-of-labour and thus constructed, an idea which is summed up in this one famous quote by Simone de Beauvoir (1974: 267): 'One is not born, but rather becomes, a woman.'

A concept central to radical feminism that has already been mentioned is the one of gender, referring to the social and psychological sex of a person as opposed to their biological sex. Tickner (1992: 7) defines gender as:

> [A] set of culturally shaped and defined characteristics associated with masculinity and femininity.… In this view, biology may constrain behavior, but it should not be used too 'deterministically'.

Gender in radical feminism is thus a term intending to conquer the thought of biological determinism and emphasize the socially constructed nature of gender roles. Spike Peterson (1994: 194) adds another aspect to the term by referring to gender as a 'systematic social construction that *dichotomizes* identities, behaviors, and expectations as masculine and feminine' [emphasis mine]. She emphasizes that, in theoretical construction and public perception, the concentration and insistence on a strict dichotomy of gender is very strong. The way gender is culturally shaped (through norms, discourse, etc.) does not seem too permeable or flexible, but rather inextricably linked to norms and social expectations. The dichotomy in gender is also apparent in the terms *masculinity* and *femininity*, which are central concepts to

this article. They are characterized as 'gender terms', 'not [describing] natural characteristics' and are therefore, as gender itself, understood to be socially constructed' (Steans 2006: 8).

A relatively new school of thought in feminism is concerned with the deconstruction of gender. Judith Butler, the best-known representative and author of 'gender troubles', and other supporters of feminist deconstructionism take the theory of radical feminism another step forward. Other than radical feminists who distinguish between the given sex and the constructed gender, feminist deconstructionists claim that it is not only gender, but also sex, characterized by strict dichotomy, is a social construction. Instead of classifying people as either man or woman, this theory turns its attention to the differences between individuals. Assumed gender identities and common features are dissolved and deconstructed. Many aspects of the deconstructivist approach will find their way into this article's analysis and conclusion. They are part of the solution, as the following analysis will show. However, radical feminism remains the theoretical basis of the analysis in this article because an examination of masculinity and femininity against the backdrop of deconstructivist thoughts is, strictly speaking, neither sensible nor possible.

The Masculinity of War and Combat

As has been demonstrated in the preceding discussions, the political sphere is generally a world of men—a fact that has caught the attention of many feminist scholars like Tickner (1992: 6) who argues that 'politics and masculinity have a long and close association'.

Lack of women is apparent in international politics. Share of women decreases the closer the political position in question is related to national security and defence policy (that is to say, less than 6% of the world's Defence Ministers are women). This suggests that the bond between masculinity and international politics is particularly tight when it comes to national security issues which, according to Tickner (1992: 5), is due to the fact that the 'foreign and military policy-making has been largely conducted by men', including both the decision-making by politicians and the actual execution by diplomats and soldiers. Because politicians and diplomats as well as soldiers have for a very long time been exclusively men, the concentration on men's experiences is nowhere as apparent as it is in the concepts of war and security, fields that have been traditionally given very high priority in international politics as well as in theories of international relations. As Tickner (1992: 10) rightly notes: 'Central concern of realism, the dominant paradigm in IR since 1945, has been with issues of war and national security'.

One can thus conclude that chiefly in the 'heartland of the discipline of International Relations' (Pettman 1996: 87) only men's experiences have been included into the picture. The definition of war as an 'intermediate armed conflict with more than 1000 battle-related deaths' is particularly popular in the USA (Singer and Small 1972: 381). It supports the assumption that the picture of war is highly dominated by soldier's and thus mostly men's experiences. What is not taken into account is that approximately 90% of war victims are actually civilians, with the majority being women and children. Women's experiences of war did not and still do not play an important role in the theorization and perception of the field. As Enloe (1983: ix) observes:

> [M]ilitary history … is written as though women didn't exist, as though the Second World War … depended solely on men in war rooms and in the trenches, as though my mother didn't need to be mentioned at all.

Experiences particularly concerning women—like the resort to rape and sexual violence as tools of war and psychological warfare—are of less importance to the picture of war. As a consequence, a historical fact is systematically neglected: for instance, the fact that during and

in the aftermath of the Second World War, millions of women of all involved nationalities suffered repeated rape, mass rape, forced prostitution, and other forms of sexual violence by members of the Wehrmacht and the SS as well as the Red Army and, to a certain extent, the Allied Forces. Historians estimate that just in the area of East Germany some two million German women were raped after the defeat of the Wehrmacht in 1945 (Nawratil 2002: 121), which is often ascribed to the 'desire for revenge for the crimes committed by German soldiers in the Soviet Union' (Bruhns 2005: 85). This case is not isolated. During the Second World War, sexual war crimes were committed on almost every nation involved in the war. For example, Japanese armed forces kidnapped an estimate of 200,000 women and girls from East Asia to the battlegrounds to serve as sex slaves—the so-called 'Comfort Women'. To those who have visited concentration camps—such as Sachsenhausen, Buchenwald, and Auschwitz—they know that these camps included brothels that were built on instruction of Heinrich Himmler of the SS to ensure 'work motivation'. Hundreds of women were forced to prostitution, none of them were even financially compensated for forced labour (Caplan 2010: 82-108). Not only in concentration camps did the German army build brothels, but also in all war zones from the Soviet Union to France, all of them filled with kidnapped and raped women who were forced to prostitution. The amount of convictions for these sexual crimes, however, is suspiciously low. From over 17 million soldiers of the Wehrmacht until 1944, only 5,349 were sentenced and punished for committing sex crimes as opposed to 1.5 million convictions for desertion or purposive self-mutilation (Bruhns 2005: 84). These are facts suggesting that the violation of women was considered less serious than the violation of honour and patriotism. The fact that rape was committed by all involved armies might be a reason why sexual violence, especially during the Second World War, was accepted as some kind of collateral damage, even though it is actually to be considered a tactic of warfare.

During the war in Bosnia, about 50 years later, an estimated 20,000 women were raped, resulting in only 27 convictions. The 64,000 rape cases in Sierra Leone followed six convictions, and the 500,000 rape cases in Rwanda with only eight convictions. All these cases show that sexual war crimes did not only happen during the Second World War, but a characteristic of war itself—characteristics that are generally disregarded. Moreover, the small number of convictions suggests that sexual war crimes are still left unpunished for the greater part. But there have been some changes. In 1998, the International Criminal Tribunal for Rwanda condemned rape as an act of genocide and only lately, in 2009, the UN Security Council introduced Resolution 1888 which condemns conflict-related rape and sexual violence as a war tool.

The facts produced in this passage show very clearly who seems to matter to the perception and the concept of war and who does not; whose experiences are considered to be of importance and whose are not. An almost exclusively 'female' aspect of war has been hidden, hushed, or trivialized; while men, as soldiers and politicians, have been in the centre of attention. But whenever women made an appearance in war-related contexts, if these topics are addressed at all, women would be portrayed and perceived as victims, passive, and exposed to assumed male aggression. Against this backdrop, is it surprising that women have a tough time gaining acceptance in international politics and war-related policy areas?

In contrast to women, men have always played an active part in international politics, both in the decision-making process and the execution. Some even believe that there is 'male exclusivity to combat' per se and that women are not suitable for soldiering and combats (e.g., Fukuyama 1998; cf. Steans 2006: 49). Fukuyama (1998: 24-20), a political scientist and author of *The End of History* claims that 'toughness and aggression in international politics' are necessary. He believes that women are more peaceful. Other scholars also associate women with 'peace and nurture' (e.g., Pettman 1996: 92). Thus, since women lack the so-called suitable traits for war and combat, they must be kept excluded from military affairs.

Fukuyama adds that men in general are, by nature, prone to violence and he traces this predisposition to the Paleolithic Age. Bringing up the well-known argument that men were hunters, Fukuyama claims that for this particular reason they are still (note: thousands of years later!) more aggressive than women. Fukuyama is thus pessimistic about the role of women in political leadership. The problem with this view, however, is that Fukuyama 'worries a little that the female, and hence *over-kindly*, heads of state who arise in the northern democracies will be a poor match for the macho young males whom he expects to dominate the south' (Ehrenreich and Pollitt 1999, emphasis mine).

In an extraordinary combination of sexism and racism, Fukuyama describes female political leaders as soft and charming Heads of State who need to be protected from macho males from the South because they themselves would not be able to deal with them (Tickner 1999: 6). Fukuyama's article was not published in the 1950s; a well-known political scientist has recently expressed these ideas. This demonstrates how the hegemonic model of masculinity is maintained and re-assured in dissociation of both women and, what Connell (2005: 834) calls, 'subordinate masculinities'.

This kind of association of women with peace does not only appear in the theoretical discourse, it also reveals itself in the case of actual female politicians like Carme Chacón who was inaugurated as Spanish Defence Minister in 2008. She herself states that her inauguration can actually change how the army is perceived: 'It shows that the army doesn't just have to fulfill this masculine role of force. It can be more feminine, more humanitarian' (Chacón 2008; cf. Abend 2008). This statement has induced a high-ranking officer to tell the newspaper *El País*: 'We will receive her with … respect … and perhaps a little more delicacy' (Chacón 2008; cf. Abend 2008).

Even though Chacón and the emphasis that is put on gender equality by the Spanish government is certainly a model to follow for other states, these quotes and statements leave an ambivalent picture. Creating her image as a female and hence humanitarian and peaceful minister, Chacón actually triggers the impression of herself being protectable and less assertive. The persistent and commonly accepted association of women with peace, as expressed in both theoretical and public discourse, and the characterization as over-kind, protectable and rather passive as opposed to men as active, tough, and, aggressive, damages women's credibility as actors of international politics. This kind of stereotyping must lead to the conclusion that:

> [E]ven women who have experience in foreign policy issues are perceived as being too emotional and too weak for the tough life-and-death decisions required for the nation's defence. (Tickner 1992: 3)

Unfortunately, these gender stereotypes—that is, 'the beliefs people hold about members of the categories man or woman' (Archer and Lloyd 2002: 19) like the image that men are violent and dominant, whilst women are peaceful and nurturing—are still widespread and commonly shared as shown in many surveys (Brovermann et al. 1972; Archer and Lloyd 2002; Kasten 2003; Eckes 1997).

Conclusion

This article started with the observation that men dominate the political sphere, more than any other areas of social life. The absence of women is particularly manifested in the affairs of international politics and matters of national security. Besides being underrepresented, female politicians are also evaluated differently and questioned more intensively than men. I have argued that this is largely due to the way the field of international relations, specifically the

military realm, is theoretically constructed and thus perceived by public opinion as something inseparable from masculinity. This assumption has been confirmed in the analysis.

In the theoretical part of my analysis, I observed that traditional and influential theories of international relations such as realism and liberalism are both characterized by a strong focus on the military aspect of international politics. The concept of war itself proves to be highly gendered in the sense that it only includes men's experiences into the picture since only men have been active participants in both its decision-making and execution. Through this, a very male picture of war has been constructed, containing a strong focus on soldier's experiences. Men are the norm, both as soldiers and as politicians—a norm in which every woman in the field is adjudged or subjected to.

What can be done to change this situation? From a constructivist point of view, 'reality' is not accessible as such, it is always constructed through the way we interact, and through shared norms and values and ideas we have. Where should we then start if not from our own heads? A change of norms, values, and ideas eventually brings about material change. So, if we wanted more than just an occasional head of state, more than just a tolerated alien in a political world of men domination, there are three tasks ahead.

The first will be that international relations as an academic field has to break away (even more) from its high concentration on war that has persisted for decades through the clear *interpretational sovereignty* of theories such as realism and liberalism. Since the army has and continues to be male-dominated in most countries, giving exclusive attention to the military sphere of international politics means giving attention to men predominately. It also means losing track of the vast issues of international politics that do not concern war at all—for example, human rights, environmental issues, as well as a broad range of actors like non-governmental organizations and transnational corporations. Approaches such as post-colonialism and feminism should thus continue to play an important part in international relations.

The second aspect that has to change in our minds is the common link of war with aggression, an association also made by Fukuyama when he concludes about the alleged male aggression's suitability for combat. This simplification does not meet the complexity and strategic nature of modern warfare or as social theorist Robin Fox put it:

> Even the most primitive of wars is a complicated, orchestrated, highly organized act of human imagination and intelligence…. By the time we get to the large-scale wars of history, the aggressive component is even more reduced, and the logistical factors by far dominate the violent. (cf. Ehrlich 2000: 253)

Thus, even if men were generally more aggressive and prone to violence, it would still be 'a large step from what may be biologically innate leaning toward individual aggression to … institutionalized group warfare' (Ehrenreich and Pollitt 1999). Dissolving the bond between the military and aggression would not only do justice to the army and the soldiers, who after all do not run around shooting people randomly, but also fulfill tasks like disaster relief and humanitarian interventions. Without the supposedly aggressive aspect of the army, which girls are brought up to avoid even more than boys, perhaps even more women would join the army, making soldiers' experiences more human's than only men's experiences.

What has to change in the third place is the kind of gender stereotyping that labels men as generally aggressive. Men are biologically not fundamentally more prone to violence and war. On the contrary, scholars emphasize that the 'male appetite for battles has always been far less voracious than either biologically inclined theorists of war or army commanders might like' which has led men through all Western history to self-mutilation and desertion to avoid participating war (Ehrenreich and Pollitt 1999). As stated before, 1.5 million soldiers of the Wehrmacht alone were convicted on these charges before 1944 (Bruhns 2005: 84). If men were born as aggressive killing machines why would that happen and why would so many

soldiers suffer from post-traumatic stress disorders? On the other side, also the assumption of women being generally more peaceful than men is not backed up by empirical evidence. On the contrary, there is historical evidence that male monopoly on warfare is not as eternal and universal as the likes of Fukuyama believes it to be, but rather it is a question of culture and social interaction.

Not least because of these examples of how men and women are not able or willing to fulfill the gender roles laid out for them, we should accept it as an individual task for all of us to overcome or at least question gender stereotypes when we are faced with them. Only if we start to consider people detached from their sex and regardless of their affiliated gender roles, as deconstructivist feminists do, can we see them as what they are: individuals with individual characteristics. A man can be soft and emotional, while a woman can be aggressive and dominant. Not until we break away from stereotyping can men and women have equal opportunities - even in international relations.

Notes

1. The Global Gender Gap Report, published by the World Economic Forum, is an annual report analyzing the level of gender equality concerning education and health and representation of women in the economic and political spheres. The 2010 report was written by Ricardo Hausmann from Harvard University, Laura D. Tyson from the University of California, Berkeley, and Saadia Zahidi from the World Economic Forum.
2. Only elected female Prime Ministers as Heads of Government and Presidents (with actual executive power) as Head of State, as well as Foreign and Defence Ministers are taken into account. Consequently, not included are Presidents of exclusively representative purpose as related to constitutional law, Queens (Great Britain, Denmark, Netherlands), as well as their appointed representatives—i.e., Governor Generals (e.g., St. Lucia, Antigua and Barbuda, Australia) and leaders of self-governing territories (e.g., Åland).
3. The choice of actors may look like a simplification since particularly in parliamentary democracies they do not decide on these matters on their own. In many cases the approval of different houses of parliament are needed to declare war, as enshrined in the very rigid rules and constitutions of the USA, UK, and Germany. Nevertheless, heads of state or government and ministers for defence continue to be commanders-in-chief and, therefore, play a special and outstanding role in war-related decision-making.
4. In the early years of her career, when Merkel was minister under chancellor Helmut Kohl, she was often referred to as "Kohls Mädchen" (Kohl's girl) because she was believed to be fostered by Kohl. This is why Rita Süssmuth uses the expression 'girl' in this context.
5. The countries are: Argentina, Bangladesh, Chile, Croatia, Finland, Germany, Iceland, India, Ireland, Liberia, Lithuania, Mozambique, Philippines, Switzerland, and Ukraine.
6. Thucydides (c. 460 BC - c. 395 BC) and his 'History of the Peloponnesian War' have often been named the first work of importance to political realism.
7. For example, Morgenthau, Waltz, Mearsheimer, Keohane, Buzan, and Nye.
8. As in Waltz (2001): *Man, the State, and War*.
9. Again, I am aware that the history and development of the concept of positivism is far broader and more heterogeneous than described in this paper. I will set the focus on classical positivism of August Comte because the concept of positivism was first outlined in his work, and on critical rationalism of Karl Popper because he was involved in the positivism dispute in which the opposition of positivist thoughts gained voice.
10. The term 'Werturteilsfreiheit' is the German for the renunciation of, and the absence of, value judgments in scientific research. This goes back to the sociology of Max Weber.

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Whither Regulationism:
Reflections on the Regulation Approach

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ABSTRACT. Against the background of ongoing global crisis of capitalism, the article reflects on the most important and intriguing contributions of the French Regulation School within the Marxist tradition to critical international political economy. In particular, it examines and critiques the respective theses of principal regulationists—Aglietta, Lipietz, and Boyer—about capitalist stability, contradictions, dynamics, and relations. Aglietta's limited conception of crises and contradictions is scrutinised by proposing a framework of agential-structural interrelations—specifically, the interactions between class struggle and market-dependence—in understanding capitalist relations and processes. Lipietz's level of analysis on 'national' capitalism is questioned with a comprehension of the global character and universalising tendencies of capitalism. And Boyer's reading of finance-led growth as the new regime of accumulation is explored with an argument to put more significance on reproduction than regulation and to bring back production and its interaction with the system of exchange in the analysis of capitalist development. The conclusion proposes a synthesis of regulation approach and the concepts from classical Marxism to better capture the specificities of contemporary capitalist development.

Introduction

The world capitalist system is under the conglomeration of interdependent and interrelated crises. This time around the epicentre of the global economic crisis was the United States from where it rapidly spilt over into a concatenation of crises in the advanced industrial economies of Europe. It has become palpably evident that the recent catastrophe is a culmination of the cumulative effects of the simultaneous crises in finance, production, food, environment, energy, and governance that have been plaguing the world since neoliberalism replaced the Keynesian economic model during the 1970s crises. Just in the last 20 years both the developed and developing world, in varying degrees, have gone through a series of major economic, financial, currency, banking, and debt crises in, *inter alia*, Scandinavia (early 1990s), Mexico (1994), East and Southeast Asia (1997), Russia (1998), Argentina (2001), Turkey (2001), US (2007), and Europe (2010). Certainly, these economic crises engender political conflicts over power and resources between social classes across nations. But why does capitalism, despite it being ridden with economic crises and social conflicts, continue to thrive and survive?

The Regulation Approach (RA) in the field of international political economy (IPE) attempts to offer specific institutional answers to this puzzling question on the capacity and capability of the capitalist system to expand and to stabilise for a fairly long period notwith-

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standing its inherent structural contradictions. Michel Aglietta (1979), the pioneer of RA, elucidates the 'essential idea' of his seminal work *A Theory of Regulation*: 'that the dynamism of capital represents an enormous productive potential but that it is also a blind force. It does not contain a self-limiting mechanism of its own, nor is it guided in a direction that would enable it to fulfil the capitalists' dream of perpetual accumulation' (Aglietta 1998: 49). Building on Aglietta's conceptual and theoretical frameworks, Alain Lipietz (1985a) and Robert Boyer (1990) subsequently made their respective contributions to RA in explaining one of IPE's research problematiques.

This article reflects on the somewhat different but largely complementary contributions of Aglietta, Lipietz, and Boyer or the so-called French Regulation School.[2] It must be noted that RA is but one of the theoretical schools within the Marxist tradition that attempts to provide an essential understanding of the forces at work behind the crisis of accumulation (see Jessop 1990; Robles 1994; Jessop and Sum 2006). In the critical IPE literature, French Regulation Theory arose at about the same time as, and bears some resemblance to, the American 'Social Structure of Accumulation Theory' (SSA), which was introduced at the beginning of the 1980s by a group of economists, notably, David Gordon, Samuel Bowles, Richard Edwards, Michael Reich, and Thomas Weisskopf who studied the history of capitalist development in the United States with particular emphasis on the changing patterns of capital accumulation and the changes in labour processes and in the structure of labour markets (Gordon 1978; Gordon, Edwards, and Reich 1982; Bowles, Gordon, and Weisskopf 1983; see also Kotz 1990, 1994; Kotz, McDonough, and Reich 1994; McDonough, Reich, and Kotz 2010). A key difference between RA and SSA has to do with the orientation or focus of analysis. Whilst RA can be said to be more of a 'structuralist', SSA is more inclined to 'voluntarist' interpretations of the processes of accumulation and change. Here then lies the strengths and weaknesses of these respective approaches. Whilst RA puts much importance on structural forces and their tendencies, SSA privileges the question of agency particularly class struggle and other conflicts in the accumulation process. As such, RA offers inadequate attention to class struggle, whereas SSA gives insufficient attention to the forces and imperatives of structures (see Kotz 1990, 1994; cf. Aglietta 1979). Furthermore, in comparison with RA, which is more of a progressive academic research programme to analyse, rather than propose alternatives to, the capitalist system (Jessop 2001a), SSA combines academic endeavour with a workers-led political project by categorically proposing democratic alternatives to the crises and contradictions of capitalism (see, e.g., Bowles, Gordon, and Weisskopf 1983; Gordon, Edwards, and Reich 1982).

RA puts forward four fundamental theses. First, a society, as well as the economic activities within it, is viewed as a 'network of social relations'. Second, social relations are 'contradictory' whereby crisis is 'normal' and non-crisis 'a rather chance event'. Third, there are periods of stability in the reproduction of capitalist social relations. This continuing system is a *regime of accumulation.* In particular, post-World War II regime of accumulation was referred to as 'Fordism', characterized by mass production (i.e., assembly line production) and mass consumption by the working class. And fourth, there are ways through which this regime of accumulation is achieved. It is institutionalized in the *modes of regulation*, which are a set of behavioural patterns and institutions (Lipietz 1987a; see also Lipietz 1986).

What concerns this article is the examination of the RA research programme in understanding capitalism through a critical enquiry of whether the approach does indeed provide plausible answers to its main question on the perpetuation of capitalist expansion and stability. It reflects upon the claims of the RA by examining its fundamental theses and its methodological, epistemological, and ontological assumptions as advanced by the pioneer regulationists, namely, Aglietta, Lipietz, and Boyer. To this end, it recognises that the regulationists' agenda is 'to develop institutionally sensitive comparative and historical analyses of

capitalism rather than to look beyond capitalism(s) in order to propose alternative, post-capitalist modes of production and/or regulation' (Jessop 2001a: 90).

The argument of this article is developed in the four sections that respectively address the essential theoretical claims of the principal regulationists. The first section scrutinises Aglietta's proposition that the root of capitalist crises is the upsurge of class struggle. It then makes a proposal of synthesising this largely *agential* reading with an appreciation of 'market-dependence' as *a* fundamental *structural* contradiction of capitalism—that is, that the survival and reproduction of both capital and labour depend on the market. The second section questions Lipietz's fixation with 'national' capitalism and his refusal to integrate global capitalism as a system in the regulation research programme. The third section provides a case for the theoretical power of classical Marxist's analysis on the self-expansion of capital through the concepts of reproduction and production as opposed to Boyer's privileging on regulation and exchange. The fourth and concluding section reflects on the limitations of RA and thereby suggests that RA's focus on agency, national capitalism, regulation, and exchange be synthesised with the classical Marxist concepts of structure, global capitalism, reproduction, and production. Such synthesis is crucial to RA's need to remain relevant.

Michel Aglietta: On Crises and Contradictions of Capitalism

One of the core theses of RA is that capitalism is always in crisis; and that its structure is contradictory. There are, however, periods when the system stabilises after a series of ruptures. Thus, understanding the dynamics of crisis and contradiction of the capitalist system is crucial to an enquiry as to the epistemology and ontology of the theory.

For Aglietta (1979), the main source of crisis and contradiction is class struggle. Coming from the discipline of macroeconomics, he uses the analogy of the relationship between Department I (production) and Department II (consumption) in which under the capitalist system the former tends to develop more rapidly than the latter. Whilst Aglietta does not explicitly espouse the 'disproportionality theory of crises' in which capitalism tendentially overproduces far more than what can be consumed; he asserts that '[t]he root of these crises is always the upsurge of class struggle in production, which jeopardizes the expanded creation of surplus value on the basis of the prevailing organization of the labour process' (Aglietta 1979: 352). To realise the system's stability—that is, to have a harmony between production and consumption even though the former almost always overwhelms the latter—capitalist production must revolutionise the conditions of existence of the working class.

This stabilisation mechanism of capitalism was manifest as shown in Aglietta's study of the long boom in the United States under the Fordist development model in the 1950s and 1960s (Aglietta 1979; cf. Aglietta 1998, 2000). Capitalism's overproduction tendencies were subdued by combining further transformations in the labour and production processes with the formation of a social consumption norm to ensure the development of relative harmony between Department I and Department II. In concrete terms, the adoption of semi-automatic assembly-line production was matched with an intensive process of the commodification of everyday life and the project of a welfare state that encouraged and underwrote mass consumption. Moreover, the period of Fordism represented a fairly stable regime of accumulation that was also wary of the tendency of the rate of profit to fall. Since self-correcting mechanisms in the capitalist system is nonexistent, this particular phase of regular accumulation is attained through institutional fixes in labour-production patterns and cultural norms.

Capitalist crises and contradictions are the subject and object of the mode of regulation in establishing a regime of accumulation—that is, a longer-term period of systemic stability. However, Aglietta's relatively narrow conceptions of these phenomena pose important limita-

tions on the analysis of capitalist dynamics. By reducing the contradiction in capitalism to mere distributional conflict between capital and labour, Aglietta glosses over the imperatives of the capitalist structure—particularly, the dependence of these conflicting agents of capital and labour on the market structure. Whilst class struggle is indeed a contradiction in capitalism and also the motor of historical change, it is essential to relate this agential class conflict with the broader structural contradictions of market-dependence (cf. Wood 2001, 2007). There is, of course, no clean separation or rigid distinction between structure and agency; hence, both have to be viewed in evolving interacting moments and in dialectical terms. Capital and labour depend on the market for their survival and reproduction; and it is this contradiction that capitalist institutions are trying to resolve, to regulate, and to reproduce all at the same time. Aglietta's approach founders on its theoretical and methodological inability to grapple with the contradiction of market-dependence. In particular, the concepts of regime of accumulation and mode of regulation which point to class struggle—meaning, that a period of stability is achieved when there is a harmonious relationship between capital and labour, and that this could be realised through an ensemble of norms, institutions, relationships, and the like—do not profoundly capture the logic of capitalist reproduction. At the heart of this logic is the reproduction of multifaceted conflicts between agents and structure, between competing capitalists, and within conflicting labour themselves.

The contradiction of market-dependence starts from the proposition that capitalist social relations—including the processes of production, appropriation, and distribution—are 'mediated at all points by exchange'.[3] In other words, capital and labour, individually or in relation to one another, are dependent on the market. This argument is best laid out by Ellen Meiksins Wood (2001: 284): 'Market dependence in capitalism constitutes a *fundamental* contradiction because, as in no other social form, it is a fundamental condition of survival and social reproduction, on which it imposes its imperatives of competition and profit-maximization'.

There is a dependent relationship between capital and labour; but this relationship is reinforced by the market, guaranteeing a structure of the real subsumption of labour to capital. A deeper contradiction therefore underpins Aglietta's notion of a 'national bargain' between state, capital, and labour where, such as in the Fordist experience, a relatively harmonious relationship among them leads to stability. It is for this reason that RA does not adequately capture how the dynamics between capital and labour work as market-dependent classes. Take for example what Pablo Gonzalez Casanova (2001) refers to as a 'negotiated contradiction', which looks beyond the struggle between the two antagonistic classes. Workers are a class not only in permanent conflict but also in permanent negotiation with those who pay them wages. Within the system of capitalism, the most powerful negotiators are the capitalists who are going to do everything they can to weaken the negotiating power of the workers, constructing social spaces where the owners are stronger and the workers are weaker. Capital is able to make labour negotiate from a position of weakness. Reinforcing this capital offensive against labour are the states, working all together in the essential common task of maintaining the hegemony of capital over labour, and not merely the peaceful coexistence between them.

In its attempt to take account of the stabilising potential of capitalism despite its conflictual and antagonistic nature as well as its provisional, unstable, and contradictory character, RA introduces the notion of *regulation* to complement and modify the old Marxist conception of 'reproduction' (see Jessop 2001b; Jessop and Sum 2006). It has however become obsessed with regulation—specifically, the institutional antidote to resolve crises. Consequently, it has systematically neglected the very existence of capitalist institutions. Under conditions of capitalism, institutions do not simply work for the establishment of equilibrium between production and consumption, nor do they merely resolve class struggle and regulate market failure. All capitalist social institutions enforce the imperatives of market dependence (Wood

2001). At the heart of their objective is the maintenance of the hegemony of capital over labour, and not the stability of the system of contented workers. Capitalist institutions are all too aware that there is always resistance from workers and all the exploited groups in their drive for capital accumulation. Yet, it must be noted that this does not preclude the reality that these institutions are also market-dependent, and hence subject to the inherent precariousness and instability of the capitalist mode of production. The notion of a '*regime* of accumulation' as a long period of relative stability is thus, to a large extent, misleading because capitalism is as ever crisis- and conflict-ridden.

The contradictions of market-dependence constitute class struggle. Whilst it is certain that class struggle can tremendously affect profitability, there exists an inherent contradiction within the relations of capital—even in the presence or absence of their conflict with labour—and that is the need for capitalists not only to cooperate but also to compete with one another in order to increase the rate of profit and lower the cost of labour. This internal structural contradiction is not solely caused by agential class struggle, and can neither be corrected by the absence of it (Wood 2001). It is simply the contradictory logic in the regime of capitalist accumulation: its dependence on its own structural relationships that, on the one hand, generates surplus and pressures towards convergence but, on the other hand, also produces conflicts, incoherence, vulnerabilities, and resistances.

Alain Lipietz: On National Capitalism and World Capitalism

The limitations of the RA's privileging of regulation—particularly, the concepts of regime of accumulation and mode of regulation—is once again manifested in its level of analysis. RA utilises 'an *implicit* critical realist ontology and epistemology' in which capitalism is examined 'as a specific object of inquiry with specific structures and mechanisms rather than presenting an underlabouring philosophical argument for the validity of critical realism in general' (Jessop 2001a: 90). Its focus is on the specificity of individual national situations, 'studying long run transformations of national economies, by working out systemic international comparisons' (Boyer 2010). Consider the straightforward, yet provocative and contradictory, statements of Alain Lipietz (1987a) on RA's level of analysis.

First, Lipietz recognises the reality of the internationalisation of production and the need for RA to integrate this phenomenon into the research programme. He notes that:

> The theme of the internationalization of production has become increasingly important for the whole approach. In the beginning, our main field of research was Fordism, which was one of the most nation-centered regimes of accumulation in history...Fordism was almost a simple juxtaposition of national regimes! As a result, we didn't pay much attention to the international situation.

Second, there is neither regime of accumulation nor mode of regulation at the international level because of the absence of states to guarantee them. Lipietz argues that:

> [S]ince one of the two main causes of the crisis is the contradiction between the internationalization of production and markets and the national character of regulation, we were obliged to study the world as a system, and to study the ways that national regimes could exist within that system. Hence, we had to ask whether there was such a thing as a regime of accumulation at the world level or a mode of regulation at the world level. In short, up to now our answer has been: there is something like a mode of regulation, a kind of consensus about some institutions and some behavior since 1945. The problem is that these forms of regulation are not guaranteed by any state. Rather, to the extent that they have existed, they are due to the hegemony of one particular national state, the United States of America.

And third, RA is not to 'deduce' the reality in the nation 'from the ghost that would be world capitalism'. Here is Lipietz's explanation on this point:

> As far as the regime, in the French meaning of the term, is concerned - that is, a regular match between transformations in production and transformations in consumption - no such thing exists at the international level. My conclusion is that it doesn't exist. We can speak at most of a kind of 'international configuration', and these configurations are subject to shifts, continuous displacement….
>
> We have to elaborate a little more on that subject because our main tendency is to study each country, each national reality one by one. I think that's a very good way of approaching the problem. We must start from enough cases and from the reality of each nation. We should never deduce the situation of any nation - Mali, Nigeria, Peru - from the ghost that would be world capitalism. But, since the various national models of development and various national regimes of accumulation are obviously in contact with each other, we have to think of something like a regime at the world level.

On the whole, RA analyses the dynamics of capitalism and the resolution of class struggle at the level of the nation-state; and that the world economy is simply a congeries of autonomous national capitalisms (see Lipietz 1987a, 1987b, 1987c). Lipietz's statements however reveal a couple of contradictions. One, he contradicts the critical realist ontology and epistemology, which is one of the substantive features of RA, by basing reality upon its conformation with the discursive definition of a mode of regulation and the regime of accumulation rather than the other way around. It appears that the mere absence of *régime*, in its original French signification (i.e., a regular match between transformations in both production and consumption), is ground enough for dismissing an international analysis of capitalism as a system. And two, Lipietz contradicts the insightful pronouncement of his RA colleague, Aglietta, who posits that 'the key theoretical process [of RA]…lies in a radical change in the conditions of reproduction of capital in general' (Aglietta 1979: 20-21).[4] The intensification of global capitalism has radically changed the conditions of capital, subjecting each and every pore of the society within the world system to the logics of competition, commodification, and profit-maximisation (see Wood 2001, 2002; Peck and Tickell 2002). This 'universalisation of capitalism' also comes with the universalisation of the contradictions of class struggle and of market-dependence (Wood 2001).

In contrast to the claim of Lipietz that world capitalism is just a ghost, a mere illusion; this historical moment reveals that capitalism has developed to a point where the 'completion of the world market' becomes the appropriate focus of analysis (Cammack 2003). This project is depicted on the process of globalisation where states and all economic agents are compelled to adopt policies that would promote the hegemony of capital at the international, regional, and national levels (see Albo 2003; Cammack 2004). It globally imposes the disciplines central to capitalist reproduction such as the provision of a 'sound' macro-economic framework, along with structural reforms on liberalisation and privatisation and their attendant regulatory innovations at national, regional, and global scales (see Cammack 2003, 2004; Wood 2002). Further, a substantial number of researches have empirically proven the case—for instance, on World Bank's comprehensive global institutional strategy for disseminating and legitimising capitalism on a global scale as shown in the series of the Bank's initiatives since the mid-1990s such as the Report on Observance of Codes and Standards, the Comprehensive Development Framework, the Poverty Reduction Strategy Papers and Poverty Reduction Growth Facility, the streamlining of conditionality, and the reform of sovereign debt restructuring (see, e.g., Fine 2001a, 2001b; Cammack 2003, 2004).

The global capitalist system generates contradictions and crises that cannot be addressed at the national level alone. Since the accumulation of capital has increasingly become global and so as the nature of class struggle as manifested in the attempts of capitalist forces to secure the hegemony of capital and of exploited groups to resist it, international institutions like the World Bank and the International Monetary Fund (IMF) are geared at the governance of the general conditions for capitalist accumulation and at resolving the contradictions that capital-

ism induces (see Cammack 2003). It thus follows that there is no 'international régime of accumulation' under conditions of global capitalism because the system is always unstable and crisis prone, if by 'régime' it means the condition of an equilibrium between international production and international consumption.

Surely, there is a clear need to differentiate between national situations. But this analysis must be consistent with the systemic unity of capitalism recognising that the self-expansion of capital is a dynamic and uneven process, in particular the different projects and strategies from state to state in the system to secure the hegemony of capital and the enforcement of market-dependence on the global stage. These different domestic configurations within the system are a consequence of the uneven and combined character of global capitalist development. As David Harvey (1992: 292-293) convincingly explains as regards the drive for capital accumulation:

> The focus is on *processes*, rather than on things and events…[T]o say there is a simple process at work is not to say that everything ends up looking exactly the same, that events are easily predictable or that everything can be explained by reference to it alone…Capitalism has, in short, always thrived on the production of difference.

Apparently, Lipietz recognises the normative on the need of the RA to have an international understanding of national situations as the connections among national economies have become increasingly manifested in the global scale. However, in a review of *Régulation Theory: The State of the Art*, an encyclopedic anthology of the works of Parisian regulationists (Boyer and Saillard 2002; the original French edition, Boyer and Saillard 1995) where Lipietz is one of the contributors, Bob Jessop (2002) takes issue on the failure of the RA protagonists themselves to make any reference to, or have a dialogue with, the contributions of other regulationists from the important field of enquiry of IPE that understands the interaction between national and international scales within wider systemic processes—including those from the evolving 'varieties of capitalism' research—and from related social science disciplines outside (institutional) economics.

Robert Boyer: On Finance-led Growth as the New Regime of Accumulation

Robert Boyer, president of the Association of Research and Régulation, is perhaps today's leading regulationist with specific interest in the wage-labour nexus, social systems of innovation, monetary and financial regime, and the process of economic policy formation aiming at building an institutional and historical macroeconomic theory (see Boyer 2010; Association Recherche & Régulation 2010). Some of his recent works attempt to explore financialisation as part of capitalist transformations after the crisis of Fordism and to examine the capacity for this new regime to stabilise (see, e.g., Boyer 2000a, 2000b, 2008, 2010). The pressure towards financialisation has been a product of the longer term structural transformation of post-Fordist capitalist development: from the compromise between managers and wage earners in the 1960s; through the weakening of the bargaining of power of wage earners due to international competition in the 1980s and the deepening of alliance of investors and managers in the 1990s; to the emerging tensions among different actors within the finance industry (managers, auditors, rating agencies, institutional investors, financial analysts, fund managers, and pension funds) and the rise of lawyers as new actors not only in the judicial institutions but also in the sphere of finance (Boyer 2008).

Having dismissed the alternative regimes proposed to succeed Fordist economic development model, Boyer (2000a) puts forward a 'proposition', rather than a claim, that the emergent financial system plays a potential—if not, the same—stabilising role as did the Fordist wage-labour nexus. This finance-led regime is dominated by, but is not solely consti-

tuted of, finance. The institutional conditions present in the emergent finance-led growth regime includes 'globalized financial regime' (diffusion of financial norms, dividends and pension funds, high stock market price, easy access to credit), 'shareholder value as a new form of competition and governance mode' (careful management of investment), and 'highly reactive wage labour nexus' (flexible employment). In other words, the emergent regime comes with a whole series of financial innovations and novel economic features such as labour flexibility, price stability, booming stock markets, and credit growth. These institutions are different from the preceding growth regimes that did not materialise since the American crisis in the late 1960s, namely: Toyotism, service-led, ICT-led, knowledge-based economy, competition-led, export-led, finance-led in terms of the transformation in firm governance, the employment relation, household consumption, the state form, and monetary policy (Boyer 2000a; see also Boyer 2008).

In his recent lecture on the subprime mortgage crisis, Boyer (2008) notes that the US is 'the only finance-led regime', made possible by a high ratio between financial wealth and income and by profit-led investment. However, this new regime is susceptible to macroeconomic instability as manifested in the 2007-2008 global economic crisis whose epicentre was at the homeland of financialisation itself. Boyer (2008) argues that in order to attain structural stability, the economic conditions must be conducive to wage formation that is 'not too much competitive' and a rate of return requirement of shareholders that is 'not too high'. Based on the parameters of 'average propensity to consume', 'wealth in shares', 'extent of capital gains', 'monetary market rate', 'return on bonds', and 'reference profitability', Boyer comments that Europe does not observe a finance-led regime because it fares lower percentages in all these indicators compared with the US.

Although limited to the situation of the US, it is a worthwhile academic endeavour to critique Boyer's hypothetical case on the possibility of a stable finance-led regime, bearing in mind the methodological, ontological, and epistemological inadequacies of RA that have been discussed above. Four interrelated issues must be raised regarding his proposition. First, Boyer strongly holds on to the idea that stability in the capitalist system could be possibly attained through financial revolution and innovations. What he does not seriously consider, however, is the realpolitik of a financialised regime under conditions of neoliberal globalisation that is politically unstable since it is based upon austere welfare, the growing inequality among the waged and between the waged and unemployed, and the enlargement of the 'informal' sector (see Purcell 2002). Second, the level of analysis problem of the RA has once again become apparent in this theme because a financialised regime would be impossible to understand without a grasp of the political economy of international finance (Tickell 1999). The proposition thus proves unable to analyse the crucial link between global capital and national states in this historical moment of the universalisation of capitalism in which, as the contradiction of market-dependence implies, every institution is mediated at all points by exchange (Wood 2001, 2002).

Third, Boyer sees the potential of regulation in the fulfilment of a stable financial regime through a form of 'hybridization' among the previous growth regimes, 'with a different mix in each country according to political and social legacy, economic specialization and, of course, the strategic choices of key collective actors' (Boyer 2000a: 117). Even though RA keeps on asserting that regulation complements reproduction, it appears in their analyses that the former is much more privileged than the latter. Putting primacy to régulation however tends to conceal the existence of exploitation, even if the purchasing power of the workers is increased. It is unable to see both the simple and sophisticated ways of capital to profit and appropriate from uneven development, the differentiation of social conditions among national economies, the preservation of low-cost labour regimes, and the reproduction of relative poverty (Wood 2001). Marx's original conceptualisation of *reproduction*—the concept that

RA claims to modify as well as to complement, if not forgotten—by itself captures not only the self-expansion of capital, but the exploitative nature of the system as well:

> Whatever the social form of the production process, it has to be continuous, it must periodically repeat the same phases. A society can no more cease to produce than it can cease to consume. When viewed, therefore, as a connected whole, and in the constant flux of its incessant renewal, every social process of production is at the same time a process of reproduction. (Marx, *Capital* I, ch. 23)

Thus, reproduction 'involves both production and the setting up of conditions whereby production can continue to take place' (Himmelweit, 1991: 469). It entails contradictory processes: on the one hand, towards convergence with the reproduction of capitalist institutions on an expanding scale; and on the other hand, the conflicting responses with the reproduction of social antagonisms that spring from the conflictual nature of capitalist relations.

This point leads, and is closely connected, to the fourth issue on Boyer's focus on finance. Whilst it may be true that the contemporary dominance of finance capital has tremendously affected production, 'the focus should be on production before it turns to exchange' so as to see the 'uncompromising commitment of capitalist forces to embedding the social and institutional relations that enforce capitalist competition, thereby seeking to ensure that the systemic imperatives of capitalism work' (Cammack 2004: 209). Take for example economic crises that have become an enduring characteristic of the capitalist landscape. Even with the introduction of neoliberalism as a reaction to address the series of structural crises in the last quarter of the 20th century, the world economy has continuously stumbled with the 1997 Asian financial crisis, the 2000 dot-com collapse, and the 2008 great recession as the major crises implicating economies and societies within the global system—all of which are telling of the inherent tendencies of capitalism to create crises and its grave difficulties for the realisation of short- and long-term accumulation. As Christopher Rude (2004: 82) convincingly argues:

> [F]inancial instability and the economic hardship that it creates play an essential role in reproducing capitalist and imperial social relations. The financial instability is functional. It disciplines world capitalism.

But this is precisely the main preoccupation of regulationists: to explain how and why capitalism continues to expand. The problem with Boyer's analytical framework is its failure to look beyond the surface of institutions and regimes, and thus systematically unable to dissect the deeper structural contradictions and social conflicts within them. This would involve an understanding of the politics behind the economy, the reproduction of the contradictions of class struggle and market-dependence, the 'negotiated contradiction' in capital-labour compromise, and the production of 'proletarianisation' in which workers have no other option but to be subjected to a system thoroughly permeated with the imperatives of capitalism.

It thus appears that the forces of capital, which are embodied in capitalist institutions, act a la 'invisible hand', but one that does not fix market failures, attempting to convert crisis into opportunities for the deepening of capitalist relations. However, no matter how these capitalist social institutions try to regulate or resolve the crises and contradictions of capital, the system is perpetually haunted by the internal contradictions of the capitalist market and structure: the need for different capitals to compete with one another and the perpetual resistance of exploited groups to establish alternative futures.

Conclusion

The Regulation Approach in IPE attempts to provide specific institutional analysis on the classic Marxist conundrum about capitalism's continued survival and reproduction despite its

deep structural contradictions and intense class conflicts. Its general framework 'stresses that economic activities are socially embedded and socially regularized and that stable economic expansion depends on specific social modes of economic regulation that complement the role of market forces in guiding capitalist development' (Jessop 2008: 24). Indeed, understanding the complexities of capitalism is always a theoretically rigorous, yet meaningful, task. As Wood (2001: 283) aptly puts it: '[C]apital certainly needs ideological mystifications and supports, but it may be harder to *reveal* than to conceal the exploitative nature of the capitalist relation, or to conceptualize and capture it in theory'.

What this article has tried to do is to reflect on this claim of the RA—specifically its fundamental theses and epistemological, ontological, and methodological standpoints—and, at the same time, to critique the limitations of the respective works of principal regulationists, namely, Aglietta, Lipietz, and Boyer. Aglietta's limited interpretation of crises and contradictions in capitalism has been examined, and thereby putting forward the argument to interrelate the agential dimension of class struggle with the structural contradiction of market-dependence. Lipietz's privileging of 'national' economies and, in effect, his hostility to the global systemic unity of capitalism has been questioned—in particular, the absence of an analysis of competing national capitalisms within the geographical landscape of global capitalism. And Boyer's framework of analysis and proposition on the possibility of a stable finance-led regime has been criticised with an argument about the intrinsic political instability of financialisation; the need to relate national capitalist dynamics with global political-economic structure; and the primacy of reproduction over regulation, and of production over exchange in the processes of capital accumulation.

Despite its limitations, RA offers practical utility for the understanding of socio-economic contradictions and processes in capitalist societies by social actors. It has made some important contributions to the analysis of capitalist processes and its internal structural logic, particularly in the identification of institutions and regulatory mechanisms that attempt to stabilise or reinforce capitalist development. As argued and proposed in this article, doing an analytical synthesis can complement the theoretical inadequacies of RA. Firstly, Aglietta's agential class struggle conception of crises must be situated within, or in relation to, the wider structural contradictions of market-dependence. In doing so, the processes of capitalism and social change are regarded in a framework of the enduring tension between structure and agency. Secondly, Lipietz's focus on the dynamics of national capitalism is better understood against the background of, and in its relation with, global capitalism. This comprehension of the dynamics of national-global relations in the accumulation of capital will enable an analysis of the differences in national situations within a broadly comparative framework and, as such, an appreciation of the historical specificities of capitalist development and the nature of capitalist diversity from nation to nation within the global structure of accumulation. And thirdly, Boyer's concentration on finance has to be linked with production so as not to reduce capitalist processes to mere questions of money and exchange, but as concrete social relations involving real issues of power, class, interests, and conflict. In this connection, the idea of regulation may be strong in presenting the surface of the presumptive stability of capitalism, but it would not be able to unpack the essence of capitalist reproduction. Essentially, reproduction entails capitalist production itself and the conditions created to maintain and promote the material and ideological hegemony of capitalism at the national and global levels.

All these proposals to substantiate, enhance, or alter the theoretical framework of RA are necessary if it wanted to remain relevant as a cogent explanation of the evolution of capitalism not only in its classic cases of developed economies in the US and Europe, but more so in the emerging capitalist projects and their conflicts in Asia, Latin America, and Africa. The main purpose being to come up with a dynamic analysis of the specificities of capitalist development applied to the circumstances of contemporary global political economy and its

interaction with, or even manifestation in, the particularities of varying national configurations.

Notes

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2. There have been several strands within the regulation 'school' of which four have been influential, namely: Parisian, *grenoblois*, West German, and radical American (see Jessop 1990; Robles 1994; Jessop and Sum 2006).
3. The argument on market mediation in capitalist processes is hardly news to regulationists (see Lipietz 1987a; Jessop 2001a). However, this premise is not consistently and deeply pursued within RA.
4. Aglietta's statement is in the context of regulation theory's rejection of the 'idea that the concentration of capital is the most fundamental process in the history of 20th century capitalism' (Aglietta 1979: 20).

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