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Table of Contents

Local Self-Governance and Weak Statehood: A Convincing Liaison? Antje Daniel, Hans-Joachim Lauth, and Eberhard Rothfuß	272–279
River Commoning and the State: A Cross-Country Analysis of River Defense Collectives Jaime Hoogesteger, Diana Suhardiman, Rutgerd Boelens, Fabio de Castro, Bibiana Duarte-Abadía, Juan Pablo Hidalgo-Bastidas, Janwillem Liebrand, Nuria Hernández-Mora, Kanokwan Manorum, Gert Jan Veldwisch, and Jeroen Vos	280–292
Civil Society Versus Local Self-Governments and Central Government in V4 Countries: The Case of Co-Creation Michal Plaček, Juraj Nemec, Mária Murray Svidroňová, Paweł Mikołajczak, and Éva Kovács	293–304
Shared Streets: Choreographed Disorder in the Late Socialist City Sandra Kurfürst	305–314
Strong Military and Weak Statehood: The Case of Self-Governance Through <i>Rasookh</i> in Kashmir Touseef Yousuf Mir	315–325
Housing as a Battlefield Between Self-Organization and Resistance: The Case of Reclaim the City Antje Daniel	326–335
Community Forest Management: Weak States or Strong Communities? Bas Arts, Jelle Behagel, Jessica de Koning, and Marieke van der Zon	336–345
Exploring the Relationship Between Social Movement Organizations and the State in Latin America Thomas Kestler	346–356
Local Self-Governance and the State in South Sudan: Studying Gendered Tenure Relations in Times of Uncertainty Janine Ubink and Bernardo Almeida	357–367
The Evolution of Village (Self)Governance in the Context of Post-Communist Rural Society Edvin Zhllima, Nicolas Hayoz, Drini Imami, and Iliriana Miftari	368–379



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Editorial

Local Self-Governance and Weak Statehood: A Convincing Liaison?

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Abstract

This thematic issue addresses the relationship between local self-governance and the state. Self-governance is understood as the rules that emerge in the local social and spatial context. Local self-governance of individual local groups, actors, communities, and their social and institutional arrangements are considered. From this situated collective entanglement, the interactions and relations with state authorities are analysed in the various contributions embedded in local contexts of different world regions and based on empirical social science research containing mostly interdisciplinary approaches. The nine case studies of this thematic issue reflect a variety of statehoods (weak to restrained), diverse “intentionalities” of local self-governance (emancipatory and democratic, socio-economically, and socio-culturally oriented, security-driven or ecological), and their state-locality entanglements range between four forms of relationships: mutually supportive, conflictual, ambivalent, and avoiding.

Keywords

local self-governance; restrained statehood; self-organisation; state; weak statehood

Issue

This editorial is part of the issue “Local Self-Governance and Weak Statehood: A Convincing Liaison?” edited by Antje Daniel (University of Vienna), Hans-Joachim Lauth (Würzburg University), and Eberhard Rothfuß (University of Bayreuth).

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1. Introduction

The literature on weak statehood emphasizes that this concept corresponds more to the common concept of state across space and time than strong statehood, as the last currently exists largely only in countries of the OECD world. This statement is all the more true if one associates it with a normative understanding of the rule of law and the welfare state. Weak statehood is often associated with a deficit in the state’s functional performance. This diverts attention from the reasons why such forms of statehood find widespread acceptance.

This thematic issue addresses the research deficit on the relationship between self-governance and the state by focusing on the local and aims to contribute to the possible acceptance of weak statehood by raising the question of whether local self-governance and weak statehood constitute a convincing liaison. Our reflec-

tions are structured in four parts: Firstly, we clarify our understanding of the state and reflect upon it based on the findings on statehood in this thematic issue. Secondly, we define the concepts of local governance and self-organisation more precisely and unpack their varying forms. Thirdly, an analogous approach is taken to the analysis of the relationship between weak statehood and self-organised and self-governed actors. Lastly, we summarise the results regarding our guiding question on “convincing liaison.”

2. Weak State and Statehood

Following a Weberian perspective, we understand the state to be in control of the monopoly of the use of force, through which it makes its decisions binding within a certain territory. Coupled with this ideal type definition is the security function (internal and external) as well as

the systematisation of these decisions into a legal form (the Weberian concept of “legitimacy”; see Rothfuß et al., 2021, p. 77).

In addition to the monopoly of the use of force and the security function, the state provides further functional services in the area of material and socio-cultural foundations. It makes a normative claim to regulate its citizens and its territory. In short, the state monopolises the means of law, violence, and administration and claims legitimacy to defend its sovereignty within a given territory. The concept of statehood captures the state from a gradual perspective. Our focus refers to weak, or at least moderate, statehood in which we expect a higher significance of local orders than in contexts of strong statehood (Schlichte, 2018). The term weak statehood refers to the scope of state regulatory power. In contrast to a collapsed or failing state, a weak state is only partially functional but fundamentally stable, and its existence is not directly threatened. The limitations of state scope can be territorial, functional, and temporal.

The authority of the state to implement its decisions in its territory has required, in many post-colonial landscapes, the consent of or cooperation with societal organisations. The resultant state authority is usually portrayed as weak or weakened, particularly in post-colonial Africa, where strong customary authorities have evolved to bear “state-like” qualities and have sometimes been considered “rivals” to the state. The weak state often finds itself in a structural dilemma. On the one hand, it is often present in central areas of regulation, in the material and socio-cultural foundations as well as those of security. On the other hand, its capacity is too limited to assert itself against local actors in every conflict and its authority is not sufficient to always act as an arbitration body in disputes between them. In such constellations, the weak state must participate in the distribution and enforcement of struggles (Neubert, 2021).

Especially in the local sphere, the weak state is not the all-encompassing Leviathan but rather one actor among others, albeit a special and still particularly powerful one (Migdal, 1988). Thus, different representatives in different functional areas may act in an “uncoordinated” manner sometimes and may compete or even be in conflict with each other. At the same time, members of the elite act both as representatives of the state and as private individuals. This phenomenon can be summarised as clientelism, corruption, rent-seeking, and nepotism of neo-patrimonial states. In this context, the ruling elite may deliberately keep the state weak in order not to have to surrender too much power and resources to its formal institutions. From this perspective, individuals have shifting or overlapping roles combining private and state interests.

The term weak statehood used in this way resonates with a connotation of the incomplete, the deficient. However, there are other governance constellations in which the state’s will to regulate does not go further than its capacity or it even holds back a significant amount of

its capacity. An intentional weakness is not infrequently observed. Those in power value local self-regulation’s contribution to the resolution of problems. Such a state leaves room for substitutive and complementary regulations on the part of local groups. We propose for these situations the term “restrained statehood” (Pfeilschifter, 2022, p. 197).

Taking up the aspect of weak statehood, the present case studies characterise the weak or restrained state as indicative of regulatory gaps in specific policy areas but often also in the judiciary. Weak statehood is constituted independently of the regime, be it democratic or authoritarian. Furthermore, states are not homogeneous territorial entities; their strength and weakness vary from region to region and at different scales, such as municipalities, provinces, states, and national governments. This shows that the binary of a strong state versus a weak state must be overcome. The articles on this thematic issue take this as a starting point to either assume a strong state with weaknesses or a weak state with strengths.

That a strong and a weak state cannot be seen as binary concepts is argued by Hoogesteger et al. (2023) in their article on river commons and commoning struggles in Spain, Thailand, Ecuador, and Mozambique. They underline that it is not the spectrum between weak and strong statehood that should be considered but rather the relationship between the state and citizens, which needs to be understood based on mutual perception. Plaček et al. (2023) make a similar argument regarding Central Europe (Czech Republic, Hungary, Poland, and Slovakia). The binary of weak versus strong states does not offer a sufficiently comprehensive understanding as strong states reveal features of weak statehood. Yet the central state lacks the resources and capacities to consistently shape local spaces.

In her article on Vietnam, Kurfürst (2023) argues that the state is neither strong nor weak. On the one hand, Vietnam can be characterised as an authoritarian regime which controls civil society. On the other hand, there are regulatory gaps regarding the provision of infrastructure. Moreover, everyday life, particularly, those of street traders allows for an ignorance of rules, which shows that elements of weakness can be found in authoritarian states. In Mir’s (2023) case study on Kashmir, the state appears at the local and regional levels as a strong state that has a comprehensive monopoly on the use of force. Nevertheless, there are signs of weakness. On the one hand, this state has little legitimacy among the population and is, thus, dependent on the constant use and threat of violence. On the other hand, the practised function of violence is defused to a considerable extent by informal mechanisms of influence. However, this does not take the form of open resistance but rather the weakening of the violence’s effect. Due to the concentration of state activity on security, the state also has few resources left to fulfil other functions.

While some articles argue from the perspective of strong statehood and demonstrate weakness, others

argue from the perspective of weak statehood and show strengths. Daniel (2023) argues from the latter in the case study of South Africa. Here the state is accepted but shows gaps in the areas of housing because the constitutional right to housing is insufficiently implemented. The weakness of the state goes hand in hand with neoliberal policies and the continuation of apartheid's spatial segregation which exacerbates the housing crisis. The state's weakness offers a space for citizens to self-organise.

Other contributions point to the balancing of power between the state and self-organised actors, such as in Vietnam, Kashmir, and South Africa. Kestler's (2023) article on Argentina and Venezuela reveals that weak states also have corporatist capacity. Accordingly, the neighbourhood movement in Venezuela and the Argentine *piquetero* movement of unemployed urban workers show that the state cannot solve social problems but has the competencies of a rentier state. As the state is perceived as the principal avenue for attaining personal benefits or ensuring public security, civil society aspires to get access to its revenue.

Only some articles portray their cases of self-governance in an exclusively weak state. For instance, Arts et al. (2023) on forest management in Peru, Tanzania, and Ecuador argue that community management results from a state failure. They argue that the state's weakness offers a wide array of state–citizen relations around river commoning and the emergence of alliances. Weak statehood is also the starting point for Ubink and Almeida's (2023) case study on South Sudan. The authors argue that the existence of customary law is an expression of weak statehood. In this context of legal pluralism, which is particularly evident regarding land tenure, customary law is never unconditional, it always entails exceptions of interventions to align with the formal system and its norms. Both studies show that local structures complement the weak state in different ways. Zhllima et al. (2023) present a similar perspective on Kosovo and Albania. Even though these states are less weak than the case of South Sudan, they still reveal a limited democracy, weak institutional framework, and corruption. Moreover, informal practices, mainly active in land rights, such as the councils of elders, village headman, and customary law exist.

What becomes apparent is that the restrained state as a specific form of weak state is present, although the authors do not use this concept. Such elements of restrained statehood in which actors—be they citizens, civil society, or community-based forms of self-organisation—act in a complementary and subsidiary manner are evident in Albania, Kosovo, South Sudan, South Africa, Vietnam, Argentina, and Venezuela. Thus, restrained states are constituted independently of both the regime and whether the state is considered weak with elements of strong statehood or vice versa. At the same time, we observe “classic” weak states with structural deficits that are unable to adequately perform their

basic functions (such as Kashmir, South Sudan, Ecuador, Peru, and Tanzania). Both state types enable various forms of self-governance and self-organisation.

3. Local Self-Governance and Self-Organisation

When thinking about weak statehood, the concept of governance is more frequently used than self-organisation. The first concept offers a wide range of ways in which the exercise of power can be conceptualised. Thus, governing does not only take place through authoritative regulation by a hierarchical state, but also through “interaction and negotiation processes by the actors of the political-administrative system with economic stakeholders, associations, and civil society” (Pfeilschifter et al., 2020, pp. 12–13). Governance can thus be described as a change from a hierarchical, bureaucratic, and centralised authority to a self-governing, horizontal, and/or market-based form of regulation. Thus, it can be defined as arising out of a complex set of interactions between autonomous or semi-autonomous economic, social, and political actors with state actors who have different roles and interests (Sørensen & Torfing, 2007, p. 8). Even though governance as a concept was developed in the context of consolidated statehood, it can be applied to weak states (Krüger et al., 2023; Neubert et al., 2022).

Self-governance should not be understood as a form of political organisation at the municipal level or by political parties, but rather as situated rules that emerge in the societal and local context, in the village, neighbourhood, or city (Pfeilschifter et al., 2020). Beyond the level of the family, any group of actors or community develops collective rules that are intended to secure or facilitate its continued existence. In any case, local self-governance means that it is possible to set and implement one's own rules. The terms self-regulation or self-governance evoke the positively connoted idea of grassroots democratic structures. However, local self-governance can also follow other principles that are characterised by hierarchy or even the exclusion of certain groups and actors.

We define self-organisation as a process by which social relationships (that characterise loose networks) are institutionalised through the definition of mutual interests, positions and relations as well as values, norms, and moralities (Mayntz, 2006; Ostrom, 1990). Trust based on individual relationships is, thus, transformed into trust in the collective. This does not mean that there cannot be tensions between the individual and the collective in the process of self-organisation. Enhanced cooperation as “collective intentionality” or a “collective we” allows for differentiation and specialisation within the collective which strengthens the potential for developing key interests through “grassroots” action (Rothfuß & Korff, 2015). Moreover, a self-organised group can be challenged both in its internal organisation by internal conflicts (Daniel, 2021) and in its external relations by complex limitations with competing local groups.

Looking at the case studies, varying forms of self-organisation or different modes of self-governance at the local level become obvious. The locality can be anchored both in urban and rural areas. Some articles address self-organisation, while others focus more on the mode of self-governance. We would like to suggest that these forms of self-organisation and self-governance can be distinguished according to three analytical axes, which at the same time provide an understanding of the plurality of self-organisation and self-governance. The schematic representation (Table 1) clarifies essential starting points for the analytical differentiation of the cases, whereby the complexity of each case must be kept in mind.

The first axis distinguishes emancipatory forms of self-organisation, which are often accompanied by (grassroots) democratic governance, from preservative, stability-oriented, and traditional ones which are sometimes characterised by hierarchical or even authoritarian forms of regulation. Emancipatory forms of self-organisation assume an ability to shape the world, which potentially makes it possible to free oneself from structural inequality, discrimination, and marginalisation based on a critique of the status quo and the pursuit of the desirable. Supposed traditional forms of self-organisation are oriented towards the preservation of the status quo or even the return to an imagined status quo. Emancipatory forms of self-governance tend to be new forms of social formation, while supposed traditional forms draw on or seek to revive established social bonds. The stability-oriented actors tend to draw legitimacy from supposed tradition or morality, while the emancipatory groups draw it more from problem-solving competence or universal values.

Case studies from Kosovo, Albania, and South Sudan point to the importance of elders and village headmen (Kosovo and Albania) or clan structures and inter-family relations (South Sudan) for self-organisation in coping with social conflicts. These tradition-based forms of self-governance either fall back on family structures or existing communal areas of regulation, which are to be preserved. This is also the case regarding forest management in Peru, Tanzania, and Ecuador, which is based on

the ability of communities to manage forests in response to the weak and distant state. Self-governance in Kashmir is called *rasookh*, which is based on personal relationships of varying degrees of intensity according to kinship, friendship, or group memberships. Also, in the case of Vietnam preserving is in the foreground, although there is less recourse to an existing social structure in self-organisation than to customary forms of action (in this case trade), which are displaced by modern urbanity. Emancipatory forms of self-organisation react to a state regulatory gap and/or strive for increased political participation. We are witnessing this in Central Europe. The participatory budget meetings may consist of various civil society groups but also party members with the aim to enhance the voice of citizens in political decisions. Emancipatory forms of self-organisation and self-governance, which aim to overcome social problems, can also be found in Argentina with the emergence of the *piquetero* movement, in Venezuela with the neighbourhood movement, and in South Africa with the housing movement. Similar to forms of self-organisation in Thailand, Spain, Ecuador, and Mozambique that organise with “river commoning” to defend, protect, and restore the rivers.

The second axis of self-organisation and self-governance addresses the area. We, first, distinguish socio-political forms, including economic deprivation. Most of the self-organised actors in the case studies organise around specific socio-political or economic incentives, such as the increasing urban dislocation as gentrification (South Africa), modernisation (Vietnam), socio-economic marginalisation (Argentina, Venezuela), and the distribution of the local budget (Central Europe). However, self-organisation also addresses the increased participation rights of citizens in political decision-making, as the case studies on Kosovo and Albania illustrate. The second area of self-organisation is security. Regarding Kashmir, Mir argues that the self-organised actors are providers of security which the state cannot provide. Here, security is drawn from informal connections. A third area addresses nature and land as important collective resources (ecology). Ecologically based forms of

Table 1. Forms of self-organisation and self-governance.

Cases	Self-Organisation	Area	Scope
Central Europe (Czech Republic, Hungary, Poland, Slovakia)	Emancipatory	Socio-political	Group-related
South Africa	Emancipatory	Socio-political, security	Group-related
Argentina, Venezuela	Emancipatory	Socio-political	Group-related
Spain, Thailand, Ecuador, Mozambique	Emancipatory	Ecology	Community-related
Kashmir	Preservative	Security	Community-related
Vietnam	Preservative	Socio-political, economic	Group-related
South Sudan	Preservative	Socio-political	Community-related
Kosovo, Albania	Preservative	Socio-political	Community-related
Peru, Ecuador, Tanzania	Preservative	Ecology	Community-related

self-organisation and self-governance can be found with the idea of protecting nature and partly improving the relationship between the environment and people. These forms of self-organisation are present in the debate on forest management in Peru, Ecuador, and Tanzania as well as in the self-organisation for the protection of rivers in Thailand, Spain, Ecuador, and Mozambique. Some of the cases organise around different overlapping ambitions as in that addressing housing in South Africa as a political-economic form of self-organisation and security.

The third analytical axis of self-organisation or self-governance covers the scope of regulation, which either refers to a defined group or a less defined local community. In the latter cases, existing family, clan, or social structures are used to regulate, although they do not necessarily have to be preservationist as in the case study on river commoning. The case studies on South Africa, Argentina, Venezuela, and Vietnam show that self-organisation addresses the group of self-organised (the different movements in South Africa, Venezuela, and Argentina), the street vendors (Vietnam), or the defined group of citizens taking part in participatory budget forums (Central Europe). Even if self-organisation is group-related, it is important to consider that social movements go beyond, as they demand changes for parts of society or the transformation of society. As already emphasised, community-related forms of self-organisation or self-governance have a broader reach, address the local community *per se* and may be regulated by customary law, as in South Sudan, Albania, and Kosovo, or regulated by social ties such as kinship, friendship, or common group memberships (Kashmir). In the case of river commoning (Thailand, Spain, Ecuador, and Mozambique), it is primarily the affected community that organises itself against flooding or other natural disasters. The authors also point out that, regarding the ecological protection of the river, the formation of alliances is crucial to assert interests *vis-à-vis* the state.

If we look at the self-organisation and self-governance of the varying case studies in different world regions, the connection between the orientation (emancipatory versus preserving) and the scope (group versus community-based) is most striking because conservative forms of self-organisation have a greater reach than emancipatory forms, which are predominantly group-related. This is directly connected to the fact that emancipatory groups must first set up their structures and regulations, while conservative ones fall back on existing social structures and communal forms of regulation, thus, mostly on moral or tradition-based legitimisation, which in emancipatory groups have to be created through problem-solving capacities.

4. Relations Between Weak Statehood and Local Self-Governance and Self-Organisation

Lastly, we explore the relationship between the self-organised actors and the state. The relationship between

formal state and societal informal rules has been discussed for some time in the field of comparative politics (Helmke & Levitsky, 2004; Lauth, 2000, 2015). While most scholarly work focuses on the national level, our discussion is concerned with the local. For the relational analysis between self-organised actors and the state, it is important to consider the attitude and capacity of the last, because it has a certain inability to intervene or lacks the will to show its power. Additionally, the state can consciously and purposefully build relationships with existing self-organised groups. We have already differentiated between two forms of weak states (lack of resources and restrained state). Furthermore, regime characteristics should also be taken into account as it makes a difference in the cooperation to be examined, whether we observe these interactions in democratic or autocratic settings.

The previous explanations demonstrate that the analysis of the relationship between weak statehood and local self-organised actors is a complex task—as both are differentiated in many ways and the relationships between them can vary. In the relationship between statehood and local actors various constellations can be imagined *a priori* (Daniel, 2019; Mohamad-Klotzbach, 2021) which must be examined in individual cases. Looking at the relationship between local self-organisation and self-governance and the state in either urban or rural local areas, we distinguish between the kind of relationship and the permanence of self-governance, shaping the durability of the relationship to the state. The representation of the relationship between self-organised actors and the state goes beyond simplistic relations, such as cooperation versus conflict, and shows the multiplicity of relationships that can overlap in a case study. Accordingly, we identified four forms of relationships (Table 2): mutually supportive, conflictual, ambivalent, and avoiding.

A mutually supportive relationship between self-organised actors is based on a complementarity in which each actor perceives itself as a valuable addition to the other. This is based either on the state providing spaces for self-organised actors, thus legitimising them, or on the state tolerating spaces for self-organised actors, but only as long as it has some weakness or regulatory gaps. These two forms of mutual support are described as state-intended or unintended. These self-organised actors may improve state governance and its legitimacy but may also sideline it. This is the case regarding participatory budgeting in Central Europe, where space is given for citizens' participation with a substitutive understanding. The results are complementary to the official state measures. Even in South Sudan, Kosovo, and Albania, we are witnessing a mutual relationship between those self-organised communities using customary law and formal state law. Nevertheless, even if the relationship is predominantly mutually supportive, it can also show ambivalences or conflicts (e.g., while customary law excludes women from land tenure, the state postulates gender

Table 2. Relationship between self-organised actors and the state.

Cases	Complementary (intended)	Complementary (unintended)	Ambivalent	Conflictual	Avoiding	Cooptation/Control	Permanent
Central Europe	X						X
South Africa			X	X	X	X	
Venezuela, Argentina			X			X	
Spain, Thailand, Ecuador, Mozambique		X			X		
Kashmir			X				X
Vietnam		X					X
South Sudan	X			X			X
Kosovo, Albania	X						X
Peru, Ecuador, Tanzania		X		X			

equality). This shows that although self-organised actors are predominantly in complementarity with the state, an intersectional perspective unpacks that for women the situation is more ambivalent.

In addition, unintended relationships of mutual support between state and self-organised actors exist, such as in the case of traders in Vietnam, the forest management of communities in Peru, Tanzania, and Ecuador, or even the river commoning in Spain, Thailand, Ecuador, and Mozambique. Regarding Vietnam, Kurfürst argues that the relationship between the traders and the municipality is predominantly convincing due to a shared value system determined by both municipal and informal practices of community care. In this respect, the relationship between the traders and the municipality is not intended but tolerated, because the shared values of leadership lead to mutual recognition and legitimation.

The self-organisations for the community management of the forest in Peru, Tanzania, and Ecuador also act complementary to the state, though this relationship bears a potential conflict. Here, again, the recognition of the state contributes to the legitimation of actors. Regarding the river commoning in Spain, Thailand, Ecuador, and Mozambique, self-organised actors engage and create spaces for a mutual relationship to share, discuss, and disseminate ideas and proposals. However, regarding Mozambique, Hoogesteger et al. observe that self-governance also has a feature of avoidance. To consolidate local communities, actors avoid spaces of interaction with the state. These examples already demonstrate that self-organised actors, even if they act complementary to the state, can certainly carry a dimension of ambivalence, conflict, or avoidance.

In the other case studies, the relationship to the state is highly ambivalent and complementarity does not predominate. However, none of our case studies is

exclusively avoidant or even conflictual in its relation to the state. For instance, the relationship between the state and self-organised actors in Kashmir is ambivalent. The *rasookh* practices conflict with formal regulations and monitoring mechanisms, yet they are not used in a confrontational way, but in agreement with the state. In the end, however, they undermine the state's regulatory framework. This does not increase the legitimacy of the state but rather its acceptance since the hardships and violent measures can be reduced in this interaction. The relationship between social movements and the state is also ambivalent in Venezuela, Argentina, and South Africa. In the cases of Venezuela and Argentina, the author describes the relationship as an ambivalent one because the state successfully co-opts parts of the movements, leading from self-governance to clientelism, while others maintain their autonomy and reject state interference. The case of the housing movement in South Africa is ambivalent too: The movement acts complementarily to the state by offering shelter for those who are in need but also contests the state as it unpacks the limited problem-solving competencies, therewith delegitimising the state. In some cases, the movement's activists also try to avoid the state, while the last shows ambition to control the self-organised first and especially their occupation. The relationship between self-organised actors and the state can thus take on different forms and, as shown by the cases in this thematic issue, these connections are sometimes contradictory and simultaneous. In some cases, a permanent regulation emerges, which consolidates the relationship with the state. For instance, with regards to participatory budgeting in Central Europe or the customary law in South Sudan, Kosovo, or Albania, and also, partly, in Kashmir.

5. Conclusion

A closer look at the relationship between local self-organisation and self-governance and the state reveals a considerable variance. We have structured this complex arena through two types of state—restrained and weak—and three axes of local self-organisation related to local self-governance as well as several forms of interactions (mutually supportive, conflictual, ambivalent, and avoiding). The most important distinction that emerged was the separation between restrained and weak states, which has a strong effect on the respective connections between state actors and local groups. The scope of possible interactions and the related durability varies stronger in the groups of weak states than in the restrained states. Which forms of interaction dominate depends mainly on the contemplativeness or tension of the existing norms of state and local actors. An establishment of certain permanent forms of local governance can be observed when informal rules are relatively stable.

Elements of restrained statehood in which actors—be they citizens, civil society, or community-based forms of self-organisation—act in a complementary and subsidiary manner are evident in the cases of Central Europe, South Africa, Vietnam, Argentina, and Venezuela. Thus, restrained states are constituted independently of regime form and independently of whether the state is considered weak with elements of strong statehood or vice versa. Different local forms of self-organisation and self-governance arrangements can be observed. The case of South Africa, where a quite durable local governance structure has emerged, is interesting although it is often conflictual. As the conflicts are mutually dependent, since they serve to legitimise both sides vis-à-vis their supporters, they can ultimately be balanced out. Tensions also characterise relations in governance arrangements in Kashmir. Here, the major differences at the formal level are overcome through personal trust relationships. In a way, these stabilise the state's structures of violence and at the same time undermine them informally.

Overall, our analysis of the cases shows the possibility of a convincing liaison. In other deviating circumstances, however, we can observe constellations that can be assigned to the modes of conflict and avoidance. This finding highlights the importance of more systematic research on this topic to capture the respective relationships more precisely. We hope that the categories of inquiry we have introduced will help carry out such an ambitious undertaking.

Conflict of Interests

The authors declare no conflict of interests.

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Article

River Commoning and the State: A Cross-Country Analysis of River Defense Collectives

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Abstract

Grassroots initiatives that aim to defend, protect, or restore rivers and riverine environments have proliferated around the world in the last three decades. Some of the most emblematic initiatives are anti-dam and anti-mining movements that have been framed, by and large, as civil society versus the state movements. In this article, we aim to bring nuance to such framings by analyzing broader and diverse river-commoning initiatives and the state–citizens relations that underlie them. To study these relations we build on notions of communality, grassroots scalar politics, rooted water collectives, and water justice movements, which we use to analyze several collective practices, initiatives, and movements that aim to protect rivers in Thailand, Spain, Ecuador, and Mozambique. The analysis of these cases shows the myriad ways in which river collectives engage with different manifestations of the state at multiple scales. As we show, while some collectives strategically remain unnoticed, others actively seek and create diverse spaces of engagement with like-minded citizen initiatives, supportive non-governmental organizations, and state actors. Through these relations, alliances are made and political space is sought to advance river commoning initiatives. This leads to a variety of context-specific multi-scalar state–citizens relations and river commoning processes in water governance arenas.

Keywords

grassroots scalar politics; river commoning; state–citizens relations; water collectives; water justice movements

Issue

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1. Introduction

River systems are fundamental for preserving our planetary health and social well-being. Most rivers are intensively used and abused to meet human freshwater demands, reduce flooding risks, enable navigation, generate hydropower, and dispose of large quantities of sewerage and industrial waste. Many still free-flowing

rivers are imperiled by plans and projects that aim to use the river’s water flows more intensively to meet the demands of specific human populations or, in particular, powerful corporate interests and centralist intervention schemes. These plans affect riverine human and ecological communities, including the river-related lives, livelihoods, cultural and leisure activities of mostly vulnerable groups, such as fishermen, smallholders, and

non-human riverine communities. Therefore rivers often become arenas of contestation, where various governing forces, ranging from top-down state-led development policies and projects to grassroots socio-environmental justice movements coalesce, interact, network and are at odds with one another (Boelens et al., 2016, 2022). In line with the main questions that inspired this thematic issue, we set out to understand riverine local self-governance initiatives and how these relate to state institutions and actors. In doing so we focus specifically on how grassroots actors advance their wished-for rivers through different strategies of engagement with state and non-state actors.

We inform our analysis on the notion of governance understood as the processes that define “how organization, decisions, order, and rule are achieved in heterogeneous and highly differentiated societies” (Bridge & Perreault, 2009; p. 476). This leads us to understand river governance not as the governance of rivers per se, but as the processes of governance through rivers. Such governance processes are shaped by the functions of government and the relations between government, non-governmental, and civil-society actors (Perreault, 2014; Whaley, 2022). These express as a patchwork of closely interlinked socio-ecological systems around which actors and institutions create, sustain, and reproduce practices, relations, institutions, and laws that coalesce as specific modes of ordering. River-territorial diversity and pluralism emerge, in particular, as a response to vertical state-and-market-based, norm-setting, and rule-implementation (Duarte-Abadía & Boelens, 2019; Hidalgo-Bastidas, 2020). To challenge the latter, local actions and strategic alliances of self-governance emerge. These manifest as local subversive practices and grassroots socio-environmental justice movements (Cumbers et al., 2008; Martinez-Alier et al., 2016; Shah et al., 2021; Suhardiman et al., 2017).

Water governance scholars have discussed and analyzed spaces of political engagement and institutional emergence (Cleaver & de Koning, 2015; Whaley, 2022) in the context of resource contestation and social movements, or the lack thereof (Hirsch, 2020; Miller et al., 2019). In the context of riverine socio-environmental sustainability, very different collective responses and instances of self-governance in defense of rivers have been studied and analyzed (Duarte-Abadía et al., 2019; Flaminio, 2021; Hernández-Mora et al., 2015; Suhardiman et al., 2022). We expand on this literature by building on the notions of “communality” (Hoogesteger, Bolding, et al., 2023), “grassroots scalar politics” (Hoogesteger & Verzijl, 2015), “rooted water collectives” (Vos et al., 2020), and “water justice movements” (Boelens et al., 2022). Through these concepts, we explore different ways in which collectives engage in river commoning struggles and strategically relate to different manifestations of the state. We look specifically at how, through individual and collective action, alliances, networks, and emergent institutional arrange-

ments, river and water-centered collectives struggle for river and livelihood-related integrity. We analyze how the relationship between these collectives (citizens) and the state-centered water governance structures, processes, and outcomes are mediated and relate to each other at multiple interrelated scales. We do so by analyzing different river commoning initiatives in Thailand, Spain, Ecuador, and Mozambique.

The case studies are based on ethnographic qualitative research. Different research methods were used and consisted mainly of open and semi-structured interviews with leaders and ex-leaders of the river commoning initiatives, river and water users, policy-makers and state officials, staff from development agencies, and technical staff of non-governmental organizations supporting these initiatives. The interviews were recorded through personal notes and audio when permitted by the interviewees. Field observations were likewise recorded in the researchers’ notes. These were supplemented by participatory observation during the researchers’ fieldwork periods. Aside from these primary sources of information secondary material such as news reports and websites were analyzed. Also, earlier results and publications about these initiatives were reviewed and used in this analysis.

In the next section, we present the theoretical groundwork that informs our analysis. Then we analyze instances of river commoning initiatives in Thailand, Spain, Ecuador, and Mozambique, respectively. Finally, we compare the four cases and pull theoretical insights from their comparison. We pose that the theoretical notions elaborated in this contribution offer insightful openings to study, better understand, and theorize river commoning initiatives and their relations to different manifestations of the state in divergent contexts.

2. River Commoning and the State

2.1. River Commoning Collectives and Their Scalar Dimensions

The collective management, care, and protection of rivers have received relatively little academic attention (Jackson, 2017; Krause, 2022; Wantzen et al., 2016), despite a large number of everyday practices, grassroots initiatives, collectives, and movements that engage in different forms of individual and collective action for the defense of rivers, riverine landscapes, and related livelihoods (Flaminio et al., 2021; Hommes, 2022; Sneddon & Fox, 2008). We conceptualize the latter as river commoning initiatives defined as “collective practices of place and community making, wresting rivers away from influences that enclose, commodify, or pollute” (Boelens et al., 2022, p. 3). These initiatives aim to make the different dimensions of rivers such as their resources, space, biodiversity, quality, and other material and immaterial dimensions a common good for the enjoyment and use of the commons. Following Boelens et al. (2022, p. 8) we define river commons as “networked socio-ecological

arrangements that embrace and mobilize the social and the natural—human and non-human—and practice river stewardship based on their mutual interdependence on shared riverine livelihood interests, knowledge, and values.” We depart from the notion that river commoning initiatives are rooted in local notions of “river.” These grounded notions are based on how the people that engage in these commoning initiatives see, conceptualize, and relate to what they conceive of, and define as, “their river.” These notions are rooted in collective imaginaries (Asara, 2020; Hoogesteger, Konijnenberg, et al., 2023) and related water assemblages (see Reyes-Escate et al., 2022). It refers to the broader worldview or cosmologies in which people’s actions and perceptions are framed, including concepts of commoning, communality, resistance, fairness, and rightful shares amongst others (see also the notion of moral ecological rationality developed by Cleaver, 2000).

To fully appreciate the richness of political reactions “from below” we elaborate on the notion of river commoning and expand it to the analysis of its multi-scalar dimensions. To grasp the relations between local (individual and collective) place, community-making practices and initiatives, and the broader multi-scalar dimensions of several river-commoning struggles, we borrow from the notion of communality as developed by Hoogesteger, Bolding, et al. (2023). This notion, which was originally developed for the analysis of the sustainability of irrigation systems, poses that locally there is a strong interrelation between the commons (the resource users and their institutions for collective action) and the community (which manifests above all as a sense of place-based belonging, identity, and related responsibility). Based on either one or both of these interrelated precepts, people engage in individual, ad-hoc collective, and/or institutionalized actions, and practices aimed at the protection of “their river.” These actions can be very local and invisible in character but can also relate to the development of polity, which the authors define as “the capacity to mobilize resources (and others) to advance their interests vis-à-vis state agencies and other external actors” (Hoogesteger, Bolding, et al., 2023, p. 204). In this context, acts of resistance and commoning are not only about the result of (organized) economic or political action; they (also) are embodied in strategically routinized practices of water use and “compliance” with dominant (state) influences. Such a conceptualization of commoning and agency is particularly important for understanding dynamics in contexts where the state presence in the water governance domain is ephemeral (weak states) such as in many parts of Africa. In these and other contexts, water and river users’ practices need to be understood as deeply ingrained in—and informed by—cultural norms (see Cleaver, 2018).

In other contexts, the growing realization that the defense of “their river” and related livelihoods are embedded in wider regional and national politics, water policies, legal frameworks, and projects has led river-

ine communities and civil society river collectives to engage in networks and create alliances with other communities, urban-rural civil society collectives, multi-stakeholder platforms, governmental institutions, and non-governmental institutions. The engagement with these actors and networks often enables local initiatives to overcome their spatial constraints to the agency by “upscaling their struggles” (Brenner, 1998; Perreault, 2003).

The notion of grassroots scalar politics (Hoogesteger & Verzijl, 2015) is insightful to further explore the scalar dimensions involved in strategies through which local actors pursue and advance their interests vis-à-vis external actors (polity). They do so by engaging with others in differently-scaled networks, alliances, and institutions (McCarthy, 2005; Swyngedouw, 2004). This engagement increases the capacity of collectives to access political, institutional, logistical, and/or other support, as well as access to decision-making spaces and processes (Cambaza et al., 2020; Hoogesteger et al., 2017). According to Hoogesteger and Verzijl (2015, p. 15), this is achieved through: “(a) the consolidation and control of new scaled spaces and place(s); (b) the consolidation of networks with actors at different spatial scales; and (c) the discursive and material bending and appropriation/rejection/contestation of existing scales and their configurations.” With these strategies, river-centered grassroots collectives shift between actors and institutional alliances, seeking those that have the potential to help them advance their demands. To achieve this, river collectives continuously switch from networks and alliances that cannot help them with the demand at hand, to those that can. This is done through a dynamic process of up-scaling and/or down-scaling aimed at finding the necessary political space (Hoogesteger et al., 2017). The latter rests on the recognition that the flows of power and agency in scalar verticality run in both directions, that is, from the local to the global and vice-versa (Leitner & Miller, 2007)—a process that creates opportunities as well as pitfalls and traps for commoning movements (Dupuits, 2019; Dupuits et al., 2020).

Finally, the notion of rooted water collectives (Vos et al., 2020) points out that river commoning initiatives are not necessarily based on those that directly manage or live off and from a river or a related resource. River commoning initiatives can manifest as social movements or loosely related networks with urban, urban-rural, or even transnational roots (Hoogesteger, 2017; Sneddon & Fox, 2008). Their strategies can be very broad and often aim at political advocacy for initiatives that are not specifically tied to a specific river (“their river”) but at broader concerns and demands for river-related socio-environmental justice (Shah et al., 2021; Tanasescu, 2013). A last notion that rooted water collectives bring to the fore is the close relation that a lot of these commoning initiatives have with state actors and the importance of political room to maneuver (civil and press freedoms) in different socio-political contexts.

2.2. State and State–Citizens Relations in River Commoning

States, according to Brenner et al. (2003, p. 11) are “dynamically evolving spatial entities that continually mould and reshape the geographies of the very social relations they aspire to regulate and control.” Here, the state is not only an overarching power structure, politically, and administratively, but also a set of discursive constructs and everyday socio-political relationships, beyond its apparatus (Trouillot, 2001). Rather than positioning state power as something absolute and monolithic, we view it as constantly co-produced and open for contestation at different scales. Linking this with relational approaches to space (Harvey, 1996; Massey, 1998), we position state–citizens relations in a central position in our endeavor to better understand river commoning initiatives and the inter-scalar power dynamics that (re)shape various forms of resistance including within state spaces (Kenney-Lazar, 2020). We look at the state’s multi-dimensionality across the temporal and spatial scales.

Most states are organized through spatially distinct hierarchical scales such as municipalities, provinces, states, and the national government. This multi-scalar institutionalism exercises agency through its temporal stability in practices, hierarchical power structures, and legal frameworks (Swyngedouw & Heynen, 2003). These scalar fixes shape hierarchies that bind social, economic, political, and environmental practices and relations. Though this multi-scalar apparatus is often organized legally and institutionally, this does not mean that it functions as a monolithic and coherent whole. Often different interests and political projects are advanced or contested within the state apparatus. This creates conflicts and negotiations between different ministries at one scale and/or between the different scales of the governmental institutions. As a result actors from within the state as well as from the outside engage in bringing about or resisting transformations by re-creating, challenging, transforming, or sustaining and controlling specific forms of scalar fixity (Hoogesteger et al., 2017; Swyngedouw, 2007) aimed at crafting and reconfiguring riverine hydrosocial territories (Boelens et al., 2016; Hommes et al., 2022; Hoogesteger et al., 2016).

The multiplicity of interests that live within state institutions at different scales offers (formal and informal) openings for grassroots initiatives to create spaces of engagement with and/or within the state. This is especially so when grassroots interests align with those of bureaucrats or politicians at a specific scale or around a specific topic (Hoogesteger & Verzijl, 2015). In these cases (temporal) alliances are forged around a shared concern. Vos et al. (2020, p. 4) pose that these are enhanced or severely curtailed depending on “the strength and involvement of the state bureaucracy” and “the strength of civil society and room for maneuver, including civil rights and press freedom.”

Therefore, rather than focusing on the spectrum of strong and weak states, we argue that the shaping of political spaces of engagement occurs in conjunction with the different manifestations of state–citizens relations, and how these are in turn (re)shaped by various actors’ and institutions’ strategies. Therefore we argue that political rights, authority, and how local communities view these concerning their idea of citizenship, also play an important role in (re)shaping state–citizens relations. This includes not only how local communities view state power but also how the state presents its power position vis-à-vis the wider public and/or within a particular governance context. Our concern is above all to understand how river commoning initiatives engage with the state or part of the state through context-specific strategies, coalitions, and networks as is further explored in the next section through the four case studies.

3. River Commoning Practices and Struggles

3.1. The Establishment of the Mekong People Forum in Thailand

The Pak Beng hydropower dam is to be constructed in Pak Beng district, Oudomxay province in Laos, though its impacts would be felt by local communities living along the river in both Laos and Thailand. As one of the 12 planned hydropower dams on the mainstream of the Mekong River, the Pak Beng dam project has undergone regional consultation processes, as stipulated in the Procedure for Notification Prior Consultation and Agreement (PNPCA) led by the Mekong River Commission (MRC; Mekong River Commission for Sustainable Development, 2017; Suhardiman & Geheb, 2022). This consultation does not oblige the company to compensate villagers’ livelihood impacts from the dam, especially when these villages are not identified as potentially impacted areas in the Resettlement Action Plan prepared by the company. In Thailand, the developers and Thai government overlooked many villages that will be impacted by the project. In response, these communities have engaged in regional and national consultation processes surrounding the dam construction. The PNPCA for Pak Beng started in December 2016 and was followed by a series of meetings, including a regional consultation meeting conducted in February 2017, and a visit to the field site in April 2017.

Local communities in Thailand responded strongly through various institutional pathways and procedures (formal and informal) to negotiate their access to decision-making processes surrounding the Pak Beng Dam. Local communities’ strategy to exercise pressure is closely anchored in their close relationships and thus strategic alliances with civil society organizations (CSOs) networks, international NGOs, and Thai academics. Such alliances have increased local communities’ bargaining power by engaging in and using local, national, and transboundary decision-making processes and venues.

In these spaces, local communities reconfigured rules, practices, norms, and relationships introduced by the company in its transboundary environmental impact assessment report and the way the consultation was conducted. This reconfiguration is most apparent in the way local communities brought national policy-makers in Thailand and the MRC into the negotiation processes, shifting decision-making power from the company to these national and inter-governmental decision-making bodies. In doing so they have flattened the existing power asymmetry between local communities and the company, while also creating new spaces for negotiation through more open policy dialogues and additional consultation meetings. At the same time, CSO leaders have established informal relations with state officials that sympathize with the social cause the CSO is focusing on (e.g., to create an equal playing field in hydropower decision-making and convey the voice of the poorest and most marginalized). These state officials often inform the CSO leaders about important steps in hydropower decision-making (e.g., when the company would conduct public consultations). This way, the CSO leaders could use the information to inform their grassroots and plan mobilizations and street protests accordingly. This informal relation occurs as a response to Thai centralized development planning in which the central government decides on every step of hydropower decision-making. This leaves state officials, especially those at the (sub)district level, without negotiation power or even the ability to officially convey any feedback to the plans. In response, they navigate this situation through informal alliances with CSO leaders.

However, consultation meetings in Thailand did not satisfy CSO networks and local communities. Similarly, the review that showed major shortcomings in the transboundary environmental impact assessment report did not result in any follow-up assessment. To address this issue, local communities together with CSO networks, international NGOs, and Thai academics came up with the idea to establish the Mekong People's Forum which could serve as an alternative discussion platform in transboundary water governance and in particular related to hydropower decision-making processes. On 1–2 December 2020, the Mekong People's Forum was launched with its first event attended by more than 100 participants from various backgrounds (the media, international development agencies, local communities, and the CSO network). Key ideas that were discussed included (a) the need to set up the forum as an alternative platform for local communities to better negotiate with states, inter-governmental organizations, and key donors influencing development pathways through large-scale infrastructure projects in the Mekong and (b) the need to strengthen and empower the local communities ability to protect the river and bring to light their role in knowledge production processes surrounding river ecosystems in general and social and environmental impact assessments in particular.

The establishment of the Mekong People's Forum illustrates that river commoning initiatives have responded to the existing power asymmetry in hydropower decision-making and applied an inter-scalar approach as part of their strategies to pressure the company and the state. Villagers view the Forum not only as an alternative platform to push for more open and meaningful discussions surrounding hydropower planning but also as new ways to access information and share this information more openly.

3.2. The Nueva Cultura del Agua Movement in Spain

Spain's rivers have been intensively modified by human intervention. Today, almost 30,000 hydraulic infrastructures dam, divert, channel, or otherwise alter Spanish rivers (Belletti et al., 2020). Starting in the 1990s, new voices and discourses emerged around the contentious National Hydrological Plan which proposed building over 100 new dams and transferring water from surplus basins to deficit ones, especially along the Mediterranean coast (mostly in Northern Spain). Regional governments and political parties actively promoted a discourse of water as part of regional identity and territorial rights (Hernández-Mora et al., 2015). For their part, academics, environmentalists, and rural populations affected by the construction of the proposed infrastructure organized in the Coordination of People Affected by Large Reservoirs and Transfers (COAGRET). COAGRET, as part of a much broader coalition of citizen-led initiatives, questioned Spain's unsustainable hydraulic policy and related river de-commoning processes, leading to massive mobilizations against the National Hydrological Plan and growing into a national water justice movement known as the New Water Culture movement (Parés, 2010). Led since 2002 by the Fundación Nueva Cultura del Agua, this movement shared an understanding of water as a common patrimony and proposed an alternative paradigm based on ecological and democratic water management sensitized with identity and culture, affective values, commitment to intergenerational development, and social equity (Martínez-Gil, 1997).

The new water culture paradigm shift spread across scales (locally, regionally, and nationally), advocating that water decisions should no longer be just in the hands of technocratic expertise but rather recognize and incorporate plural values and interests, demanding participatory debates to build a more democratic water culture rooted in riverine commons. The interconnected coalition of scholars, activists, and practitioners, that make up the New Water Culture movement (Bukowski, 2007), have evolved in response to changes in the institutional context, scales of action, emerging discourses, and arenas of contestation (Hernández-Mora et al., 2015). For instance, the approval of the Water Framework Directive in 2000, with its focus on the river basin as the scale for river basin management, resulted in the articulation

of basin-wide water justice networks that were able to forge alliances with other local river commoning struggles within and across the basins—for instance, the Tagus Network for a New Water Culture, the Jucar Network for a New Water Culture, and the regional Andalusia Network for a New Water Culture (Hernández-Mora et al., 2015).

These networks express and claim political rights, pluralistic authority, and new forms of river-based citizenship while building site-specific strategic alliances to force the state and private sector actors into fundamentally new directions. They rely on a variety of tools—social mobilizations, legal actions, technical reports, scientific publications, and visualization tools—to advance their alternative views, their understanding of water and rivers as commons, and reach and influence different decision-making arenas (local, national, or the European Union; see Del Moral et al., 2020). The New Water Culture movement has also forged alliances with other water-related commoning struggles such as the anti-privatization movement and the defense of the human right to water (García & Del Moral, 2020).

An illustrative example of multi-actor river defense is that of the Río Grande coalition, in Málaga, Andalucía. Through collective action, an interlacing of customary and scientific epistemologies, and multi-scalar integration, the Río Grande coalition was able to shape political spaces of engagement and new state–citizens relations (Duarte-Abadía et al., 2019). At the national level, the Río Grande coalition supported the demonstrations against the water transfer from the Ebro River to the Mediterranean. Fundación Nueva Cultura del Agua connected them to important networks of scholars, activists, and key state employees. Together, they conducted counter-studies and showed how scientific knowledge and rural experiences can be mobilized to co-produce new alternatives to keep the rivers alive and free of dams. The Río Grande coalition also offered concrete hydrosocial alternative plans for Málaga while not affecting the river (Duarte-Abadía et al., 2019). The water administration momentarily approved the movement’s alternatives, but river-damming threats linger on.

3.3. Contesting the Baba Dam and Broader River Commoning Initiatives in Ecuador

Since the 1960s, the Ecuadorian state has enthusiastically adopted the hydraulic mission to address pressing issues such as poverty, energy supply, flood control, and navigability, among others (Hidalgo-Bastidas, 2020; Warner et al., 2017). The initial designs for the Baba dam, as proposed by the Ecuadorian state, had a capacity of 2,000 hm³ and a dam height of 55 m. It would flood nearly 4,000 ha. Although construction was about to start in 2005, none of the local communities that would be affected by the project were informed or consulted. As a local community leader recalls: “They came to do studies. We authorized them...but they wanted some-

thing else....They were not clear about the project. They fooled us!” (Interview, 13 October 2015).

In 2005, the state started with the first on-the-ground preparation for the construction of the dam, including the expropriation of land of nearly 240 peasant families. Given that the formal channels of communication with state institutions did not take into account local voices, dam-affected communities created the Committee for the NO Construction of the Baba dam through which they sought to develop political agency to defend their riverine livelihoods. This movement included 31 local communities and engaged local politicians, critical academics, national and international NGOs, and inter-American human rights bodies. Through these alliances and based on the leadership of popular intellectuals (Hidalgo-Bastidas & Boelens, 2019), the Committee upscaled and diversified its struggles and strategies, including several-day blockades of the country’s main highway, protests in the country’s capital, as well as dialogue rounds with state representatives and construction companies. After steadfast pressure from the Committee and in the context of a left-wing new government that proclaimed itself as the citizens’ revolution (Hidalgo-Bastidas, 2020), the Ecuadorian state decided to re-design the Baba dam project to accommodate some of the concerns of local communities. As a national newspaper announced on its front page:

Baba dam changes its design. The number of hectares expropriated decreases from 4,420 ha to 1,012 hectares with the new project. The social and environmental impact on the area is reduced....Overall, the eviction of people from the affected area will be reduced by 90%. (“Presa Baba,” 2005)

The dam re-design went hand in hand with a different communication strategy with local communities. This time, local communities were politically participating in the process through hybrid institutional spaces, where local communities’ socio-environmental claims and state developmental goals were negotiated (Hidalgo-Bastidas & Boelens, 2019).

Another river commoning case is the Ecuadorian National Water Forum (NWF). It is a citizen-led initiative that was set up in 2000 by engaged academics and NGOs. It now gathers grassroots and indigenous organizations, local NGOs, critical scholars, and other social organizations nationwide. It aims to develop political agency at multiple scales through the creation of networks and coalitions that empower local communities to defend their waters and rivers. The coalition permanently carries out critical research and organizes provincial citizen forums and a biannual national event that gathers nearly 1,000 attendants. Politicians, state representatives, and officials are invited to actively participate. Depending on the socio-political context, the NWF leads important negotiations with the Ecuadorian state about river commoning initiatives. In 2008, during a

government with a left-wing and progressive discourse, NWF managed to include some grassroots demands in the newly drafted constitution such as water as a human right, state-community water management, the prohibition of water privatization, the recognition of rights of nature, and water redistribution (see Hoogesteger, 2017). However, after the initial opening for citizen participation, the state severely curtailed and repressed citizen initiatives since the 2010s (Boelens et al., 2015). This intensified environmental struggles which led to repeated confrontations between NWF, the Ecuadorian Indigenous Movement, and other organized civil society movements vis-à-vis the state (Hoogesteger, 2016; Mills-Novoa et al., 2022; Velásquez, 2022).

3.4. Integrated Water Resources Management Implementation and Local Everyday River Use Practices in Mozambique

In Mozambique large numbers of smallholder farmers divert river water for irrigated agriculture, creating socio-hydrological networks that de facto govern and shape (mostly the upper reaches of) river systems. This is done by building on customary water governance principles that conflict with the rules and regulations of the state (de jure). There are very large areas of river-based irrigation developed by smallholder farmers. These often interconnected irrigation networks have come to shape existing river socio-natures, which local communities understand as “their river,” and have gone largely unnoticed by government and non-government agencies alike (Beekman et al., 2014; Veldwisch et al., 2019; Woodhouse et al., 2017). The practices through which these systems are created, sustained, and transformed in both their social as well as infrastructural, and natural dimensions are guided by local cultural norms of commoning which are by and large upheld by tribal authorities.

In Mozambique, the existing state’s framework for water management is founded on the 1991 Water Act and the National Water Policy adopted in 1995 (Veldwisch et al., 2013). These are largely guided by the international policy ideas of IWRM that were reworked into laws, policies, and institutional structures (Alba & Bolding, 2016). Decentralization and participation, on the one hand, and formalization of water rights and its connection to fee collection, on the other hand, were two of the central guiding principles. However, the way that these get shaped on the ground reflects a previously existing culture of “centralized and authoritarian forms of governance” (Alba & Bolding, 2016, p. 562).

Though on paper the state has come to play a central role in water governance, the actual implementation is very poor, therefore, the policies that exist on paper hardly become reality. For instance, the water law stipulates that even small users require a water license as soon as they use technology to divert water, even if these are manually operated pumps or tempo-

rary diversion weirs (Veldwisch et al., 2013). However, the limited financial resources and institutional capacity of the established Regional Water Administrations make it near impossible to enforce these strict water rights requirements and diversion restrictions (Alba et al., 2016). In practice, in the operationalization of the water rules and regulations at the local level, smallholders are often considered under common use, which is a category that is exempted from licensing and officially protected by law. However, this kind of use does not formally qualify as common use and is likely also not to benefit from legal protection while they do suffer the risk of being overlooked by not being made visible (van der Zaag et al., 2010). The failed experiments by the Regional Water Administrations aiming to make group representatives responsible for registration and fee collection (Alba & Bolding, 2016) demonstrate that more than a deliberate choice to not license and charge smallholders, it is an acceptance of institutional and operational limitations. In practice, the policies of the government hardly are a threat to farmers.

By continuing to build and maintain river diversion infrastructure without seeking licenses or permission, farmers expand and strengthen their practices despite, and alongside, the state’s water rights and institutional frameworks. The state, at least at its lowest scale, is very aware that it cannot uphold the formal norms, as it does not have the means to enforce and implicitly accepts the successful continuation of commoning practices. The state is weak in materializing at the local level the norms and values that are upheld in national-level rules, regulations, and institutional frameworks. Local water administrations and their “street-level bureaucrats...face the local physical, economic, and political difficulties,” becoming key policy actors in operationalizing the national guidelines into realistic procedures (Alba & Bolding, 2016, p. 583). Rather than a strategy of resistance, this broad “movement” of “disobedient citizens” may be understood as a river commoning strategy that builds on practices of accommodation on basis of pragmatism, connectedness, and moral ecological rationality (Clever, 2018).

4. Navigating the State to Create Spaces of Engagement for River Commoning

Echoing Bourdieu’s (1989, p. 16) “field of power,” the previous case studies illustrate how processes of river commoning are shaped and reshaped by power geometries embedded in the state–citizens relations at multiple scales. The analyzed cases bring important findings concerning river commoning initiatives and how these deal with issues of self-governance, the commons, scale, and related state–citizen engagement as discussed below.

Firstly, it highlights the importance of networking and multiscale alliance building between and among grassroots initiatives and other state and non-state actors for the development of political agency in different

spaces of engagement. Except for the case of smallholders in Mozambique, all other analyzed cases show that the key to the advancement of river commoning initiatives vis-à-vis the state is networking and the creation of alliances at different scales. Through such networks and alliances information is exchanged, relations are established, and political and institutional openings (i.e., spaces of engagement with the state that are supportive of river commoning initiatives) are forged at and across different scales.

Secondly, it highlights that in many cases engagement in subversive public collective actions such as rallies, street protests, mobilizations, and road blockades forms a successful strategy to develop polity by amassing public and political attention. It allows forcing openings for dialogue with the state, albeit in contexts of a democratic state. This is especially so when it concerns specific rooted cases in which there is a clear common base such as the Baba dam in Ecuador, the Río Grande Coalition in Spain, and the Pak Beng hydropower dam in the Mekong River. Here local communities expanded and reconfigured their political spaces for engagement with the state by aligning with other actors and institutions outside the realm of the formal state. In so doing linking local with national and transnational environmental and social justice movements.

Thirdly, it shows the importance of grassroots scalar politics through which river commoning initiatives can both up-scale as well as down-scale their struggles. This up-and-down scaling is essential for the creation of networks and alliances as well as for linking causes, initiatives, and efforts. Through scalar politics, political space is sought and sometimes found at different levels of the state institutional framework. In this context, the creation of grassroots-based institutionalized spaces, such as the Mekong People Forum, the Fundación Nueva Cultura del Agua in Spain, and the Ecuadorian National Water Forum, has a pivotal role in the advancement of river commoning initiatives through the creation of spaces of engagement. Through these, multi-scalar constituencies are brought together to share, discuss, co-create, and disseminate ideas, proposals, alliances, and networks for river commoning. At the same time, these spaces can develop considerable political agency vis-à-vis the different levels of state institutions. They play a key role in spreading alternative grassroots discourses, ideas, and proposals, influencing public opinion as well as key actors in and outside of the state apparatus.

Finally, the case of smallholders in Mozambique shows that in other cases and contexts river commoning takes place by consolidating community and the commons locally and by avoiding spaces of engagement with the state. By strategically keeping the state out, the necessary space for self-governance of “their river” is created, protected, and sustained. This strategy rests on a strong culturally defined level of self-governance and autonomy in contexts in which external threats such

as mining, damming, enclosure, river pollution, or river diverting initiatives do not threaten the existence of these river commoning practices (Boelens, 2015; see also Mills-Novoa et al., 2022).

This reminds us of the importance of not falling into the unintentionally perpetuated domination/injustice versus resistance/justice binary in the literature on river commoning and water injustice dynamics (Clever, 2018). The presented cases give evidence of the wide array of often eclectic, dynamic, and scale-specific state-citizen relations that can arise in and around river commoning initiatives. The recognition of this diversity in state-citizen relations around river commoning initiatives forms an important conceptual grounding to advance our understanding and scholarship on this field and its entanglements with different manifestations of the state. The latter can not be taken for granted but need to be carefully analyzed in their context and multi-scalar dimensions. As such, we close this contribution with an open invitation to further explore and deepen the analysis of the rich field of river-commoning initiatives that seek to advance socio-environmental justice and more inclusive forms of governance around the world. A process in which the relation with the state often plays an important role.

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Conflict of Interests

The authors declare no conflict of interests.

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Article

Civil Society Versus Local Self-Governments and Central Government in V4 Countries: The Case of Co-Creation

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Abstract

In the new EU member states, there are very few studies analyzing the role of central and local self-governments in co-design processes. Nevertheless, such studies are particularly important as co-creation takes place in the context of former post-communist countries where central power reigned supreme and cooperation with the civil sector was very limited. This article aims to enrich the existing debate on the role of central and local self-government in the context of co-creation at the local level—specifically to map the extent to which local and central governments in the Visegrad Four region (Czech Republic, Hungary, Poland, and Slovakia) support local participatory budgeting initiatives as one of the most important forms of co-creation. The findings are very interesting, as each country has its situation and specificities. The (positive but also negative) role of the central state is limited but not invisible, except in the Czech Republic. The relations between civil society (and formal NGOs) and local self-governments are somewhat more similar within the countries studied. At the beginning of participatory budgeting, the civil sector and NGOs served as initiators and local self-governments as followers. However, this position has been steadily shifting towards the dominance of local self-governments and the marginalization of the civil society's role.

Keywords

co-creation; local level; participatory budgeting; V4 countries

Issue

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1. Introduction

Most experts argue that innovative solutions in public service delivery designed to enhance public values such as effectiveness, efficiency, and legitimacy can be found mainly through multi-stakeholder collaboration (Osborne, 2018). One of the central elements of such a solution is the active participation of non-profit organizations or civil society in creating social outcomes that matter. Co-creation represents one critical form of such collaboration.

During co-creation, multiple actors participate in interdependent relationships (e.g., Bovaird, 2007; Lelieveldt et al., 2009). In this process, the possible limited interest of local and central governments in co-creation may represent a critical barrier to developing any kind of co-creation. Such a barrier is particularly visible in countries with a strong central government role (Baptista et al., 2020).

There are very few studies analyzing the role of central and local self-government (LSG) in co-creation processes in the new EU member states (e.g., Nemec et al.,

2019; Svidroňová et al., 2019; Vrbek & Kuiper, 2022). Such studies are of critical importance, as co-creation takes place in the context of former post-communist countries where central power reigned supreme and cooperation with the civil sector was very limited (Breslauer, 2021).

Existing studies have demonstrated past dependence on policies concerning the relationship between the state and the non-profit sector (see, for example, Osborne, 2008; Plaček et al., 2021, 2022). Another problem is the weak capacity of central (and local) government to coordinate co-creation processes between LSGs and the civil sector. The level of indicators measuring the relevant government capacities such as co-ordination capacity—see, for example, the World Bank’s governance quality indicators (Kaufmann & Kraay, 2022) or the University of Gothenburg studies (<https://www.sgi-network.org>)—suggests a very limited capacity of the new EU member states from this point of view.

As a result, in the new EU member states from Central and Eastern Europe, it is not LSG but the civil sector that initiates activities that cover many areas of life that technically should be covered by the public sector (e.g., public spaces and abandoned properties, social housing, health, education, or even employment):

Civil society is therefore made up of citizens who voluntarily participate in the governance of things public. They can do so in many ways, one of which is through involvement in non-profit organisations. Citizen involvement in non-profit organisations is collectively and formally organised. (Fryč, 2020, p. 1)

Existing analyses suggest that such imbalances result from limited accountability and responsibility of local and central governments (Veselý, 2013).

Our article aims to enrich the existing debate on the role of central and LSG in the context of co-creation at the local level (catalyzing or reducing the scope of co-creation). Specifically, to map the extent to which local and central governments support local participatory budgeting (PB) initiatives as one of the most important forms of co-creation. For example, PB in Central Europe promotes citizen involvement in local budget decision-making and encourages extensive co-production in implementing planned expenditures (see, for example, de Vries et al., 2022). The main research questions are as follows:

RQ1: What are the relationships of civil society involved in PB to LSG and the central government in the selected countries?

RQ2: Are these relationships mutually supportive, complementary or in conflict?

RQ3: Are the selected countries heterogeneous or homogeneous on these issues?

According to Baptista et al. (2020), most current studies focus on the positives of co-creation, but fewer studies focus on the barriers:

As structural barriers to public sector co-creation, we consider the macro aspects of the external environment that limit the predisposition of the actors to engage in co-creation. These include government and local authority policies, the political environment, government priorities, capacity and administrative tradition. (Baptista et al., 2020, p. 232)

Baptista et al. (2020) cite Germany and France as examples of countries with an administrative tradition of a strong role for central government, which has not yet been accustomed to engaging citizens in the co-creation process.

All four countries from the Visegrad region of Central Europe (Czech Republic, Hungary, Poland, and Slovakia), hereafter V4, were selected as case studies. The core of our research is qualitative research based on discussion during focus groups organized in all the selected countries.

2. Co-Creation/Co-Production via PB

Many approaches have emerged as ways of organizing the production and delivery of public services (e.g., a mix of public, private, and civil sectors, partnerships, and co-production/co-creation; Baptista et al., 2020). Co-production/co-creation occurs when citizens actively participate in providing and designing the services they receive (Brandsen et al., 2018). Many authors try to distinguish between co-production and co-creation. Brandsen and Honingh (2018) suggest that there are three ways to understand the relationship between co-creation and co-production:

1. Co-creation and co-production mean roughly the same and apply to any kind of citizen contribution to public services.
2. Co-creation is a more encompassing term that applies to all kinds of citizen inputs into services, whereas co-production has a more specific meaning.
3. Co-creation and co-production have distinct meanings, referring to different kinds of citizen input (Brandsen & Honingh, 2018, p. 10).

They also point out that, in practice, these terms are often used interchangeably in different ways.

Voorberg et al. (2015) defines more specific meanings. In their view, co-creation is associated with the following forms: (a) citizens as co-initiators, (b) citizens as co-designers, and (c) citizens as co-implementers. They reserve the term co-creation for the involvement of citizens at the level of co-initiator or co-design. They consider co-production as the involvement of citizens in

the joint implementation of public services. The same group of authors defines co-creation as “the involvement of citizens in initiating and/or designing public services to develop beneficial outcomes” (Voorberg et al., 2015, p. 1347).

Co-creation is studied in hundreds or maybe thousands of academic articles worldwide. It is comprehensively covered by EU-funded research projects such as LIPSE (Learning from Innovation in Public Sector Environments) from a few years ago or, more recently, Co-Val (Understanding value co-creation in public services for transforming European public administrations). In particular, the LIPSE project has provided comprehensive research on the drivers and barriers to co-creation. Voorberg et al. (2015) analyze the following determinants: (a) the extent to which the administrative culture is risk-averse, (b) the attitude of public officials, (c) the extent to which there are clear incentives for co-creation, and (d) the extent to which the public organization is compatible with the co-creation project.

According to their findings, the following organizational factors play a critical role: (a) the degree of risk aversion among the administration (a barrier is increasing risk aversion), (b) attitudes towards citizen engagement, and (c) political attention (in both cases, these factors can be a driver or a barrier).

PB is one of the most widespread and popular forms of democratic innovation (Klimovský et al., 2021). It started in Porto Alegre in 1989 and has travelled worldwide, including Europe. There is no universal definition of PB as it is intertwined with discourses on participatory democracy/governance, deliberative democracy, public-sector modernisation, and public-management reform. According to Sintomer et al. (2008, p. 168), PB is a process that enables the participation of non-elected citizens in the design and/or allocation of public funds. They identify five criteria for PR to happen: (a) the financial and/or budgetary dimension must be discussed (PB involves addressing the problem of limited resources); (b) the city or (decentralised) district level must be involved, with an elected body and some authority over governance (neighbourhood level is not sufficient); (c) it must be an iterative process (one meeting or one referendum on financial issues is not enough to constitute an example of PB); (d) the process must involve some form of public discussion in specific meetings/forums (opening administrative meetings or traditional representative cases to “normal” citizens is not PB); and (e) some accountability for the output is required.

In a review of the systemic PB literature, Bartocci et al. (2022) analysed a dataset of more than 139 articles published in different journals between 1989–2019 describing the journey of PB ideas across the public sector. The authors argue that the first stage of the journey is PB as a process of generating a new and useful idea (Bartocci et al., 2022, p. 4). In this phase, the key determinants are the external environment, which includes: the structure and form of government, political dynamics

and culture, legal requirements, and the size and diversity of the population. The next phase of the ideation journey is public budgeting as a process of systematically assessing the potential of a new idea and further clarifying and developing it. Key components are timing, type of budget allocation, participants, and gathering honest preferences (Bartocci et al., 2022). The next phase of public budgeting as an ideation journey is the turnaround into something tangible—finished products or services (Bartocci et al., 2022, p. 4). In this sense, public meetings, focus groups, simulations, committees, and surveys are key components. The final phase of public budgeting as an ideation journey is when the innovation is accepted, acknowledged, and used in the field (Bartocci et al., 2022, p. 4). We should focus on how and to what extent the idea is accepted, its external and internal impacts, whether the idea meets organisational and social expectations, and whether it can be generalised (Bartocci et al., 2022).

The main lesson learned regarding the impact of internal and external factors is that PB is associated with decentralisation, fiscal autonomy, and devolved financial management. In contrast, centralisation, non-democratic powers, and the existence of political elites and technocrats hinder the implementation of PB. Another important fact is that civil society plays a very positive role in implementation; on the contrary, a weak civil society leads to poor results due to the prevalence of governing bodies and technocrats. Stimulation through legal requirements seems to be important for a certain institutional context (see, for example, Bartocci et al., 2022).

2.1. PB in the New Member States From Central Europe

There are several studies dealing with the development of PB in the new EU member states from Central and Eastern Europe (for example, Džinič et al., 2016; Kukučková & Bakoš, 2019). One of the most recent and comprehensive sources is de Vries et al. (2022). According to its findings, PB arrived in the region relatively late, i.e., less than 15 years ago. The most common PB model is the “Porto Alegre for Europe”—a PB-based project where citizens propose projects and vote on which of those proposed will be funded and implemented. The share of money involved in the total municipal budget is relatively low. Huge differences are visible in the organisational environment and the concrete design of PB processes in the Central and Eastern region. While there are common features, the practice is also full of variations—from the level of the legal environment to the details of implementation. These include the amount of money available for PB, the way of voting on the proposed projects, the extent of participation, and the inclusion of different (also marginalised) societal groups. Table 1 summarises selected information on PB in the selected countries.

Table 1. PB in the V4 countries: Summary of findings.

Country and starting year	PB based in law?	Diffusion in municipalities	Main source of funding	Proposals subjected to deliberation with residents?	Who finally decides on proposals? (citizens/council)
Czech Republic: 2014	No	Less than 1% of municipalities used it.	Municipal (0.02–1.94% of the total budget)	Yes, usually.	Co-decision (local council decides the total budget and citizens vote)
Hungary: 2017	No	Less than 0.5% of municipalities used.	Municipal (from 0.25–1.5% of the total budget)	Yes, usually.	Co-decision
Poland: 2011	Yes, partly, for cities with county status.	About 13% of municipalities used it.	Municipal funds (from 0.2–1.5% of the total budget)	Yes, usually.	Co-decision
Slovakia: 2011	No	Less than 2% of municipalities used it.	Municipal (from 0.05–0.39% of the total budget)	Yes, usually.	Co-decision

Source: Adapted from de Vries et al. (2022).

3. Methodology

For our analysis, we have selected the V4 countries: the Czech Republic, Hungary, Poland, and Slovakia. Politically, although these countries belong to the EU, there is a tendency toward less democratic leadership at the national level. All four countries are special due to the huge number of municipalities. There are almost 2,500 in Poland, over 6,000 in the Czech Republic, slightly less than 3,000 in Slovakia, and over 3,000 in Hungary. Thus, the size of LSGs in these countries is mostly very limited, but their powers are quite extensive and, except for Hungary, the conditions in the work of LSG are close to the standards defined by the European Charter of LSG (see, for example, Plaček et al., 2020).

The V4 countries are formally (according to the classifications of international organisations) “developed” countries. However, as suggested above, in reality, they should belong to the group of countries with (relatively) “weak statehood.” The quality of governance indicators collected by various international organisations and think tanks document a relatively very low state performance in all four countries (World Bank, 2022). Table 2 summarises the main indicators of decentralisation and governance for the countries studied.

It is clear from the previous table that the V4 countries are very heterogeneous, both in terms of administrative structure and in terms of World Bank performance indicators.

The main reason for our choice is the fact that the V4 countries represent one semi-homogeneous region, but differ significantly in the organisational aspects of PB implementation (as seen in Table 1).

Our study is exploratory in nature, so it is appropriate to choose a qualitative case study method, which is “appropriate in studies that aim to understand the complexity of a phenomenon in its context, as it allows for multiple aspects to be considered in the analysis” (Grossi & Thomasson, 2015, p. 7). We have prepared a case study for each country. This would help us to understand how specific circumstances influence the factors under study.

The main source of information for our case studies is the reports from the focus groups conducted in all four selected countries organised by the authors of this article. In each country we organised a focus group separately. In the first step of preparing the focus groups, we conducted desk research (results of LIPSE project, scientific literature and the like) for each country to map PB practices. We then prepared a list of questions for the focus groups. The questions are related to the main research questions of our study. We also prepared guidelines for selecting respondents for each country to recruit at least four participants for each focus group. The expected profile of participants was active LSG politicians, bureaucrats, academics, members of the non-profit sector, or central government officials. A research team member from the country in question was always responsible for conducting and moderating the focus group. The goals of our research study and a set of questions were explained to all the participants one week before the focus groups. Focus groups were conducted in September 2022 through the Zoom platform. The entire meeting was recorded with the agreement of the participants. Respondents were coded, and a transcript was prepared. The entire research team always evaluated the transcripts to eliminate the subjective

Table 2. Main decentralisation and governance indicators for investigated countries.

Indicator	Czech Republic	Slovakia	Poland	Hungary
Administrative structure	Central government regions (14); municipalities (6253)	Central government regions (8); districts (79); cities (138), municipalities (2883)	Central government regions (16); districts (380); municipalities (2477)	Central government counties (19); districts (168); municipalities (3152)
LSG revenue (% of GDP)	13.4	7.9	14.9	6.3
LSG expenditure (% of GDP)	12.8	7.1	14.2	6.1
Voice and accountability (% rank)	81.16	76.81	63.77	58.94
Political stability and absence of violence (% rank)	83.02	63.68	61.32	75.94
Government effectiveness (% rank)	82.21	69.23	63.46	71.63
Regulatory quality (% rank)	87.50	77.88	75.96	68.75
Rule of Law (% rank)	84.13	74.52	65.38	69.71
Control of corruption (% rank)	72.60	62.02	70.19	56.25

Source: Compiled from Eurostat (2022) and World Bank (2022).

bias of the researcher from the given country. Table 3 presents the structure of each particular focus group.

We must state that recruiting the focus group participants in Poland and Hungary faced difficulties, as potential participants perceived the topics as politically sensitive.

Our research strategy is described in Figure 1.

4. Results

4.1. Case Studies

In this section, we present the case studies for the Czech Republic, Slovakia, Poland, and Hungary. All information (not specifically quoted) was obtained by the focus groups.

4.1.1. Case Study 1: Czech Republic

The main wave of PB implementation took place from 2014–2019. Currently, PB is not being rolled out but is being maintained. The number of proposals is also decreasing. Some projects seem to have dried up, possibly due to the Covid-19 pandemic. Some regions have started to give resources to small municipalities to implement PBs.

The impact of PB on society was considered minimal: For example, only small projects were implemented, PBs are being used by very small active citizen groups, and we do not observe a direct impact on democracy. On the other hand, PBs are the first step towards people finding out that they can be more involved in public affairs. PB can involve communities that were

Table 3. Structure of particular focus groups.

Participants/Country	Czech Republic	Hungary	Poland	Slovakia
Civil Society	1	1	4	3
Local Government	1	1	5	1
Central Government	1	NA	0	1
Coordinator PB at the local level	1	NA	0	1
Academia expert	2	1	1	3

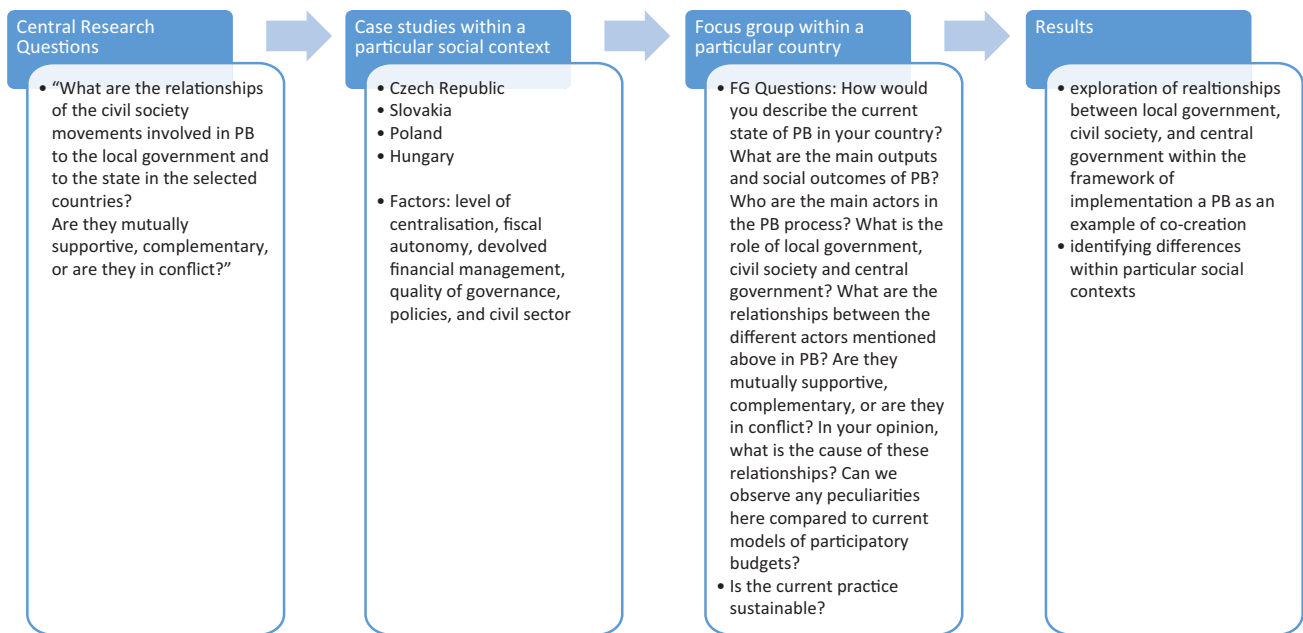


Figure 1. Research strategy.

not involved before (for example, skateboarders and senior citizens).

In terms of the role of the central government and other actors, some FG participants mentioned that:

PB is an isolated process where the actors are only the city and the citizens.

There is no legislation, no methodology from the central government on how to implement PB. Each city does it in its own way. Exceptionally, part of the expenses is covered by some regions or the capital city.

Other actors mentioned by FG participants are officials and experts, whose importance is crucial for the implementation and execution process. Another actor is the civil society and NGOs, which promote different ways of voting, but is based on a commercial basis.

The reasons for the very limited/zero involvement of the central government in PB can be the fact that the Czech Republic is a very fragmented country with fully independent LSGs, and the central government has very limited capacity to coordinate such a system. Thus, the state tends to focus solely on mandatory agendas. The central government has very limited information about what is happening at the local level and how certain systems are working. Similarly, focus group participants did not observe signs of past dependency or ideology related to PB. Frozen public administration reform may be the cause of this situation.

There is public interest in PB, but it is developing very slowly. Nevertheless, and while the interest from month to month is growing slowly, when one compares it with the situation 20 years ago, the interest has grown enor-

mously. If we focus on the sustainability of PB, PB will not disappear, but rather maintain the status quo. External shocks (for example, Covid-19) are also an important factor, which can undermine the importance given by the population to PB. Other factors mentioned by FG participants were technology (that can accelerate participation), the limited ability of civil society, citizens able to come up with new ideas, and the limited absorptive capacity of the territory.

4.1.2. Case Study 2: Slovakia

PB in Slovakia started in 2011 and is still at a starting level. Many of the processes that are called PB are just grant schemes and there is no room for a real debate on the use of public budgets.

The main impacts of PB were cited by focus group participants as promoting citizen engagement, co-responsibility and greater transparency, active participation of the people (public meetings with citizens “for something,” not “against something”), growth of civil sector authority, creation of strong communities united for something, some degree of increased transparency of LSG resources and their budgeting processes, learning project-based thinking, and improved short-term planning at the local level.

Focus group participants mostly agree that LSGs, civil society, NGOs, and citizens are the key actors in PB in Slovakia. Few participants believe that regional government also plays a vital role, and two participants mentioned the Office of the Plenipotentiary for the Development of the Civil Society.

In Slovakia, regarding the role of the central government, opinions are quite different. Some participants suggested that the preconditions for the functioning

of PB at all levels should be created, especially legislatively, however, others have rejected the need for direct involvement at the central level:

The Slovak central government is not a significant player in the case of implementing participatory budgets at the local self-government level. Rather, these steps and initiatives are happening outside its framework.

The main role of the government is not to create obstacles to the introduction of participatory processes. It can itself introduce participatory budgeting at the national level or make it compulsory for local self-governments to allocate part of their budgets in a participatory manner.

LSG is seen as essential by all participants:

Local self-government is key, as it decides on the introduction of PB in Slovakia in given municipalities, creates specific tools for the application of PB, allocates funds, manages processes or creates processes.

LSG is a key actor because it implements PB within its regional or local political systems. Without LSGs, implementation is essentially impossible. The Slovak civil society actively demands PB, but without the support of LSGs, it is not enough to make PB work. According to the Slovakian focus group, the role of civil society is both positive and negative—it sets a certain standard (know-how) but then behaves rigidly towards any changes. To summarise:

If PB is the river that moves society forward, local or regional self-government is the riverbed and people are the water. PB is about them and for them.

Most focus group participants believe that the relationship between the main actors (i.e., LSGs, civil society, NGOs, and citizens) is neutral, citing various reasons: PB is still an undervalued tool, especially in LSGs that do not fully understand its possibilities and impacts. Civil society likes to get involved but can burn out after a few years due to a lack of interest and appreciation on the part of LSG. Most respondents say that the current state of PB is not sustainable due to external shocks changing the local agenda.

4.1.3. Case Study 3: Poland

According to most sources, PB in Poland, like in Slovakia, started in 2011 and this form of public participation has developed unevenly. Until 30 January 2018, there were no regulations in the Polish legal system that defined or specified the principles of PB functioning. Given this, cities themselves—taking into account the conditions and specificities of the municipality, especially individual

goals and needs—determined the conditions and scope of PB functioning and the amount of funds allocated for projects. The focus group participants did not highlight any important outcomes related to PB.

Regarding the actors, focus group participants observed the dominance of the LSG side, and in their opinion NGOs often play the role of specialised cells, mediating the dialogue between officials and citizens. Compared to all other countries, the role of the central government is visible, having passed the PB legislation, and the aspect of politicisation was clearly mentioned by the focus group (after the rise of PIS, the current ruling party came to power in 2015, the strong interference of politics by the central level in local government affairs is very visible):

The main actors are local self-government supported by the central government in which the ruling party has a majority. Others are in more or less conflict. We can also observe the domination of officials.

The cause of conflicts between the central government and local self-governments is the autocratic approach of central authorities seeking to centralise power. Local authorities sympathetic to the central authority can count on the support of the central government.

According to the focus group, the current arrangements are not conducive to greater participation by citizens. In some cases, there is a lack of relevant legislation, in others demands on residents who would like to propose consultations, for example, are very difficult to meet and hinder action. The role of citizens is too often limited, and grassroots activity is relatively low, both in terms of activities initiated by citizens themselves (e.g., demonstrations and petitions) and those organised by the city government (e.g., public consultations). One of the reasons for this situation is certainly the lack of knowledge among citizens about their rights and possibilities of action. In most PB LSGs, individuals who meet certain criteria have the exclusive right to submit projects. However, among Polish LSGs practising PB you can also find some that give such rights to legal entities or local institutions, such as NGOs (e.g., Sopot), municipal institutions/units, or auxiliary units of the municipality. Councillors and executive authorities as individuals always have the right to apply for PB projects.

The sustainability of PB in Poland (and its limited spread) is at least partly linked to the fact that at least two types of citizens' attitudes toward LSG can be distinguished: the first focuses on social expectations of direct support and social assistance; the second, more proactive, on the LSG's creation of space for action. Missing here is also a sense of the historical rootedness of LSG institutions. Although LSG with democratic legitimacy emerged in the wave of transition, many citizens see it as a continuation of earlier forms of LSG

before 1989. Moreover, problems with the inclusiveness of the process bring budgets closer to what is known as “grant competition”:

The active are even more active, and the inactive mostly remain so.

In the context of PB sustainability, we must point out that the reduction in the number of PBs in 2019–2021 was mainly influenced by the Covid-19 pandemic and related concerns about the stability of local finances. Despite the growing importance of public participation, few cities are still creating cells in the office that engage in dialogue with citizens and/or cooperation with NGOs. In this respect, too, the situation looks better in large cities.

4.1.4. Case Study 4: Hungary

Only in recent years has PB become a widespread practice for Hungarian LSGs, especially in the capital city of Budapest and their districts. Ahead of the 2019 LSG elections, three NGOs advocating for transparency and integrity in government launched a campaign programme called “This is the minimum,” which summarised the basic principles for transparent decision-making in LSGs. In addition to political reasons, it also focused on addressing some social problems such as the inclusion of disadvantaged groups and equal distribution of resources.

However, at the beginning of the pandemic situation and the declared “state of emergency,” this issue was side-lined and the LSGs were put under extreme pressure by initiating lockdown measures on the social and healthcare services among the local community. At the same time, the central government initiated several measures in 2020 that led to a further weakening of the competences and capacities of the LSGs in Hungary. While the formal structure and remit of the LSGs remained *de jure* unchanged, its autonomy was *de facto* radically reduced, exaggerating the results of the drastic dismantling of local autonomy throughout the 2010s.

While some measures affected all municipalities, the most important ones were rather selective, affecting larger cities and, most notably, the capital Budapest, where opposition political parties or independent civic organisations have dominated since the 2019 local elections. The main instrument used to weaken them has been to deprive them of the most significant source of revenue in the year 2021. In addition, several local (typically social) development projects were cancelled, especially in opposition-led municipalities.

The main actors of PB in Hungary are local political leaders who are from opposition counties. The central level does not support or promote PB and, according to Hungarian law, the LSG is only required to publish its budget and data related to budget execution and performance evaluation as there is no specific legal framework or requirement for the application of PB at the

local level. Transparency International was responsible for developing a largely standardised method for PB and provided assistance and monitored the implementation of the processes.

According to the focus group:

LG [local government] opposition political leaders committed to PB because transparency and civic engagement were important elements of their political campaign in 2019 and they demonstrated responsibility to deliver on their electoral agenda [as we noted above in “This is the Minimum”]. Some political leaders have even described PB as a ‘communications campaign’ that brings more support and votes from citizens.

The NGO played an important role throughout the whole process as a facilitator and mediator between citizens and between the LG and the community.

There is also a new and unusual tradition of cooperation and constructive dialogue with government officials on the part of the participants. Citizens tend to be averse and keep their distance from the new practice.

Building trust by providing evidence and good examples of both how the programme has achieved its objective and ideas coming from the community have been implemented is a key factor for future sustainable collaboration. However, according to the focus group, this is a process that requires making cultural changes both on the part of the government and in the minds of individuals over several decades to come.

4.2. Answers to the Research Questions

Regarding RQ1 (“What are the relationships of the civil society involved in PB to LSG and the central governments in the selected countries?”) it can be said that we cannot identify a clear common line between the countries studied—these relationships vary considerably. Two factors appear to be critical, the first factor is the lack of capacity and the fragmentation that can be identified in the Czech Republic and Slovakia, and the second factor is the tendency towards illiberal democracy (politicisation of PB) that is evident in Hungary and Poland.

In the Czech Republic, at least partly due to fragmentation and lack of capacity, the central government does not consider PB a priority and provides only very indirect support. The dominant actors here are LSGs and civil society. Civil society and the non-profit sector substitute the central government in the process of agenda setting, communication, methodology development, and technology implementation. The interactions between LSG and the civil sector are crucial for PB. In Slovakia, the role of the state is somewhat more visible (the Office of the

Plenipotentiary for the Development of the Civil Society provides some support to PB), but still very marginal.

In Hungary and Poland, we can observe a clear line in relation to democracy. PB is becoming a double-edged sword. On the one hand, it is a tool for democratic politicians to activate society and to define themselves vis-à-vis the government, on the other hand, it is used by the government through mandatory implementation or, on the contrary, through the reduction of autonomy to promote their interests. The role of civil society is not entirely clear as it manifests itself through passivity, but it is also possible to identify examples where it plays a crucial role. A specific aspect is that in Poland the legal obligation to implement PB practices is codified in legislation (for larger LSGs).

In RQ2 (“Are these relationships mutually supportive, complementary, or in conflict?”) two basic relationships can be identified between the central government and the LSG relationship.

In the first case, it leaves autonomy to LSGs to implement PBs according to their capabilities (Czech and Slovak cases). This autonomy also has a negative side, where the government resigns itself to any effort of coordination and support. The second type of scheme is conflict (Hungary and to a large extent Poland). This conflict takes several forms. In this case, central government regulation reduces the autonomy of LSGs and at the same time restricts the funding for LSG. The second form of conflict is realised in the political plane, where some LSGs represent the opposition to the central government and PB becomes a tool for political marketing in this conflict.

If we focus on the relationship between LSGs and civil society, we can identify two basic models. In the first “negotiation model,” it is a complementary relationship where LSGs and the civil sector discuss and cooperate.

The second model is the domination of LSG by its associated technocrats. This is a situation where PB depends entirely on the arbitrary will of LSGs.

The civil sector also plays multiple roles. In the first role, it is an idea carrier, a facilitator, and also substitutes the central government (methodology development, and technology implementation) and local government (initiator, agenda setting) at certain moments. There are also negative perceptions of civil society being too passive, or situations where narrowly defined groups finance their interests through PBs.

Regarding RQ3 (“Are the selected countries heterogeneous or homogeneous on these issues?”) our case studies show that PB is at different levels of maturity in the countries studied, and the selected countries, which represent one particular territorial group, differ significantly in many aspects of PB. Although the phenomenon of past dependency was mentioned only in the case of Poland, we can say that a common feature of all the countries studied is that the main contribution of PB is not the implemented projects, but the public activism. This means that the observed countries are still struggling from the remnants of communism, which was characterized by a passive civil society. PB is one of the tools that currently activates civil society. The administrative capacity of governments and the state of democracy in each country are also key factors that influence the differences between countries. Table 4 shows the central points from the previous research questions.

5. Conclusions

Our article contributes to the debate on the relationship between local and central governments and civil society in the context of weak statehood. This article

Table 4. Summary of key findings.

Actor/Country	Czech Republic	Slovakia	Poland	Hungary
Civil society and NGOs	Initiator, agenda setting, communication, methodology development, and technology implementation	Sets standards	Consultancies	Facilitator and mediator between citizens and between the local government and the community
Local Government	Initiator, creates specific tools for the application of PB, allocates funds, manages processes, and create processes	creates specific tools for the application of PB, allocates funds, manages processes, and creates processes	allocates funds, manages processes, and creates processes	Depends on political orientation local government winning party
Central Government	Indirect involvement (motivation of local through quality award)	Creates legislation, rules of the game, and decides on mandatory implementation	Creates legislation and supports allied local governments	Reduces PB through decreasing local government autonomy

aimed to map the extent to which local and central governments support local PB initiatives and the relationships between the main actors in the PB process. We analysed the situation in four countries from one semi-homogeneous region—the Visegrad area—and used multi-case studies and focus groups as the main qualitative research methods of our article.

The findings are very interesting—each country has its situation and specificities. The (positive and negative) role of the central state is limited, but not invisible, with the exception of the Czech Republic (the legislative basis created in Poland, the “hostile” approaches to opposition LSGs in Poland and Hungary, or the marginal support to develop PB by the central level in Slovakia). Too much fragmentation may explain the rather limited role of the central state in the Czech Republic and Slovakia, and the democratic decline situation in Poland and Hungary (Ágh, 2016).

The relations between civil movements (and formal NGOs) and self-government are somewhat more similar in the countries studied. The beginning of PB had largely similar patterns—the civil sector/NGOs as initiators and LSGs as followers. However, this pattern has been changing as PB has developed—many local leaders have found that PB can be used as a tool for their social marketing—and for this reason at least, and because of the implementation problems outlined, the role of the civil sector has been changing steadily towards the dominance of LSGs and their governance and the marginalisation of the role of civil society. However, this does not mean that PB will completely lose its originally intended character. In many (perhaps most) municipalities, the benefits and positive outcomes of PB are still very visible, despite the limited amount of resources allocated—Slovak focus group participants in particular were rather positive in this regard.

Our results also confirm Baptista et al.’s (2020) conclusions that one of the significant barriers to co-creation comes from the macro and contextual environment. In our case, it is the administrative capacity of individual levels of government, public policy, and the state of democracy. On the other hand, we must state contradictions with the literature (Osborne, 2018; Osborne et al., 2016) that underlines the contribution of co-creation to public value. Our results show that projects implemented through PB have little direct impact. The impacts are rather indirect and aim to activate society. In contrast to Voorberg et al.’s (2015) conclusions in the coproduction field, the citizen’s role is mainly limited to the first phase, which only concerns the submission of proposals.

From a more general perspective, our results reaffirm the opinion of many authors from the region, highlighting that decentralisation and devolution may not lead to increased socio-economic efficiency and foster cooperation between actors (mainly due to path-dependency and over-fragmentation; for more, see Plaček et al., 2022). “Exporting” any external idea to the specific socio-political environment of post-socialist states is a complex and risky endeavour, and the results of such attempts

depend entirely on particular countries’ institutional factors (for more, see, Plaček et al., 2021, 2022).

It is also necessary to mention the weaknesses of our research design. We were not able to get representatives of all important stakeholder groups for the focus group in certain countries, so our results may be biased towards stakeholder groups that were more represented in the focus group. Other limitations arise from the nature of exploratory research; our results describe how mechanisms and factors work in a particular context. Our conclusions need to be tested on a larger sample of data using robust statistical methods.

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Conflict of Interests

The authors declare no conflict of interest.

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Article

Shared Streets: Choreographed Disorder in the Late Socialist City

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Abstract

This article examines the local self-governance of streets and sidewalks in Hanoi, the capital of the Socialist Republic of Vietnam. Streets and sidewalks are shared among diverse actors for various activities while being formally managed by the state. Since the passing of the *Đổi Mới* economic reform program in 1986, which paved the way for the development of a private sector economy, street trade has been flourishing in Hanoi. Private individuals, mostly women, temporarily occupy sidewalks and streets to sell their goods. This form of petty trade caters to urbanites' everyday demand for fresh products and food. While many Hanoians are actually in favor of street trade, the municipality seeks to undermine and regulate street trade, as it contradicts some state administrators' vision of a modern and civilized city. Drawing inspiration from Jacobs' (1961) "sidewalk ballet," this article particularly examines the social norms governing public space. As they constantly need to negotiate their right to the city, street traders develop tactics to circumvent the municipal sidewalk order. Following the rhythms of regular crackdowns on street trade, the emergence and vanishing of mediation spaces, and urbanites' tactics, this contribution seeks to understand modes of urban governance over these shared spaces. This study draws on ethnographic data collected during one year of fieldwork, local newspaper analysis, and secondary literature.

Keywords

Hanoi; post-socialism; street trade; urban governance; Vietnam

Issue

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1. Introduction

Anybody who has visited Hanoi, Ho Chi Minh City, or any medium-sized town in Vietnam will have noticed the bustling street life. Mobile vendors sell various foods, drinks, and fresh produce, while permanent food and vending stalls occupy the sidewalks and street corners of Vietnamese cities. The occupation of public space for private economic activities has increased extensively since the introduction of the *Đổi Mới* economic reform policy (Schoenberger & Turner, 2012; Turner, 2009). In 1986, this reform program was passed during the VI Party Congress, paving the way for the development of a private economic sector and the country's integration into the global economy. However, these economic reforms were not accompanied by parallel political reforms. To date, the Socialist Republic of Vietnam is a one-party state ruled by the Communist Party of Vietnam.

Vietnam—like many other states in Southeast Asia during the second half of the 20th century—has been dubbed a strong state due to its structural dominance over society. Features of the Vietnamese strong state comprehend its administrative penetration into society, including the provision of national security and other public goods, such as infrastructures. Some of these public goods, like public transport or medical care, are still in the making (London, 2022; Rotberg, 2003). However, some scholars of Vietnam's political economy, who have examined the efficiency of state regulations and the degree to which they are enforced, challenge the idea that Vietnam is a strong state (Kerkvliet, 2001; Koh, 2006).

Koh (2001) suggests that neither the labels strong nor weak fit the reality of Vietnam's state. One reason for this view is the existence of institutional gaps between "the institutional designs that define the party-state's

formal organization and the (informal) institutionalized practices that characterize its actual operations and their effects” (London, 2022, p. 26). In other words, although the party-state might be active in enforcing rules, many of its activities are determined by informal practices that become institutionalized rules (Kerkvliet, 2001; London, 2022). The sharing of sidewalks in Hanoi for private economic activities provides an excellent case for examining the interplay between formal regulations and informal practices at the local level. In this site, actors not only engage with the legal context but also with social norms and values that implicitly govern these spaces of interaction.

Since the late 1980s, the municipality has continuously passed regulations to prohibit trade on the sidewalks and municipal authorities regularly conduct crackdowns on street vendors. Yet, notwithstanding these municipal campaigns to re-establish “urban order” (*trật tự đô thị*), migrants and urban residents alike continue to exploit the sidewalks for private business activities. Through Kim’s (2015) work, I understand the sidewalks of Hanoi as spaces of opportunity. The sidewalk provides socio-political and economic possibilities and is a space shared among various actors (Nguyen, 2022, p. 4). The exploitation of the public good of the sidewalk occurs based on local forms of self-organization. Pfeilschifter et al. (2020, p. 10) describe such self-organization as an open process of collaboration “through which common interests and positions are stabilized in social relationships, networks, and often in a shared real-life ‘locality,’ while groups are institutionalized through the mechanisms of solidarity and/or hierarchy.” Accordingly, this article seeks to answer the following research questions: How do urbanites’ local self-organizations interact with state regulations? And, which social norms, values, or moralities do self-regulations imply?

To answer these questions, I will trace the major regulative changes that occurred between 2007 and 2008 in the municipality of Hanoi. Seeking inspiration from Jacobs’ (1961) *Death and Life of Great American Cities*, I discuss the social norms governing the self-organized spaces of Hanoi, as well as the sharing activity (Widlok, 2017).

Overall, this article contributes to research on local self-organization under authoritarian regimes. Pfeilschifter et al. (2020, p. 4) suggest a correlation between weak statehood and local self-organization, claiming that “the weaker the state’s impact on society is, the more important local self-governance becomes.” However, in Vietnam, the state’s impact on society is actually quite strong, but there are policy arenas, like the provision of public infrastructure, in which the state does not fully enforce regulations or fails to provide public goods, such as vendors’ access to the city to generate income. In these cases, access to urban space is self-organized based on social capital, which is comprised of personal relationships and trust among vendors, local officials, and residents. Self-organization does not typ-

ically scale up beyond the local level, except on rare occasions, such as the protest of women vendors organized in Hanoi in 2008. Thus, I pay particular attention to the gendered dimension of the local self-organization, as most actors involved in street trade are women who live on the urban fringes or temporarily migrate to the city to earn an income for their families (Nguyen, 2022).

The material presented in this contribution is based on two research projects. One on public space development and the other on urban gardening in Vietnam. For these projects, I conducted one year of field research in Hanoi (from September 2007 to August 2008) and various research stays ranging from three to six weeks between 2010 and 2018. The year 2008 marked the beginning of a ban on street trade in 62 major streets in the city center. On this occasion, the main newspapers and internet fora in Hanoi invited citizens’ opinions on these municipal planning measures. Accordingly, I retrieved information on sidewalk regulations from Vietnamese newspaper articles and municipal government documents.

Through participant observation, and informal conversations in Vietnamese with residents and street vendors in the urban markets of the Ngoc Ha and Tay Ho wards, I was able to document street vendors’ everyday practices. I recorded these materials and conversations in semi-structured observation memos (Diekmann, 1995), noting information on the time, location, number, and gender of actors, as well as the kinds of activities they carried out.

Through photo documentation, I was also able to track the (non-)compliance with sidewalk regulations in the locality. White lines drawn on the inner-city sidewalks, as well as municipal signs, are constant reminders of the prohibition of using sidewalks for parking or trading. Nevertheless, photos reveal that most residents ignored the signs and marks on the ground. For the coding and analysis of the material, I used the qualitative data analysis software, Atlas.ti. In the next section, I introduce the main concepts used to analyze the self-organization of urban residents and vendors. In Section 3, I offer a short overview of the development of street trade. In Section 4, I will introduce the reader to municipal governance and sidewalk regulations in Hanoi, while Section 5 discusses the sidewalks as shared spaces. In Section 6, I conclude with a summary of social norms governing the shared space.

2. Conceptualizing Weak Statehood vs. Urban Self-Organization in Vietnam

Weak statehood is often associated with states in the so-called Global South and implies that the state is not able to provide all the necessary public goods (Draude et al., 2012; Pfeilschifter et al., 2020). In addition, the state’s power to enforce rules is viewed as limited within particular regions, social groups, and policy arenas (Rotberg, 2003).

In the literature, Vietnam's current political economy is referred to as "late socialist" or "market-Leninist," denoting the economic transformation from a planned to a market economy in combination with an authoritarian rule (Harms, 2011; London, 2022; Tai, 2001). Although the revised Constitution of 1992 formally grants the right to demonstrate, public space remains highly controlled by the state and public protests remain rare. In the 2010s, political observers saw a small opening for political change with an active online community advocating party plurality and people's participation. Moreover, citizens began to demand state accountability regarding the privatization of state-owned enterprises, the awarding of public contracts, and the issuing of licenses to foreign companies (e.g., for mining). However, the party-state soon started to repress such civil society actions, and now eagerly monitors digital space, such as social media and blogs (Duong, 2017; Kerkvliet, 2022; London, 2022). Consequently, advocates of a strong state point to the state's structural dominance of society and its making of policies that are quietly accepted by society (Koh, 2001). However, this view of Vietnam as a strong state is increasingly contested, especially when inquiring into the effectiveness of such domination. Effectiveness is measured by the extent to which adopted measures are fully implemented and the extent to which their implementation is monitored by the state. Another idea that challenges the perception of a strong state is that the reforms introduced in 1986 were actually a response of the Communist Party to people's demand for change, adapting policies to what was already going on the ground (Kerkvliet, 2001; Koh, 2006).

Accordingly, Kerkvliet (2001, p. 245) proposes to rethink the relationship between the state and society in Vietnam in terms of a dialogue, "which incorporates communication of contentious ideas and preferences in ways that, in Vietnam, are often indirect and non-verbal." He suggests that analysts assess "arenas in which boundaries, rights, jurisdictions, and power distribution between state and societal agencies are debated, contested, and resolved (at least temporarily)" (Kerkvliet, 2001, p. 240). He also highlights society's room for maneuver, suggesting that state agencies do not completely control policy-making and implementation.

On an everyday basis, Vietnamese citizens can ignore the state's rules on some matters, while making their voices heard by going beyond official channels. In his research on the political participation of subordinate groups in Southeast Asia, James Scott characterizes such phenomenon according to what he calls "hidden transcripts" (Scott, 1990). According to him, "hidden transcripts" consist of heterodox discourses taking place "offstage," beyond the control and observation of those in power (Scott, 1990, p. 4). Such discourse can comprise, for instance, gossip, rumors, folk tales, and songs. For Scott, relations of power are intimately bound up with relations of resistance: Once established, relations of domination do not merely persist through their own

inertia. Since such relations involve the use of power to extract work, production, services, and taxes against the will of the dominated, these relations generate considerable friction and can only be sustained by continuous efforts at reinforcement (Scott, 1990). His understanding of power and resistance helps to analyze the rhythms of street trade in Hanoi, which are characterized by continuous crackdowns initiated by municipal agents and street vendors' self-organized practices of resistance, which include vendors' circumvention of regulations, the negotiation of their presence with local officials, identifying loopholes in the regulation, and, finally, their orchestrated collective actions.

Previous studies of public space in Hanoi have focused on authorities' repression of self-organized activities and urbanites' practices of resistance. These various forms of subversion have been discussed as tactics in the sense developed by de Certeau (Barthelmes, 2018; Geertman et al., 2016). In *The Practice of Everyday Life*, de Certeau argues that everyday practices have a tactical character that continuously manipulates events to transform them into "opportunities" (de Certeau, 1984, p. xix). For de Certeau, everyday practices are "clandestine forms taken by the dispersed, tactical, and makeshift creativity of groups or individuals already caught in the nets of 'discipline'" (de Certeau, 1984, p. xiv). Along similar lines, Bayat outlines the relevance of everyday practices for inducing social and political change. In his research with urban subaltern groups in Middle Eastern cities, he defines their individual, ongoing efforts to make a living in the city as a "quiet encroachment of the ordinary" (Bayat, 2004, p. 90). This quiet encroachment of the ordinary connotes the gradual expansion of their space in the city by winning new positions for movement. The occupation of public space for economic activities is one example of the winning over of urban space (Boudreau & Geertman, 2018). These everyday struggles are not carried out at the expense of themselves or of other urban poor people, but rather at the cost of dominant groups, the rich, and municipal and state governments. Bayat argues that "this type of quiet and gradual grassroots activism tends to contest many fundamental aspects of state prerogatives, including the meaning of order, the control of public space, access to public and private goods, and the relevance of modernity" (Bayat, 2004, p. 91). Bayat (2004, p. 81) particularly focuses on small-scale direct actions carried out by individuals and families. While this is certainly the case in Hanoi, I would also like to draw attention to residents' and vendors' collaborative and self-organized actions for contesting the urban order.

In the case presented here, self-organization is important as it produces benefits, including a daily income as well as a reduction of costs for the people and the administration. Self-organization is intimately linked to a locality—meaning a spatially demarcated collective defined by a common infrastructure, as well as social norms and values. In the locality, self-regulation occurs

based on social control, rather than external control, such as by municipal agents (Korff & Rothfuß, 2009; Pfeilschifter et al., 2020). In a similar vein, Jane Jacobs, an early advocate of research on urban self-organization, points out that public order is not primarily maintained by the police, but rather by “an intricate, almost unconscious, network of voluntary controls and standards among the people themselves, and enforced by the people themselves” (Jacobs, 1961, p. 32). It is here that the activity of “sharing in” becomes important, which means “extending the circle of people who can enjoy the benefits of the shared resource” (Widlok, 2004, p. 61). The concept of “sharing in” is important to understand how the maintenance of street trade is justified by appealing to a narrative of itinerant traders as being in need.

3. Street Trade in Hanoi

Before the city transitioned to socialism, street trade used to be a vibrant part of Hanoi’s urban space. At the end of the 1950s, the government of the Democratic Republic of Vietnam gradually curtailed all private sector activities. However, during the years of the Second Indochina War (1965–1975) and the so-called subsidy era (*thời bao cấp*; 1975–1986), private trade with illegally imported goods was resurrected. Goods that were not available through the subsidy system were informally traded among neighbors, kin, and friends (Turner, 2009). However, it was only with the liberalization of the agriculture procurement system, after 1988, that the influx of itinerant street traders from surrounding villages into the city increased (Koh, 2006; Li, 1996). Forbes characterized this development as the emergence of a “pavement economy” in Vietnam (Forbes, 1996, p. 62).

Sidewalks in Hanoi and Ho Chi Minh City are material witnesses of the colonial past. French colonial urbanism introduced broad tree-lined avenues with wide sidewalks as well as public parks and gardens to the city of Hanoi. Since the end of the subsidy era, sidewalks have become important sites of production and consumption in the city, offering space for commerce and trading by those who do not own private property. Li (1996) has discussed the extensive chain migration from rural areas to the city that fueled urbanization in the 1990s. However, apart from migration resulting in settling in the city, the temporary rural-to-urban migration of mobile vendors was another effect of the transition from a planned to a market economy. Streams of mostly women, riding on bicycles and trucks at the break of dawn, would enter the city to sell their fresh produce on markets and streets. In 2009, 31.6% of the workforce in urban areas was employed in the informal sector—which means that despite long working hours, earnings are low and social security coverage is missing—as compared to 20.7% of workers in rural areas. This means that informality is highest in the urban employment market (Chi et al., 2010).

The influx of petty traders from rural areas to the city posed a challenge to the municipality’s ordering of space. Several municipalities in Vietnam seek to create a modern and civilized urban landscape (Harms, 2011; Schwenkel, 2012), following the examples of other Southeast and East Asian cities, such as Singapore and Seoul. This striving for a modern and civilized urban landscape is particularly relevant for Hanoi, since it is the capital of Vietnam and one of the five cities categorized as first-class cities (*thành phố trực thuộc trung ương*). These cities are viewed by the state as being of significant importance in terms of politics, economy, and culture, therefore, they are kept under the direct control of the Vietnamese government. In the context of urban planning, street trade is considered an obstacle to modernization, a relic “of an undesirable past” that needs to be abolished (Leshkovich, 2005, p. 188; see also Kurfürst, 2012). Such statements are not different from many other cities around the globe, where the purification and literal cleansing of urban landscapes is seen as a major tool for establishing civil order, which in turn is viewed as necessary for attracting foreign direct investment. For this purpose, actors and practices deemed disturbing to public order, such as homeless people, street hawkers, drug addicts, and so forth, are pushed out of inner-city districts (Herzfeld, 2006). In Hanoi, the purification of public space clearly targets the “unmanaged, mobile bodies” of women petty traders (Schwenkel, 2012, p. 461; see also Harms, 2011). Many women coming from Hanoi’s hinterland were forced into street vending through increased urbanization and municipal policies that turned their land into spaces for urban real estate development. Middle-aged women, in particular, depend on petty trade as a source of income to provide for their families (Nguyen, 2018). That is why Leshkovich (2005, p. 187) fittingly refers to the perceived disorder of sidewalks as a “feminine disorder.”

4. Municipal Governance and Sidewalk Regulations

In Vietnam, urban planning is mostly conducted in a top-down manner. Although the government increasingly recognizes the need for more bottom-up initiatives in urban development, attempts at integrating public opinion are still limited. A common way of doing this is to present a draft plan to the public and then invite comments on the plan (Nguyen Lan interview on March 5, 2008). However, the extent to which such feedback is integrated into the finalization of the plan remains undisclosed. In 2009, the government departed from its original top-down approach to urban planning by implementing the Law on Urban Planning. In general, the law acknowledges the right of public comment, but it neither obliges municipal authorities to consult nor to consider public comments in urban policy-making (Gillespie & Nguyen, 2019).

The People’s Committee governs the municipality of Hanoi with different branches at each administrative

level. While regulations are passed at the municipal level, they are implemented and enforced on the local levels of the ward and district. Schoenberger and Turner (2012) identify at least five branches of the state apparatus that conduct surveillance, crowd control, security, and policing in Hanoi. These are *đội tự quản* (ward-level self-management security), *công an* (public security), *cảnh sát giao thông* (traffic police), *thanh tra giao thông* (traffic inspectors), and *cảnh sát cơ động* (mobile police, or “fast response” teams). This variety of actors already indicates that neither the state nor the municipality are monolithic entities, but rather groups of actors engaged in practices aimed at the implementation and enforcement of rules. Adopting Kerkvliet’s dialogical approach to state-society relations, Koh shows how urban residents constantly negotiate with local officials at the ward level concerning the implementation of regulations for creating a “mediation space” (Koh, 2006, p. 15). He argues that local officials have social obligations and responsibilities to their fellow neighbors and citizens besides being municipal organs (Koh, 2006). Accordingly, they are socially embedded in the community. Empirically, their familiarity with fellow residents showed that when local police officers patrolling the streets greeted residents by either nodding or saying “hello,” they used the proper form of address in Vietnamese, which presupposes the speakers’ awareness of the addressee’s age, gender, and social status (participant observation from May 2008 to July 2008). Due to their social embeddedness in the locality, such officials sometimes find it difficult to enforce rules. Showing empathy (*tình cảm*) to avoid causing people hardship is a long-standing regulatory practice, which requires local government officials to adapt policies accordingly (Endres, 2014; Gillespie & Nguyen, 2019; Koh, 2006; Nguyen, 2022). In interviews and newspaper articles, urban residents would also appeal to authorities’ compassion (*thông cảm*) to justify and legitimize street vending as a means to make a living in the city. However, while this mediation space opens up at the local level of the urban ward, regulations on the use of sidewalks are passed at the municipal level.

Since 1986, the city of Hanoi has conducted several anti-street trade campaigns (Cohen, 2003; Koh, 2006; Quân, 2008b). Particularly over the last 15 years, the People’s Committee of Hanoi has designed a comprehensive, but sometimes contradictory, legal framework addressing the use of sidewalks in Hanoi. In 2006, the People’s Committee of Hanoi passed the Decision (*quyết định*) no. 227/2006/QĐ-UB. The Decision was a first step in the decentralization of urban management, transferring responsibility for public space management from the municipality to the district. In 2007 and 2008, during my year of field research in Hanoi, two further Decisions were implemented. Decision no. 148, which became effective on January 8, 2008, permits the “provisional usage” of the sidewalks by private individuals for a fee (Quân, 2008a). The possibility of using sidewalks for individual purposes is confusing, however, since the

municipality’s official documents state that “the sidewalks and roadsides are all part of the basic system of the urban technical infrastructure belonging to the state. The sidewalks should basically be used by pedestrians” (Quân, 2008c; translated from Vietnamese by the author). Decision no. 148 obviously challenges this understanding of the function of sidewalks, rendering it legal for private businesses to utilize sidewalks, and roadsides for a fee (“Từ 8.1. thu Phí,” 2008). Upon paying the fee, organizations and individuals receive permission from the jurisdictional organ for the provisional usage of public utilities, such as public space.

The renting out of public space for private business, at first sight, seems to be part of the ongoing privatization of cities. Yet, this privatization is different from how many cities around the world strive to attract foreign direct investment to fill leaking state budgets. Rather different districts (in a more localized sense) benefit from this form of privatization by encouraging the density of shops and street vendors within their administrative boundaries. In an expert interview, a sociologist referred to this process as “*hành chính hóa*” (“administrativeization”) of urban space in Hanoi (interview performed while doing a workshop during the time of the field research on July 24, 2008). This term refers to the increasing colonization of common public goods by the state. Moreover, it also signifies administrative chaos, since each district handles municipal decisions differently (Kurfürst, 2012). Furthermore, it also points to the ambiguous role of the municipality. In India, Roy (2009) has shown how the state and municipality are active producers of informality, deeming certain practices, spaces, and actors “formal,” whereas others are pushed into the realm of informality. The production of informality through municipal decisions becomes most obvious when looking closely at Decision no. 148 and no. 227 together, as they actually contradict each other. While Decision no. 227 clearly prohibits doing business on the sidewalks, Decision no. 148 explicitly permits such uses for payment (Kurfürst, 2012). Consequently, even those citizens who want to comply with the law find themselves confronted with conflicting information. Mrs. Mai, a woman selling noodle soup from her mobile food stall at Hang Dieu Street, explained this to a journalist in the following way: “Tomorrow I go to the ward to ask to cut the fee on the usage of the sidewalk; it seems that doing business is legal” (Quân, 2008a). Not only Mrs. Mai, but many other people involved in the pavement economy, think that Decision no. 148 permits them to use the sidewalk for business activities, if they pay the monthly fee ranging between 35,000 and 45,000 VND per square meter, depending on the location in the district.

The foregoing account of different directives on the utilization of sidewalks for private economic activities demonstrates the legislation’s continuous modification and redefinition. Therefore, citizens in general, and street vendors in particular, constantly face insecurity about their status in the city (Barthelmes, 2018;

Kurfürst, 2012). What is more, these decisions do not provide street vendors with the opportunity to formalize their presence in the city. Above all, the regulation provides opportunities for business and restaurant owners, while the district administration gets to supplement its budget. However, shortly after these initial directives, the People's Committee of Hanoi published another decision that directly and primarily targeted street traders. Decision no. 02/2008/QĐ/UB was passed on January 9, 2008 (Quân, 2008a). Subsequently, the municipality banned street trade on 62 streets as well as at 48 historic sites in the urban core of the city. Hawkers must pay fines ranging from 40,000 to 100,000 VND if they illegally appropriate the sidewalk on these proscribed streets (Khánh, 2008; Nam, 2008; Schoenberger & Turner, 2012). Already in May 2008, two months before the decision came into effect, campaigns to re-establish urban order picked up the pace again. The police regularly patrolled inner-city streets in vans, confiscating vendors' equipment for food stalls, such as small plastic tables and stools, as well as their merchandise (participant observation in May 2008).

When Decision no. 02 finally became effective on July 1, 2008, the municipality mobilized 2,000 cadres to supervise the regulation's correct implementation and enforcement ("Hà Nội đẹp," 2008). Already in the first week of July, police forces erected checkpoints at Hanoi's major crossroads to deny mobile vendors access to the city center. During that time, I witnessed various instances of women, who were carrying rods on their shoulders or riding on bicycles from which they sold their goods, running away to hide in small alleys to avoid official patrols ("Hà Nội đẹp," 2008; participant observation in July 2008). However, Koh (2006) remarks that although these campaigns to restore urban order usually started well, whenever supervision from a higher-level authority was strong, after a few months these campaigns would fade out again, thus lacking persistence and consistency. This was also the case in 2008. To this day, municipal campaigns of this kind are initiated time and again, which often begin with intense phases when regulations are strongly enforced. This enforcement is most obvious in periods of important state celebrations or international events that attract a global public to the city.

5. Shared Streets: Orderly Disorder

I use the term orderly disorder to refer to what urban planners and city authorities might view, at first sight, as chaos and disruptions of daily routines caused by people occupying inner city streets, sidewalks, and public spaces. However, taking a second look, these authorities find that street vending is a highly organized and regulated economic activity (Korff, 1988). Street trade is dependent on supply, production chains, and social networks. Jane Jacobs explains that "to see complex systems of functional order as order, and not as chaos, takes understanding" (Jacobs, 1961, p. 376). In other words, understand-

ing the order of street trade requires knowledge of the city. Moreover, it also requires watchful eyes and shared responsibility among those who are co-present in the city. These forms of voluntary control are incremental to the organization of the sidewalks in Hanoi. Wherever there is space, people would squat on the sidewalks, either alone or chatting with friends, neighbors, or customers, as they watch what is going on. It is their watchful eyes that Jacobs (1961) alludes to when talking about the safety and order of cities. As a major prerequisite for safe and convivial streets, Jacobs mentions the "natural proprietors of the street," which are people who inhabit buildings oriented toward the street (Jacobs, 1961, p. 35). From their buildings, the neighbors can watch over the streets and sidewalks. In Hanoi, the owners of these buildings regard themselves as natural proprietors of the street. Although the sidewalk is formally state property, families think that they have the right to use the sidewalk in front of their buildings for private activities, such as trading or urban gardening (Nguyen, 2022; interview performed while doing field research in October 2015).

Jacobs (1961) cites the presence of users on the sidewalks as a further prerequisite for voluntary controls. In fact, the sidewalk users organize themselves, as they monitor who is allowed to occupy which spaces at what times. Although in Hanoi, formal responsibility lies with the municipality, and the enforcement of regulations with the police, the residents and sidewalk users implement their own order on the sidewalks. The discourse that takes place offstage, yet out of view of municipal authorities, is what Scott (1990, p. 4) refers to as "hidden transcripts." In the urban ward of Ngoc Ha, house owners rented out the space in front of their houses to street vendors, providing them with a space from which to sell their goods. In these cases, street vendors are not occupying public space, but rather private space owned by the property owner (participant observation in June 2008).

At other times, house owners rented the sidewalk in front of their houses from the district and then sublet it to various vendors (Nguyen, 2022). Other vendors ask for permission to set up stands at a temporary market. Oftentimes, the organization of these temporary markets lies within the locality (Nguyen, 2018). Ward officials tend to transfer management of these local markets to leaders of the residential group (*tổ trưởng tổ dân phố*). According to Koh (2006), neighbors annually elect the residential group leader. Ties between the residential group leader and their fellow residents are horizontal, in contrast to state-society relations that are organized vertically. Nonetheless, street vendors, who are frequently newcomers to the locality and cannot draw on existing social relationships, need to approach the residential group leaders for permission to do business. If permission is granted, they need to pay a daily market fee of 10,000 VND (Nguyen, 2018). Some vendors occupy the same spot at different times of the day, sharing the fee for the temporary usage of the sidewalk (Nguyen,

2022). Another more direct way of securing a spot is by presenting gifts to local authorities. The activity of gift-giving is an orchestrated and shared activity. Barthelmes (2018) reports that one vendor, often with close ties to the police, would gather money from the other vendors and present it to an officer. As this exchange occurs in an asymmetric relationship of power, it can be considered a form of patron-clientelism. Nguyen (2022, p. 10) fittingly refers to urbanites' ability to "dodge the rules," by giving gifts or other occasional monetary contributions to inspectors, as "making law" (*làm luật*).

Another longstanding tactic that de Certeau (1984) describes is the knowing violation of municipal regulations by trading on the sidewalks, so long as no police patrols occur with the help of other traders. In Ngoc Ha ward, I regularly encountered women selling fruits and vegetables while sitting beneath a sign saying "prohibition of markets" (*cấm họp chợ*). However, their presence was tolerated until police inspections began. Street vendors would then run away from police, and hide their goods at other market stalls where they have social relationships with the owners (participant observation in March and April 2008). In fact, women violate these orders out of the necessity of daily life (Bayat, 2004; Chatterjee, 2007). Once, when I bought bananas from a woman who was around 40 years old, I asked her whether she owned the house in front of which she was selling her goods. She answered: "If this was my house, I would not sell bananas here for sure" (interview performed while doing field research in April 2008; translated from Vietnamese).

Instances of self-organization in the form of a concerted protest that reaches beyond the initial locality are rare due to the high level of state control over public space. Still, such protests sometimes occur. In August 2008, one month after the promulgation of Decision no. 02, several women vendors regularly assembled on the sidewalk in front of the entrance to the Government Office in Hanoi. The sidewalks in front of the Government Office are a common site for diverse small-scale protests, most of them related to cases of land dispossession and unjust compensations. However, this time, numerous women assembled to demand a marketplace where they could conduct their businesses. In contrast to previous protests to reclaim land, this protest of women street vendors appeared to be well-organized. On the first day of the protest, a group of about 40–50 people set up a small camp with tables and chairs. In the first week, the red banner above their camp read "300 women and children lack a marketplace to do trade" (*300 bà con thiếu thường chợ hàng*). One week later, the number of women and children protesting had already grown to 500—at least, according to the placard. Now the banner read: "500 women and children lack a market to sell their goods, complaint no. 3" (*500 Bà còn thiếu chợ bán hàng kêu cứu lần thứ 3*). Some days later, the same slogan with "complaint no. 5" followed (participant observation in August 2008). In this rare instance, the quiet encroach-

ment of the ordinary transformed into a collective and choreographed action of women and children.

Overall, the urban public in Hanoi recognizes sidewalks as a shared resource from which multiple actors need to benefit. In his anthropology of sharing, Widlok (2017, p. 1) defines sharing as "enabling others to access what is valued." Sidewalks in Hanoi are valued for the social interaction it provides as well as the economic opportunities demanded by people who do not own property in the city or are unable to rent a business space. In my analysis of local newspaper articles, one main argument put forward by journalists and readers was that the sidewalks are a space for poverty alleviation. Many urbanites are in favor of street trade, recognizing its potential to provide the urban poor with possibilities for generating income. Widlok (2017, p. 79) argues that sharing "is an issue between those who do not have but who need to decide how and how far they can make demands on others and those who need to respond to such demands." The very presence of street vendors in the city is thus seen as an urgent demand by urban subalterns to which the city and its residents need to respond. House owners respond to this demand by setting up informal arrangements with vendors, permitting them to use the public space in front of their houses for business. This sharing of public space is justified by the vendors' need to make an income, thus appealing to residents' sympathy (*tình cảm*; Nguyen, 2022).

Another reason for the urban public's support of street trade comes from their economic demand. In Hanoi's narrow alleys, mobile vendors deliver fresh produce and meals right to their customer's doorsteps. Although the city has run campaigns to foster the development of supermarkets and malls, many Hanoians still prefer to run their daily errands in local markets and purchase from nearby vendors (Gerber et al., 2014). Elderly and retired residents, in particular, negotiate the maintenance of temporary and local markets with local authorities, arguing that they are not physically fit enough to travel to distant markets and have too little money to shop at malls (Nguyen, 2018). In such negotiations, elderly citizens once again address local authorities' moral obligations toward the community.

6. Conclusion

In this article, I have examined the conditions under which self-organization can thrive in an authoritarian political setting, particularly by taking the state's failure to provide public goods and the lack of consistency in enforcing regulations as determinants of weak statehood. First of all, the municipality of Hanoi does not provide equal access to urban space for all of its citizens. In Vietnam, the urban public recognizes sidewalks as a shared resource that various actors should benefit from. However, the legal framework acknowledging the sidewalk as a public good is missing. The discussion of the three regulations, no. 2, no. 148, and no. 227, shows that they privilege

certain groups such as shop owners while marginalizing street vendors. Moreover, regulations no. 148 and no. 227 actually contradict each other. Second, this article addresses the state's lack of consistency in enforcing rules in the policy arena of urban management and planning. Although regulations on sidewalks exist, they are not properly implemented on the local level.

To navigate the urban legal chaos, urban citizens need to self-organize. I chose an actor-oriented approach to examine the agency of women who are the majority of street vendors in Hanoi. Together with local officials, house owners, and the urban public, they choreograph a local order of the sidewalks. This local order is governed by social norms of mutual responsibility and empathy. Urbanites' empathy for street vendors' livelihoods is based on narratives of justification (Pfeilschifter et al., 2020), such as street vendors being in need. The idea of acknowledging the need of others and providing care for them is rooted in the moral framework of *làm người* and *thành người*, with the latter meaning to become a morally and socially responsible person. *Làm người*, in turn, refers to the work of leading a moral life, which above all means providing others with "socially accepted ways of caring" (Nguyen, 2019, p. 106). Empathy and moral obligations toward the community not only determine relationships among fellow neighbors and vendors in the locality, but they also define state-society relations at the local level (urban residents and local officials co-create mediation spaces, negotiating the enforcement of regulations).

Overall, social relationships with fellow traders, residents, and the police are crucial for maintaining spaces to trade in the city. Social capital thus becomes a "collective property resource" within the locality (Korff & Rothfuß, 2009, p. 363). Urban self-organization in the Vietnamese party-state most often remains confined to specific localities, although there are rare exceptions, such as the concerted occupation of public space by street vendors, who demanded their place in the city. The public demonstration described above was only possible because the women recognized that others shared the same injustices. On this basis, they were able to orchestrate collective action. In their protest, they appealed to authorities' awareness of their social and moral obligations as mothers. Referring to their role as providers for their families, they did not protest alone, but together with the children they cared for. As their banner said, "women and children" demand a share of the city. In conclusion, the intricate connection between forms of local self-organization and municipal authorities under authoritarianism operates based on a shared value system determined by both municipal regulations and informal practices of caring for the community.

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Conflict of Interests

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Article

Strong Military and Weak Statehood: The Case of Self-Governance Through *Rasookh* in Kashmir

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Abstract

The article focuses its gaze on the Indian-controlled valley of Kashmir to highlight how the militarily strong state resonates with weak statehood in Kashmir. Being faced with popular contentious politics, the state in Kashmir is argued to survive through militarised authoritarian control leading to the pervading social condition of fear and insecurity. Thus, rather than a provider of security, the situation in Kashmir is marked by the least expectations of security from the state. The article highlights *rasookh* as a means of self-governance popularly employed in Kashmir to socially navigate the prevalent precarious circumstances, especially drawing security by virtue of informal connections. The article becomes significant to firstly, highlight how the prevalent political structures condition and inform individual behaviour, and secondly, to examine the way different individuals develop institutionalised responses as an experience of those structures. The article through the case of Kashmir portrays how weak statehood in Kashmir predominantly informs the pervading social condition of fear and insecurity and how self-governance under *rasookh* becomes a means of compensating for the prevalent precarity. The article draws from the neo-institutionalist literature understanding the state as an ensemble of formal and informal institutions, mainly understanding institutions from the Lauthian perspective as ordered patterns of behaviour. From that perspective, *rasookh* is made sense of as an informal institution—an “uncodified but socially accepted pattern of behaviour”. The article provides original contributions by highlighting the under-researched societal aspect of analysing self-governance through *rasookh* (an informal institution) and highlighting everyday, societal dynamics that underpin it.

Keywords

informal institutions; Kashmir; micro-regulation; *rasookh*; repression; self-governance; weak statehood

Issue

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1. Introduction

The landlocked region of Kashmir, situated in the foothills of the Himalayas in South Asia, has been festering (for at least seven decades) as a protracted conflict. The former sovereign state is currently divided and controlled by three powerful nuclear-armed states: India, Pakistan, and China (see Figure 1). While China controls the mostly uninhabited part of the territory, India and Pakistan control major parts of the land and population while laying competing claims of sovereignty over the entire territory (cf. Snedden, 2021, p. 303). The article focuses its gaze on the Indian-controlled valley of Kashmir, popu-

larly referred to as “Kashmir” or “Kasheer” by its inhabitants. The valley (henceforth referred to in the article as Kashmir) has been a site of active contentious politics (Tarrow, 2014; Tilly, 2006). Ever since coming under Indian control, it has witnessed regular episodes of massive popular insurrections and multiple phases of armed militancy challenging the legitimacy of Indian rule (Duschinski et al., 2018; Geelani, 2019; Malik, 2002; Zia, 2019).

Interestingly, the article argues that the situation is a significant site to highlight a special kind of weak statehood where the popular expectation of security from the state remains elusive. I argue elsewhere how the



Figure 1. Map of Kashmir. Source: The Contemporary (2016).

popular notion of state in Kashmir (rather than a protector and provider of security) is perceived as a perpetrator of *zulm*—reflective of the exercise and popular experience of repressive structures and procedures by the state (Mir, 2021, 2022). As a site of active contentious politics challenging the legitimacy of the state, it has kept hold of the region through militarised authoritarian regimes. In order to maintain a hold over the territory and survive through popular contentious politics, the regime militarily micro-regulated the physical and social spaces and bodies contained within them becoming reflective of militarised authoritarian control (Mir, 2021). Both militarised authoritarian regimes and militarised authoritarian control are used in a similar sense. While the militarised authoritarian regime flags the process of foisting repressive structures and procedures, militarised authoritarian control is used to reflect the manifestation of that in daily popular lives.

As such, the expectation of security from the state remains inadequate, if not completely absent. In order to survive through the militaristic micro-regulation of their life, space, and mobility, different inhabitants under the regime (henceforth referred to as Kashmiris in the article) develop institutionalised responses to socially navigate through them. Social navigation (used descriptively) is argued to refer to how different people act in precarious circumstances depicting how they disentangle themselves from confining structures, plot their escape, and

move toward better positions (Vigh, 2009, p. 419). Of the many such responses, the article highlights the institutionalised response of *rasookh* understood as the maintenance of informal (familial, social, or professional) connections with the officials of state institutions to socially navigate the militarised authoritarian control. As a popularly evolved solution to a common problem of insecurity vis-à-vis the state, social navigation by virtue of *rasookh* becomes reflective of self-governance (cf. Neubert et al., 2022; Pfeilschifter et al., 2020). Corollary to this, as a means of drawing security against the precarity of the state's militarised authoritarian control, *rasookh* further exposes weak statehood in the context of Kashmir.

The article draws on my yearlong ethnographic fieldwork in (Srinagar) Kashmir, from June 2018 to May 2019, apart from my decade-long work in Kashmir as a journalist and activist. Aimed at grasping how Kashmiris experienced militarised authoritarian control, intimate ethnography came through as an appropriate methodological approach. It enabled me to capture the quotidian lived experiences of Kashmiris at close quarters while simultaneously understanding from them their experience of having to live under such conditions (cf. Okley, 1992, p. 24). Moreover, empirical data collection came through participant observations, informal conversations, and walkalongs. Employing those methods enabled me to have an in-depth insight into their (research community) everyday lived experiences, especially by endeavouring

to see the world around them through their eyes and to put into context their means of navigation of the repressive constraints. Each method reinforced the other and added to the robustness and triangulation of the empirical data.

This article depicts how the authoritarian regime militarily micro-regulates the physical and social spaces and bodies of Kashmiris. The pervading toxic geography of repressive structures and procedures imbues the everyday life of Kashmiris with a pervading sense of fear and insecurity (Kaur, 2020). In order to survive the circumstances, many Kashmiris employ *rasookh* to socially navigate the ever-present constraints.

The article takes a neo-institutionalist imagination of the state understanding it as an ensemble of institutions (formal and informal). It argues institutions as a set of formal or informal rules and regulations that structure societal interaction by laying out enabling and constraining factors of individual action (Helmke & Levitsky, 2004, p. 727). From that perspective, codified institutions like constitutions, judiciary, acts of law, police, and other state armed forces and their imposed repressive structures and procedures are understood as formal institutions. The not formally codified but socially accepted institutions—in this case *rasookh*—are categorised as informal institutions (cf. Lauth, 2000). Section 2 unpacks weak statehood vis-à-vis Kashmir.

2. Weak Statehood in Heavily Militarised Kashmir

In this article, I argue that the situation in Kashmir (contrary to prevalent scholarship) is reflective of weak statehood. Understanding the situation beyond the military lens exposes the presence of a strong army as not being commensurate with strong statehood. The foundation of the claim is built upon the popular perception of Kashmiris in general seeing the state as neither their protector nor a provider of their security. Additionally, its limited impact on the ground, especially with regard to its legitimacy to rule and also not having the monopoly over the exercise of violence, further reinforces the argument (cf. Pfeilschifter et al., 2020).

Following from above, weak statehood should not be (mis)understood as an incomplete or failing state at the brink of collapse. Such states are rather fundamentally stable and unthreatened in their existence—in this case, the state of Kashmir. Their weakness is to be understood in terms of their partial functionality rather than absolute dysfunction (Pfeilschifter et al., 2020, p. 9). Or in other words, those states are not in danger of breakdown but may be limited in their impact on the ground. So, instead of being completely absent from the ground, they are pretty much there but their impact and reach are limited or stunted. Such states may have their areas of strength while simultaneously remaining weak in some other areas. In that context, the case of Kashmir can be flagged as one of weak statehood. That can be argued mainly on the grounds of the state having lim-

its to its impact beyond military might, not having the monopoly over the exercise of violence, and, above all, not popularly being perceived as a provider of security.

The weak impact of the state on the ground in Kashmir is substantiated by the fact that it has been faced with popular contentious politics ever since taking control of Kashmir (Bhan et al., 2022; Duschinski et al., 2018; Malik, 1994, 2002). There continues to be popular questioning of the legitimacy of its rule and demands for the right to self-determination or *azadi*—their popular term for independence from Indian rule. Kashmir, ever since coming under Indian control, has witnessed phases of violent and non-violent contention against it. The most popular of these phases include the popular armed militancy of the 1990s when thousands of young Kashmiris resorted to armed militancy against Indian rule, apart from the three mass insurrections of 2008, 2010, and 2016 when hundreds of thousands of Kashmiris protested and demonstrated for months demanding their right to self-determination (Fazili, 2016; Geelani, 2019; Malik, 1994). Moreover, the writ of pro-independence groups had more resonance amongst Kashmiris than that of the state. Until the time of this research fieldwork (May 2019), the calls and calendars of *Hurriyat* (the term ascribed to the pro-independence groups in Kashmir) had more resonance among Kashmiris than those of the state. From their calls to boycott elections to the Kashmir legislature or Indian parliament, to the shutdown on prominent days of the Indian state, such as the days of its independence and republic, the popular obedience has been nearly religious (Geelani, 2014; Navlakha, 2004). In other words, anything ascribed to be giving legitimacy or popular endorsement to the state has been historically boycotted and observed as a black day in Kashmir. Moreover, any association with the Indian state, especially its coercive interface, saw popular stigmatisation and risked such individuals becoming pariahs in their society (cf. Junaid, 2020b; Zia, 2019). This brings into light the level of popular alienation from the state and the lack of its impact on the ground.

Being a site of active political conflict, the state in Kashmir does not possess a monopoly on violence either. Despite being the highest militarised zone in the world, the armed militancy against the state has continued to date (albeit on a low scale; Majid, 2021). As per estimates, in the past three decades, Kashmir has seen between 75,000 and 100,000 deaths (Jammu Kashmir Coalition of Civil Society, 2015; Office of the High Commissioner for Human Rights, 2018). Everyday deaths and killings by state and non-state actors are not a rare occurrence in Kashmir. There are multiple reports by international human rights and advocacy groups that underscore the state's grim human rights record in Kashmir including custodial deaths, enforced disappearances, and mass killings. For instance, the records and reports by human rights organisations like the Office of the High Commissioner for Human Rights (2018), Jammu

Kashmir Coalition of Civil Society (2015), the Kashmir Law and Justice Project (2022), and Amnesty International (1993) have reported annual data on killings and human rights violations in Kashmir by both state and non-state actors. Against the backdrop of the grim human rights record of the Indian state in Kashmir, the human rights watchdog Genocide Watch (n.d.) has put Kashmir on a genocide alert. The reports bring to light the large prevalence of violence by state in Kashmir. Apart from the use of violence including killings by non-state actors, the state has been seen as a gross violator of human rights in Kashmir. The state of Kashmir has been indicted of custodial killings, multiple massacres, as well as incidents of mass rapes (Batool et al., 2016; Bukhari, 2019; Rashid, 2020).

The aforementioned aspects significantly inform the popular mistrust and fear of the state in Kashmir and not see it as a provider of security. They rather strive for their survival and security through their means of self-governance, in this case *rasookh*. Put simply, based on the limits of its impact and reach on the ground in terms of popular contention to its rule, challenges to its legitimacy and not having the monopoly over the use of violence, Kashmir flags as a situation of weak statehood. Most importantly, the popular notion of the state as not a provider of security but a perpetrator of *zulm* (whose repression is socially navigated through means of self-governance) enunciates the weak statehood in the context of Kashmir.

Section 3 substantiates the argument by portraying the ways in which the state in Kashmir instils the pervading social condition of fear and insecurity in Kashmir. It highlights how, in order to survive amid popular contentious politics, armed militancy, and limited impact on the ground, the state relies on “militarised governance” (Duschinski & Hoffman, 2011) through militarised micro-regulation of their everyday social and physical spaces keeping Kashmiris in a sense of constant fear and insecurity.

3. Insecurity Through Militarised Authoritarian Control

As argued above, the regime exercises militarised authoritarian control to micro-regulate the physical and social spaces of Kashmiris that saturate them with a daily sense of fear and insecurity (cf. Kaur, 2020). Through such repressive structures and procedures, the regime maintains the status quo of its imposed political order and keeps under check any emergent (or potential) contentious politics (Tilly, 2006).

On the analytical level, militarised authoritarian control helps the survival of the state by serving two quintessential purposes. One, its exercise in the shape of repressive structures and procedures chokes the space for contention and raises its associated costs. This is achieved by punitively containing and dispelling threats posed by doers of contention. It also serves to discourage the potential doers of contention making it appear

less attractive and more costly (Frantz & Kendall-Taylor, 2014). Two, it becomes essential means of disciplining the doers (and potential doers) of contention by restricting or setting limits to their social and political actions becoming a means of their social and political control (Davenport, 2007). The overall effect comes in the shape of keeping under check collective actions and beliefs against the regime and keeping them in a constant sense of fear and insecurity. The exercise is argued to resonate with the “law of coercive responsiveness” (Frantz & Kendall-Taylor, 2014, p. 334) making it more essential for the survival of those regimes than electoral legitimacy (Carey, 2019; cf. Olar, 2019).

Moreover, militarised authoritarian control attains meanings far beyond the exercise of physical coercion on individuals. It embellishes repressive structures and procedures foisted in the social and physical spaces to authoritatively control civil and political liberties. Thus, it does not only encompass visible acts of direct violence on individuals but structural violence within the aforementioned spaces as well (cf. Galtung, 1969, 1990). It violates human rights, poses threats to individual and collective security, and significantly entangles the physical and social spaces in a multi-layered and overlapping mesh of repressive constraints augmenting the pervading social condition of fear and insecurity.

3.1. Manifestation of Militarised Authoritarian Control

In view of the overwhelming military footprint in the social and physical spaces, a common phrase gathered from the fieldwork was “*Kasheer chha jail-khaanne*,” literally describing Kashmir as an open-air prison. This highlighted the popular experience of Kashmir not as a place of security and prosperity but one of punishment, restriction, and insecurity. As the most densely militarised zone of the world, Kashmir is superimposed with military and paramilitary installations like state armed forces camps, bunkers, cantonments, and check posts. It is through these structures that militarised authoritarian control exercises the micro-regulation of the everyday physical and social spaces and even the bodies within them. Junaid (2020a, p. 308) goes further to argue that, in Kashmir, the militarised authoritarian control freezes and unfreezes time at will, keeping the inhabitants always in a quandary. This transforms Kashmir into a site of *everyday curfews* saturated with a pervading sense of fear and insecurity (cf. Kaur, 2020, p. 28). The militarised authoritarian control keeps them in a state of persistent precarity whether there are restrictions or not, with Kashmiris not knowing if they would be let past the road barricades and checkpoints or not, if they would be frisked or not, or if the mood of the armed personnel manning the checkpoints is good or not (cf. Hammami, 2015, p. 4). Put simply, precarity and insecurity came through as a normalised feeling of being in Kashmir.

The insecurity among Kashmiris was also reinforced by the thoughts of the creeping reach of the state into

their lives. During my fieldwork, the clichéd one-liner about the police and intelligence agencies was that “they even knew what is cooked in the kitchens.” Kitchen as an intimate space in Kashmir indicated the level of depth of fear and insecurity among Kashmiris as well as the reach of state surveillance. The militarised authoritarian control was believed to have the ability to creep into the deep crevices of their personal spaces as well. For instance, there would be a constant sense of fear and insecurity and consequently self-censorship about speaking in public, venting out in social gatherings, or speaking over the phone. Words regarding militancy, resistance, army, killings, and bomb blasts would be self-muted and never mentioned. The fear and insecurity made the people even mistrust each other. It was taken for granted that even their private lives were being eavesdropped and snatched on.

Navlakha (2013, pp. 158–168) interprets it as the doctrine of sub-conventional warfare of the Indian state in Kashmir aimed at bringing the contentious Kashmiris into submission by forcefully transforming their will and attitudes. This highlights how the militarised authoritarian control worked not only on the physical spaces but on the minds and bodies of Kashmiris, keeping them, as argued by Kaur (2020), saturated with unprecedented fear and a continuous state of insecurity.

Drawing from the fieldwork, the militarised authoritarian control unfolded as complex and multifaceted, with overlapping layers that generated among Kashmiris experiences of constant vigil and insecurity. Within the multi-layered control, each successive layer penetrated deeper within their quotidian physical and social spaces. This served to reproduce the aura of an “Orwellian space” making them believe that their activities were under the constant vigil and control of the regime. The circumstances kept the physical and social spaces in Kashmir in a state argued by Kaur as “locked, sealed and geographically isolated through watertight surveillance and military control” (Kaur, 2020, p. 22).

Based on observations made during the fieldwork, the article portrays the intricate web to be craftily spread out to have a firm grip over the geography as well as the bodies and minds contained within it (cf. Allegra et al., 2017). The layers are interspersed but, for heuristic purposes, they are defined as (a) the top gaze, (b) concrete security build-up, (c) mobile security set-up, (d) the invisible network, and (e) militarised control of the digital space.

3.1.1. The Top Gaze

The notion of being watched from above forms the top-most layer. The various hillocks and peaks overlooking different localities in Kashmir nestled massive security camps creating the first layer of the Orwellian space. It generated among different inhabitants a persistent sense of being under the military panopticon. The ever-visible presence of those camps on the top added to the

dominating thought of being constantly watched over adding to their precarity. The occupation of the hilltops overlooking the localities formed a militarised motif replicated at multiple other locations throughout Kashmir. Similar patterns appear in Parrey’s (2013, pp. 179–185) essay “A Victorious Campaign,” where the locality in the foothills is watched over and controlled by the security camp on the top. As such, being under the constant gaze from the top formed a significant facet of militarised authoritarian control keeping the inhabitants ever mindful of their presence. The domination of the heights served to create a persistent spectacle for the inhabitants reminding them of the power and reach of the state.

3.1.2. Concrete Security Build-Up

Concrete security build-up came through in the shape of massive security installations such as concrete security camps and police stations subordinated by multiple police posts in and around the different localities of Kashmir. As a means of control and regulation of daily space and life, the main entry and egress points of the localities had security camps in place. This well-knit circuit of concrete and permanent security structures got further reinforced by the occupation of various buildings within the residential areas making physical inroads into the social spaces as well.

A report released by Jammu Kashmir Coalition of Civil Society (2015) titled *Occupational Hazard* quoted the statistics revealed by the then-chief minister to the concerned legislative assembly regarding the physical occupation of land and structures by the official military and paramilitary forces. According to the report, a total of 97,125 acres of land fell under the possession of the army and paramilitary forces. Of those, 21,337 acres of land remained under their illegal occupation which included 1,856 buildings (1,526 private establishments, 280 government buildings, 14 industrial units, five cinemas, and 28 hotels). In many cases, the army had not even paid rent for the forcefully occupied spaces (Jammu Kashmir Coalition of Civil Society, 2015).

The presence of these interpolations worked to limit the daily spatial practices to a limited social, cultural, economic, and geographical space (cf. Hamdan-Saliba, 2014) and exposed the Kashmiris to daily experiences of restriction and authoritarian control.

3.1.3. Mobile Security Set-Up

Mobile security set-up is animated in the shape of Indian armed forces dotting the roads and alleyways, their bulletproof armed vehicles, mobile checking and frisking beats, metal detectors, razor wires, and barricades spread across Kashmir. The latest addition to the toolkit was mobile bunkers and drones with fitted-in high-resolution security cameras (Yusuf, 2021). They became essential to execute the stop and frisk operations apart

from regulating the quotidian movement and space of Kashmiris. The multiple forms of barriers, in the words of Hammami (2015, p. 4), are:

More than halting...to rather make the mobility arbitrary, chaotic and uncertain. The logic is to create a constant state of uncertainty; is it closed or open, how is the mood of the soldier manning the check post, etc.?

Thus, the overwhelming presence of the security personnel along with the mobile barriers produced a state of constant fear and military control of daily lived spaces in Kashmir. The exhaustive reach of the security setup creeping into public and private spaces became significant to ensconce the state by keeping Kashmiris in a persistent state of insecurity and ready to be targeted.

3.1.4. The Invisible Network

The fourth aspect is flagged in the shape of the invisible micro-regulation of the intimate social spaces of Kashmiris. It related more to the experience of the invisible or surreptitious reach of the intelligence-gathering network. This aspect resonated with the human and technical intelligence gathering set up in the form of informers apart from snooping technologies. In the words of Suvir Kaul (2013, p. 20), “an astonishing number of men (and some women, of course) are on government payrolls, and here I do not include many (some estimate up to 100,000) who receive a regular stipend from various intelligence agencies and secret services.”

With a gigantic security setup, the militarised authoritarian regime worked through an equally massive network of human and technical intelligence. The significant presence of informers and technical resources, like phone and computer bugging and drones in the physical spaces, invaded even the deepest realms of the daily public and private lives of Kashmiris. This transported the state quite further into the intimate spaces of the inhabitants where it percolated within their homes, listened to their phone calls, knew about their lives, and controlled them by dominating and micro-regulating their private and public spaces.

3.1.5. Militarised the Digital Space

The militarised control of the digital space is flagged as another significant aspect of the superimposition of the military footprint on Kashmir’s geography. The authoritarian regulation of the digital spaces in the shape of regular mobile and internet shutdowns remained an integral part of the militarised authoritarian control in Kashmir. Often the place was subjected to internet and communication services clampdown, disconnecting the inhabitants from the rest of the world (Mogul, 2023).

A study by Rydzak (2019) titled *Of Blackouts and Bandhs: The Strategy and Structure of Disconnected*

Protest in India categorised India as “the most shutdown-prone sovereign state in the world, with over 100 shutdowns recorded, more than all the other countries put together.” Within India, as per the study, Kashmir accounted for 47% of the total recorded shutdown events between 2012 and 2017, the longest being in 2016 in Kashmir, when internet services were clamped down for 203 days at a stretch. The study referring to shutdowns as “blackouts” qualified them as a “logical extension of curfews” in Kashmir with the purpose of inhibiting public gatherings (Rydzak, 2019, p. 9).

Out of a total of 556 internet shutdowns between January 2012 and January 2022 imposed in India, 320 had occurred in Kashmir alone, the longest being 552 days (August 4, 2019–February 6, 2021), replacing the 2016 shutdown of 203 days. Put simply, the militarised authoritarian control over the digital space micro-regulated the ability of Kashmiris to speak or communicate or know the happenings around them. The exhaustive reach of the state militarily regulated the basic human functions of expression and awareness as well.

Following from above, the multi-layered militarised security setup transformed Kashmir into a site caught in a web of complex forms of militarised repressive constraints that militarily micro-regulated its geography and bodies contained within it (see Figure 2). The exercise of militarised architecture became reflective of what Kuus (2016, p. 365) argues to be the “geopolitics of occupation” serving to dominate and habituate the inhabitants to those imposed constraints.

The said circumstances imbued the everyday life of Kashmiris with overwhelming fear and insecurity. It was under those pervading social conditions that Kashmiris evolved institutionalised responses of self-governance to socially navigate the prevalent repressive constraints. Their employment served those employing them in two major ways: firstly, by helping them socially navigate the repressive constraints meant to restrict and micro-regulate their space and daily life, and secondly, by helping them sustain their quotidian life processes. The following sections discuss the employment of *rasookh* to socially navigate the repressive constraints.

4. Employment of *Rasookh*

Drawing from the fieldwork, one of the most significant means of compensation for the pervading social condition of fear and insecurity came through *rasookh*. Individuals with informal (personal) connections—either familial, social or professional—with the officials of the institutions of state were understood as ones with *rasookh*. The article argues that the employment of *rasookh* as an informal institution implies socially accepted, known, and normalised patterns of behaviour that persist over time due to their capability of structuring social action. Being different from formal institutions, they owe their existence and recognition to their functional utility without which they cease to exist

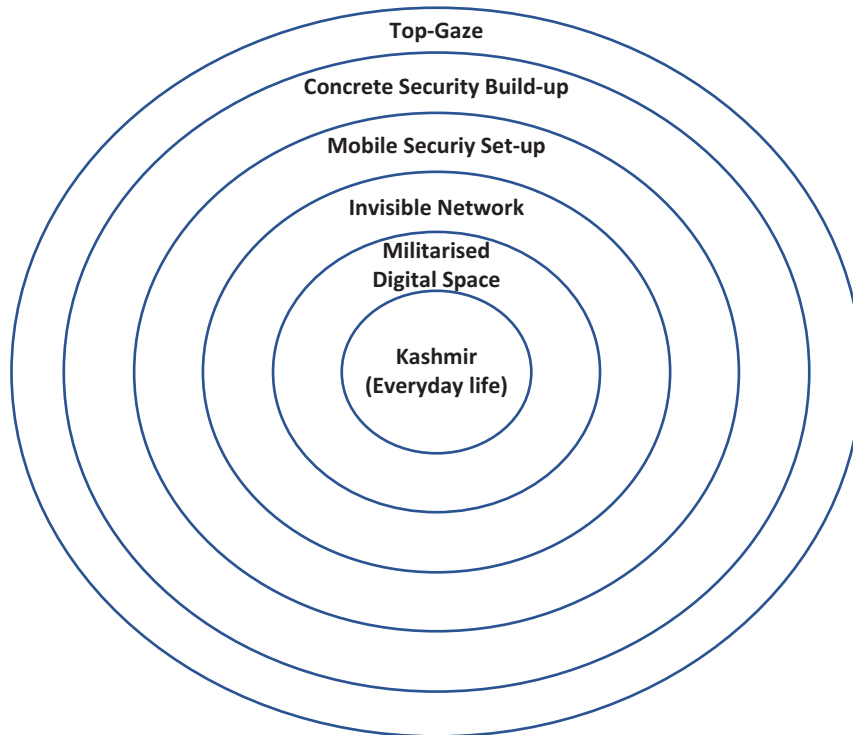


Figure 2. The multi-layered militarised authoritarian control of Kashmir.

(cf. Helmke & Levitsky, 2004; Lauth, 2000). As such, *rasookh*, being a socially accepted and normalised practice, serves the vital function of response to repressive formal institutions. As violations of informal institutions may involve sanctions (through social mechanisms) like exclusion or minimal access to goods and services (Lauth, 2000), inability to employ *rasookh* animated sanctions like loss of the ability to get by repressive constraints or inability to come out of their grip. The detailed categorisation of *rasookh* into its direct and indirect types (reliant on whether the officials liaised directly or through conduits respectively) and the subtle nuances between them are beyond the scope of this article.

Irrespective of the type of *rasookh*, those exercising it compensated for the pervading fear and insecurity from the militarised authoritarian control by drawing security through their informal networks as opposed to the institutions of the state. The social navigation through the repressive structures and procedures came by means of influencing the addressees or officials of the concerned institutions (cf. Lauth, 2000, p. 25). The help on part of the officials mainly comes out of empathy as well as social or relational expectations or obligations (cf. Mir, 2022, p. 204). Put simply, the exercise of *rasookh* not only helped socially navigate the “geopolitics of occupation” (Kuus, 2016, p. 365), but also compensated for the pervading insecurity by drawing security through personal (informal) connections with the concerned officials.

The Rekhta Urdu Dictionary, as well as the University of Chicago Urdu-to-English dictionary, give the English equivalents of *rasookh* as firmness, stability, steady friendship, and influence (Rekhta, 2020, as cited in Mir,

2021). In the context of Kashmir, the idea of *rasookh* tethered the above meanings to it connoting considerably stable connections (particularly that of personal informal associations) with the officials. It reflected a conscious effort on part of those employing it to cultivate, curate, and make use of their personal (informal) associations in order to deal with the pervading social condition of fear and insecurity. Based on fieldwork, the employment of *rasookh* meant being able to (informally) utilise the said associations with the concerned officials and bypass formal channels to socially navigate the repressive constraints. Its employment availed help through the connections such as getting-by curfews and restrictions, relief from arrests and detentions, being able to get a passport, or being able to save family and friends from the repressive constraints of the militarised authoritarian control. Following from the instances, the employment of *rasookh* came through as predominantly reactive but underscored proactive aspects as well, being principally employed to generate alternative corridors of action like evading arrests, raids, or restrictions which could not be achieved (as such) had *rasookh* not been employed highlighted its reactive aspects. Simultaneously, managing to be left out from blacklists, availing security clearances like no objection certificates or formal documents like passports, underlined its proactive aspects as well.

Following the above, *rasookh* most commonly appeared in the shape of making use of the aforementioned contacts to avoid getting caught under the repressive structures and procedures. For instance, during the fieldwork, I uncovered that many people would utilise

their *rasookh* with police officers to get their kin saved from arrests for their contentious activities or get them released from detention without being formally charged. In many cases, it also meant not being stopped at checkpoints or returned home during curfews and being able to move out and about for work and attending to urgent necessities. During raids, night raids or mass frisking, it meant not being targeted or being dealt with leniently. In those cases, *rasookh* usually came into play in the shape of individuals (with *rasookh*) informing their contacts (concerned officials) either personally or telephonically and the officials, in turn, passing (informal) information further down in their favour, often to personnel in charge of the issue.

Another important function that *rasookh* served was being aware in advance of any curfews, raids, night raids, cordon and search operations, or any repressive procedures that would be forthcoming in their locality. This would help them (individuals with *rasookh*) to preemptively prepare or avoid getting caught up under their repressive constraints. Many individuals, during the fieldwork, also used their *rasookh* to speed up their police verification process including getting intelligence clearance certificates. Being a place under strict militarised authoritarian control, basic services like getting passports, telephonic connections, and job appointments needed clearance from the police and intelligence agencies (cf. Zia, 2019). *Rasookh* in these cases was handy as well.

Interestingly, under militarised authoritarian contexts—in this case Kashmir—the tolerance for those resorting to contentious politics or those perceived to be gullible to it is minimal (cf.; Davenport, 2007; Tarrow, 2014; Tilly, 2006). Likewise, the perception of the inhabitants' political attitudes by the state institutions turned out to be quite significant in determining their ability to employ *rasookh* for social navigation. Those Kashmiris that were deemed to be *tehreeki* (adherents of Tehreek as a political ideology, connoting freedom from Indian rule) by the said institutions had significantly fewer chances of having informal associations with the agents of formal institutions (cf. Junaid, 2020a; Zia, 2019). Thus, the inhabitants perceived as *tehreeki* came through to have the least likelihood to employ *rasookh*.

Moreover, the employment of *rasookh* came through as nuanced from similar informal institutions employed in the wider Indian context. Unlike those cases, the employment of *rasookh* came through to be predominantly employed to navigate the repressive structures and procedures of the militarised authoritarian control rather than appropriating resources of the state or maintaining patrimonial dominance (cf. Brass, 1997; Harriss-White, 2003; Jeffrey, 2010; Marcesse, 2018). *Rasookh* was also not boasted as a show of strength or maintenance of patrimonial dominance, unlike similar institutions in the Indian context (cf. Jeffrey, 2000). It was rather strategically maintained in a lowkey fashion to socially navigate the said repressive constraints without appearing as sympathisers of the contested state (cf. Mir, 2022).

Put simply, *rasookh* is flagged as a significant means of socially navigating the pervading social condition of fear and insecurity in Kashmir. With the expectations of security from the state to be significantly inadequate, rather it being the major reason for insecurity, means like *rasookh* in Kashmir attained significance as an operating strategy to compensate for that (cf. Tsai, 2006). Section 5 underscores how *rasookh* resonates with self-governance on part of Kashmiris.

5. *Rasookh* as Self-Governance

As an informal institution, the article argues that *rasookh* resonates with self-governance on part of Kashmiris to survive amid the prevalent repressive structures and procedures. Whereas being socially accepted gives *rasookh* an institutional reality, being simultaneously able to compensate for the inadequate, if not absence of, security on part of the state highlights its exercise as self-governance. Understanding *rasookh* from the lens of self-governance reinforces the overarching premise of the article. It shines a light on how prevalent political structures condition and inform social responses and, as such, how they develop institutionalised responses as an experience of the political structures. For instance, how weak statehood in Kashmir and the consequent militarised authoritarian control generated a pervading sense of insecurity and fear among Kashmiris and led them to socially navigate the said precarity by employing *rasookh*. Capturing these dynamics through self-governance becomes essential also because the relevant debates and concepts, such as the everyday resistance or microanalysis of conflict, fall short of focusing their gaze on the overarching premise. For instance, the said debates mainly focus their attention on prospective acts of contestation and place predominant weight on the individual agency (cf. Autesserre, 2006; Fujii, 2008; Johansson & Vinthagen, 2016; Kalyvas, 2003; Scott, 1985). However, the prospective events or acts of resistance challenging the formal institutions form a small part of the daily lived realities of the individuals under militarised authoritarian regimes like Kashmir. They are equally (if not more) engaged in living under and “getting by” (Allen, 2008) these circumstances and giving their lives a semblance of normality. Borrowing from Mac Ginty (2012, p. 180), many individuals living in such situations remain too occupied in the political economy of survival. Moreover, placing insufficient emphasis on the role of political structures in conditioning the behaviour of individuals and rather focusing entirely on the individual agency does not capture the dynamic of *rasookh* vis-à-vis the militarised authoritarian control in Kashmir. It is in this context that the rationale for choosing self-governance becomes the appropriate lens for understanding the employment *rasookh* in Kashmir.

Thus, from the perspective of providing security in response to the pervading social condition of fear and insecurity, *rasookh* flags a means of self-governance

(cf. Pfeilschifter et al., 2020). The article understands self-governance to come through when individuals in the group develop common and sustained solutions to common problems where the solutions evolve by consensus rather than external influence or coercion (Pfeilschifter et al., 2020, p. 4). Thus, self-governance connotes a process not based on the authoritative regulation of the hierarchical state, but a result of interaction and negotiation processes between officials of the state institutions and civil society or non-state actors. Self-governance is further argued as a necessary response under situations of weak statehood. The necessity is ascribed to the fact that under such situations it flags as an important means of ensuring survival and dignified life (Pfeilschifter et al., 2020, p. 4). From that perspective, the exercise of *rasookh* resonates with a commonly evolved and accepted solution to the pervading social condition of fear and insecurity due to repressive structures and procedures of the state. Its exercise by Kashmiris as a necessity for their survival and dignified life flag it as a significant means of self-governance.

Amid the circumstances underscoring insecurity and fear vis-à-vis the state, the tacit understanding and acceptance of *rasookh* as a means of survival and drawing security amid the pervading social condition of fear and insecurity resonate with it as means of self-governance at the local level. Self-governance through *rasookh* highlights its significance in providing for the basic and foundational popular need of security and as such a dignified survival (Pfeilschifter et al., 2020, p. 4). Put differently, the employment of *rasookh* highlights the weak statehood in Kashmir. Reliance on *rasookh* rather than the state institutions for drawing security exposes the weakness of the state with regard to the provision of popular security. While Kashmiris resorting to their personal connections to compensate for the insecurity highlights their lack of faith in the state as a protector, it simultaneously flags the weak impact of the state on the ground, especially in the said aspects. Thus, the presence, prevalence, and acceptance of *rasookh* become strong evidence to triangulate the overarching thesis of the article underscoring the weak statehood in the context of Kashmir.

6. Conclusion

Situations of political conflict become active sites that highlight weak statehood. The article portrayed Kashmir as a site of conflict that reveals weak statehood, especially with regard to the provision of security. Faced with popular contentious politics (Tarrow, 2014; Tilly, 2006), the state is argued to survive in Kashmir through the exercise of militarised authoritarian control leading to a pervading social condition of fear and insecurity among Kashmiris. Thus, rather than being seen as a provider of security, the state in Kashmir is seen as a perpetrator of *zulm*, reflective of exercise and the popular experience of repressive structures and procedures by the state (Mir, 2021, 2022). Amid the prevalent circumstances,

marked by the least expectations of security from the state, Kashmiris develop institutionalised responses to socially navigate the said constraints. The article highlights the response of *rasookh* understood as the practice of building, maintaining, and utilising good offices or personal liaisons with officials of the institutions of the state. The employment of *rasookh* helps them draw security through their informal connections. Being able to compensate for the inadequacies of the state, *rasookh* is made sense of as self-governance.

The case study of Kashmir becomes significant to mark how prevalent political structures condition and inform social responses and as such, how individuals develop institutionalised responses as an experience of the political structures—in the case above, how weak statehood in Kashmir and the consequent militarised authoritarian control generated a pervading sense of insecurity and fear among Kashmiris and led them to socially navigate said precarity through *rasookh*.

Inductively, *rasookh* also becomes reflective of how societies under similar conditions (where survival remains an everyday struggle) may resort to institutionalised means of self-governance as a means of survival. The means of self-governance become important for the sustenance of everyday life. So, managing to “get by” (Allen, 2008) and survive amid repressive constraints becomes a quintessential everyday struggle for the inhabitants of such precarious regimes. Thus, under those situations, means of self-governance may become significant to provide for the fundamental public need of survival amid repressive constraints apart from helping retain a semblance of ordinariness to their lives.

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Article

Housing as a Battlefield Between Self-Organization and Resistance: The Case of Reclaim the City

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Abstract

Cities are a place of transformation, since cities are being challenged through various processes, among them gentrification. Likewise, cities are a space for innovation and new solutions, as many changes start locally. Reclaim the City is one such local movement: It is a response to weak statehood which results in a limited ability to solve the housing crisis and the continuation of spatial segregation in Cape Town. Gentrification deepens the housing crisis and has an impact on the most vulnerable groups, black and colored people, who are affected by eviction. Based on a qualitative study, this article first unpacks the weakness of the city authorities regarding housing and then analyzes the relationship between Reclaim the City and the city. This relationship is not to be understood as a binary, conflictual liaison; rather, the relationship is complex, involving resistance but also complementarity, because in the self-organized occupation Reclaim the City offers what the city is not able to provide. The response of the authorities is ambivalent: They welcome self-organization and yet try to control and delegitimize the occupation by criminalizing the occupants. The relationship between Reclaim the City and the city thus shows that self-organization does not necessarily lead to new interfaces between the state and social movements, as often discussed in the context of new municipalism, but rather housing becomes a field of social contestation in that the city and Reclaim the City negotiate for mutual acceptance and legitimation, at times with an open end.

Keywords

housing; local self-organization and governance; Reclaim the City; social movements; South Africa

Issue

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1. Introduction

Cities are increasingly a field of contestation. On the one hand, the debate on the neoliberalization of the city highlights the shadow of urbanization, which unfolds in urban planning oriented toward market-oriented solutions rather than social justice (Harvey, 2013; Portaliou, 2007). Even though the neoliberal turn since the 1970s is not limited to the city, cities are the focal point of transformation because they host the centers of production (Mayer, 2013). As a result, we are witnessing increasing spatial and social inequality in cities, which is manifested in processes of gentrification and touristification, as well as in loss of relationships with the local space or with nature, and the dominance of neoliberal values such as individualism, which is opposed to the percep-

tion of the city as a shared responsibility or commons. Thus, the so-called neoliberal city polarizes people socio-economically (Harvey, 2013). As a response, numerous social movements emerge, criticizing austerity politics and claiming the “right to the city.” With the notion of “right to the city,” activists seek to gain collective power over the processes of urbanization (Harvey, 2013, p. 4) and to change the understanding of the city, by highlighting the creative potential of citizens, and, borrowing a term from Lefebvre (1968/2016), to “inhabit” the space. Accordingly, Sareen and Waagsaether (2022) perceive cities as laboratories for change with the ability to address urban crises. Agustin (2020, p. 63) argues along the same lines, emphasizing that many changes derive from the local and thus from the city. In this respect, the debate on “new municipalism” highlights that civic

engagement is a response to the neoliberal city, and citizens have the ability to influence political structures by creating new forms of interaction between citizens and the city. Accordingly, new municipalism can be understood as a form of progressive change, which enhances the relationship between citizens and the city (Agustin, 2020; Thompson, 2021).

The housing movement Reclaim the City (RTC) can be classified under the notion of the right to the city. RTC emerged in 2017 with the slogan “Land for People, not Profit” for the purpose of overcoming the housing crisis in Cape Town, and is in line with other social movements that struggle against the neoliberal city. RTC shows the creative potential of citizens to shape the city and their agency to create solutions for urgent problems. RTC, for example, offers shelter to those in need in the housing crisis and thus creates solutions that the city is not able to provide. Nevertheless, in the case of RTC, one cannot speak of a new form of municipalism emerging from citizens’ engagement. My case study of RTC shows that the relationship between RTC and the city is far from being resolved and that RTC’s struggle is not leading to the establishment of new formal participatory structures as discussed in the debate on new municipalism. Rather, the relationship between RTC and the city can be characterized as a continuous battlefield in which each party seeks to legitimize its own position and standing. This makes cooperation possible because both fear losing their legitimacy. The relationship between the city and RTC is based on both complementarity and confrontation. My case study of RTC shows that, despite the creative potential of citizens, opportunities for participation in political decision-making are sometimes granted but remain predominantly limited and are a field of contestation. Thus, the case study complements the debate on new municipalism and shows the limits of the engagement of social movements, especially in the context of weak statehood in which the governance ability is limited but in which the city has also power and a need to legitimize itself as a responsible actor. Therefore, in this article, I analyze the complex relationship between RTC and the city by addressing the strategy and activism of the housing movement.

This article is part of a broader study of different civil society actors in South Africa entitled “Towards a sociology of lived utopias: How the future becomes present in imaginaries and aspirations of lived utopias in South Africa.” For this empirical study carried out between 2016 and 2018, I conducted more than 80 biographical and semi-structured interviews and used ethnographic methods such as participant observation. For this article, I will particularly consider 14 biographical interviews with RTC activists, two guided interviews with civil society actors, and observation memos of my participation in protests, meetings, and activities connected with the occupation. In addition, I made a newspaper media review in order to observe the public perception of RTC and the state’s responses to RTC activism. All data

have been analyzed in accordance with grounded theory (Charmaz, 2014).

In Section 2, I will refer to social movement studies, particularly the relationship between social movements and the state, as well as municipalism. Then, in Section 3, I will introduce the South African political context in order to embed the case study of RTC in a broader understanding of weak statehood in South Africa, and of the housing crisis in Cape Town. Then I will analyze the activism of RTC and its emerging relationship with the city (Section 4.1), as well as their mutual perceptions and expectations (Section 4.2). In the conclusion, I will summarize the findings and argue that this relationship does not lead to a new form of municipalism but remains a field of contestation in which RTC and the city struggle for self-legitimation and delegitimation of the respective other.

2. Social Movements Under Conditions of Weak Statehood

Social movement studies have analyzed the relationship between the state and social movements from different perspectives. Early analyses adopted a structuralist perspective to examine how the political regime, whether democratic or authoritarian, shapes social movement activism (Meyer, 2004; Tarrow, 1996), but Della Porta (2013, p. 958) criticizes this approach for its deterministic vision of the state-movement relationship, which fails to take into account the importance of the social construction of opportunities. Consequently, recent studies have looked at the complex and manifold interactions between social movements and the state (Daniel, 2019; McAdam et al., 2001; Rucht, 1996). Thus, scholars have also examined the role of allies, such as the political elite or political parties, because the opportunities for action by social movements and their influence on political decisions increase the more diversified the support in the political system is (Giugni, 2009; Meyer & Lupo, 2009). In such studies, social movements and the state are not automatically perceived as opponents, but the relationship between them is analyzed with an open mind, with a consideration of the complex dynamics involved in the activism of social movements and their relation to the state. This approach takes into account the particular historical, cultural, economic, and political context in which social movements operate (Baumgarten et al., 2014). Part of these context-sensitive studies, which present a differentiated picture of the relationship between citizens or social movements and the city, is the above-mentioned debate on new municipalism. This debate unfolded primarily against the background of the Spanish protests against austerity policies between 2008 and 2015 (Sareen & Waagsaether, 2022). These social movements address the neoliberal city and aim to change policies, decision-making, and particularly political participation “towards more participatory interaction” (Feenstra & Tormey, 2023, p. 81; see

also Agustin, 2020; Thompson, 2021). New municipalism describes how civil society collaborates with the city in order to reconfigure the relationship beyond party politics and to find alternatives to capitalism (Thompson, 2021, pp. 319, 322). To characterize the relationship between social movements and the state, Thompson (2021, pp. 326–330) develops a typology, distinguishing between *platform*, *autonomist*, and *managed municipalism*. Platform municipalism challenges the categorization of the state and aims at establishing new platforms for interaction, whether digital or by assembly. Autonomist municipalism seeks self-governance outside the state, moving away from engaging with the state toward building alternatives. Managed municipalism creates a new structure of the municipality from the inside through new mechanisms of the economy.

While these new academic debates on municipalism attempt to grasp the complexity of the relationship between the city and social movements, they fall short regarding RTC. The RTC example shows that the relationship with the city depends on which forms of activism social movements use. This example shows that the relationship is far from clear and that each of the parties concerned seeks to legitimize itself and delegitimize the other. The interaction is thus highly dynamic, has not become structurally solidified and is still being negotiated. Thus, RTC does not correspond to those social movements that are discussed under the term new municipalism. To understand RTC and its relationship to the city, it is first necessary to look at its strategies and forms of activism in order to uncover the complexity of the interactions. The term activism refers to everything social movements do in order to achieve their aims (Saunders, 2013). Raschke (1985, pp. 277–282) proposed a division into intermediary, demonstrative, and direct activism. With intermediary activism, social movements aim at influencing political decisions and the public through working in committees, writing petitions, collecting signatures, distributing leaflets, or lobbying. Intermediary activism aims at realizing goals within the framework of the existing political context. As a rule, ignoring the demands would incur costs for the political elite and/or would question its legitimacy. Direct activism is much more radical and takes the form of strikes, boycotts, sabotage, or occupations. Actors using direct protests consciously position themselves outside or against the government. Demonstrative activism is in between and ranges from demonstrations, marches, rallies, and campaigns to vigils. This kind of activism does not include an element of political confrontation but aims at initiating a process of reflection. Kriesi (2004, p. 91) argues that some tactics are more exclusive (repressive, confrontational, polarizing), while others are more inclusive (facilitative, cooperative and assimilative). Social movements tend to combine different forms of activism. Analyzing the activism of social movements, more particularly of RTC, will unpack the multiplicity and complexity of relationships between the social move-

ment and the city. In the case of RTC, the context of weak statehood also needs to be considered.

Unlike failed states (Schlichte, 2006), weak states are not threatened in their existence; they are able to offer a number of services but face functional, temporal, or territorial limits (Pfeilschifter et al., 2020, p. 11; Risse, 2011). The weak state is functional and stable in itself but has a low capacity and authority to realize its goals. The weak state is characterized by governance gaps. Against this background, the question arises of how social movements interact with the weak state. While some scholars argue that non-state actors undermine the legitimacy of the state, others emphasize that not all non-state actors aspire to political power (Meagher, 2012; Pfeilschifter et al., 2020, pp. 15–16). Lauth (2000) underlines that the comparability, strength, and legitimacy of informal rules and institutions need to be considered in order to understand whether non-state actors, here social movements, undermine or complement the state. Pfeilschifter et al. (2020, p. 4) argue the weaker the statehood the more important is self-organization, for instance in social movements. Thus, in order to understand the relationship between RTC and the city, we need to explore the activism of RTC and the context of weak statehood.

3. Weak Statehood in South Africa and the Challenge of Housing

South Africa's democracy has been challenged in recent years by economic, social, and political problems under the presidency (since 2018) of the African National Congress leader Cyril Ramaphosa. Economic stagnation since the global financial and economic crisis of 2008–2009, growing inequality, corruption, and increasing social problems are intertwined, leading to the highest Gini coefficient in the world (World Population Review, 2023). While the state is inherently stable and not threatened in its existence, it is nevertheless limited in its ability to solve the interlocking problems, creating a regulatory and power gap (Schlichte, 2006). Southall (2018, pp. 246, 252–253) highlights the ambiguous legacies of the regime, which is both democratic and authoritarian. Accordingly, political loyalties around ethnicity, tribalism, and a political system favor the dominance of the ruling party, weaken the opposition, and challenge democracy. In addition, corruption has progressively emerged in recent years (Bertelsmann Stiftung, 2022, pp. 7–9). Due to these governance gaps, statehood can be characterized as weak. Where the regulatory gap of the state and thus its weakness becomes particularly apparent is in the area of housing. We are witnessing the weakness on two levels. First, the state cannot overcome the spatial segregation of apartheid and create sufficient housing, either at the national or the city level. During apartheid, the territory of the city was divided along ethnic lines between so-called white, black, and colored residents (black, white, and colored are used here as socially and politically constructed categories of discrimination

and racism; see Vally & Motala, 2018). The Group Areas Act of 1952 evicted all non-white citizens from the inner circle of cities, hence also from Cape Town. Groups were transferred to ethnically homogeneous townships at the periphery of the city. To date, this segregation has only been resolved to a limited extent. Non-whites still live mainly on the outskirts of the city, which makes access to politically and economically central institutions, jobs, health, and education in the city more difficult for them (Ndifuna Ukwazi, 2015, 2017). In order to overcome apartheid's segregation, the established constitution of post-apartheid South Africa guarantees the right to housing with the Social Housing Act of 1997. Implementing this act would require ensuring affordable housing, rent control, and a reorganization of cities in order to overcome spatial segregation.

However, the post-apartheid governments have failed to implement the promise of housing and the waiting lists for social housing are long. Many people have been on a waiting list for more than 20 years (Thompson, 2014). The government is aware of the lack of social housing and tried to overcome the legacy of apartheid by building more than 700,000 housing units for poor and marginalized residents between 1994 and 1997 (Dwyer & Zeilig, 2012, p. 115). However, these are not enough and the waiting lists for social housing units are growing: "You find a government realizing that they are not able to give everybody a free house....There is not sufficient money to provide free house" (interview, September 4, 2018). In 2020, the number of housing units needed in Western Cape was 365,000 (Hendricks & Hadebe, 2020). There are manifold reasons for the state's inability to provide housing, among them weak statehood, but also the neoliberal policy which prevents legislation on an ideological level (Goodman & Hatch, 2022). The latter in particular is the cause of a deepening of spatial segregation through processes of gentrification.

Second, 20 years after the end of apartheid, many Capetonian citizens are being confronted with a new wave of gentrification which is deepening the housing crisis. Particularly the area of Woodstock, which is close to the city center (where the economic and political midpoint is located), is challenged by gentrification caused by increasing investment in residential houses (Carls, 2016; Garside, 1993; Visser, 2002). For working-class and poor residents, who are mostly colored, the rising cost of living in Woodstock means they cannot afford to stay and have to move. The city, which allows private investment, is responsible for this development. A profound change was triggered in 2007 when the Cape Town Council designated the area as a priority development zone for urban upgrading, thus contributing to gentrification (Raymond, 2014). One RTC activist explains the causes and effects of gentrification, which values economic goals rather than social needs: "Profit is being put before humanity. It is very sad" (interview, September 10, 2018). RTC activists perceive the consequences of gentrification as being similar to apartheid segregation,

in that poor and working-class people, who are predominantly black or colored, have to move to disadvantaged areas. For this reason, some people call gentrification a new form of apartheid: "This negative apartheid which had an impact on generations. It is coming back into play, this apartheid. But it is now a financial apartheid" (interview, September 10, 2018). Due to gentrification, residents are forced to move to relocation camps, such as Wolverivier. Most relocation camps are located on the outskirts of the city and have poor infrastructure. Thus, evictees are afraid that they will lose their jobs if they move to relocation camps, because of the distance to be traveled, and that they will be excluded from political and economic life (Ndifuna Ukwazi, 2015, 2017). Consequently, many evictees refuse to move to the relocation camps and instead find shelter with their families, move into townships, or decide to live on the streets.

Thus, it is clear that the South African state in general, and the city of Cape Town in particular, is unable to solve the housing crisis, and that the crisis is exacerbated by neoliberal policies which encourage private investment. Against this background, it can be observed that citizens are increasingly dissatisfied with the state and more generally with democracy. According to the data of the Afrobarometer (2022), in the period 2016 to 2018, 30.6% of South Africans were not at all satisfied and 26.0% were not very satisfied with democracy. This discontentment is complemented by the opinion that the country is heading in the wrong direction, as a survey released in 2021 shows (von Soest, 2022, p. 4).

The housing crisis is based on two factors: on the one hand, the failure of the state to provide sufficient housing and to overcome spatial segregation, and, on the other hand, a neoliberal urban policy that increases the crisis. This has resulted in widespread mistrust of the state and its problem-solving competence, and resentment of the lack of participatory politics in the field of housing.

Citizens are increasingly organizing themselves as a result of their feeling of discontentment. RTC is a response to the growing housing crisis, aiming to "undo the legacy of a segregated and unequal apartheid city" (RTC, 2018, p. 8), and a reaction to evictions resulting from gentrification. RTC is in line with other social movements that are organized in order to draw attention to limited statehood (Alexander, 2010; Ballard, 2005). In South Africa, protesting and holding the government accountable is a legitimate, publicly visible, and usual way of initiating changes that ideally should be implemented by the state. Because there are protests practically every day, South Africa has been described as a "social movement society" (Rucht & Neidhardt, 2002). The political scientist Friedman (2018) has written in a newspaper: "If you want...change in South Africa, create a crisis—then stand by to negotiate a way out of it." Social movements arise due to the felt discontentment but also because South Africa lacks adequate participatory opportunities for citizens beyond political parties. Although it has established many formal structures for

political participation, in the form of ward committees and council or public-participation meetings such as community policy forums, they do not work effectively and do not take citizens' demands into consideration sufficiently. Plessing (2017, p. 74) comments that the participatory mechanism tends to reproduce marginalization and create distance between the citizens and the state. There is also a lack of participatory opportunities in Cape Town regarding housing. Housing activists and evictees complain that they have hardly any established platforms to interact with the city. Rather, they have to fight for the city's attention (interview, September 4, 2018). Against this background, the question arises as to which strategies RTC uses to draw attention to the housing crisis and what is the relationship between RTC and the city.

4. Reclaim the City: Activism in Relation to the City

Since 2017, RTC has addressed the housing crisis in Cape Town through various forms of activism and with the support of the non-governmental organization Ndifuna Ukwazi. Ndifuna Ukwazi is an essential partner for the development of strategy and the implementation of political action (see Section 4.1). While RTC mobilizes and integrates those affected by the housing crisis, Ndifuna Ukwazi provides the expertise, financial resources, and technical support. RTC and Ndifuna Ukwazi cooperate with each other in a complementary way (Daniel, in press). In the next sections, I analyze, on the one hand, the activism and strategic intentions of RTC vis-à-vis the city, and, on the other hand, the way RTC and the city perceive each other, in order to gain a better understanding of their relationship.

4.1. Reclaim the City Activism Between Confrontation and Complementing the City

RTC uses intermediary, demonstrative, and direct forms of protest to address the housing problem. Its aim is to put pressure on the city in as many ways as possible and show the urgency of the crisis. Its *intermediary activism* is aimed at raising awareness of the problem through lobbying in order to hold the city accountable. For instance, RTC creates awareness of the housing situation and ongoing evictions due to gentrification by regularly reporting on the fate of evictees in social media (e.g., RTC, 2019), but also in newspaper reports (e.g., Herold et al., 2020). The aim is to arouse compassion and solidarity by portraying structurally inherent injustices experienced by evictees. RTC also provides "advisory units" for residents affected by unlawful evictions. The advisory meetings provide knowledge of housing rights and legal procedures in case of eviction. RTC (predominantly through Ndifuna Ukwazi) offers emergency advice to evictees who do not have lawyers, helping to explain documents and showing how to argue in court. Not least, RTC documents unlawful evictions (together with Ndifuna Ukwazi). In such a situation, RTC records the

living and working situation of the citizens and offers legal advice. Because the city has no official statistics on the number of evictions, the data collected by RTC gives an important overview of housing needs. With these forms of intermediary activism, RTC strives to transfer knowledge and support the agency of the affected residents. In some ways, this activism can be perceived as complementary to the city because RTC invokes and promotes the constitutional right to social housing. However, it also unpacks the weakness of the state and raises awareness of the housing crisis. With this framing, RTC creates understanding for the affected citizens. RTC creates a counter-narrative and disarms the dominating discourses of the city on housing and upgrading through gentrification. However, this intermediary activism is not confrontational but tries to hold the government accountable. One result is increasing critical reflection on the city, with RTC establishing itself as an actor that is close to the citizens, understanding them and thus gaining support.

While in intermediary protests the pressure is exerted indirectly and does not take place through direct interaction with the city, RTC also uses the strategy of *demonstrative activism*. Demonstrative activism has the aim of directly persuading the city to create solutions to the housing problem. For instance, RTC (together with Ndifuna Ukwazi's lawyers) intervenes in the sale of land in order to ensure social housing. One of the most prominent interventions was the Tafelberg Campaign. Ndifuna Ukwazi's lawyers brought a review application to the Western Cape High Court, arguing that both the province and the city had failed in their constitutional obligations to address spatial apartheid. RTC finally ensured that social housing units were part of the sale contract. RTC also uses demonstrations in order to perform their resistance to housing policies. All these forms of demonstrative activism reveal the failure of the state to a broader public and exert pressure for change. Although demonstrative activism is more confrontative, the atmosphere between the opponents is predominantly cooperative, and sometimes appreciative, expressing recognition that RTC is demanding a constitutional right.

While these actions point out the weaknesses (but also the unwillingness) of the city, and call on it to act, they are not necessarily perceived as confrontational by the city. In fact, as shown above, in some cases they are welcomed. This is in contrast to the city's attitude toward *direct activism* in the form of illegal occupation. RTC has occupied three vacant buildings. The largest is the Woodstock Hospital. The occupation as an act of peaceful civil disobedience symbolizes resistance, the "right to the city," and the expansion of legal spaces to generate publicity and political pressure (Hayes & Ollitrault, 2019). Not least, the occupation offers shelter to people who have been evicted from their homes and is itself the solution to the need for housing which the city is not able to provide. Thus, the occupation is an expression of a lack of trust in the institutions of the weak state and its ability to solve problems.

Occupation is publicly effective, but, in the case of the Woodstock occupation, it requires internal self-governance in combination with self-organization to regulate everyday life for more than 800 people. Self-organization is an informal action that regulates itself beyond formal political institutions (Lauth, 2014, p. 20) through norms, values, and collective practices with the aim of routinizing and legitimizing them (Neubert, 2021). RTC's self-organization and self-governance are based on a self-given constitution (RTC, 2019) which is in line with the law, and with widespread moral and social norms (Daniel, 2022). Based on formal rules, the constitution regulates political activism and the structure of RTC. Informal rules are used to organize daily life in the occupation. They address the duties of the occupiers, social interactions, and the care of the building, and guarantee security by preventing criminal behavior such as drug abuse, theft, vandalism, fraud, or sexual harassment. Violations can result in exclusion from the occupation. However, in the field of security, RTC complements the executive power of the city: RTC is responsible for safety in matters that are not covered by formal legislation, but the police are called in cases of violation of the legal order. In addition, the city exerts its executive power and retains control over the occupation by guarding the entrance to it (Jones, 2019). Thus, RTC and the city complement each other: While the city controls access and the number of occupiers, RTC provides security within the building through house rules (Daniel, 2022, in press). Consequently, RTC enforces the law and creates a social order that regulates everyday life. Even if it does not always succeed in preventing vandalism, theft, and drug abuse, RTC creates informal rules as "islands of order" (Neubert, 2009, p. 54).

Two aspects are important for understanding the occupation and its relation to the state. On the one hand, the occupation contradicts the phenomenon of autonomous municipalism, because RTC is not independent of the city but cooperates with it in the field of security. Second, in the need to create security through a combination of self-organization and police and government guards, the specific context of South Africa becomes apparent, in which security is dependent on self-organization, due to the omnipresence of criminality and the culture of violence (Duncan, 2016). Not least, the culture of violence is another dimension of the weak state, namely the restricted ability to provide security in public spaces.

This analysis of RTC's activism shows the complexity of the relationship between RTC and the city. On the one hand, the occupation is a radical act of resistance. On the other hand, it is a place of self-organization, which is complementary to the city as it provides shelter for the needy and cooperates with it in the field of security. However, a fundamental tension remains because occupation is a form of civil disobedience and an act of refusal to recognize authority (Hayes & Ollitrault, 2019). Moreover, RTC has not been able to create permanent structures of

political participation, unlike the social movements frequently discussed under the notion of new municipalism. Rather, its strategy is to use intermediary, demonstrative, and direct forms of activism in order to provoke recognition of the problem and put pressure on the authorities, as well as to claim spaces for political participation that are not sufficiently available in South Africa.

4.2. Relationship Between Reclaim the City and the City: Mutual Perception

As shown above, RTC uses different kinds of activism to address the housing crisis. It stresses the right to social housing as a constitutional right through political education and lobbying (intermediary activism) and puts pressure on the city through lawsuits and marches (demonstrative activism). Not least, RTC contests the city symbolically by practicing occupation as an act of civil disobedience (direct activism) and contributes significantly to the self-organization of people affected by eviction, offering solutions that the city is not able to provide, and creating its own order within the occupation. So how do RTC and the city perceive each other?

Among RTC activists, the dominant opinion is that the city is acting too slowly and not taking the problem seriously enough. RTC activists underline that "the city of Cape Town is not addressing the housing crisis with enough urgency...only one out of 11 planned affordable-housing projects announced five years ago is complete" (Human, 2022). The fact that a rent-control policy was rejected by the ruling Democratic Alliance party is interpreted as unwillingness to end the housing crisis and thus gentrification (Hendricks & Hadebe, 2020). RTC thus holds the city accountable, and, in addition, creates spaces of interaction with the city, since, as described above, there are spaces for dialogue. The activists emphasize positively that RTC has forced dialogue with the city: "For the first time now we have direct interaction between the city and the evictees" (interview A, September 5, 2018). They perceive that RTC is increasingly recognized by the city. Thus, RTC has created a positive political resonance. This positive response is also evident in the fact that the city has not put an end to the occupation. Rather, the city has decided to control it by not allowing new admissions, providing security, and supplying electricity and water (at the city's expense). In addition, RTC has shown its problem-solving capacity by providing shelter for evictees and those who are in need. Many occupiers share the experience of eviction and the feeling of being abandoned by the city. For instance, an evicted mother of three children, argues that she trusts RTC more than the city, because RTC, and not the city, was able to solve her problems (interview C, September 5, 2018). Thus, the occupation is not only a tactic to put pressure on the city but also a way of enacting the desire for a home and a contribution to relieving the housing crisis. In public, RTC is perceived as preserving people's dignity because they do not have

to move to relocation camps or townships (Hendricks & Hadebe, 2020). Moreover, political parties have scrambled to profit from RTC's success: Some scholars argue that the governing party, Democratic Alliance, accepts the occupation only because it tries to recruit voters among the poor and the working class (Wingfield, 2019, p. 43). This leads one RTC activist to say: "A lot of political parties, they never thought that these things will work that we are doing....But now they take us seriously" (interview A, September 5, 2018). This shows that RTC has established itself as a credible actor in the political arena of housing.

The city's attitude toward RTC is ambivalent. On the one hand, the city recognizes that RTC is providing a welfare service. However, this legitimizes RTC and contributes to delegitimizing the city. On the other hand, RTC's legitimacy is repeatedly questioned because it cannot entirely prevent cases of drug abuse or other forms of criminality among the occupiers (cf. Bowers Du Toit, 2014; Daniels & Adams, 2010). The city uses a strategy of criminalization to discredit RTC. In a newspaper article, Councillor Malusi Booi, Mayoral Committee Member for Human Settlements, states that "the unlawful Reclaim the City occupation campaign is one of the biggest obstacles to the building of social housing" and is a "destructive and desperate attempt to unlawfully appoint themselves as gatekeeper and arbiter of these properties" (Booi, 2020). In other words, the city's opinion is that the occupation "cannot be equated with activism, and cannot be condoned" (City of Cape Town, 2021). Booi also accuses RTC of violence and criminality and of delaying the construction of social housing (Booi, 2020). In line with the city's hostile attitude, there have been increasing police raids and attempts to prosecute occupiers. One raid was carried out in February 2022 with more than 500 police officers. The police confiscated 38 stolen revolvers, 672 mandrax tablets, and 114 g of cocaine (Dmons, 2021). Recently the city passed a regulation to punish civil disobedience and facilitate eviction (for instance of the RTC occupiers; see City of Cape Town, 2021). In order to counter RTC and its commitment, the city emphasizes its efforts to provide social housing units, as well as repeatedly pointing out that social housing is complex and therefore takes time (City of Cape Town, 2021). This shows that the city follows a strategy of checks and balances: Since eviction would contribute significantly to the delegitimization of the city and deepen the housing problem, they control the occupation and criminalize it in order to gain legitimacy and to be able to evict the occupiers in the future without delegitimizing itself.

RTC defends itself against this criminalization and emphasizes that the activists are not more criminal than other citizens. The activists argue that in poor communities there is a fundamental drug and security problem, which is not sufficiently addressed by the city. RTC tries to restore the image of the occupation by pointing out that the occupiers are victims of the city's policies on gentrification (Hendricks & Hadebe, 2020).

The ways in which RTC and the city perceive each other show that there are indeed levels of complementarity in action, but that each actor struggles for recognition by trying to delegitimize the other. The city is keen to demonstrate that its weakness does not exist *per se*, although it is aware of its regulatory gaps regarding housing. The exploration of the relationship between RTC and the city, which is a struggle for legitimacy and recognition, shows that RTC has to continuously fight for spaces of interaction with the city. This points to the specific context of South Africa, where the lack of channels for political participation makes protest an everyday phenomenon. Due to the latter, South Africa is being called the "protest capital of the world" (Runciman, 2017).

5. Conclusion

The above analysis of the relationship between RTC and the state has shown that the South African state is not weak at all levels, but clearly weak in the housing sector and the provision of security in urban areas. The lack of opportunities for participation and the related low representation of the housing issue in formal political arenas can also be interpreted as a regulatory gap. The government's neoliberal policies lead to gentrification and reinforce the housing problem. The weakness of the state is the reason for self-organization as a social movement and creates spaces in which RTC can establish itself as a legitimate civil society actor.

As a result of RTC's different forms of activism—direct, demonstrative, and intermediary—and its persistence for more than five years, it has become recognized as a credible civil society actor that is able to complement the city by providing shelter for the needy. RTC is not about questioning the city in principle, but about uncovering gaps in the provision of services, with the expectation that the city will fill these gaps. In the Woodstock occupation, RTC has established formal and informal rules which are in line with the laws. Here, the activities of the city and RTC are complementary. The relationship between RTC and the city depends on the strategic orientation of the activism and the area to be regulated. Above all, the city tolerates activism in those regulatory areas in which it recognizes its own weakness. However, this does not mean that the actors in the public and political sphere do not act as opponents. On the contrary: RTC and the city gain legitimacy by delegitimizing the respective other. RTC also tries to build alliances and struggles for participatory spaces, which are very rare. The city tolerates, controls, and tries to delegitimize RTC. The city uses a strategy of checks and balances through which the occupation is recognized and controlled, knowing that eviction would involve greater costs than benefits, and would affect the city's reputation among the local population. Whether the RTC occupiers will eventually be evicted is an open question: their eviction would prove the authority of the city, but it could also unite and solidarize angry citizens who are victims of gentrification

and insufficient housing policies. In this respect, the relationship between RTC and the city is constantly being re-examined: Where possible, space is given to RTC to articulate its demands and to behave cooperatively, without delegitimizing the city; at the same time, action is taken against RTC in order to demonstrate the city's authority, prevent further illegal occupations, and save face in the housing crisis. In other words, the relationship between RTC and the city is not static, but dynamic.

In order to understand the relationship between the social movement and the weak state, the complex and processual nature of this interaction must be considered. RTC does not constitute itself as classic activism as discussed in the context of the new municipalism debate. Rather, the interaction between RTC and the city has not yet been consolidated and no new forms of political interaction have emerged. Thus, the relationship between the state and the social movement is not necessarily emancipatory, as suggested with regard to new municipalism (Agustin, 2020). In addition, the RTC occupation cannot be seen as autonomist municipalism either, because RTC has no alternative regulatory structures. When analyzing the relationship between the city and social movements, the specific context must be taken into account. In the case of South Africa, this means the weakness of the state and its regulatory gaps (housing but also security), the lack of opportunities for political participation, and the need to consider security as an element of self-organization. A stable relationship that includes RTC and state actors at the local level can certainly be understood as a convincing liaison in the context of weak statehood, whereby the stability is not only based on complementary functional achievements but also on a dynamic balancing of their tensions.

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Conflict of Interests

The author declares no conflict of interests.

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Article

Community Forest Management: Weak States or Strong Communities?

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Abstract

Community forest management (CFM) has become an influential approach in the sustainable use, management, and conservation of forests worldwide. It ranges from community-based self-governance of local village forests to co-management approaches with state forest agencies in public forests. However, analyses show complex relationships between states and communities in CFM. At least three ideal types can be identified. The first refers to local communities that collectively decide to manage surrounding forests themselves due to a lack of state involvement. As a manager of the public good, such absence of the state may easily lead to deforestation and forest degradation that such communities wish to avoid. A second type refers to the co-management approaches of local communities and state forest agencies. Here, forest officials and community members cooperate in managing local forests. A final type refers to indigenous communities with strong customary forest institutions whose territorial claims are recognized by the state. While communities always need specific institutions, knowledge, and tenure rights in place to make CFM perform, each ideal type presupposes various degrees of state capacity and state autonomy. The article concludes that weak states (to some degree) and strong communities (of a certain kind) may indeed form a “convincing liaison” in CFM, although it is not the only arrangement that may produce (some) positive social and environmental impacts on the ground, as the cases explored illustrate.

Keywords

co-management; community forest management; decentralized state; distant state; facilitating state; indigenous people; local communities; self-governance; territorial recognition

Issue

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1. Introduction

Community forest management (CFM) has become an influential approach in the sustainable use, management, and conservation of forests that combines socio-economic and environmental objectives at the local level (Baynes et al., 2015; FAO, 2016; Hajjar et al., 2021; IFRI, 2015). Globally it covers about 15% of the world’s forests, or approximately 600 million hectares (Arts, 2021). CFM ranges from community-based self-governance of local village forests to co-management of public forests by communities together with state forest agencies (and other actors in many cases, such as NGOs, business organizations, and experts in the field).

Consequently, CFM may be characterized by quite different relationships between states and communities. In this article, we distinguish three ideal types, based on theoretical literature: (a) self-governance, distant state; (b) co-management, decentralized state; and (c) territorial recognition, facilitating state. Such classification implies that different kinds and degrees of statehood are involved in different CFM arrangements.

To contribute to the question raised by this thematic issue—whether local self-governance and weak statehood may offer a convincing liaison—this article aims to analyze what state–community relationships are materialized in different CFM arrangements and how these might contribute to their performance, be

it weak states and strong communities, the other way around, or any other combination. Strong states are understood as exhibiting high degrees of state capacity and autonomy in their relationships with forest communities, while weak states lack those characteristics. Strong communities are, in turn, understood as possessing some relevant, forest-related institutions, knowledge, and tenure rights, while weak communities lack those characteristics. These various characteristics of both states and communities are to be found in different degrees in the three CFM ideal types of self-governance, co-management, and territorial recognition. To illustrate these, we offer three case studies from Peru, Tanzania, and Ecuador, respectively. Next, based on case-specific indicators (which will be explained in the section dedicated to the methodology), we assess the social and environmental performance of CFM in these cases. Finally, we link the findings of the three case studies to the overall CFM literature to generalize some of the results. The article concludes that weak states (to some degree) and strong communities (of a certain kind) may indeed form a convincing liaison in CFM.

2. The Role of the State in CFM: Three Ideal Types

In their well-cited review paper, Charnley and Poe (2007, p. 301) define CFM as “forest management that has ecological sustainability and local community benefits as central goals, with some degree of responsibility and authority for forest management formally vested in the community.” Hence, it puts the fulfillment of local livelihoods and forest conservation first (Baynes et al., 2015; Hajjar et al., 2021). CFM has emerged as a response to failing state forestry and local overexploitation of forests while building upon traditions of customary regulation of natural resources (Arts & de Koning, 2017). Such forests may be completely, partially, or not owned by communities, and their management is often practiced in various degrees of collaboration with state forest agencies, donor organizations, knowledge institutions, and companies (FAO, 2016; IFRI, 2015). Already in the early 1970s, the idea of community participation, both for better forest management and for improving people’s livelihoods, was practiced in a few countries, advocated by NGOs and scientists, and intensively discussed in the FAO at a global level (Arnold, 2001; FAO, 1978). Later, these ideas “travelled” to other countries and localities worldwide (Arts & Babili, 2013). India, Bolivia, and Tanzania have pioneered different forms of CFM from the 1980s onwards, and many countries, from Ethiopia to Albania, followed later (Baynes et al., 2015; Charnley & Poe, 2007). CFM has now become a global phenomenon, although it particularly applies to developing countries in the tropics, where state institutions are often weak in forested landscapes or even absent in remote areas. Because it currently covers a forest area of about 600 million hectares, it is considered an important contribution to the UN’s global forest goals on sustainable forest management (Arts, 2021).

In many countries, the emergence of CFM is considered to be a direct result of weak statehood (cf. Basnyat et al., 2020). Weak statehood is commonly defined as a state’s lack of capacity to deliver security, have functioning political institutions in place, create support for economic systems, and deliver welfare for its citizens (Patrick, 2006). In this article, we are specifically interested in the political institutions of the state, also referred to as state agencies, in the context of forest policy. Whether such state agencies are weak or strong can be defined by two metrics: capacity and autonomy (Bersch et al., 2017). Capacity refers to the ability of state agencies to deliver on goals, e.g., improving forest conditions and local livelihoods for CFM. In contrast, autonomy refers to the ability to defend the public good and maintain political independence and integrity when faced with interest groups, private pressure, and attempts of bribery. When one zooms in on state agencies’ capacity and autonomy as metrics for state strength, it becomes clear that states are heterogeneous and may be strong in one aspect while weak in another (Gustafsson & Scurrah, 2019). This is also the case for the developing countries in which our CFM case studies are situated (Tikuisis & Carment, 2017). Indeed, the strength of forest state agencies and their capacity and autonomy when implementing or supporting CFM varies broadly. While inspired by the literature, we present three ideal types of CFM (Baynes et al., 2015; Hajjar et al., 2021; IFRI, 2015).

The first one is “self-governance,” which emphasizes the ability of communities to manage local forests themselves as a response to a “distant state” that is incapable of managing public forests (Agrawal & Gibson, 1999). Communities are able to do so when specific “internal characteristics” are present, particularly: (a) local institutional arrangements that are (sufficiently) effective and legitimate (e.g., rules on access, use, management, and decision-making); (b) history of and experience in customary forest management; and (c) tenure security, either *de jure* or *de facto* (Baynes et al., 2015; FAO, 2016; IFRI, 2015; Ostrom, 1990). Nevertheless, local communities that practice self-governance are never fully independent from the state. Even a weak state can play a positive role in CFM, for example, by formalizing forest management plans. When state agencies lack both the capacity to deliver public goods and autonomy from political elites, they often pay lip service to the concept of CFM but fail to help communities execute it, let alone formally devolve forest rights to them (Hajjar et al., 2021). However, when state autonomy is present and CFM is locally supported, and forest rights are devolved, more positive outcomes for both forests and communities are usually found. In practice, such self-determination of local communities needs to be actively negotiated between state agencies and local communities (Li, 2007). If certain conditions are met, the state may also play a role in settling conflicts between communities, which cannot be resolved via local institutional

mechanisms, and it may provide technical assistance for forest management or local agricultural practices, for example, via agricultural extension programs (Agrawal & Gibson, 1999).

A second type of CFM is “co-management,” where state agencies still play an active and usually authoritative role in managing forests but have decentralized (some) responsibilities and authority to local communities. Literature on co-management defines multiple roles for the state, often in terms of criteria for success (de Pourcq et al., 2015; Pagdee et al., 2006). Specific roles for the state are to define property rights, to clearly define territorial boundaries, to provide technical assistance for forest management, and to legally recognize the authority of communities to manage and use forests (Pagdee et al., 2006). De Pourcq et al. (2015) argues for a similar role for the state in co-management, highlighting the importance of trust and effective participation to avoid conflict between the state and communities. This emphasis on the role of social networks is also echoed by Arts and de Koning (2017), who identify a community of practice as an important indicator of successful CFM. It should be noted that most literature discussing it from a co-management perspective places the state in an authoritative or top-down role. Moreover, CFM as co-management is regularly criticized for not realizing sufficient social and economic benefits for local communities (Sheba & Mustalathi, 2015). This type of co-management assumes forest state agencies that are at least moderately capable and autonomous. Conflicts between communities and forest state agencies frequently arise when autonomy is lacking and communities view state agencies as representing the interests of political elites (Baynes et al., 2015; IFRI, 2015).

The third type of CFM is “territorial recognition,” in which recognizing and formalizing traditional and/or local tenure rights are considered key to sustainable forest management. Specifically, indigenous peoples and local communities (IPLC) are recognized in the literature for the positive role they often play in managing forests and other territories for forest conservation values (Brondizio & Tourneau, 2016). Often, these territories perform just as well as strictly protected areas when it comes to preventing deforestation and forest degradation. The specific role of the state in this form of CFM is to facilitate legal recognition of the tenure of local communities over specific territories based on historical use and/or indigeneity to safeguard the integrity of territorial borders against invaders. Therefore, this type of CFM does not assume specific state capacities but does require a strong autonomous state to safeguard territories from being captured by the interests of political elites, e.g., agricultural expansion or mineral resource extraction. In addition, states often play a role by offering assistance in land use planning and mapping (cf. Matuk et al., 2020). Tenure reforms do not directly lead to tenure security by themselves. Gebara (2018) finds that additional enforcement and activism by

non-state actors are usually needed to fight illegal extractive activities (i.e., logging, mining) when state capacity is insufficient. Regrettably, illegal extractive activities are often tolerated and even supported by political elites, showing a lack of autonomy of state forest agencies that need to enforce the integrity of territorial boundaries (cf. Sant’Anna & Costa, 2021). Another issue in the tenure of IPLC of their forests is that any rights granted remain bound to the state’s legal frameworks, and these rights are often limited to use rights. Especially ownership and management of forests often remain firmly in the hands of the state (FAO, 2016; Larson & Dahal, 2012).

The capacity and autonomy of forest agencies concerning local community-based forest management help to distinguish between the three CFM types. Local self-governance generally goes along with political and administrative institutions that lack sufficient capacity to govern forests and people for the public good locally. In contrast, for the two other types, such state capacity must range at least from moderate to strong. Autonomy of state agencies—even of less capable ones—is for each type of importance to enhance successful CFM, although in different ways per arrangement, but is especially crucial for the second and third types. For co-management, state autonomy is crucial, given the reported importance of trust and impartiality between communities and state agencies. For territorial recognition, state autonomy is crucial for protecting indigenous territories against external economic pressures to exploit the area, including environmental crime, such as illegal logging. See Table 1, in which the differences and commonalities among the three ideal types are plotted.

All in all, communities in CFM mitigate the weak(er) capacity and autonomy of state agencies with their own management ability and political independence. But a lack of capacity and autonomy by state forest agencies can also be mitigated by other external players outside the community. Environmental NGOs may, for example, strengthen state capacities to improve forest conditions, and public campaigns—whether national or international—may counter the influence of political elites in state forest agencies (cf. Gustafsson & Scurrah, 2019). Accordingly, the performance of CFM should always be viewed as a result of the interaction between state and community, while taking other societal actors into account.

3. Methodology: Case Selection and Data Analysis

This article aims to analyze what state–community relations offer a convincing liaison for CFM arrangements to perform. To illustrate the three ideal types of state–community relations empirically, we analyze cases in three countries where the authors have worked in the past or are currently working. These were selected as follows: From a list of many CFM cases in eight countries worldwide (see Arts & de Koning, 2017; van der Zon et al., 2023), we identified appropriate ones in three

Table 1. Types of CFM and roles of the state.

Roles for the state	Type of CFM		
	Self-governance	Co-management	Territorial recognition
Position	Distant	Authoritative	Facilitating
The capacity of forest state agencies	Weak: acknowledgment of CFM.	Moderate to strong: formal institutionalization of CFM; active management of forests jointly with communities.	Moderate to strong: safeguarding territorial borders and addressing environmental crime.
When the autonomy of state agencies is <i>higher</i>	Formalization of existing forest management practices; maybe some legal and technical assistance.	Decentralization of management authority to local agencies and communities; enhancing participatory processes.	Recognition of territorial rights and land tenure; assistance with land use planning and mapping.
When the autonomy of state agencies is <i>lower</i>	Paying lip service to CFM without any support; might undermine the self-determination of communities.	Conflict with communities over forest use; capture of forest resources by state agencies; loss of trust.	Erosion of territorial rights; the intrusion of external actors (e.g., miners, loggers); increase in environmental crime.

relevant countries that fitted the theoretical ideal types best. With that, we applied a *most different* case study approach concerning CFM–state relationships and a *secondary analysis* of data from existing or past research. However, the kind or degree of performance in these cases was not an ex-ante selection criterion. The idea was to analyze the state–CFM relationships in each case study in the first place and, secondly, see how these work in practice while taking performance into account. The latter is operationalized in terms of environmental and/or socioeconomic impacts over time, being the two key objectives of CFM (see the second section).

Since we conduct a secondary analysis, the indicators of these two types of impact differ per case. The Peruvian case study looks at CFM’s conservation success through before-after control intervention (BACI; quasi-experimental assessment of deforestation rates within and outside the case areas); the Tanzanian case study uses commonly accepted forest condition and livelihood indicators (such as canopy coverage and income data over time); and the Ecuadorian case study assesses impact through identifying the continuation of sustainable customary forest management practices in indigenous territories and the adoption of modern forest management plans by communities. From a methodological point of view, using such different methods and indicators is problematic, but our objective is not to systematically compare these cases’ impacts. As said, these are illustrations of different state–community relationships under CFM, and of more or less convincing liaisons, given case-specific performances.

The analysis of the three case studies follows a similar structure. First, general forest data and information

on forest policy in each country or region are introduced. Then, the analysis looks at CFM in greater depth—i.e., its overall features, the state–community relationships involved, and its impact in terms of case-specific indicators. Finally, we will focus on the question of whether a specific CFM type offers a convincing state–community liaison in the specific context.

4. Self-Governance in CFM: A Case From Peru

The Amazonas and San Martín (ASAM) regions, located on the eastern slopes of the Andes in northeastern Peru, are a central part of the Tropical Andes Biodiversity Hotspot. It is one of the most biodiverse areas on Earth and the habitat of many endangered species (Shanee, 2019). The population density in ASAM has risen rapidly since the 1980s. Deforestation is high due to road projects, migrant influx, shifting cultivation agriculture, and an agribusiness land rush. Between 2001 and 2016, 402,635 hectares were deforested in the area, 8% of the 2000 forest cover (Geobosques, 2017). Since 2007, annual deforestation has decreased, partially due to community conservation (Agudo, 2019).

Currently, the landscape in ASAM consists of agriculture-dominated mosaic landscapes with patches of forest. Government-protected areas cover a small portion of the remaining forests in the area (~1.5 million hectares), but these are poorly managed and thus insufficient for species and habitat protection. In addition, many conservation initiatives are initiated and managed by rural *campesino* communities. Some are formally registered as non-government protected areas (private conservation areas or conservation concessions).

Others lack such legal recognition from the government (Monteferri & Coll, 2009; Shanee et al., 2015). In the case of private conservation areas or conservation concessions, the state is not actively involved in management and supervision; it only conducts the paperwork to formalize the areas (for a rather high fee), periodically reviews satellite data, and may conduct supervisory visits. The regional environmental authority can also fine conservation areas and concession holders if they detect deforestation or other harmful activities. Much to the frustration of the *campesinos*, who feel the government should support their efforts to conserve the forest rather than only threaten them with fines if they do not manage areas perfectly. For this reason, some also feel it is easier to protect a forest without legal recognition. The motivation of the *campesinos* to protect the forest is often linked to (the loss of) certain services, such as water supply, timber, non-timber forest products (NTFPs), and climate regulation, but also to the intrinsic value of nature (van der Zon et al., 2023).

In the absence of supportive statehood, *campesinos* tend to rely on locally recognized customary rights and communal institutional arrangements to manage and control forest conservation. The *ronda campesina* is the most common arrangement in northeastern Peru. *Rondas*, which consists of members of all families in a *campesino* community, patrol the communal lands, maintain social order, administer justice, and protect the interests of the community (van der Zon et al., 2023). The first *ronda campesina* was created in 1976 by a group of farmers to patrol the community lands to protect it from criminals and became widespread during the guerilla war in the 1980s and 1990s. *Rondas* of neighboring communities often collaborate. In addition, they are all part of a powerful hierarchical network, including representations at different levels (including nationally). It is estimated that about 5,000 *rondas* bases exist in Peru today (Shanee, 2019). Nowadays, most of them are legally recognized. Yet, the government does not recognize *ronda campesina* conservation areas unless a distinct conservation committee or association manages them. Even so, the enforcement mechanisms that the *rondas* provide are generally quite strong, and their voluntary conservation initiatives tend to be successful (van der Zon et al., 2023).

As part of a larger study on communal conservation initiatives in northeastern Peru, van der Zon et al. (2023) evaluated the conservation success of five initiatives in ASAM in which *rondas* play a major role. They observe that independent of the state's recognition of the conservation initiatives, the *rondas* undertake numerous activities to protect the community conservation areas. Firstly, they create paths and sometimes build guard houses to show their physical occupation of the forest. Secondly, they regularly monitor the forest or at least the main points of entry. In some cases, they can do so close to the village if they have a good overview of the forest area nearby. Other groups of *ronderos* periodically patrol

the forest. Thirdly, they sanction rule breakers using traditional measures. For example, in Jardines Ángel del Sol, when a community member breaks a conservation rule, the rule breaker is generally invited to participate in a meeting. As most community members wish to avoid conflict, such sanctioning meetings generally suffice. Rarely, when rule breaking is more serious or continuous, the *ronda* sanctions the rule breaker according to its tradition or requests that the district attorney does so.

The study measured conservation success using BACI deforestation scores for five cases (Bos et al., 2017). BACI scores allow a rather accurate judgment of deforestation rates in conservation areas, as they base performance on cross-scale and multi-year comparisons of deforestation data inside and outside those areas. Three of these five conservation initiatives are formally recognized as conservation concessions or private conservation areas (Jardines Ángel del Sol, Valle del Biavo, Pampa del Burro). Two of these (Jardines Ángel del Sol and Pampa del Burro) show relatively low deforestation rates compared with the larger geographical area, while in Valle del Biavo, it remains high. This might be so because the latter conservation initiative had only existed for two years at the time of assessment. The other two of the five case studies (El Arenal, El Hoción) have no legal recognition from the state, and the communities have no official property rights over the forest. Yet, the *rondas* manage to keep deforestation low compared to the larger geographical area.

Overall, the above study shows that *rondas* can improve forest management and conservation themselves, particularly due to their strong communal enforcement mechanisms, while the Peruvian state is generally at a distance. This is reflected in low(er) deforestation rates in most of the areas investigated, compared with the larger geographical area. Hence, it seems that this Peruvian state–community relationship of self-governance offers a rather convincing liaison, although the state—for as far as it is present and capable of intervening—mainly plays a sanctioning rather than a supportive role.

5. Co-Management by States and Communities: A Case From Tanzania

The United Republic of Tanzania is one of the poorest countries in the world (United Nations Development Programme, 2020). At the same time, it is a very biodiverse country, possessing rich forests. Currently, about 46 million hectares of forests cover its surface, nearly half of its territory (FAO, 2020). However, deforestation is vast and increasing over time. In the period 2010–2020, Tanzania lost about 0.88% of its forest area every year. This percentage is substantially above the African average. Key drivers are poverty, demography, and agriculture, both swidden and commercial.

Over decades, the country has tried to reverse these trends, amongst others, through forest policy and

law. Under the socialist Ujamaa era of Julius Nyerere (1965–1985), all forests were nationalized to benefit the people, but the effect was the opposite. Since the state was unable to manage all forests effectively, once private and community ownership had been abandoned, forests practically became “open access regimes,” reinforcing deforestation and degradation (Kihyo, 1998). Therefore, after the socialist era, and in line with upcoming international trends, forest management became (partially) decentralized, liberalized, and more participatory. This culminated in a new forest policy in 1998 and a new forest act in 2002, which laid the basis for CFM in Tanzania (Sungusia et al., 2020). Two forms can be distinguished: community-based forest management (CBFM; in community-owned village forests) and joint forest management (JFM; in publicly-owned forest reserves, jointly managed by forest departments and communities). The latest data (from 2012) show that CBFM consists of 2.4 million ha and JFM of 5.4 million ha (together, 7.8 million ha, about 17% of the Tanzanian forest area). Below, we only focus on JFM as a mode of co-management.

Since JFM has been operating in Tanzania for about 20 years, more data are available to assess its performance. Although the evaluation literature on Tanzania’s JFM is limited, scattered, diverse, and mainly based on a few cases per study, some general conclusions can still be drawn. Most studies do report (some) benefits from JFM, but particularly so in the ecological domain (improved forest condition) and less so in the social-economic and political ones (livelihoods, cash income, empowerment, governance; see Sheba & Mustalathi, 2015). And for as far as social-economic outcomes are reported, these particularly benefit the wealthier groups in communities and those who govern the forest committees in the villages (Ngaga et al., 2013).

A case from the Babati district is illustrative (Arts & Babili, 2013; Babili et al., 2015). This study assessed the forest area under JFM in two North-Tanzanian villages through satellite images, focus groups, household surveys, and field observations. Results indicated that the forest cover expanded over time after the introduction of JFM: For one village, this meant a transition from forest cover loss in the 1990s to forest cover gain in the 2000s; for the other village, JFM involved a continuation of forest cover expansion. Also, given villagers’ perceptions, forest quality, particularly tree density and species diversity, had improved over time. Yet, according to household surveys, income did not increase due to JFM over the years. While, for example, the availability of some NTFPs improved, the limitations on cattle grazing and timber harvesting in the forests reduced particular livelihood options. Besides these ecological and socioeconomic findings, the study also reports some benefits in terms of good governance at the local level (increased trust between officials and villagers and enhanced accountability from forest authorities towards the communities) and some increase in

social capital in the communities (empowerment of villagers vis-à-vis authorities).

In understanding these “mixed” outcomes, both from the general JFM literature on Tanzania as well as from the Babati case studies, the double role that the decentralized Tanzanian state plays is crucial. On the one hand, it exhibits the capacity to enhance JFM, through legally and practically recognizing the role and position of communities in local forest management, while also assisting them with technical and management advice in many instances. On the other hand, the decentralized Tanzanian state often lacks autonomy in the eyes of communities in that it still tends to advance the particular interests of the “old” forestry profession, but now under the label of JFM (Sheba & Mustalathi, 2015; Sungusia et al., 2020). Consequently, communities may still feel subjected to a rather authoritative, technocratic, and bureaucratic approach, thus reproducing “old” power relations between foresters and villagers, undermining the legitimacy of and trust in JFM. Although, the Babati case also shows that trust may be restored.

All in all, the Tanzanian co-management liaison does seem to perform to a certain extent. Forests do generally benefit; people less so. State forest agencies are generally capable of institutionalizing and assisting JFM but are often still trapped in a straitjacket of classical forestry interests, thus losing impartiality and trust in their relationship with communities.

6. CFM and Territorial Recognition: A Case From Ecuador

The Ecuadorian agricultural reforms of 1960–1980 probably had the biggest impact on the deforestation of the Ecuadorian Amazon. During these reforms, the government encouraged migrant farmers from the Andes to move to the Amazon to cultivate the land (Blankstein & Zuvekas, 1973). The reasons behind this colonization of the Amazon by Andean farmers were twofold: a land shortage in the Andes and the perception of the Amazon as an uncultivated and uninhabited area (Bromley, 1981; de Koning et al., 2021). By clearing land, Andean farmers occupied large parts of the Amazon, resulting in Ecuador having high deforestation rates in the 1980s (de Koning, 2011; Southgate et al., 1991). Another consequence of the colonization was that indigenous Shuar communities were not able to successfully claim their traditional lands. Due to their extensive land use practices and traditional shifting cultivation, the state did not recognize the land they inhabited as theirs. As a response, the Federación Interprovincial de Centros Shuar (FICSH) started to fight for its rights and the protection of the remaining Shuar territories. For example, The FICSH was responsible for allocating so-called Shuar *centros*: Shuar villages that were consciously scattered over the indigenous territory to demonstrate the Shuar presence in the Amazon. By the end of the 1980s, at the end of the reform, the Shuar were able to gain back some of the land (de Koning, 2011).

In the late 1990s and onwards, the Ecuadorian government actively implemented reforms to reverse the negative deforestation rates created by colonization. These reforms included, among other things, a decentralization process, a new forest law that promotes CFM, and the acknowledgment of indigenous territories and use rights. Under this law, small farmers—including indigenous subsistence farmers—were able to draw up forest management plans for their forests. These reforms included a first step toward the recognition of land use practices of the Shuar (de Koning, 2011; Ibarra et al., 2008).

The role of the Ecuadorian state in those forest reforms mostly focused on the larger legal and policy frameworks and setting the preconditions for forest management. The practical assistance for designing management plans was outsourced to NGOs. These non-governmental organizations explained the rationale behind the policy instruments to communities and offered assistance in drawing up management plans. The state's role was primarily setting and facilitating the new forest rules and controlling the timber flow (e.g., fining illegal logging) while simultaneously acknowledging and guaranteeing indigenous land rights. By doing so, the state aimed to reverse some of the effects of the colonization process and increase the performance of CFM. While the relationship between Shuar and the state has remained fragile, the underlying principles of CFM seem to complement indigenous beliefs on natural resource management and sustainability.

An example of a Shuar community (to illustrate the above trends in more detail) is located in the Ecuadorian Amazon of Morona Santiago province (studied between 2006–2009; see de Koning, 2011). Morona Santiago was one of the regions that suffered the most from high deforestation rates and still shows relatively higher percentages than other provinces. The Shuar also experienced such detrimental effects of the colonization period, yet they appeared responsive to the idea of CFM. A local NGO worked with them to implement the arrangement. Although the adoption of forest management plans did not work well in this area, a direct effect of CFM implementation was that it enforced pre-existing local traditional beliefs on conservation, collective action, and sustainability. Shuar communities were already used to working collectively in customary practices, including unrolling ideas about sustainability. Moreover, most of the practices in the forest were considered not only as a way of living but also as a way to conserve traditional Shuar identity and to look after the forest. While the area had already been heavily deforested due to the colonization process, the new forest reforms did avoid further deforestation. And the state's recognition of indigenous territories increased the Shuar's awareness of the need to maintain their cultural identity and forest ecology.

However, noticeable shifts to a different and more commoditized livelihood have started to occur recently besides CFM. Due to an increasing need for income,

an increasing amount of forest has been logged in the indigenous territories, particularly by the younger generation. While the amount of logging was still limited, forest management practices were performed informally and without official forest management plans (de Koning, 2011, 2014). The facilitating role of the state was obviously not strong enough to avoid these developments. At the same time, one can argue that more interference by the state would have worsened the already fragile relationships between the Shuar and the government.

Nowadays, the new constitution of 2008 includes the protection of indigenous rights, ensures consultation of indigenous communities in case of new development interventions, and guarantees the protection of forests against over-exploitation of natural resources (de Koning, 2011; Etchart, 2022). However, recent large-scale mining projects, oil drilling, and continuous struggles to claim and maintain indigenous territories have contributed to a problematic relationship between the state and indigenous people. This includes Shuar protesting state interference in their lands while they fight for their own independence and survival (Etchart, 2022). This has, on the one hand, the effect that Shuar cultural beliefs and their ideas about sustainable forest management have been further strengthened due to territorial recognition by the Ecuadorian state and remain to have a strong positive influence on forest practices (see, for example, Rudel, 2021; Etchart, 2022). On the other hand, current modernization pressures and the effects these have on state–community relationships and the aspirations of the younger Shuar generations present challenges to forest conservation.

To conclude this case study, the performance of the Ecuadorian CFM liaison shows a mixed picture. Territorial rights for indigenous people are indeed recognized and facilitated by the Ecuadorian state, fostering customary sustainable forest management practices. But relationships with indigenous communities remain fragile, given government-supported colonization processes in the past and modernization processes today.

7. Discussion

The three case studies from Peru, Tanzania, and Ecuador illustrate the three ideal types of CFM–state relationships, as identified in the theoretical part. Although not completely ideal-typical, because practice is often messier than theory assumes, the CFM types nonetheless show that states need communities to be able to sustainably manage (part of) the forests within their national boundaries. In that respect, all three showcase—although to different degrees and in multiple ways—the state's weakness in taking full care of forests in its territory.

Secondly, the cases illustrate that communities are able to enhance CFM through self-governance (Peru), co-management (Tanzania), and territorial recognition (Ecuador), with more or less success. Thus, the examples

indicate that CFM can perform and produce (some) positive social and environmental impacts, although more often for the forest than for the people. Also, contra-developments do take place (ongoing deforestation, bureaucratization of CFM, elite capture, state-community conflicts, and modernization processes).

Thirdly, the state positions itself differently in these CFM arrangements, either deliberately or forced by circumstances: distant (lacking state capacity to intervene), authoritative (exhibiting a certain degree of both state capacity and autonomy), or facilitating (particularly built on state autonomy). But overlap exists as well. In all three cases, some external recognition of CFM of whatever form by the state is crucial for its performance, be it through symbolic or legal means. Moreover, a supportive role of the state is important for CFM-functioning, be it technical, legal, or management assistance, and whether the state is at-a-distance or very involved. Yet, these roles can be easily undermined by those same state agencies as well, for example, through selective recognition, top-down arrogance, aligning with opposing economic interests, and ongoing political domination, as the three cases also illustrate.

Of course, only three cases might provoke several biases if one wishes to arrive at some general conclusions. Therefore, we confronted the findings so far with the general CFM literature. We identified four (more or less systematic) review studies—jointly covering hundreds of CFM cases worldwide—which go more deeply into the role of the state vis-à-vis communities in explaining the success and failure of CFM (Baynes et al., 2015; FAO, 2016; Hajjar et al., 2021; IFRI, 2015). These review studies combined refer to the following two crucial roles of the state, contributing to CFM performance: (a) government recognition and support, direct through local forest departments and officials, or indirect, through NGOs or donors; and (b) the maintenance of political stability and the endorsement of policy continuity. Particularly the first point confirms the findings from the case studies. At the same time, the scholarly literature also recognizes that state bureaucracies can hinder progress in CFM, for example, through patronage, corruption, domination, and window-dressing. The latter point refers to CFM as a “sort of compensation” for the dominance of an extractive political economy outside CFM areas. Some of these hindrances were also addressed.

What the general literature also emphasizes is a number of internal characteristics of communities for CFM to perform (effective local institutions, indigenous/local experience in forest management, and de jure or de facto tenure security). These characteristics are also expressed in (some aspects of) the three case studies from Peru, Tanzania, and Ecuador.

8. Conclusion

While states may be weak in terms of their capacity and autonomy to intervene in local forest management

for endorsing the public good of sustainability, communities need to be sufficiently strong (institutionally, cognitively, and tenure-based) to make CFM a success. In that respect, the title of this thematic issue seems to apply to CFM: Weak states (to some degree) and strong self-governing communities (of a certain kind) may indeed form a convincing liaison in CFM. Although, it is not the only state–community arrangement that can perform in terms of social and economic impact, as the cases in this article also illustrate. At the same time, CFM is not the “golden bullet” for sustainable forest management or the empowerment of IPLC. Many constraining factors and adverse processes do also operate (from elite capture to extractive modernization processes). For the sake of the world’s forests and these communities’ prosperity, all involved should work towards minimizing such negative trends.

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Conflict of Interests

The authors declare no conflict of interests.

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Article

Exploring the Relationship Between Social Movement Organizations and the State in Latin America

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Abstract

Under conditions of weak statehood, societal actors are supposed to assume functions usually attributed to the state. Social self-organization is expected to emerge when the state leaves important social problems unattended. Should social self-organization, therefore, be regarded as a reaction to state weakness and as compensation for state failure in the provision of basic services? Does society organize itself on its own in areas where the state is absent or ineffective? By the example of two Latin American social movements, this article aims to show that social self-organization—at least on a larger scale—is not independent of the state, but rather a result of a dynamic interaction with the state. The two examples this article explores are the middle-class Venezuelan neighborhood movement and the Argentine *piquetero* movement of unemployed workers. Both movements emerged as reactions to the state’s failure and retreat from essential social functions and both developed into extensive and influential social actors. For that reason, they can be regarded as crucial cases for observing the patterns and conditions of social self-organization and autonomous collective action within the specific Latin American context. Despite their different backgrounds and social bases, the two cases reveal remarkable similarities. They show that the emergence and development of self-organized social groups cannot be conceived simply as a reaction to state weakness, but rather should be viewed as a dynamic interaction with the state.

Keywords

Argentina; neighborhood movement; piquetero movement; social movements; social self-organization; state–society relations; Venezuela

Issue

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1. Introduction

Should social self-organization be regarded as a reaction to state weakness and as compensation for state failure in the provision of basic services? Does society organize itself on its own in areas where the state is absent or ineffective? This article aims at showing, by the example of two Latin American social movement organizations, that social self-organization—at least on a larger scale—is not independent of the state, but rather a result of a dynamic interaction with the state.

State–society relations can take very different forms, depending on state conceptions, state capacities, and societal resources (Migdal, 1988). Provided that both sides are sufficiently differentiated, a (temporary) bal-

ance between state and society (including the economic sphere) is supposed to emerge with a division of labor between both sides concerning basic functions and social regulations (Abbott & Snidal, 2009; Barnes, 1995; Levi, 2002). Changes or disruptions to this balance can occur on different grounds and originate on the level of the state or the level of society. The state may redefine its functions and extend or reduce its reach either on ideological grounds or as a reaction to environmental changes (e.g., Feigenbaum et al., 1998; Snyder, 2001). Societal actors, on the other side, can either fill a void left by the state or challenge the state in some of its functions and domains (Neubert et al., 2022; see also Schild, 1998). Which side prevails in such a process is seen mostly as depending on the distribution of resources, mainly on

the state's part, whose strength or weakness is regarded as the decisive factor defining the boundaries where civil society begins (Migdal, 1988; Rosenblum & Lesch, 2013).

The focus here is on weak states, which can be found mostly (but not exclusively) in developing areas. Weak states maintain a modicum of order and functionality while at the same time leaving important social problems unattended. A range of Latin American states falls into this category. In indexes of state strength, Latin American countries are rarely found at the bottom, but many of them show deficiencies in various areas of social and economic governance (Rice, 2008; Soifer, 2012). It is in these areas where societal self-organization is expected to emerge, the assumption being that "the weaker the state's impact on society is, the more important local self-governance becomes" (Pfeilschifter et al., 2020, p. 4). The same rationale is expressed by Grohmann (1996, p. 1), who assumes that "in those places where the state...is retreating, new social actors try to fill the space left free."

However, the supposition that "a strong state goes together with a weak society and vice versa," as Kriesi (1996, p. 161) puts it, does not hold in every case. It is argued here that social self-organization does not automatically result from state weakness. On the one hand, even weak states can strongly influence and curtail the autonomy of self-organized social groups. The state is not a passive bystander of social action, but an actively intervening player. Weak states in particular try to take advantage of organized civil society for political support and to gain control over social actors (see, e.g., Geddes, 1994). On the other hand, social self-governance cannot be taken for granted. Rather than organizing autonomously in compensation for state weakness, social actors develop broader strategies and repertoires of collective action, including various kinds of claim-making vis-à-vis the state (Lavalle & Bueno, 2011). Thus, the relationship between state and society should not be conceived as a balance, but rather as a dynamic interdependence in which social self-organization is marked by an ambivalent and uneasy relationship with the state, which often oscillates between the modes of contestation and co-optation.

This pattern can be expected to be found in Latin America where in a range of countries both civil society and the state suffer from weaknesses and a lack of resources in various areas. At the same time, the spheres of state and society are often not sufficiently differentiated due to clientelism and particularism (Jarquín & Echevarría, 2007; Roniger et al., 2004). This context has critical implications for the patterns of social self-organization. It means that social actors are in a difficult position because their autonomy is endangered by their lack of resources, on one hand, and by state intervention, on the other. Under these conditions, the emergence of self-organized groups tackling social problems is highly uncertain, and the assumption that social self-governance more or less automatically fills the void left

by the state requires further inspection and qualification.

This article aims to look closer at the emergence of self-organized groups and the dynamics of their relationship with the state. For that purpose, two noteworthy cases of social movement mobilization and self-organization are analyzed in their development and their interaction with the state. The two cases are the Venezuelan (mostly middle-class) neighborhood movement and the Argentine *piquetero* movement of unemployed urban workers. These two movements are of interest not just because of their size and political impact, but because they exemplify the uneasy position of social actors between self-organization and claim-making, autonomy, and co-optation by the state.

Methodologically, the comparison follows a most different cases design insofar as the historical contexts, the goals, and the social backgrounds of both movements are quite different. At the same time, the two movements can be regarded as crucial cases of social self-organization due to their size and overall importance. The Venezuelan neighborhood movement was the most extensive movement of the country's democratic era and the *piquetero* movement in Argentina represents, according to Rossi (2017, p. 5), "the largest movement of unemployed people in the contemporary world." If any social actors can be expected to carve out a space of autonomous collective action and self-governance, then these two movements are among the most likely ones to succeed.

The dependent variable in the comparative examination of the two movements is the degree of autonomy and the patterns of interaction between these movements and the state over time. Relying mainly on secondary sources, it will be shown that despite their differences, there are notable parallels in their development and their relationship with the state. This relationship was contestatory at the outset, but it turned more complex and entangled at later stages of development. State actors successfully co-opted parts of the movements and some groups switched from self-governance to clientelism, while others managed to maintain their autonomy. Considering such parallels in patterns and conditions of social self-organization, some preliminary generalizations about state-society relations in Latin America over the past five decades can be attempted. If even these movements failed to maintain their autonomy, an entangled and at least partially dependent relationship to the state can be expected for other self-organized groups in Latin America, too.

In the next section, the role of social movements as primary examples of social self-organization will be explained. In Section 3, the background of social movements in Latin America and their relationship with the state are characterized in general terms. Sections 4 and 5 are dedicated to the two cases from Venezuela and Argentina. The article concludes with a summary and some tentative generalizations about state-society relations in Latin America.

2. Social Self-Organization and Social Movements: Definitional and Conceptual Preliminaries

There is a broad range of perspectives on social self-organization from different disciplines. In democratic theory, the importance of local self-governance was already recognized by Tocqueville and it has remained an issue of interest ever since. In governance research, interest in social self-organization has perked up more recently. According to Sørensen and Triantafillou (2009), governance was long regarded as a matter of the state. Meanwhile, the perspective has shifted and society is no longer considered a burden to be handled by the state, but rather a resource for effective governance. In the same vein, the negative connotations frequently associated with the informal economy and informal institutions have given way to a more positive view and an increasing appreciation of society's capacity to govern itself autonomously (Jobert, 2008). Yet, recent voices point to the continuing influence of the state and the dependence of civil society organizations on external funding, which brings attention to the relationship between the state and self-organized social groups (e.g., Brandsen et al., 2017; Pousadela & Cruz, 2016).

Social self-organization is treated here as largely synonymous with self-governance, describing not an abstract system property—as in the literature on self-organized criticality (see, e.g., Brunk, 2001)—but manifestations of institutionalized collective action by organized groups, mainly on the local level, aiming at the resolution of community problems (Pfeilschifter et al., 2020). While social self-organization can appear in different forms, it is frequently associated with social movements, which by their very nature seek to organize autonomously in pursuance of a common goal. In this sense, social movements can be defined as:

Collectivities acting with some degree of organization and continuity outside of institutional or organizational channels for the purpose of challenging or defending extant authority, whether it is institutionally or culturally based, in the group, organization, society, culture, or world order of which they are a part. (Snow et al., 2019, p. 10)

In most cases, social movements emerge in opposition to established authorities and seek some kind of social transformation, which necessarily entails the creation of organizational structures (e.g., Tilly, 1978). Social movement organizations usually start as small and informally organized groups with a limited purpose (such as providing services or protecting a protest site from being cleared), but over time, they eventually become more structured and institutionalized (Kriesi, 1996). Moreover, local movement organizations are often regarded by movement activists as testing grounds for alternative visions of governance. Similar to religious communities, social movements try to turn their overarching ideals

into practice on the small scale to prove their viability as, for example, the Landless Rural Workers Movement in Brazil has done by building agrarian communities on occupied land (Carter, 2010).

Within the broad and diverse range of self-organized groups, social movements are specific in some respects. First, they allow observing processes of self-organization from their inception because they develop much of their activities and organizational structures from scratch. Second, due to their contestatory character, social movements closely reflect the dynamics of state–society relations (see, e.g., Tarrow, 1994, Chapter 4). And, third, ideational and identity-driven reasons for local self-organization are particularly important in these cases. According to Melucci (1995, p. 46), a collective identity “enables social actors to act as unified and delimited subjects and to be in control of their own actions.” A strong collective identity means that social movements are more likely to embark on a path of institutionalization than groups with more limited and merely instrumental orientations. Due to these specificities, social movements are well suited for observing patterns of mobilization and social self-organization in Latin America.

3. Social Movements and the State in Latin America

As in Europe and North America, the emergence of new social movements in Latin America started in the 1960s, but their development was shaped by the specific social and economic conditions in the region. Roughly speaking, the cycles of movement mobilization can be split into two distinct periods. The first period is associated with accelerated modernization, economic expansion, and social upheaval during the 1960s and 1970s, which led to an authoritarian reaction in several countries. This period was marked by movements of students, industrial workers, and middle-class sectors, including, for instance, the Venezuelan neighborhood movement. The second period comprises the 1980s and 1990s when economic crisis and neoliberal reforms produced social hardship and growing protests by marginalized groups. During this second period, which is exemplified by the Argentine *piquetero* movement, the focus of mobilization was mainly on material issues like wages and living conditions (Della Porta, 2015; Hellman, 1992; Slater, 1991). In general, Latin American social movements often faced unfavorable conditions of organization and mobilization. As Weyland (1995) shows in the case of the Brazilian health reform movement, scarce resources and widespread clientelism constituted an impediment to gaining mass support. Accordingly, mobilization has proved highly cyclical, and organizational development rarely reached higher levels of institutionalization (e.g., Foweraker, 2001).

The state was a decisive factor in movement development and institutionalization. As Walton (1998, p. 463) puts it, the “state creates both critical problems and opportunity structures.” Chalmers (1977) points to the

specific interconnectedness between state and society in Latin America, which is characterized by a peculiar combination of legalism and informality of personal networks and exchange relationships. The state is administratively weak, but dominant in other areas, especially when political or economic resources are at stake. Diamond (2008, p. 43) even speaks of predatory states in which “stark inequalities in power and status create vertical chains of dependency, secured by patronage, coercion, and demagogic electoral appeals to ethnic pride and prejudice....The purpose of government is...to produce private goods for officials, their families, and their cronies.” To protect the powers and privileges of the elites, governments tend to apply accommodative and repressive strategies towards social actors, which severely curtails the scope for social self-organization and autonomous collective action (Ortiz, 2015; Trejo, 2012). This does not apply to Latin American states in general, but it describes a more or less pronounced tendency of established actors—government, parties, and unions—to regard social movements and self-organized social groups either as a threat or as a source of support for their partisan ends (Hellman, 1992). The state, therefore, influences social self-governance not just indirectly, through the legal and institutional framework (see, e.g., Smith & Fetner, 2007), but as an actively intervening actor.

Yet, state involvement in societal affairs is not one-sided. Social actors also used to turn to the state to gain access to resources. Despite its weakness in some areas, the state is still perceived as the principal avenue for attaining personal benefits as well as group goals like the supply of running water to a community, the prevention of pollution, or the provision of public security. Moreover, the role of the state is not confined to patronage. Overarching conceptions of social and economic development also rely on the state, to whom comprehensive transformational powers are attributed. Because of these far-reaching projections, Alvarez et al. (1998, p. 10) speak of an outright “cult of the state” observable in the region and Coronil (1997) describes the state (in the Venezuelan case) as “magical,” which stands in sharp contrast to its structural deficiencies and its often poor governance capabilities.

These tendencies in state–society relations are also observable in the two countries under consideration, although to different degrees. Both are rentier states, but in Venezuela, the petro-economy has shaped society more profoundly. As noted by Karl (1987, p. 65), the political economy of oil in Venezuela, especially between the 1960s and the economic crisis of the 1990s, affected state–society relations in fundamental aspects:

The pattern of class formation, the rise and decline of different economic actors, the structural potential for organization and consciousness, the formation and role of the state, the relative importance of various political actors, and finally, the types of socio-political alliances likely to be forged.

These patterns, which in their political dimension are referred to as *puntofijismo* after a transitional pact between the dominant actors, included strong parties, a civil society managed from above, and a centralized state functioning as a broker between elite groups through the distribution of oil rents (Boeckh, 1997; Crisp & Levine, 1998; Kestler, 2012). Until the late 1980s, this model worked well for the middle classes, while the lower social strata gained little from the petroleum cornucopia. Social spending was quite unevenly distributed among the population and social governance was lacking in many respects. The inhabitants of poor neighborhoods depended largely on ad hoc programs, which were reduced in size when oil prices collapsed and the economy slumped in the 1990s (Maingón, 2004). Yet, in the wake of a renewed oil boom starting in 2004, the Venezuelan rentier state reasserted itself under the populist rule of Hugo Chávez. Although this time the elites and the beneficiaries of the bonanza had changed, the basic patterns of state–society relations remained in place: Civil society organization and mobilization were mainly a means of getting access to the revenues generated by the oil economy.

In Argentina, the role of the state was ambivalent and fluctuated over time, too. On the one hand, the state’s deficiencies become apparent from high levels of poverty, economic instability, and poor governance quality (e.g., Llamazares, 2005). On the other hand, the bureaucracy was a quite powerful tool used by political actors for mobilization and control as part of a corporatist model established by Juan Domingo Perón in the 1940s. Peronism, the dominant political current in Argentina, was based on the incorporation of relevant social sectors from above and a state-centered economic strategy of import substitution (Collier & Collier, 2002; Little, 1973). As in Venezuela, the Argentine state played a central role in mediating and controlling social conflicts through centralized mass organizations, particularly the unions (Levitsky, 2003). This corporatist state-centered model underwent several periods of strain and modification during economic downturns, authoritarian rule, and liberalizing reforms, especially during the presidency of Carlos Menem in the 1990s, but it was restored after the economic crisis of 2001. Although corporatism was partially substituted by clientelism and patronage, the state again assumed a central role in economic development and social policy (Grugel & Riggirozzi, 2007).

Thus, in both countries, state–society relations followed a statist logic and were managed by clientelist parties and unions. Under these conditions, social self-governance cannot be assumed to emerge naturally when the state fails to take action. Although the state was frequently challenged by new collective actors like the student movement, the workers’ movement, feminist movements, or ecological movements, these rarely succeeded in the redefinition of state–society relations more radically and few of them managed to remain unaffected by clientelism (Ellner, 1994; Haber,

1996). The patterns of movement development and the difficulties in maintaining autonomous actorhood on the societal level become evident from a comparative view of the neighborhood movement in Venezuela and the *piquetero* movement of unemployed workers in Argentina. These two movements emerged during different periods of social movement mobilization in different contexts and from different social backgrounds. Nonetheless, they show some striking similarities in their development and their relationship with the state.

4. The Neighborhood Movement in Venezuela

Urban neighborhoods, especially of the middle class, have always been fertile grounds for social mobilization and participation across Latin America (e.g., Baiocchi & Gies, 2019). Spatial closeness, dense networks of communication, and shared experiences provide favorable conditions for collective action (Zhang & Zhao, 2019). Yet, most urban movements proved to be short-lived and few of them lived up to the expectations placed on them. In this regard, the Venezuelan neighborhood movement was an exception to the rule because it persisted for several decades and it scored important successes like the passage of the Organic Law of Municipal Government (LORM) in 1978, which granted legal status to neighborhood associations and a say in municipal councils. In 1987, the movement launched a petition for further political decentralization, which was implemented shortly thereafter with the introduction of direct elections of governors and mayors. Despite these successes, the movement failed to consolidate organizationally, coordinate its goals, and maintain its autonomy from the state and established actors, especially from parties, who dominated political life in Venezuela until the mid-1990s (Crisp & Levine, 1998; Ellner, 1999).

Neighborhood associations started to emerge after a period of rapid, largely uncontrolled urbanization in the 1950s, initially in Caracas, from where they spread to other cities, reaching a total number of roughly 10,000 associations by the early 1990s (Santos, 1995). The movement was highly heterogeneous, with groups from middle-class neighborhoods as well as from poor *barrios*. From the start, the relationship between these groups and the state was ambivalent. Some of them turned to the state to resolve local problems like health care, insecurity, or water supply, while others explicitly rejected government interference and pushed for self-determination in local affairs. In the early 1970s, neighborhood groups started to coordinate their activities and establish larger federations to represent their interests more effectively vis-à-vis the state. These interests included financial assistance for sustaining their local activities as well as a broader agenda of state reform and decentralization.

In 1971, 14 Caracas-based associations founded the Federation of Associations of Urban Communities (FACUR) to demand legal recognition by the state and

separate elections of mayors and municipal councils, which was finally achieved in 1978. Shortly after, however, Congress passed an amendment to the LORM that imposed regulations and state controls on neighborhood associations, which meant that the movement's struggle for self-governance continued throughout the 1980s (Ellner, 1999; Santana, 1983; Santos, 1995). In that period, the movement gained considerable strength, with other federations springing up in various parts of the country, and a diversification of its activities. In 1980, the Escuela de Vecinos, another organization of neighborhood activists under the umbrella of FACUR, was founded to foster democratic citizenship through education, information, and training on the grassroots level (Fernandes, 2015). FACUR was mainly of middle-class origin and it belonged to the most vocal critics of the centralized, clientelist Venezuelan party-state (Lander, 1996). This critical stance, however, did not prevent the movement from becoming a battleground for competing clientelist party machines, as most of Venezuelan civil society did during the era of *puntofijismo*. Based on the amended LORM, the dominant parties created their own associations to gain influence within the movement and they encouraged party members to seek seats on the executive boards of neighborhood associations and federations. Due to their links to the government, party activists had easy access to the state, which put the associations under their control in an advantageous position (Ellner, 1999).

Party interference aggravated the movement's dilemma between autonomy, on the one hand, and the need for state resources as well as the advancement of a broader political agenda, including decentralization and electoral reform, on the other. As Grohmann (1996, p. 9) puts it: "The paternalist state presents itself as a dilemmatic entity: the government is both enemy and benefactor at the same time." Self-organized groups on the local level not only faced financial and organizational limitations, but they also came to realize that their purposes could not be pursued independently of more encompassing political reforms. This dilemma led to internal tensions, especially between FACUR and the Escuela de Vecinos. The former accepted party representatives on its executive board and sought political influence through public office, especially on the local level, while the latter took a purist approach and refused to play the "political game" (Ellner, 1999). The ambivalent relation with the state also contributed to a differentiation at the level of grassroots activism, which varied between claim-making, segregation, and the arrogation of certain state functions. Ramos Rollón (1995) observes that in residential areas of middle and high social strata, the demands of neighborhood groups were defensive, regarding mainly regulatory issues, while citizens from lower social strata tended towards claim-making. Middle-class *urbanizaciones* acted more autonomously but in a quite self-serving way. Ellner (1999) points to cases of middle-class neighborhoods that created armed

brigades and closed their area to external traffic, thereby defying not only the state but also imperiling the interests of other communities. In other cases, state functions were assumed by neighborhood associations in their official representative role defined in the LORM where municipal councils failed to function orderly.

Thus, the neighborhood movement in Venezuela presents a highly diverse picture, but its emergence and development cannot be conceived in isolation from the state and its role in Venezuelan society. Undoubtedly, there were numerous instances of self-organization and self-governance in areas like housing, electricity, potable water, sewage systems, and security (Santos, 1995). However, to overcome their financial, organizational, and legal limitations, state involvement was inevitable. The conception of local self-governance as a way of compensating for state weakness hardly fits the reality of movement activism in this case. Even in cases where neighborhood activists assumed state functions, they did so based on rights granted to them by the state. Moreover, state actors actively intervened in the movement, particularly political parties, who tried to use neighborhood groups as a substitute for their decreasing support from unions and professional associations. Ultimately, these tensions and ambivalences contributed to the movement's lack of consolidation and pointed to the limitations of social self-governance in the Venezuelan political context.

5. The *Piquetero* Movement in Argentina

Similar observations can be made in the case of the Argentine *piquetero* movement, which differs from the Venezuelan case by the context of its emergence, its social roots, and its repertoire of collective action. The name *piquetero* refers to its principal tool of protest: pickets that blocked major traffic connections, particularly in the Buenos Aires area. What both the Venezuelan and the Argentine movements have in common is their ideological and social heterogeneity as well as their uneasy relationship with the state.

The development of the *piquetero* movement is often described as cyclical, starting in the mid-1990s as a reaction to rising unemployment, reaching its peak during the economic collapse of 2001–2002, and entering a path of fragmentation and declining mobilization in the years thereafter, especially during the Kirchner governments, which successfully co-opted the movement's leaders (Campione & Rajland, 2006; Escudé, 2007; Grugel & Riggiozzi, 2007; Pereyra et al., 2008). Other authors, however, point to the surprising persistence of *piquetero* organizations and call for a more differentiated view, considering also aspects of autonomous collective agency (Cortés, 2010; Rossi, 2015).

The *piqueteros* emerged in 1996 in the Patagonian province of Neuquén as a protest movement against the social consequences of privatization that soon spilled over to Buenos Aires. The movement's aim was, accord-

ing to Rossi (2017, p. 18), to reconnect the working population with the state “as a provider of some benefits and rights” like unemployment subsidies and housing. It reached a national scale in 2001 with the outburst of social protests after the collapse of the Argentine economy. This period also saw the emergence of broader mechanisms of coordination among the various regional and sectoral groups within the movement. At the same time, strategic and ideological differences became more pronounced. While the autonomist currents of the movement—mainly left-wing organizations of unemployed workers with roots in the union sector and the radical left—wanted to keep their distance from the state, other groups sought strategic alliances with the established actors receptive to their demands (Rossi, 2017; Svampa & Pereyra, 2009). This receptivity was enhanced by the political and economic turmoil of the years 2001 and 2002 when the *piqueteros* came to be regarded as a political resource.

During the governments of Nestor Kirchner (2003–2007) and Christina Fernández de Kirchner (2007–2015), both from a leftist Peronist faction, the ties between the movement and the government became successively closer and more formalized. Movement leaders assumed executive posts and parts of the movement became formally incorporated into the government (Kaese & Wolff, 2016; Natalucci, 2011). In that way, the movement acted on two levels, on the grassroots and in the political-electoral arena, which mutually sustained each other. Grassroots work, like workers' cooperatives, was facilitated by state subsidies, while the movement's activist base was used to mobilize voters for the Kirchners' electoral coalition. Yet, the autonomist wing of the movement rejected these kinds of bargains and insisted on its independence from the government. This wing included a broad spectrum of local groups who saw themselves as political counter-projects in the vein of left-wing radical vanguard movements (Rossi, 2017). They emphasized their independence from established political actors like parties and unions as well as their opposition to the clientelist practices these actors stood for. For that reason, they also rejected government programs that, in their view, rendered workers dependent on the state.

Although these autonomist groups were increasingly marginalized and side-lined by the government, some of them managed to sustain independent community work for some time. For example, in 2001, a group of unemployed workers (Movimiento de Trabajadores Desocupados [MTD]) founded a community center in the Buenos Aires district of Matanzas to implement its vision of solidarity and community. During the economic crisis of 2001, when the state failed to contain the social impact of the economic collapse, the center provided basic services for unemployed people and served as a contact point for swapping goods and staples. Later, the MTD also established a bakery, a sewing shop, and an editorial as part of its effort to re-establish social links and to counteract the “culture of individualism”

it attributed to the government (Flores, 2006). Other grassroots initiatives of *piquetero* organizations included popular kitchens and education facilities. As Kaese and Wolff (2016) note, the autonomist *piquetero* groups have managed to maintain these activities and retain their independence.

Yet, the larger share of *piquetero* grassroots activities was either directly sponsored or at least subsidized by the state, especially under the Kirchner governments. Already during the interim presidency of Eduardo Duhalde (2002–2003), the movement was involved in the supervision of a large-scale social assistance program that reached around two million people and, according to Rossi (2017), represented the most massive unemployment subsidy of Latin America. *Piquetero* representatives were invited by the government to join a broad-based supervising council, which implied social and political recognition, but also a way of pacifying the movement (Golbert, 2004). According to Grugel and Riggiozzi (2007, p. 97), the program created a degree of “state control over the unemployed, including the *piqueteros*.” Under the first Kirchner government, the program was replaced by another one, the Plan Argentina Trabaja (PAT), that entailed even stronger involvement of *piquetero* organizations. Grassroots activities now focused mainly on the administration of government-founded cooperatives and even groups critical of state interference based their claims on the PAT (Kaese & Wolff, 2016). Thus, the institutionalization of the movement and its capacity for collective action depended largely on the state. It would certainly be going too far to say that the *piqueteros* have simply succumbed to a clientelist logic. The social programs initiated under Duhalde and Kirchner not only served as patronage tools for demobilizing the movement, but they also responded to its central demands like state assistance for unemployed workers. Moreover, the decline in protest activities after 2003 cannot be attributed to co-optation alone, but it was also a result of an improved economic situation. Still, the movement’s development was largely conditioned by state involvement and it unfolded in continuous interaction with state actors. This even applies to the autonomist currents within the movement, which did not just try to fill the voids left by the state, but whose efforts at self-organization at the grassroots level, ultimately, also took the state as a point of reference.

6. Conclusion

State–society relations are not a zero-sum game in which social actors assume the functions unattended by the state. Even weak states do not just retreat from society. As the two examples from Venezuela and Argentina have shown, there is rather a dynamic interaction between social actors and the state. Social self-organization frequently turns into claim-making and its continuity over time often depends on state resources and legal recognition.

Both movements emerged in response to state weakness or, more precisely, to its failure in certain areas of social governance. Their goals ranged from the solution of local problems to a broader agenda of political reform and social change. In Venezuela, urban development suffered from multiple flaws, which led to the formation of a multi-faceted neighborhood movement that took issues like the provision of security or street lighting into its own hands. On other occasions, however, social self-organization gave way to claim-making vis-à-vis the state, while established actors tried to take advantage of the movement as a resource of support and electoral mobilization. In that way, social self-organization turned into an entangled relationship with the state, in which cooperation and co-optation went along with contestatory patterns of interaction. These patterns were quite similar in the case of the Argentine *piqueteros*, despite notable differences from the Venezuelan case. In Argentina, macroeconomic adjustments under the presidency of Carlos Menem implied a comprehensive withdrawal of the state from social affairs. The *piquetero* movement acted as a pressure group demanding work opportunities and unemployment assistance, but it also worked on the grassroots level to address social needs on its own. Its relationship with the state was ambivalent from the start because, on the one hand, it called for more state engagement, but, on the other hand, it was concerned about maintaining its autonomy.

This ambivalence characterized both movements and led to internal differentiations between groups open to cooperation with the government and those skeptical of state interference. According to Ellner (1999), tensions between autonomy and political engagement are typical for social movements in general. In the Venezuelan and Argentine cases, these tensions were aggravated by corporatist and statist legacies. State actors actively sought to demobilize and co-opt the movements through patronage and legal constraints. Although not all parts of the movements succumbed to state control and clientelism, their space for autonomy and self-organization was seriously curtailed. It is striking to observe that many activities of social self-organization in both cases resulted from state intervention. Where movement groups assumed state functions on the local level, they did so based on formal recognition and licensing by the state. Neighborhood groups in Venezuela acted as substitutes for municipal councils due to the legal status granted to them in the LORM. In Argentina, the management of cooperatives under the PAT by *piquetero* organizations required certification by a government entity (Kaese & Wolff, 2016).

Thus, given the fact that even these two movements only reached limited levels of autonomous actorhood, the capacity of Latin American societies for compensating state weakness through forms of self-governance has to be viewed with reservation. Surely, generalizing inferences have to be treated with caution as Venezuela and Argentina hardly represent the entirety of conditions

affecting state–society relations in the region and observations from the two cases are far from covering the whole spectrum of organized civil society. Still, given the significance of the two movements and the similarities between them, the observed patterns in state–society relations point beyond the two countries to the role of the state in Latin America in general. What can be stated with some certainty is the fact that this role is not a passive one. Rather, the state is a continuous factor of influence and the main point of reference for social self-organization.

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Conflict of Interests

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Article

Local Self-Governance and the State in South Sudan: Studying Gendered Tenure Relations in Times of Uncertainty

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Abstract

With governance increasingly regarded as co-governance, states' capacity to steer, correct, and discipline a wide range of self-governing actors becomes crucial for states' effectiveness, efficiency, and democracy. This article investigates that capacity and the relationship between formal institutions and customary self-governance in areas of limited statehood. In South Sudan, the field of land governance can be regarded as an area of limited statehood. As land relations are closely connected to clan structures and intra-familial relationships, customary norms and institutions enjoy great legitimacy and are an important locus of local land governance and dispute resolution. The South Sudanese government has promulgated legal provisions for equal rights to property and inheritance that clash head-on with customary notions of gender roles in the family and the preservation of family land. By focusing on the case of women's land rights in South Sudan, combining literature study with data from exploratory fieldwork in two South Sudanese towns, this article aims to reflect on the cohabitation of customary and formal norms and values and the role formal legal and administrative systems, in areas of limited statehood, can and do play in boundary setting for customary self-governance.

Keywords

areas of limited statehood; customary law; gender; land rights; legal pluralism; local self-governance; South Sudan

Issue

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1. Introduction

As Sørensen and Triantafyllou (2016, p.1) state, governance is "increasingly regarded as a complex process of co-governance involving a plurality of relevant and affected public authorities and private stakeholders in carrying out various governance tasks through different forms of self-governance." States' capacity to steer, correct, and discipline a wide range of public and private governance actors, whose interests may align more or less with those of the state, thus becomes crucial for its effectiveness, efficiency, and democracy (Pierre, 2000; Sørensen & Triantafyllou, 2016). This article focuses on the relationship between local self-governance and the state in areas of limited statehood, where states have a weak capacity to "steer" self-governance. Most states are nei-

ther fully failed nor fully consolidated, but can rather be placed on a continuum from failed/failing states to consolidated states (Risse & Stollenwerk, 2018). In many states, the government can implement and enforce rules and decisions in some geographical areas or regarding specific policy areas, but not in others. However, "areas of limited statehood are neither ungoverned nor ungovernable spaces" (Risse & Stollenwerk, 2018, p. 406). Formal state institutions co-govern with several other actors, such as traditional leaders, religious leaders, warlords, NGOs, international organizations, and multinational companies. These governors govern, cooperating or competing, in hierarchical or nonhierarchical modes, and with varying degrees of effectiveness, efficiency, and legitimacy.

In South Sudan, the functional field of land governance can be regarded as an area of limited statehood.

As land relations are closely connected to clan structures and intra-familial relationships, customary norms and institutions enjoy great legitimacy and are an important locus of local land governance and dispute resolution. The government, pressured by the international community (Deng, 2014, p. 90), has promulgated legal provisions for gender equality and equal rights to property and inheritance. These clash head-on with customary notions of gender roles in the family and the preservation of family land. By focusing on the case of women's land rights in South Sudan, this research aims to reflect on the cohabitation of customary and formal norms and values and the role formal legal and administrative systems, in areas of limited statehood, play in boundary setting for customary self-governance. To do so, this study first outlines the ambiguous relationship between the formal legal and administrative system and the customary realm. The article then discusses gendered customary tenure relations and their underlying social norms, values, and moralities, first in sub-Saharan Africa and then specifically in South Sudan. Subsequently, discusses data from exploratory fieldwork in South Sudan on the functioning and impact of "state steering" regarding gendered land tenure in two urban areas. It finally concludes on the ways and the extent to which formal institutions and actors propagate and support new gender notions regarding women's land rights and gives insights regarding the liaison between local self-governance and the state.

For this study, data were collected between November 2021 and July 2022 by the authors, supported by a team of local assistants that organized logistics, enabled access to respondents, and translated interviews when necessary. As urban areas are witnessing the most profound shifts in land acquisition practices as well as social structuring of families, two towns—Torit (Eastern Equatoria) and Wau (Western Bahr-el-Ghazal)—were selected as fieldwork locations. The limited literature on these two areas and the relatively peaceful situation there were the main reasons for this choice. In these locations (and in Juba), 30 qualitative semi-structured interviews and eight focus group discussions (FGDs) were held, with a total of 154 respondents, including male and female community members, traditional, religious, community leaders, representatives of civil society organizations, the Human Rights Commission, and lawyers and officials from the ministry responsible for land administration. Respondents were asked questions about their access to land, family decision-making, gender relations, involvement of customary and formal actors and institutions in land management, tenure security, dispute settlement, and historical changes regarding the issues questioned. The data collection was part of a larger research project for the Just Future consortium, aimed at studying the dynamics of land justice in South Sudan. The authors defined key groups to be interviewed and the local assistants identified key representatives of each group. The interviews were conducted in English or local

languages (translated by local assistants), depending on the preference of the interviewees. Two workshops with key stakeholders helped to refine the main findings of this research.

2. The Mutually-Constitutive Relationship Between Customary and Formal Legal Orders

How to regulate customary justice and governance structures and how to respond to situations of legal pluralism—generally defined as the presence of more than one legal order in a social field (Griffiths, 1986)—are much-discussed topics in the Global South. Governmental responses vary widely, including attempts to exclude or abolish customary law, justice, governance structures, *laissez-faire* strategies, and various forms of acceptance, recognition, and incorporation in the formal legal and administrative system usually while imposing conditions and pushing for reform (Buur & Kyed, 2007; Ubink, 2008a; Zenker & Hoehne, 2018). Due to the many interactions between the systems, the relationship between formal customary law is "dialectic (and) mutually constitutive" (Merry, 1988, p. 880). Formal law penetrates and restructures customary law that not only resists and circumvents such penetration (Merry, 1988) but also impacts the understanding and formation of formal law. Rather than seeing them as two easily distinguishable and separate realms, this results in a mixing of legal codes that people perceive as together constituting a new hybrid legal order. De Sousa Santos (1987, p. 298) calls this "inter-legality." Similarly, customary and formal institutions cannot neatly be classified as "state" and "non-state." Not only are customary institutions in many countries linked to or incorporated into the formal legal system, but also anthropological literature has increasingly shown that institutions and persons who are not officially associated with the state may be *de facto* involved in the execution of public authority and as such "perform *stateness*" (Lund, 2006, p. 276).

Choices regarding the governance of legal pluralism can have important consequences for the rule of law, the economy, peace, and security. They can furthermore impact heavily on formal institutions' administrative efficiency, legitimacy, and sovereignty. Lund (2016, p. 1221) points out that authority and rights are interconnected, and "the ability to establish political power runs through the capacity to determine who can be a rights subject, and what rights can be enjoyed." Ray and van Rouveroy van Nieuwaal (1996) see power and legitimacy in post-colonial states as divided between "traditional" and "modern" authorities, each deriving their authority from different sources. They regard the relationship between the two as a kind of zero-sum game, in which increasing the power or legitimacy of one automatically decreases the other's (Ray & van Rouveroy van Nieuwaal, 1996). Pedersen (2018) rather believes that cooperation could simultaneously increase (or decrease) both authorities' legitimacy. Lund

(2016) highlights how these relationships are not static and that the legitimacy of authorities is always in the making, potentially being bolstered for both through their cooperation or collusion. In areas of limited statehood, it is often only by working with customary justice and governance structures that the state is able to reconstitute itself (Ubink, 2018a). Sometimes questions of governance and recognition may even be reversed: How much scope do customary legal orders leave for the recognition of formal law and authorities (Seidel, 2018; Von Benda-Beckmann et al., 2009)?

The relationship between the formal and the customary realm impacts a state's sovereignty, authority, and legitimacy. Policies of formal recognition and incorporation of customary norms and institutions may improve governance and development, increase political stability, increase the state's popularity and legitimacy through linkages with customary notions and institutions, consolidate local power, and mobilize votes (Kyed & Buur, 2007; Ray & van Rouveroy van Nieuwaal, 1996; Ubink, 2018b). At the same time, the authenticity and legitimacy of statutory norms and formal institutions do not necessarily increase with the inclusion of traditional authorities and recognition of customary law (Hoehne, 2018; Schroven, 2018). High reliance on customary law and institutions can make formal institutions less relevant (Hoehne, 2018) as customary institutions may use additional power and legitimacy to compete with formal institutions. Clearly, "the regulation of [customary] normative systems is intertwined with questions of political power, control, subjugation, integration, and exclusion" (Ubink, 2018a, pp. 216–217), leading to the reordering and transformation of both the customary realm and the state (Kyed & Buur, 2007).

Formal recognition of customary norms and institutions is never unconditional. It always entails exceptions or interventions to align these normative systems with the core values of the state. The neutral term recognition masks a political process that always includes aspects of government intervention, regulation, and reform (Kyed, 2009). It is part of "the hegemonic project of legal and judicial control by the state" (Leonardi et al., 2011, p. 117; cf. Seidel, 2018, p. 122; Zenker & Hoehne, 2018, p. 17). Ever since the colonial period, governments have placed restrictions on the formal recognition of customary law, such as repugnancy and incompatibility tests that impose limits based on open-ended terms such as natural justice, a good conscience, civilization, and public morality, or incompatibility with legislation or public policy (Grenfell, 2013; Kiye, 2015). Similar clauses can be currently found in the constitutions of several African countries, which explicitly make the application of customary law dependent on compliance with the constitution. Ample research shows that local orders are resilient and often resist restrictions on customary law as well as imposed statutory norms (Hessbruegge, 2012, p. 299; Mojekwu, 1978; Moore, 1973). The domination of the formal legal order cannot be assumed, even less so in

areas of limited statehood. Individual behavior and processes of interaction, struggle, and negotiation determine what the "living law" effectively is at a particular time and location (Griffiths, 1986; Ubink & Weeks, 2017). This is also the case for women's land rights.

3. Gendered Customary Land Relations in Sub-Saharan Africa

In Africa, the landholding community is the descent group. In patrilineal societies, descent and property are traced through the male line, and control of land usually rests with male heads of households. These heads are expected to take some land for their own cultivation and share the rest with their wife/wives, adult sons, daughters still living at home, and possibly siblings. Women usually marry men from outside their community and move to the husband's community (patrilocality). Matrilineal societies are somewhat more diverse and their tenure system is more complex. In this case, descent and property follow the female line, but control over property and positions of authority lies with male family members—brothers, uncles, or cousins. Marriages can be matrilineal or patrilocal, or both spouses, hailing from the same community, may remain living where they did before the marriage (Lastarria-Cornhiel, 1997). Land in matrilineal communities is usually passed on from man to man, but there are exceptions to this rule, such as in the matrilineal-matrilocal communities of the Shire Highlands of Malawi, in which women are the ones to inherit lineage land (Peters, 1997).

In both matrilineal and patrilineal communities, it is usually men who occupy the positions of authority and control most of the property (Chigbu, 2019; Doss et al., 2018; Fenrich & Higgins, 2001; Lastarria-Cornhiel, 1997). Women largely have derivative secondary rights of access to land based on their family status as daughters, sisters, or wives (Chigbu, 2019). In most African countries, women have considerably less access to land than men (Lambrecht, 2016). The rationale behind the gendered nature of customary tenure is mainly twofold. First, men are regarded as the main providers of the household. Fathers, husbands, sons, and uncles are to take care of girls and women, "which justifies giving less access to land for women and allocating less fertile land to women" (Lambrecht, 2016, p. 194). Second, in customary tenure systems, the land is strongly connected to the continuance of the extended family or lineage as a whole. To guarantee the survival of the family, the land needs to stay in the family. In societies where daughters are expected to marry outside of the clan and join the community of their husbands, ownership rights to land in their birth families or rights to inherit land are unnecessary. These married women are generally granted use rights to the land of their husbands. When the husband dies, his family land—and sometimes also parts of his individually acquired property—is often claimed by his family, leaving the widow dependent on

her husband's family unless she chooses to return to her own family or remarry into a new family (Peterman, 2012). In sub-Saharan Africa, "widow chasing" is a common occurrence across the spectrum of ethnic groups, faiths, regions, and educational and income positions (Owen, 2002). It is likely that women who are separated or divorced face similar, or in some cases even more restrictive, asset discrimination as widows, contingent on the nature of the separation (Peterman, 2012).

Research in various geographical regions of Africa shows that the tenure security of women under customary systems historically was much higher than it currently is (Lastarria-Cornhiel, 1997). Nukunya (1972, pp. 14–20) describes how, among the patrilineal Anlo in Ghana, daughters' rights to inherit property from their fathers slowly eroded from a right to a privilege, due to the increasing scarcity of land, which was "forcing the descent groups to assert their...lineal principle more strongly." Bennett (2008) and Grant (2006) show how, in South Africa, customary rights were decoupled from obligations. Duties intricately connected to rights in the customary system, for instance, of a head of family or successor, were "demoted to mere morality or conventionality" (Bennett, 2008, p. 41). Similar processes have been documented in other countries, such as Tanzania (Mtengeti-Migiro, 1991), Zambia (Ndulo, 1985), and Zimbabwe (Stewart & Tsanga, 2007). German (2022, p. 134) concludes that the gender ideology of the colonial powers, the spread of Islam, and colonial and post-colonial land interventions all "reinforced existing gender disparities or engendered new forms." In contexts of growing commercialization, land scarcity, and population growth, this enabled male and elite cooptation of land privileges (Amanor, 2001; Kapur, 2011; Leonardi & Santschi, 2016; Ubink, 2008b).

Within this patriarchal setting, the literature provides examples of many forms of female agency. These include contesting the efforts by male relatives to exclude them from land ownership in customary and formal courts (Grant, 2006; Peters, 2010; Wanitzek, 2008), changing their agricultural practices to seek more autonomy over parcels of land (Carney & Watts, 1991), pressuring their marital families to respect their perceived entitlements to land (Stewart & Tsanga, 2007), and objecting to re-allocation of family land (Nukunya, 1972). While women's agency should not be underestimated, a trend can be observed in which women's access to land becomes less secure. In contexts of increasing land scarcity and commoditization of land, processes of decoupling rights and obligations have made male control over property increasingly problematic for women living in various geographical regions under diverse systems of customary tenure.

States (and donors) involved in land tenure programming have increasingly focused on the relevance of gendered land relations. They often see improving women's ownership and access to land as a way to strengthen women's bargaining and decision-making power in the

domestic sphere as well as in their communities and other public arenas, which in turn is expected to improve female, child, and household food security, nutrition, and health, and to reduce domestic violence. It is also seen as having a positive impact on agricultural productivity (Chigbu, 2019; Cooper, 2012; Kumar & Quisumbing, 2012; Lambrecht, 2016; Palmer, 2002).

Based on the above understanding, governments, foreign donors, and international organizations have heavily invested in inducing transformations in gendered land relations. They have placed a lot of faith in the transformational power of constitutional and statutory law, particularly inheritance laws. However, the introduction or reform of statutory laws to further gender-equal access to land and equal rights to land inheritance has often had a limited or detrimental effect (German, 2022; Manji, 2003; Palmer, 2002). Attempts to improve women's rights in the form of a shift towards more private forms of property systems in many cases exacerbate the difficulties of women to gain access to or control land (Lastarria-Cornhiel, 1997). Challenging the status quo on women's land rights heavily impacts the ordering of lineages, challenges patriarchal control, and the "hegemonic masculinity" underlying the "male-championed arrangements made in history to either deny or dispossess women of property rights, which men have always enjoyed" (Chigbu, 2019, p. 128). New laws that go against strong customary norms are often largely ignored or bypassed, for instance by *in vivo* gifts to sons or the preparation of an oral or written will—see Mensa-Bonsu (1994) or Lambrecht (2016) for writings about Ghana's 1985 Intestate Succession Law. Furthermore, the effectiveness of statutory reform depends on people's awareness of the laws and women's ability to claim their rights, being thwarted by the fear of social repercussions from the family or the existing support network (Lambrecht, 2016). In addition, besides clear and detailed laws, operative administrative practices, and well-functioning accessible courts, the effective enforcement of such laws requires great political will, as they usually lead to immense opposition from groups that benefited from the previous arrangement, men prominently among them (Chigbu, 2019; Kameri-Mbote, 2009; Namubiru-Mwaura, 2014; Owen, 2002; Palmer, 2002). In areas of limited statehood, the effectiveness of the bureaucracy, the smooth operation of courts, and the general awareness of statutory laws may all be questionable.

4. Gendered Customary Land Relations in South Sudan

An estimated 87% of the population of South Sudan holds their land under customary tenure regulated by traditional authorities based on customary law (Deng, 2014). Most groups in South Sudan observe patrilineal descent. Clans and sections have, however, always absorbed outsiders into their communities and lineages, which included transfers of land (Leonardi & Santschi, 2016). In South Sudan's customary tenure systems,

women traditionally do not own land independently. As the customary inheritance systems are aimed at the retention of property and material wealth within the male lineage, women generally have limited and conditional access to land, derived from their position as wives, daughters, or sisters (Jok et al., 2004). Men inherit land from their fathers and women are supposed to marry and acquire rights to land through their husbands. Single women may be granted access rights via their male family members, but widows and other women without husbands or families are in a highly vulnerable position and are regularly denied access to community land (Deng, 2021; Food and Agriculture Organization of the United Nations, 2019; Mennen, 2012; Wabwire, 2020). The payment of bridewealth by the husband's family to the wife's family further complicates women's position. Divorce would trigger a claim for restitution of (part of) the bride's wealth—a consequence that leads to considerable pressure on women not to divorce (Hessbruegge, 2012; Stern, 2011). Even on the death of their husbands, the marriage contract is not broken unless a widow returns the bride's wealth and divorces her deceased husband. As a result, women cannot marry outside of their deceased husband's families. To ensure the widow's protection and support, widows may be "inherited" by a male relative of the deceased husband, with the widow having more or less a say in this decision. In such a levirate marriage the widow is still considered married to her deceased husband but one of his brothers or other male relatives takes over the role he played (Buchanan, 2019; Stern, 2011). As such, "a woman's procreative capabilities are never 'wasted' and she is never without a husband to care for her and her children" (Beswick, 2001, p. 37). During the war, when so many men lost their lives, the incidence of widow inheritance decreased and widows were increasingly left unassisted by their former husbands' families (Beswick, 2001; Stern, 2011). This issue is also connected to the increasing refusal of first wives to accept other women into their nuclear families (Beswick, 2001).

While the customary obligation of fathers, husbands, sons, and uncles to care for girls and women used to provide a safety net that guaranteed women access to land, a monetized war economy has to some extent replaced economies based on social reciprocity and interdependence, which may lead to men preferring to capitalize on land over providing for female dependents (see, for instance, Deng, 2021, pp. 1, 23). Particularly in areas where land is increasingly scarce and valuable, there is a breakdown of customary norms of assistance. Leonardi and Santschi (2016) show that recent rises in the monetary value of land have led to a questioning of transfers of land to daughters, matrilineal nephews, or friends and newcomers from outside the patrilineage, and of the permanency of earlier gifts or transfers, even if these took place several generations ago. In addition, the proper functioning of customary systems requires intact families and marriages. Conflict and displacement and the

HIV/AIDS pandemic have left many women widowed, divorced, or abandoned, and placed them outside the customary safety net. There are now many women-headed households (Buchanan, 2019) and many women without male guardians through whom they can access land.

Since the end of the civil war in 2005, South Sudanese statutory law has progressively made inroads into customary law. While the 2005 Comprehensive Peace Agreement stated that personal and family matters were to be governed by customary law and that all national legislation shall be based on "popular consensus and the values and customs of the people of Sudan" (The Machakos Protocol, 2002, para 3.2.3, 6.4), the 2011 South Sudan's Transitional Constitution balances the commitment to recognize the customary order with the goal of liberal state building (Hessbruegge, 2012). Under pressure from the international community—where women's property rights enjoy a high priority (Deng, 2014)—The Transitional Constitution of the Republic of South Sudan (2011, §16[5], 28[1]), The Land Act (2009, § 13), and The Local Government Act (2009, § 110) stipulate that men and women have equal rights to the land. These legislative instruments contain general provisions affirming women's right to property but have been critiqued for not incorporating sufficient protective mechanisms and for lacking a more detailed policy framework and legislation on women's property rights in customary marriages and succession (Deng, 2014).

The Draft Land Policy describes a wide gap between legal provisions recognizing equal rights of women to land and common (customary) practice in which "women's land rights remain largely conditional, derived through their marital or childbearing status and dispossession of widows, daughters, and divorced women is common" (Southern Sudan Land Commission, 2011, § 1.6.4). Research by Stone (2014) shows that women report a much higher rate of landlessness and that men are six times more likely than women to have a piece of land that they do not fear being evicted from. According to Bior (2013, p. 3):

The serious concern is the underlying lack of awareness, civic education, and political will to promote women's interests in the country. It is evident that socio-cultural perspectives hinder the proper application of the existing laws, and the result is that access to justice is not gender equitable.

Deng (2016, p. 11), while corroborating the large gap between statutory rights and customary practices, notes "some evidence of evolving attitudes" on women's property rights, resulting from the rise of women to leadership positions in government and civil society, the influx of new ideas from the diaspora, and a large number of war-induced female-headed households.

This article does not deny the proven advantages of customary tenure systems. These systems provide access to land for members of the lineage and those

affiliated with it, providing them with the means to sustain themselves, to include access for those with secondary rights, and to work towards the survival of the lineage and all its members (cf. German, 2022, pp. 138–139). Members that profit from these systems include women. We do, however, question the general validity of German’s (2022, p. 139) conclusion that “even within customary regimes with the most inequitable norms of access to land and (female) labor, duties of care tend to safeguard land access for women.” The literature previously discussed has documented a decoupling of customary rights and obligations, resulting in male cooptation of land privileges in contexts of increasing land values and commoditization of land in South Sudan as well as other African countries. For diverse groups of women living under varying customary tenure systems in areas with growing commodification of land, such processes have made their access to land increasingly less secure. Combined with the breakdown of traditional families and the high incidence of female-headed households as a result of conflict and displacement, this severely challenges women’s access to land in land-scarce areas of South Sudan. The South Sudanese government, stimulated by the international community, has included protections for women’s land rights in statutory laws. As discussed previously, such interventions are no guarantee for success. Actual impact depends on various factors related to the type of intervention, people’s response to it, and the ability and willingness of government agencies and courts to implement and enforce statutory rights. As there is limited documentation available on these factors, they formed an important focus in our research. In the next section, this article will discuss data collected during exploratory fieldwork in two South Sudanese areas experiencing growing pressure on land (the towns Torit and Wau) to gain insight into the awareness and perception of the new statutory norms and their impact on gendered land tenure.

5. Towards Gender-Equal Land Rights in Torit and Wau?

During our fieldwork in Torit and Wau, respondents—men and women, chiefs, and commoners—were well aware of the fact that statutory law grants women equal rights to the land (cf. Deng, 2019, p. 30). However, according to our respondents, this knowledge has made few inroads so far into customary practices. They reported some differences between customary groups. For instance, daughters from agricultural clans and Muslim groups in Wau could inherit some land, in contrast with pastoralist clans in Wau and general practice in Torit. Notwithstanding this difference, women and men from both towns widely reported severe challenges for women in accessing and holding onto land. According to an official from the Ministry of Gender, “the problem is with inheritance, women’s rights are denied” (interview, 30-06-2022, Torit). In a similar vein, a religious leader stated:

Here in Africa, people say that women don’t have land rights. Women marry and go to their new family’s house, only boys have the right to take the land. The girl child is often denied inheritance rights because of the belief that she will be married off. (interview with religious leaders, 27-06-2022, Torit)

Several stories illustrated the limited say women have over land, even when they played a role in obtaining or upgrading it. For example, Mrs. S explained that her husband took the land she lived on with her daughters and housed his second wife and her sons there, even though she, the first wife, had arranged and cleared the place and made it habitable (FGD women, 26-11-2021, Torit). Property grabbing from women by family members as well as strangers was described as a common practice among all the groups: “We know that when you stay on your husband’s land, his family may chase you off when the husband dies” (interview with four women leaders, 03-12-2021, Wau). Many people recounted stories of land granted to a woman by fathers or husbands that was refused to them by relatives once the male grantor died. A customary court judge reported that “it is still a challenge to women, when they come to register [their land at the Ministry of Housing] they still use their husbands’ names, they are not confident of their rights” (FGD customary court judges, 29-06-2022, Torit). Women furthermore reported that even with a court ruling in their favor they felt uncertain regarding their land rights.

Women from both agriculturalist and pastoralist groups reported a belief that reference to statutory law was not very helpful in convincing husbands to grant them land. A woman in Torit reported that:

The only thing that may work is when you have given birth to boys. You can then say “think of your boys.” They can inherit the land. Maybe you can take care of it until they are big enough. But if you only have girls, you stand no chance. (FGD women, 26-11-2021, Torit)

Other women agreed that if a woman gives birth to only girls, there is no way to convince her husband to give her land. “He will even hide the papers, keep it a secret that he has them,” one of the women stated (FGD women, 26-11-2021, Torit). A female lawyer in Wau stated that even an educated woman like herself does not know where the land papers are held and that her husband would surely get angry if she would ask him about it (FGD Community Mediation Group, 02-12-2021, Wau).

Men assert the perpetuation of the system for two reasons. The first goes back to one of the rationales mentioned earlier, namely the continuation of land in the hands of the family. Two men shared the following stories during a focus group discussion (FGD men, 27-11-2021, Torit):

My brother bought and built houses here in the names of his two wives and others in his name. When he died, both wives sold off the property registered in their names. The second wife went further and filed for a divorce. Now these two women have parted ways with us and they have moved on with the proceeds from these properties. But the women sold the land their kids should live on.

A relative of mine married and put the plot in the name of his wife. He then died. The lady married someone else, and he [the new husband] is now staying there. We tried to reclaim the land, but we failed.

Male respondents also made arguments related to the virtues of a good wife to oppose stronger land rights for women. They state that an upright woman understands and stays under the authority of her husband. A woman with a plot of her own, on the other hand, is seen as spoiled, loose, a prostitute: “Even if a lady constructs that house, the male family member will not enter that house, the neighbors will think that she is a prostitute” (FGD men, 06-12-2021, Wau). During one FGD, a woman said that registering a plot of land in your own name as a woman “[is] a sure way of getting a divorce. The husband will send you away. He will think that you must have another man” (FGD women, 26-11-2021, Torit). A second woman added:

There was a lady who was employed here in Torit and the husband stays in Juba. From her salary, she decided to buy a plot and registered it in the name of her uncle, to provide her daughters with access to land. Upon hearing the news, the husband questioned her decision of buying plots and registering them in her uncle’s name. The conflict resulted in divorce. (FGD women, 26-11-2021, Torit)

This labeling of women as bad and spoiled is employed to counter women’s clamoring for more independence. A man explained: “Going out independently is the problem. Wanting to be responsible for herself. Spoiled refers to her own administration, that no one knows what she is doing. She is outside of family control mechanisms” (FGD men, 27-11-2021, Torit). Another man described that if parents can buy plots for their kids, this could include a plot for the daughter, but “you do not let her know that the plot is bought in her name. This is simply to avoid the girl from leaving her husband and deciding to stay on her own in that plot” (FGD men, 06-12-2021, Wau).

While in general women’s land rights are still heavily restricted, several respondents mentioned changes in perceptions as well as practices. According to a female respondent: “Previously, when I was young, men were in control of everything. But through awareness and time spent outside of Sudan, we see some change in the understanding of people” (FGD women, 04-12-2021, Wau). A male respondent stated: “In the past, it was

difficult for ladies to access land but now there is a slight change and the government, especially the court, is granting them the right to land” (FGD men, 27-11-2021, Torit). A religious leader also explained that where widows who wanted to register their land used to be sent away to come back with their in-laws, they now are allowed to register the land in the name of their sons (FGD religious leaders, 27-06-2022, Torit). While the latter practice does not give the widow a right to the land in her name (in line with statutory provisions), and is a continuation of ownership in the patriline, it does mean a shift towards better protection of the widow against in-laws trying to chase her from the land.

Some women try to claim the right to inherit family property. When they bring these claims to chiefs, many of whom are trained on these new statutory rights, some chiefs oppose women’s claims, while others refer them to the courts. Deciding to bring one’s dispute to a court may not be easy. As a lawyer explained: “In our communities taking cases to court is, in general, an abomination. When you go to court you are breaking away from family and customary practices. Women will be afraid that the family will curse them” (FGD lawyers and court staff, 28-06-2022, Torit). The protection that courts offer women is also quite a mixed bag. Access to (formal) courts is dependent on money, but largely people seem to believe that as long as you have money for court fees and a lawyer, there is a fair chance the court will protect women’s land rights or order compensation. Some, however, state that the courts focus too much on documents, making it hard for women with undocumented land claims to compete with people with documents, despite common knowledge of widespread corruption at the Land Registry resulting in fraudulent papers. In Wau, lawyers reported that the personal opinions of the judge heavily influence the outcome, with two of the three judges usually protecting women’s rights but the third one generally denying women rights to land (interview with two lawyers, 05-12-2021, Wau). Winning a court case also may not be the panacea, as it can lead to conflict with male relatives and the stigma of being a bad woman.

In both towns, more progressive men reportedly registered land in the name of their wives and daughters. To prevent such ownership from being challenged on their deaths, they preferred to buy land for their wives and daughters rather than to bequeath part of the family land and explicitly include the family in their decisions. One man said:

I called all my close relatives and handed these lands to my kids in front of them so that they know that it is me who has given these plots to all my kids. I also told them that the kids reserve the right to do whatever they want with their plots, including the girls. (FGD men, 27.11.2021, Torit)

Respondents also described that women who can secure independent sources of money now have the

opportunity to buy and register land in their name. This indeed increasingly happens, particularly in Wau (cf. Deng, 2021). However, this is only an option for women with independent means and several women report that it requires connections with influential men. Officials interviewed were all quick to point out that their institutions did not discriminate against women (interview with the director general and minister, Ministry of Housing Lands, and Public Utilities, Government of Eastern Equatoria State, 29-06-2022, Torit; interview with officials at the Land Department, Eastern Equatoria State Ministry of Housing and Physical Planning, 29-06-2022, Torit; interview with officials at the Land Registry Office of Torit High Court, 30-06-22, Torit). Many women, however, reported being confronted with officials at the Land Registry who did not support their attempts to register land or to prove their ownership in land disputes. They were told they are just women, too powerless to stand up for their rights, or were asked for sexual favors. In Torit, several women reported that, at the Department of Land and Housing, there is an order that a woman can only register land in the name of her husband, son(s), or brother. Women also reported discrimination in the context of land survey and registration processes (cf. Deng, 2021, p. 25). Moreover, our respondents overwhelmingly highlighted how their perception of formal land institutions was influenced by the fact that a considerable part of the existing land-related conflict in urban and peri-urban areas is caused by haphazard and corrupt land demarcation and formalization processes (cf. Deng, 2014; Simone, 2015).

6. Conclusion: Limited Statehood and Self-Governance

In South Sudan, justice and governance structures are in flux, “power has not yet fully consolidated, bureaucracies have not become fully entrenched” (Deng, 2013, p. 101). There is an ongoing development of a new “pluri-legal” configuration, resulting in a “complex interlocking system of plural legal orders based on varying and often conflicting origins of custom, tribal law, statutes, and ad hoc practice” (Mennen, 2012, p. 10). The customary and the statutory realms are becoming increasingly intertwined, with traditional authorities and customary courts formally recognized as part of the formal legal system and “customs and traditions of the people” stipulated as one of the main sources of legislation. Customary law and authority heavily define the identity of South Sudan (Hessbruegge, 2012). Acknowledging this, the state attempts to develop its legitimacy and administrative power by recognizing customary authority and law as an essential part of the governance structure, while aiming to gain the upper hand by being the one to grant recognition and stipulating certain conditions under which statutory law prevails.

Land governance in South Sudan is an area of limited statehood in which formal institutions form only

one type of governor among many, and statutory law is only one of the relevant normative registers. The impact of formal law and institutions is growing, particularly in urban areas where demarcation processes convert customary lands into statutory lands, effectively replacing the chief as the main governing body. Nevertheless, even in urban areas, individuals’ bargaining power regarding land rights remains strongly shaped by gendered perceptions about the roles and responsibilities of people within their families and community (Lambrecht, 2016), and the effects of formal law and institutions on women’s land rights remain to be seen. The rationale for male ownership of land is manifestly undermined by the current reality of women-headed households and men reneging on their customary obligations due to increasing possibilities for monetary gain from land. Despite these societal changes, men still justify their dominance, repeating the maxim that land should stay within the family and trying to prevent change by labeling land-owning women as spoiled, too independent, or even as prostitutes.

In Torit and Wau, awareness of statutory laws stipulating women’s equal rights to land is high. Both men and women with more progressive ideas regarding female land ownership see recourse to formal institutions and statutory rights as the best option to acquire stable land rights for women that can withstand challenges from male relatives. Nevertheless, while officials generally profess their commitment to equal treatment, governmental institutions are only halfheartedly supporting women’s land rights. Among groups like judges and land officials, some actors are more supportive of such rights, others less so. But where courts are popularly seen as fora where women have a reasonable chance of success in claiming land rights, the Land Registry is regarded as a highly corrupt institution (cf. Deng, 2014, p. 91), where officials often treat women as weaker citizens who may find it harder to challenge irregular practices. According to Deng (2014), discrimination at the Lands Registry is also motivated by fear of reprisals from women’s male relatives. This underlines that urban-based “street-level bureaucrats” find themselves having to operate statutory law in arenas where rights are still predominantly determined by customary notions with strong social relevance (Ubink, 2018a). Many officials and judges likely also share these customary ideas of family and gender relations.

We started this article with the insight that increased levels of co-governance mean that a state’s effectiveness, efficiency, and democracy depend to a large extent on its ability to correct, discipline, and give direction to governance activities performed by a wide range of public and private actors (Sørensen & Triantafillou, 2016). We have shown that not only the ability but also the willingness of South Sudanese officials to steer and set boundaries in the field of gendered land relations is limited. This article shows that, in areas of limited statehood, the question is not only how much recognition the state grants customary norms and justice institutions, but equally important

is the question of how much scope customary norms and beliefs leave for alternative interpretations of rights and relationships (cf. Von Benda-Beckmann et al., 2009). Statutory law opposing core customary gender notions may find strong opponents in the customary sphere, and possibly also among formal actors. To what extent officials have internalized statutory norms that contradict strong social conventions or at least feel a professional obligation as government officials to uphold such norms is an empirical question to which the answer cannot be assumed by actors' formal capacity. Considering that, in areas of limited statehood, states can only (re)constitute themselves by working with customary justice and governance structures, these aspects caution against a "quick fix" of gendered land administration via the introduction of statutory laws, as such processes may backfire and inhibit attempts to increase the legitimacy of the state.

When we consider land rights in a broader context of urban change processes, one sees an extra layer of ambiguity. While formal norms and institutions may provide an avenue for secure land rights for individual women, at the same time much tenure insecurity in urban areas is directly or indirectly caused by processes of demarcation and formalization of urban land and the role of formal institutions in these processes. This means we should not only ask to what extent formal institutions in areas of limited statehood are able and willing to give direction and impose boundaries on self-governing actors but also consider the possibility of too much negative state presence, which suggests an interesting direction for further research.

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Conflict of Interests

The authors declare no conflict of interests.

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Article

The Evolution of Village (Self)Governance in the Context of Post-Communist Rural Society

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Abstract

The role of the village headman and council of elders is very important in many societies. The focus of this article is to analyse the evolution and the role of the (informal) intermediary institutions and actors in the context of changing society's patterns and political landscape transformations. This article focuses on Albania and Kosovo, where village self-governing mechanisms played a crucial role in avoiding (often deadly) social conflicts during the post-communism transition. The article relies on in-depth interviews with involved actors at the local level, using the framework of evolutionary governance theory. The study shows that the role of the council of elders and village headman has been strong and important in times of weak central and local governance, while it weakened in times of strong politicization and increasingly patronizing role of the central government, thus not allowing for a right balance between legitimate community representation and accountability toward upper levels of governance.

Keywords

Albania; communism; council of elders; informal institutions; Kosovo; self-governing mechanism; village headman

Issue

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1. Introduction

A significant theoretical and empirical contribution to informality debates has come from post-socialist countries (Giordano & Hayoz, 2013). In this group of countries, after the demise of central regimes, the whole institutional hierarchy, including local government, passed through a series of transitional reforms, which due to institutional weakening and reshuffling, gave rise to pre-communism self-organizing and self-governing (SOSG) mechanisms in local communities (Rose-Ackerman & Palifka, 2016). SOSG mechanisms are considered in this study as crafted organisations in which villages organize themselves to make decisions and solve problems without relying on external institutions (Ostrom, 2014).

There is a wide literature presenting a static view of the SOSG mechanisms and the role of their related actors in the local societies (Pesqué-Cela et al., 2009; Schwoerer, 2018) but the dynamic transformations of these structures and actors in a changing political landscape is not explored and reflected by a solid literature. The changing role and performance of the SOSG mechanism and actors in cases of powerful autocratic states, in cases of post-transition state building, and in rapid processes of democratisation reforms are scarcely researched (Benjamin, 2008). For instance, in Western Balkans, a rapid decentralization accompanied by the deconcentration of state power brought forward the formalization of village structures. In some areas, this process can create a de-instrumentalization of village SOSG

mechanisms. In other cases, they can become prone to patronage-based networks led by central political elites, thus risking community representation and legitimacy. In addition, while institutional transformation in the village has been studied earlier (Bierschenk & de Sardan, 2003; Xu & Ribot, 2004), the changing SOSG actors' roles have not attained significant attention.

Therefore, it is interesting to explore how the functioning of SOSG mechanisms in rural areas has been influenced by the surrounding political landscape and the changing social context and how has the role of village headman evolved in terms of functions and representation. The objective of this study is to analyse the evolution and the role of the SOSG actors based on formal and informal institutions in the context of changing social patterns and political landscape transformations in post-communist countries. We focus on the role of the village headman and the council of elders as actors, whose power and legitimacy are based on SOSG mechanisms.

The study covers two post-communist countries, namely Albania and Kosovo, which are known as clan-based societies (Hille, 2020), where SOSG and related actors, namely the village headman and the council of elders, have a long history. These mechanisms and the associated practices were (to a large extent) abolished under communism. However, during the early post-communist transition phase, a combination of factors such as the failure of state institutions to regulate social and economic status or even to protect the population (in the case of Kosovo) brought a revival of SOSG mechanisms (de Waal, 1995; Saltmarshe, 2000) which played a crucial role in avoiding (often deadly) social conflicts.

This article is an added contribution to the literature on village self-governance theoretical frameworks using components of evolutionary governance theory (Van Assche et al., 2013) and social capital theory (Ostrom, 2005). The findings show that, in post-communist countries, the self-governing mechanisms at the local level and the created social capital can be undermined when formal rules overcome local rules. In cases when the SOSG mechanism is controlled by external political actors or when the village headman is elected through external mechanisms, the village SOSG actors emerge functionally weak or even adverse toward the community will. Thus, measures to strengthen state power to control the SOSG lead are accompanied by a decreasing legitimacy at the community level. This article highlights the importance of long enduring social networks and trust in sustaining self-governing mechanisms and argues that communities with eroding social capital, due to migration effect and loss of control of the SOSG leadership, are less likely to successfully engage in self-governance.

This study provides empirical added value. Little has been done to explore the role of the village headman and council of elders in recent decades when radical reforms of decentralization and a rapid exodus from villages took place in post-communist countries, such as Albania and Kosovo. Different scholars (de Waal, 1995; Jusufi, 2018;

Rama & Theesfeld, 2011; Saltmarshe, 2000; Zhllima et al., 2010) acknowledge that further research in this area is needed. In this research, the role of the village headman is in some cases described jointly with the activity of the council of elders as both are village representatives. This study explores the dynamic nature of the surrounding social circumstance and political landscape of the Albanian village and articulates the need for a fully-fledged, adaptive, and benevolent central and local government that can save the existing social capital and accommodate the legitimacy of the existing SOSG.

2. Methodology

This research consists of both secondary and primary data collection. Initially, it focuses on a literature review that consists of designing, conducting, analysing, and writing up the review (Snyder, 2019). The document review included reports and chronological news about the evolution of the local governance mechanism, institutions, and historical context in Albania and Kosovo (McCulloch, 2004). The documentary review was chosen as a proper method of historical inquiry into the self-governing mechanisms. A stepwise process of choosing a topic, sourcing, selecting, and managing evidence was followed to assure authenticity, credibility, and representativeness (Dunne et al., 2016).

Semi-structured interviewing following the interpretative approach was the main research method for generating primary data in this study. An open format and purpose enable the exploration of how theoretical lenses can be articulated through the behaviour and perceptions of significant actors (Horton et al., 2004). To build the interview guide, we started by identifying prerequisites and using key points selected in the literature review (Kallio et al., 2016). The empirical research was pursued until the saturation of findings and arguments was reached (Hennink et al., 2017).

In total, 24 interviews were conducted: including 14 interviews in Albania and 10 in Kosovo. In the case of Albania, given that it is a larger country and it has a deeper geographical and cultural heterogeneity (particularly between North and South), we conducted interviews in the North (Dibër and Kukës), South (Ersekë and Përmet), and central Albania (Lushnjë and Tiranë). Also in Kosovo, the interviews considered regional variability. Four interviewees are current village heads (CVH), nine former village heads (FVH), four Former Village Aldermen Council Members (FVACM), four other local government officials (OLGO; e.g., mayors or other types of officials in local governments who were well-acquainted), and three experts of whom two anthropologists (EXP). All interviewees are male—so far, not a single case of a female village head was identified or heard of; even the name in Albanian language, *kryeplak*, has a strict male connotation (since it translates to headman/alderman/male).

3. Theoretical Background and Literature Review

The SOSG mechanisms and the derived role of the village headman in this study are viewed through the evolutionary governance theory (EGT) and social capital theory. Being inspired by the biological evolutionary theory (Van Assche et al., 2013), EGT considers all the institutions (being those formal or informal), actors (village headman and council elders or commune and party leader), and organizations (commune, political party) as well as their interactions and their transformation rules as being under a process of autopoiesis (i.e., everything inside the biological system is the product of the evolution of that system). Using this framework, the governance path of the village is always embedded in other paths and the continuation of this process results in dead institutions (that lost their coordinative power but with the possibility to be revived), formal institutions (legal rules provided by central and local government), and informal institutions (Van Assche et al., 2013).

According to EGT the formal and informal institutions and actors are in a dialectical relation with each other (Van Assche et al., 2013). The self-organizing mechanism in villages results from specific informal rules, which in conjunction with local government legislation (formal rules), may get weakened, reinforced (e.g., in democracies) or compete (Helmke & Levitsky, 2004; Lauth, 2015). As adaptive governance theories indicate (Cleaver & Whaley, 2018), in this process of confrontation or compromise between inner village actors and rules (informal or semi-formal) and off-village actors and rules (formal) there are power shifts and knowledge creation which alternates and increases the stock of social capital. Social capital is created in the village, derived from “the shared knowledge, understandings, institutions, and patterns of interactions that a network of actors brings” (Ostrom, 2000, p. 172). The social capital crafts the SOSG mechanisms, which materialize themselves in commonly shared goals, namely enforcing land rights (Murtazashvili & Murtazashvili, 2015), management of common resources (Neudert et al., 2019), or village justice (Schwoerer, 2018). Lowndes and Roberts (2013, p. 62) emphasize the constraining effect that rules have on actors in the fact that these actors follow “the logic of appropriateness which tells them which rules they should follow in any given situation, while third-party enforcement reflects the ‘binding expectations’ of other actors in the immediate context.”

The theoretical framework interprets the SOSG mechanism in the village as a part of informal institutions and formal institutions interaction. There are various factors influencing the SOSG mechanism’s evolution. Political conditions are the main force disrupting the SOSG. Aiming to gain control, the state rulers impose a new modus of governance structure by enacting laws, financing, and fiscal rules or programs, or by changing the access to resources. This counteracts informal rules in rural areas through a process of constant nego-

tiation (Ostrom, 2005). By inserting their control measures through party lines and inducing values not commonly shared within the communities, political forces can change communities’ behaviours, increase distrust, and discourage the free will participation of community members. For instance, in a fast process of democratic decentralization, competitive local-level electoral politics may clash with the power of the village headman, which is a component of SOSG. In these new circumstances, the role of a village headman, a traditional authority created in the past, is reduced in favour of locally elected government councillors. Thus, a new democratic form of politics introduced in the village also brings new values related to participation, accountability, and responsiveness (Englebert, 2002).

As highlighted by Agrawal and Ribot (1999), village representation is related to the effective transfer of two democratic concepts of governance: (a) the downward accountability of local government to their constituencies through elections, lobbying, and other pathways; and (b) the secure transfer of discretionary powers which permit local leaders (e.g., village headman and elders council) to make meaningful decisions for their constituencies. Therefore, the role of the village headman and council of elders is observed in terms of legitimacy and power. For instance, there is evidence in the literature for increased power and a larger role of the village head at the beginning of the transitional phase of institutions (Schwoerer, 2018), cases of weakening following reforms due to the creation of autocratic regimes (Howell, 1998; Jacka & Chengrui, 2016), and cases of the achieved balance of local autonomy with accountability to higher-level government officials (Benjamin, 2008).

The literature is very scarce in considering the effect of other factors in SOSG change, such as access to economic sources, services, information, technology, and migration. SOSG mechanisms and the role of the village headman can be influenced by a changing social and economic context that emerges due to changing systems of education, healthcare, and social welfare as well as access to information and technology since they affect the capacities of actors to interact (Nikolakis & Nelson, 2019). Access to information and technology can also influence SOSG by easing communities to unlock themselves toward new modes of communication with the external social structures. Considering a polycentric structure of governance, village inner mechanisms can be influenced by power shifts happening in a decentralized or deconcentrated delegation of services and programs at the central level. This relational change reduces the need for the mediating role of the village headman. Last but not least, a strong dynamical force is the demographic change in the villages which brings new circumstances and new social order. Rural depopulation and ageing as well as inflows of social groups due to migratory movements, can affect the social networks and minimize or change the legitimacy of village SOSG (Matysiak, 2015).

Few studies observed the importance of the village headman and elders in post-communist countries. Authors have provided insight into the role of Albanian village headmen as land distribution commission members (see de Waal, 1995), as blood feud resolution actors (Celik & Shkreli, 2010), as natural resource safeguards (Rama & Theesfeld, 2011), as military recruitment facilitators (Saltmarshe, 2000), as land dispute and conflict resolution mediators within and between villages (Zhillima et al., 2010), as community workers ensuring education and health (de Waal, 1995), and as village representatives to upper levels of governance and lobbying (de Waal, 2004; Saltmarshe, 2000). In Kosovo, in the 1980s, the role of elders was completely informal but also very important in securing a parallel education system while widening as well as strengthening a traditional mediation and reconciliation system in the years preceding the conflict. These mechanisms were later also embedded into the legal base for mediation (Sadiku, 2017).

None of the studies has observed the role of these actors in time. In summary, we expect the role of village headman to change due to their interaction with external economic and political forces which may influence these actors or the values shared by the community they represent. Legal changes brought forward by the processes of deculturation, because of the centralization of power (in the case of autocracy) or decentralization in post-socialism, might have affected the village headman's legitimacy. Central political forces and top-down control may increase social divisions, weaken self-organization capacities and overall social capital, and undermine the village headman's role. Section 4 observes the occurrence of these features in the earliest phases of state-building in Albania and Kosovo.

4. Village Self-Organizing Mechanisms During the Ottoman Empire in Albania and Kosovo

The Balkans (including present-day Albania and Kosovo) were ruled by the Ottoman Empire for five centuries until the early 1900s. In the Ottoman Empire, local communities lived under both customary norms and legal rules. In lowland areas and nearby important agglomerations, Sharia law dominated, while in remote areas the local customary laws prevailed and were structured under the Kanun (Sadiku, 2014), which consists of an "orally transmitted set of rules which was handed down from one generation to the other" and is internalized in the mountainous structures of today (Voell, 2012, p. 88). The Ottoman government recognized local customary rules because they covered some areas of the legislation which were not subject to Islamic law. In important cities (e.g., Shkodër), they even created special conflict resolution offices named "Gibal," which dealt with civil issues using both legal structures (Sadiku, 2014).

Since their early existence, customary laws regulated the leading role of the village headman (Bardhoshi, 2012; Celik & Shkreli, 2010; Voell, 2012). One of the main

Kanun codebooks' versions, mostly dominant in North Albania and Kosovo (known as *Kanuni i Lekë Dukagjinit*), highlights the fact that rural community was structured in a multilevel hierarchy starting from the ultimate cell: the family or the *vllazni* (brotherhood)—meaning a group of families, clan (*fis*)—which could cover a village (*fshat* or *katund*), groups of villages and clans (*flamur* or *vojvodë*), and an entire region (*bajrak* or *krahinë*). The representation of each family or clan was part of the council of elders (*këshilli i fshatit, pleqësia, pleqnarët*) led by the village headman (*kryeplaku*). At the top of the village hierarchal order, was a higher council (*Kuvendi* in the North of Albania and Kosovo, or *Këshilli i Pleqve* in the South of Albania) headed by the *Bajraktar* or *Kapedan* (who was the head of the *bajrak* or *krahinë*).

The Ottoman system used these structures. For instance, one of the duties of the *Bajraktar* was to collect taxes, while the village headman (*myhtar*, in Ottoman language) was appointed to collect land and population statistics (Miller, 2012). During the demise of the Ottoman Empire, the council of elders and village headman played a large role in the social and political movement for independence and in advocating for ethnic region boundaries (Bardhoshi et al., 2020).

5. The Evolution of the Role of Aldermen After Independence in Albania

In the early period after gaining its independence in 1912, the Albanian state although fragile, searched to formalize and transpose the role of the village headman into the local government structure. In the legislation framework developed in the early 1920s, it was required that a village (containing up to 250 households) had to be led by the headman elected by the people, every three years, based on a meeting of the village population. With him, a commission of elders could be elected. Usually, males of the families were the voters. The village headman was responsible for the implementation of laws as well as the social life of the village (Morina et al., 2021).

With the establishment of the communist regime after WWII, new administrative structures emerged, disregarding the previous linkage of the village with the commune and *krahina* (region). In the 1960s, local governance structures covered groups of villages instead of individual villages, which reduced the power of the village headman. Thus, village councils, united village councils (comprising several villages), and united village courts were created (Morina et al., 2021), which increased the control of and pressure on the village headman. The (s)election was strictly carried out by the Labor Party of Albania.

Interviews confirm that during communism in Albania, the village head, similar to other structures, was de facto chosen and dominated by the Labor Party. One former head of the village stated: "The chairman of the council was elected by the people but with the guidance of the Party cadres" (FVH). During communism, the

village head was a crucial player between community and state institutions. As one interviewee explained regarding the experience during communism: “If a policeman was to come for conflicts, he would meet first the village head” (OLGO). While another stated that “the village head was the most informed person in the village” (FVH).

Later, in the early 1990s, drastic changes took place in the context of the post-communist transition, resulting in the revival of customary practices in several areas of the country, especially among the rural population (de Waal, 1995; Rama & Theesfeld, 2011; Saltmarshe, 2000; Voell, 2012). Weak law enforcement by central governments with low reputation limited the ability of formal institutions to regulate the life of peasants (Bardhoshi, 2012), stimulating the revival of the old Kanun rules, practices, and forms of village organization in rural areas.

Many villages re-introduced the pre-communist councils of elders. Each clan, in a village, elected a representative to sit on the council, and they, in turn, chose the headman (de Waal, 2004). The size of the council varied from three to five members depending on the size of the community (Rama & Theesfeld, 2011). The village headman, during the early post-communist transition, was considered the lowest representative of the government as well as the highest representative of the traditional hierarchy of the village (Saltmarshe, 2000; Voell, 2012).

Legitimacy was key for their constituency and was partly related to power delegated by the government. Communities often choose the village headman based on reputation (such as descendants of pre-communist clan heads). Different interviews confirmed that during the early transition, belonging to a big kinship/family, reputation, and work experience were important criteria for choosing the village headman. These are required features for gaining trust and achieving effective enforcement in a situation of continual institutional changes. One former head of the village (FVH) during the early transition (1993–1997) stated that:

During the 1990s, the head of the village [*kryeplaku*] was elected by the village. More specifically, the village elected the council [of elders]—which in our village had three members—who then elected the village head. Depending on the size of the village population, the size of the council was determined. At that time, we did not have written instructions or regulations.

Although there was a strong politicization of most public institutions during early transition, this does not seem to have been the case (at least for some parts of the country) for village headman: “The village headman had nothing to do with the ruling party. He was chosen as the most righteous person. Later the influence of the political party in power emerged” (OLGO).

Another respondent reacted by saying that “the head of municipality or commune needed political affiliation,

while for the village headman, the trust of the families and clans was the most important” (FVH).

During the transition, local government reforms affected village representation. Post-communist legislation has been, to some extent, in line with the pre-1945 rules of elders’ councils and village headman in major parts of Albania. Thus, contrary to the behaviour of the authoritarian state in communism, there was no willingness to delete social memory, but instead to recall the distant past (Bardhoshi, 2012).

The role of the village headman was very important during this period since most of the decisions made for land reform required the distribution and titling of land at the village level (Zhillima & Rama, 2014). In addition, the village headman was a person who “had many tasks but vaguely defined administrative tasks” (EXP). An interviewee explained the strengthening of the role of the village headman in the early 1990s: “People were nostalgic for the village headman roles vested in the pre-communist period. Communes were not strong enough yet and, therefore, the role of village headman was endorsed and trusted to manage organisational issues in the village” (OLGO).

Disputes within a family or among families were discussed by clan members. They often called their eldest people to serve as witnesses. For most villagers, local governance was perceived as the first step when trying to solve disputes (Zhillima et al., 2021) due to distrust in the judicial system. The village headman served as the last village resource of mediation. If disputes were not solved, they were discussed by the council of elders. The council of elders dealt with dispute settlement, property division, and rights of a pathway in the village by using the Kanun since the legal base was absent or poor and weakly enforced (de Waal, 2004). The council of elders was faster and less costly. It resolved the issue in a face-to-face context and continued to monitor, administer, enforce, and/or amend community rules according to the changes in livelihoods. In mountainous areas, the council of elders and village headman based their decisions on Kanun rules (Bardhoshi, 2012) and in lowland areas on customary rules transmitted from the past. De Soto et al. (2001) witnessed cases where the council of elders used legal matters to solve problems, like calling the head of the commune or the police if required. Thus, both formal and informal laws were present and combined according to the presence and power of the state in the area. As an interviewee affirmed “the main function [of the village headman] was solving conflicts...as we just came out from the communist system” (FVH).

The recent local governance reform, resulted in a higher concentration of local government structures (from 361 communes and municipalities to 61 municipalities), including the abolition of communes (the pre-2015 local government units governing the rural areas), whereby the centre of weight of local governments was shifted towards urban areas. In this context, the distance between the people (particularly in rural

areas) and their formal (local) government representatives increased. At the same time, the role of the headman of the village as an intermediary has diminished—while in the past he reported to commune mayors which covered typically a dozen villages, after the reform, the number of villages per municipality increased to 50 on average, weakening the weight and access of the headman to the mayor.

The power of the village headman was also weakened due to morphological changes happening to the network of families' clans. Migration fragmented the structure of the clans and nearly eradicated the power of the elders' council. As the social fabric eroded, it seems that the village headman's role was reduced to a witness and rapporteur of village life to the municipality's administrative apparatus. This "new version" of the village headman risks being against the community's will:

Nowadays, elders are not heard anymore, they are paid by the state [modest honorary] and they serve mainly a few administrative requirements of the local government—they are reporting but not solving [problems], sometimes even they are obliged to spy in cases when legal rules are broken. (FVH)

Meanwhile, the growing politicization of the village headman selection has further delegitimized their role in the eyes of the community. For instance, a recent observation in 10 villages of seven administrative units of Tirana (Porta Vendore, 2020) found that none of the villages has properly implemented a new legal act that regulates local governance. The heads of the villages or elders were elected by the heads of the administrative units, while none of the residents knew who was in charge of representing the village or whether their village headman officially existed.

The process escalated due to the nearly absent role of the political opposition to local government reforms, in 2015, and the missing representation of the political opposition in the last local election, in 2019, in Albania. One former village headman, whose son was a mayor stated that "not only the village headman, but even the mayor does not have any power anymore now. All is decided by the tall guy [nickname for the Albanian Prime Minister Edi Rama]" (FVH).

Interviews reveal that the village headman is subject to pressure from the state but is also adapting and changing his view toward the community and the local government. An interviewee said:

Nowadays, the village head does not have many official functions...people solve problems through e-Albania [an e-governance system for service delivery]. Therefore, one has to deal mainly with issues concerning local administration needs and become open to hearing the problems of the community, but not more than that. He cannot solve problems. (CVH)

Another expert explained:

Recently, the high migration has depleted and weakened the social structure in the village. There is not a mass of people to maintain this structure. No one is called for reconciliation since the major part of the village lives elsewhere. The council of elders is absent due to the missing numbers or distantly living members, and the village headman is weakened. People have lost their ties. Distant communication [means] are accessible and village members can call for help from higher authorities in cases of conflict or emergent needs [e.g., cases of forest fires, floods, etc.]. Yet claims toward the state or few requests to tackle formal impediments, such as mediation for having free access to wood fuel and hunting are posed to the village headman, but the trust and expectations toward him are very low. (EXP)

To sum up, the combination of social, economic, political, and institutional factors has contributed to the change in the role and importance of the village headman in Albania. These factors, in recent years, have reduced the role of the village headman and nearly eradicated the existence of the council of elders.

6. Kosovo During Yugoslavia: Conflict and Post-Conflict

Following Ottoman rule, Kosovo was under Serbia/Yugoslavia's jurisdiction. Like Albania, Yugoslavia (thereby also Kosovo) was also under a planned economy and socialistic system after WWII. While, on one hand, the version of socialism implemented in Yugoslavia was more liberal compared to Albania, on the other hand, the Albanian population in Kosovo (which historically made up the vast majority), faced ethnically motivated pressure.

During the socialist period (under Yugoslavia), there were two parallel "political" structures: the traditional authority of the elders or council of elders (*pleqësia*) and the political party (*partia*), which was the official body. These two parallel bodies were constantly in competition over authority and influence. Later on, especially during the war, the *pleqësia* dominated in terms of authority (Backer, 2003). However, during the socialist period—especially during the early decades—the socialist government embraced the existing local institutions.

The communist comrades were mostly relatively young men whose main authority was derived from their affiliation with the party. On the contrary, elders (*pleqnarët*) were from traditional well-known families who proved trustworthiness and that knew the roots of the Kanun. They were usually older men highly regarded in their respective rural communities. As highlighted by Backer (2003, p. 181): "elders are the real leader of the village since they cannot promote their careers outside the village, they keep a sharp eye on what is going on inside it." Their positions within the kinship system were parallel to the political structure while the "party people"

were simply representing “the external” political system. A village head stated that “usually, the elders’ councils were not part of the communist party or state structures” (CVH). Another village head stated that “before the war, they had more power” (CVH).

Since most villages were inhabited predominantly by Albanians, they were often neglected by the central governments. Village representatives tried to play an active role to fill in the gap to provide investments and services, and mobilize local resources to tackle local needs.

Tito’s death led to the outbreak of the ethnic conflict (1980s). Following the revocation of Kosovo’s autonomy, in 1989 a state emergency was imposed and a repressive regime was established—heavy sentences handed out for minor offences, expulsion from workplaces and schools for ethnic Albanians, and restrictions on free movement (Pula, 2004). Albanians were forced and chose to abandon their presence in Yugoslavia’s institutional hierarchy and established a parallel (informal) system of governance out of Serbian control. In this context, the village headman (and the council of elders) became a crucial focal point.

The role of elders’ councils was even more important at this stage in securing a parallel education system. The Albanian community established a complex voluntary fiscal system, collecting contributions both from residents and from the diaspora to finance local needs (e.g., pay teacher salaries, finance local infrastructure, etc.), organized by the Democratic League of Kosovo party (which was a unifying pan-Kosovo Albanian movement). Village representatives were highly respected and often educated (e.g., teachers by profession).

They continued to play a crucial role within the traditional mediation and reconciliation system in the years preceding the conflict in Kosovo. For instance, Pirraku (1998) describes the establishment of the mechanism of mass reconciliations in Kosovo at the end of the 1980s. During the period from 1990–1991, through the Blood Feuds Reconciliation Campaign in Kosovo, 1169 blood (death-related) feuds were forgiven. Such an action had a large ripple effect by involving academics, professors, doctors, teachers, and religious leaders, while elders also played a key role. An expert explained that “the goal of the elders of that time was to reconcile families in conflict and unite Kosovars against Slobodan Milosevic’s regime” (EXP). These actions were closely coordinated with representatives of large families/clans/tribes: “Whenever there were problems or conflicts, the village head would meet and require help from heads of the greatest families [clans]” (FVH).

During 1998–1999, Kosovo underwent a notorious ethnic conflict, which ended with NATO intervention. During the conflict, elders’ councils continued to play an important role to support their communities. Also, during the early post-war period, the elders’ councils were important, given the fragility of newly established institutions. These mechanisms were also later embedded into the legal base for mediation, namely Kosovo

Mediation Law—which aimed to reduce excessive costs in the court system from cases of conflicts and disputes (Sadiku, 2017).

As an expert stated: “In Kosovo, the council of elders is still very important in case of conflict because it settles disputes between individuals before they are brought to court” (EXP). Another expert added that “in many cases, the court takes as a relief the reconciliation between the conflicting parties if there is a reconciliation for the forgiveness of blood through the mediation of the eldership” (EXP).

The work of the village headman has been carried out voluntarily and there have been no regulations that determine the election. Often, the headman was not changed regularly because it was important to keep the same person, who is known by the villagers and had authority over them. For example, as a former village headman stated, “in Isniq village there has been the same headman for 30 years” (FVH).

In some cases, the informal structures of rural communities’ representations are more elaborate. For example, in the Isniq village they have a reconciliation council [këshilli i pajtimit], that deals with the conflicts occurring between families, an irrigation council [këshilli i vades], responsible for the use of irrigation channels in the village, and a mountain (pasture) council [këshilli i bjeshkës], dealing with the management and use of pastures. Members of the different councils are chosen based on their reputation. An interviewee explained that “the reconciliation council is led by a more authoritative elder” (FVH).

Over the years, the power of the Kosovo political entities grew stronger. Nowadays, political forces have greater influence that has “forced pleqësia to only operate in the sphere of family matters and village customs, acting like a guard of reputation vis-à-vis other villages” (Backer, 2003, p. 181). This trend has been fuelled by the local government legislation of post-war Kosovo: “After the war, village heads and councils were appointed by the political party winning local elections” (CVH). While in some villages, it appears that the winning party was keen to engage the village headman with reputation, this has not always been the case since political affiliation is prioritized, as a result “people became dissatisfied” (CVH).

Recently, legal changes, happening in 2019, were introduced, which stipulated that village heads should be chosen by village residents directly. While these changes should, in theory, strengthen the direct link between residents and the village headman and the village council, it appears that the local election process is guided by political parties: “It is the parties that mobilize people to assemble and vote” (FVACM). The relationship of the village with the political forces seems to awaken the functioning of the village councils, but it reduced the authority needed to create harmonization

within the village self-organisation and materialize community undertakings.

7. Comparative Analyses

Village headmen and councils of elders were powerful during Ottoman rule—state presence in rural (especially mountainous areas) was weak and life was largely regulated by the Kanun mechanisms. Their power persisted and remained important, as they were contributing directly both in events of confrontation or cases of compromises with the formal Ottoman governance. During communism in Albania, village headmen were simply agents of the state and the communist party, whose power and legitimacy were largely based on relations with the party.

In the post-communist period, inherited informal rules from the pre-communist period were reactivated (Zhillima et al., 2021). A traditional institution, the council of elders, re-emerged (Zhillima et al., 2010), starting in the early 1990s. As predicted in cases of balanced power, the vested role of the village headman matched with the required role of the government as well as the willingness of the communities for safeguarding social stability and dealing with land disputes. Being in the early process of democratization, communities still valued the role of representing the state and its delegated power (e.g., local government unit heads). Both village headman (semi-formal) and commune head (formal and higher in the hierarchy), had a pivotal role during the first two decades of the post-communist transition and decentralisation (Zhillima et al., 2020).

As highlighted earlier, in Kosovo, there was an established parallel (informal) system of governance out of Serbian control in the late 1980s. State authorities were distrusted and were widely seen as illegitimate by the local Albanian community. As such, the profile and role of the council of elders and village headman were completely informal but also very strong—especially in securing a parallel education system and widening and strengthening a traditional mediation and reconciliation

system in the years preceding the conflict (Sadiku, 2017). In rural Kosovo, before and during the war, life was (partially) regulated by Kanun and village heads and elder councils were chosen by the local community and typically disconnected from the central Serbian state. Different from the Albanian case, these informal structures were not complementing the formal institutions but were considered as a substitute.

During the early post-communist (Albania) and post-conflict (Kosovo) stages, the state was weak, and the village headman and council of elders were elected by the local community, while the daily basis was partially ruled by state legislation and partially by the Kanun (the latter was particularly important in mountainous rural areas). At present, political parties have taken over—village heads are typically agents of dominating political parties. Table 1 illustrates the evolutionary stages according to the historical periods for both countries subject of the analysis.

During the post-communist transition, rural communities in Albania and Kosovo have suffered from a lack of trust (in state institutions) in different ways and for different reasons. In Albania, state institutions and laws were characterized by a lack of enforcement during the transition, while in Kosovo, the Serbian regime was seen as illegitimate by the major part of the population. In this context, the village headman played an important role, often serving as a bridge between rural communities and the formal authorities or being embedded in parallel informal structures (in the case of Kosovo). Reputation, trust, and authority within the community, as well as acknowledged wisdom in social matters, were the main features of the village headman's legitimacy. Community representation was strong in comparison to peripheral state power.

In recent years, in Albania and Kosovo, growing politicization and high migration have weakened the multifaceted role of the village headman. The strengthening of the central government combined with the high (and growing) politicization of the institutions contributed to the weakening of the role and power of the village headman.

Table 1. Stages of local SOSG mechanism and actors' evolution.

Stages	Ottoman	Communism	Kosovo before and during the war	Early post-communist transition Albania and post-conflict Kosovo	Present
State	Weak, partially disconnected	Strong, one-party ruled	Disconnected	Weak	Strong, deeply politicized
Village head (and elders councils)	Tribal leader(s)	State agent, formally elected, but chosen by the party	Community informally elected	Elected by the community	Political party appointed and agent, formally elected by the community
Ruling institution	Kanun based (informal)	State legislation and party ruling based	Kanun based (informal)	Combined state legislation and kanun based	State legislation

Table 2 below shows the evolution of institutions and the level of legitimacy and representation of the village headman and council of elders in a dynamic view of a century of political changes. The current situation of the village headman can be interpreted by the historical legacies of the past political regimes. Considering the similarities of the power structures and relational ties of central and local structures, it can be illustrated (Table 2) not as a transitional linear narrative of self-governance but, mostly, a slightly repetitive path. In times of demise of central and local government power, an awakening of dead mechanisms and institutions gain power and affects the existing structures, as discussed by Van Assche et al. (2013) and Cleaver and Whaley (2018).

State formal rules' power has increased due to the dependence of communities on services and programs at the central level. A more direct relation of community members with the central state is mutilated by the access to information and technology, including e-governance dealing with important services (e.g., land cadaster, civil cadaster, and utility payment). Differently from Xu and Ribot (2004), this is not only weakening the SOSG but the entire governance system at a local level.

Emigration is also making the establishment of rigid SOSG even less probable. Despite the willingness of the communities to have elected village headmen, the lowering numbers and ageing is weakening social capital. This is an illustrative case of countries living in high urban-rural disparities and entering into new demographic transitional stages. The effect of emigration, although for decades becoming a force of village self-governance derogation, is yet not gaining the required importance in the current literature. Therefore, the study is not exhaustive in filling the literature gap in this regard.

8. Conclusion

This study uses components of evolutionary governance theory and constructed a multi-dimensional conceptual framework to explore the evolving role of the village SOSG mechanisms. Albania and Kosovo represent unique case studies (with similarities and differences) because of the long-lasting role of the village headman and council of elders, whose origin existed in the customary laws

and the Kanun and due to the harsh contrasting and influencing political regimes, including communism.

The study confirms the view of Lowndes and Roberts (2013) that rural self-governing mechanisms are specific to a particular political setting, survive as long as they are recognized and shared among actors within that setting, and remain enforceable based on this recognition. A continual autopoiesis happens to actors and SOSG themselves, as guided by the theoretical framework of Van Assche et al. (2013). In the case of Albania, the state increases the need for political control and legitimacy. On the other hand, it is crucial for the village inhabitants that the community is represented. The role of the village headman rests in the centre of these forces as a bridge or as a "boundary," which tends to be unstable when decentralization reforms and community transformation do not reconcile or converge and the power on both sides is imbalanced.

The evidence of a balance of local autonomy with accountability to higher-level government officials, as mentioned by Benjamin (2008), is hardly achieved. The system is similarly altered by political pressure and the community demands constant negotiations with the central government, thus weakening further the role of the village headman appointed by the central politics. However, differently from Albania, Kosovo's mediation mechanisms are more likely to maintain the role of village representation functional, despite the latest pressure from central politics. In this case, the embedded role of the council elders in conflict resolution is a positive example of the synergy of institutions in the context of community transformation.

The current situation in Albania and Kosovo is not characterized by rigid top-down control, similar to what happens in central regimes, but by an increasingly patronizing role of the central government, which has been attempting to control local political power in recent years. The process of recreation is not stimulated by a gradual push for democratic decentralization and an effective functioning of local governance as described by Agrawal and Ribot (1999), but rather as an attempt to control local-level electoral politics.

A gradual process of deinstitutionalization, implying the dissolution or transformation of old mechanisms of

Table 2. Mapping of the evolution of institutions and representation of the village headman and council of elders.

	State legislation		Communism and present	
Ruling institutions	Mixed		Early post-communist transition Albania and post-conflict Kosovo	
	Kanun	Pre-Ottoman and Ottoman, Kosovo before and during the war		
		Local community	Mixed	State/incumbent
Representation				

self-regulation at the village level, has been witnessed and has reduced the odds for a representation of people elected by the inner social structure of the village. Technology development, economic development, and emigration have raised community dependence on the state. The village headman institution is “substituted” by equivalent structures on the local level—which has to deal with the centre. This trend differs from Englebert’s (2002) understanding of a democratic form of politics. It was rather a result and driver of weakened participation, accountability, and responsiveness in village representation.

Therefore, there is a large distinction between a village headman appointed by village members to represent, mediate, or solve village affairs and a village headman appointed by external political elites or government officials. In the last, legitimacy is questioned and the capability of the village head to exercise his power is limited. In other cases, when state delegates power and their constituencies are weakened, due to rapid transformation or shock, the power of SOSG increases. The role of the traditional village headman is left in a vacuum to compensate for the political role of the incumbent. The function of the politically appointed village headman, due to local governance reform, abolition of communes, and continual migration, has lost its role and congruence with current social norms.

The case studies urge further efforts to assess the potential risk factors undermining the nature of the village headman and elders (council of elders). As Ostrom (1992) predicts, further confrontation would enable power shifts and knowledge creation, which alternates and increases the stock of social capital and materializes it into new stages. New processes may arise, pushed also by the European Union, promoting culture and associating bottom-up structures (e.g., local action groups). Considering the theories of adaptive governance (Clever & Whaley, 2018) a potential revival or alteration of the village headman and elders’ position in the upcoming years should be explored by considering the binding expectations of other actors (Lowndes & Roberts, 2013), especially in light of a rapidly changing rural society.

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Conflict of Interests

The authors declare no conflict of interests.

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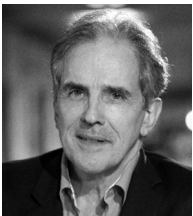
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Table of Contents

Local Self-Governance and Weak Statehood: A Convincing Liaison? Antje Daniel, Hans-Joachim Lauth, and Eberhard Rothfuß	272–279
River Commoning and the State: A Cross-Country Analysis of River Defense Collectives Jaime Hoogesteger, Diana Suhardiman, Rutgerd Boelens, Fabio de Castro, Bibiana Duarte-Abadía, Juan Pablo Hidalgo-Bastidas, Janwillem Liebrand, Nuria Hernández-Mora, Kanokwan Manorum, Gert Jan Veldwisch, and Jeroen Vos	280–292
Civil Society Versus Local Self-Governments and Central Government in V4 Countries: The Case of Co-Creation Michal Plaček, Juraj Nemec, Mária Murray Svidroňová, Paweł Mikołajczak, and Éva Kovács	293–304
Shared Streets: Choreographed Disorder in the Late Socialist City Sandra Kurfürst	305–314
Strong Military and Weak Statehood: The Case of Self-Governance Through <i>Rasookh</i> in Kashmir Touseef Yousuf Mir	315–325
Housing as a Battlefield Between Self-Organization and Resistance: The Case of Reclaim the City Antje Daniel	326–335
Community Forest Management: Weak States or Strong Communities? Bas Arts, Jelle Behagel, Jessica de Koning, and Marieke van der Zon	336–345
Exploring the Relationship Between Social Movement Organizations and the State in Latin America Thomas Kestler	346–356
Local Self-Governance and the State in South Sudan: Studying Gendered Tenure Relations in Times of Uncertainty Janine Ubink and Bernardo Almeida	357–367
The Evolution of Village (Self)Governance in the Context of Post-Communist Rural Society Edvin Zhllima, Nicolas Hayoz, Drini Imami, and Iliriana Miftari	368–379



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